City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: February 24, 2010

AGENDA DATE: March 3, 2010

PROJECT ADDRESS: 415 Alan Road (MST2009-00083)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Peter Lawson, Associate Planner

I. PROJECT DESCRIPTION

The project consists of a subdivision of a 1.37 acre parcel that is currently developed with a single family residence with a garage. The subdivision would result in the creation one 45,056 square foot lot (Proposed Parcel A), with the existing single-family residence remaining on this lot, and one 14,601 square foot lot (Proposed Parcel B), which would be vacant. A development restriction of a single story, 2,000 s.f. maximum size residence with a 500 square foot garage, which would be constructed between the 40 foot contour line and the sidewalk is proposed. Access to each of the proposed lots would be from Alan Road.

As part of the project, a General Plan/Local Coastal Plan Amendment and a Rezone are being requested for the proposed northern lot, and a lot area Modification is being requested for the proposed southern lot to be less than the minimum size required for slope density.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Coastal Commission:

1. General Plan Amendment to change the land use designation of the newly created vacant lot (Parcel B) from Residential, one unit per acre to Residential, three units per acre, (8,712 sq. ft. per unit) (SBMC §28.07);
2. Local Coastal Plan Amendment to change the land use designation of the newly created vacant lot (Parcel B) from Residential, one unit per acre to Residential, three units per acre, (8,712 sq. ft. per unit) (SBMC §28.07) and to change the zoning map designation as described below;
3. Zoning Map Amendment to rezone proposed Parcel B from A-1/ SD-3 (Single Family Residential), to E-3/ SD-3 (Single Family Residential) (SBMC, §28.92.020);

Actions by the Planning Commission, contingent upon approval of the actions listed above:

4. A lot area Modification to allow proposed Parcel A to be less than the required lot size of 1.5 acres is required for lots with slopes of 10%-20% (SBMC §28.92.026.A);

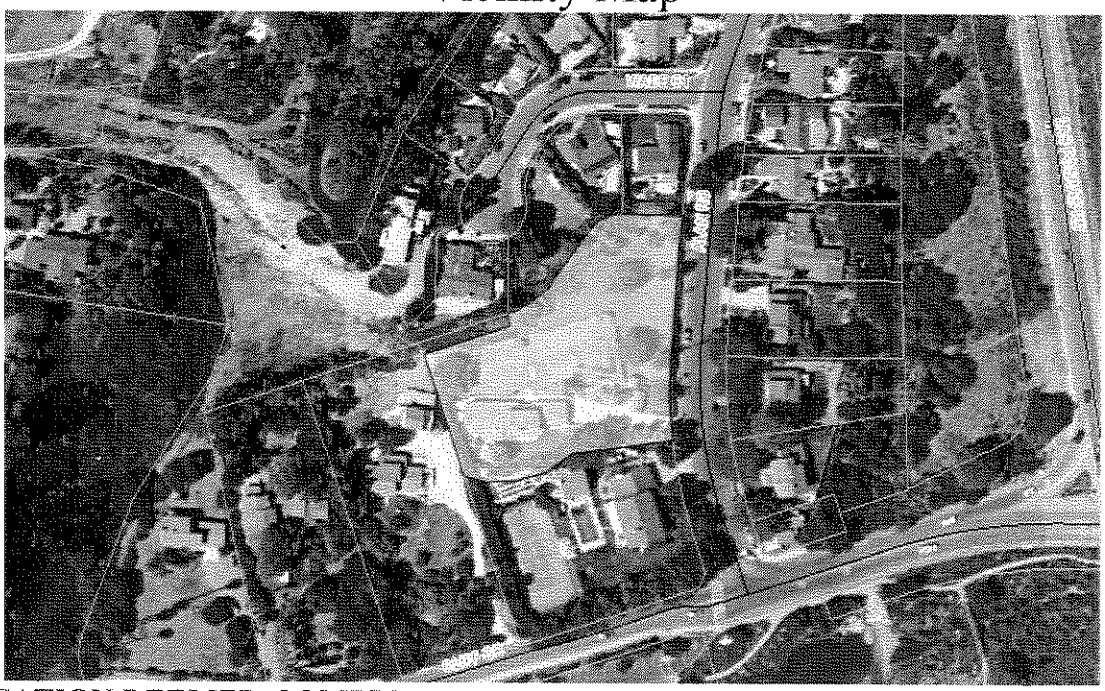
5. A Tentative Subdivision Map to allow the division of one (1) lot into two (2) parcels (SBMC 27.07);

6. A Coastal Development Permit for the development within the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

III. RECOMMENDATION

City staff is supportive of the proposed two-lot subdivision. With City Council and Coastal Commission approval of the requested re-zone of proposed Parcel B from A-1/SD-3, to E-3/ SD-3 and accompanying General Plan/Local Coastal Plan land use designation amendment from Residential, one unit per acre to Residential, three units per acre, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. The project would result in a net gain of one residential unit in the City's housing stock, and the density of the proposed subdivision would be compatible with the surrounding neighborhood. Future development of the lot would be subject to design review by the Single Family Design Board to ensure compatibility with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission recommend to the City Council the approval of the re-zone and General Plan and Local Coastal Plan Map Amendments, and approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map



APPLICATION DEEMED COMPLETE: August 10, 2010
DATE ACTION REQUIRED PER MAP ACT: March 3, 2011

IV. BACKGROUND INFORMATION

The project site was originally comprised of 2.37 acres and developed with a single-family residence with a garage and accessory structure. A two lot subdivision was approved and was recorded in May of 1978 (FM No. 20,191), which left the residence on a 1.37-acre lot, the subject of the current proposal, and a vacant 1-acre lot to the south. The parcel to the south, which is bounded by Cliff Drive and Alan Road, was later developed with a single-family residence.

Since 2003, the applicant has proposed to subdivide the subject 1.37-acre lot into two parcels through various configurations. For example, one proposal included adjusting lot lines with adjacent lots to achieve a lot configuration consistent with the zoning ordinance. The most recent proposal included a two lot subdivision in the same configuration, as currently proposed, along with ordinance and land use plan changes.

Staff did not support the project and recommended denial of the applicant's request to initiate the Zone Change, General Plan Amendment and Local Coastal Plan Amendment of the Zoning Ordinance and General Plan. On June 11, 2009, the Planning Commission concurred with the Staff recommendation and voted 3-2-2 to deny the request (3 in favor, 2 against, 2 absent). The applicant appealed this decision to City Council. On November 9, 2009, Council upheld the appeal of the applicant and initiated the Zone Change, General Plan Amendment and Local Coastal Plan Amendment and directed staff to process the lot split application.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Patsy Stadleman, Agent	Property Owner: Andrew Seybold
Parcel Number: 047-091-024	
Adjacent Land Uses: North - Residential South - Residential	 East - Residential West - Residential

EXISTING PARCEL

Zone District	A-1/ SD-3
Existing Use	Residential
General Plan Designation	Residential, one unit per acre
Topography	15.6%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)
Lot area	59,657 sq. ft. (1.37 acres)
Zoning	**Nonconforming to Lot Area**
General Plan	**Conforming to Density**

PROPOSED SUBDIVISION - TWO LOTS

	Proposed Parcel A	**Proposed Parcel B**
Zone District	A-1/ SD-3	E-3/ SD-3
Proposed Use	Residential	Residential
General Plan Designation	Residential, one unit per acre	Residential, three units per acre
Slope	14.40%	19.90%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)	11,250 sq. ft. (0.26 acres)
Lot area	45,056 sq. ft. (1.03 acres)	14,601 sq. ft. (0.34 acres)
Zoning	**Nonconforming to Lot Area**	**Conforming to Lot Area**
General Plan	**Conforming to Density**	**Conforming to Density**

B. PROJECT STATISTICS

EXISTING PARCEL

Living Area	3,080 square feet
Garage	530 square feet
Accessory Space	250 square feet

PROPOSED SUBDIVISION - TWO LOTS

	Proposed Parcel A	**Proposed Parcel B**
Living Area	3,080 s.f. house	No Development
Garage	530 s.f. Garage	No Development
Accessory Space	250 s.f. Accessory Space	No Development

VI. ZONING ORDINANCE CONSISTENCY

The project would result in the creation of two lots. Proposed Parcel A would include an existing residence, a garage and an accessory structure, and Proposed Parcel B would be vacant. The proposed project would meet the requirements of the Municipal Code, with the exception of Proposed Parcel A. Proposed Parcel A would be 1.03 acres, which is consistent with the minimum required lot size of the A-1/SD-3 Zone District and the existing development of this lot is consistent the zone district. However, Proposed Parcel A does not meet the slope density requirement of 1.5 times the minimum lot area for parcels with slopes between 10% - 20%, and therefore requires a lot area Modification. Proposed Parcel B would be consistent with the minimum lot size of the recommended zoning of E-3/SD-3, including the slope density requirement of 1.5 times the required minimum lot area.

VII. ISSUES

A. DESIGN REVIEW

Consistent with §22.69.020.D, Neighborhood Preservation - Single Family Residential Unit Design Review, Subdivision Grading Plans, this project is not subject to design review since

there is no grading associated with the proposed subdivision. Any future development is subject to review by the Single Family Design Board.

B. COMPLIANCE WITH THE GENERAL PLAN/LOCAL COASTAL PLAN

The project site is located within the General Plan designated Campanil Area and Component 1 of the Local Coastal Plan. This area is roughly bounded by the western City limits, Arroyo Burro Creek to the east and north and the shoreline to the south. Within this bounded area there are a mixture of large lot and small lot subdivisions. As described in the background section, the subject lot was created from a larger lot in 1978. A subdivision of 114 lots, known as the Braemar Park Tract, is located immediately to the north of the project site and is comprised of 10,000 square foot lots. The Land Use Element describes the Braemar Tract as being a picture of improper subdivision techniques and this description is carried over to the Local Coastal Plan. The main concern with the Braemar Park Tract is the size of the lots relative to the steep slopes found in parts of the tract.

The project as proposed would include a General Plan Amendment and Local Coastal Plan Amendment for Proposed Parcel B, change the designation from one unit per acre to three units per acre. If approved, the proposed 14,810 square foot lot would be consistent with the new General Plan and Local Coastal Plan designation. The project would also be consistent with the intent of the Land Use Element by avoiding development on slopes and limiting the scale of future development. As part of the project, Proposed Parcel B would include a deed restricted development size. The development would be restricted, by a condition of approval, to the area between the forty foot contour line and the public street, and the improvements would be restricted to a 2,000 square foot house (approximately 46% of the maximum FAR) and a 500 square foot garage.

C. ENVIRONMENTAL REVIEW

The proposed subdivision is exempt from further environmental review under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3). This section states that:

> "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed project qualifies for this exemption because Proposed Parcel A is currently developed with a single-family residence, which is consistent with the development of the surrounding neighborhood. Proposed Parcel B is vacant, and with the proposed development restriction of a single story, 2,000 square foot residence with a 500 square foot garage would be developed in an area that avoids slopes in excess of 20%, would not require excessive grading, and is located in a disturbed area devoid of native vegetation. The lot is over 200 feet from Arroyo Burro Creek and associated riparian areas. A soils report and archeology report were prepared for proposed Parcel B, and no unsuitable soils or archeological resources were discovered. Both parcels are served by existing public services and the surrounding

intersections can accept an additional residential development. Therefore the subdivision and additional building location would not have a significant effect on the environment.

VIII. RECOMMENDATIONS TO COUNCIL

Staff recommends that the Planning Commission make the following recommendations to the City Council for the following reasons:

A. GENERAL PLAN AND LOCAL COASTAL PLAN AMENDMENTS

Change the land use designation of Proposed Parcel B from Residential - 1 unit per acre to Residential – 3 units per acre. The proposed parcel would be consistent with the density requirement of 3 units per acre. While the adjacent parcels in the Braemar Park Tract would continue to be under the General Plan designation of one unit per acre, it is anticipated that under Plan Santa Barbara update, this tract and surrounding parcels would also be designated 3 units per acre. Finally, this designation would be consistent and compatible with all of the development and land uses in this neighborhood, which are comprised of lots of 9,000 to 12,000 square feet.

B. ZONING MAP AMENDMENT

Change the zoning designation of Proposed Parcel B from A-1/S-D-3 One Family Residential Zone/Coastal Overlay Zone to E-3/S-D-3, One Family Residence Zone/Coastal Overlay Zone. This residential zoning designation would be consistent with the proposed General Plan and Local Coastal Plan designation of Residential, 3 units per acre and would be consistent with the Local Coastal Plan text discussion of development in the Braemar Park Tract area. Additionally, the proposed zone would be consistent with surrounding zoning designations. This designation would also be consistent and compatible with adjacent and nearby development, land uses and zoning designations, located to the north of the subject parcel.

IX. FINDINGS

The Planning Commission finds the following:

A. MODIFICATION LOT AREA (SBMC § 28.92.110.2)

The request for a slope density, lot area Modification for proposed Parcel A is consistent with the intent and purpose of Title 28, Zoning Ordinance and is necessary to secure an appropriate improvement on a lot, and promote uniformity of improvement,. The purpose of slope density is to provide more options to locate development on a lot to minimize grading and visual impacts. Proposed Parcel A would include the existing residence, garage and accessory structure. The visual landscape of the lot would remain unchanged and there would be no impacts from grading, since no additional development is proposed. Additionally, the development is approximately 75% of the recommended Floor Area Ratio, which is less aggressive than the surrounding large lot development. The proposed 1.03-acre lot is similar in size to the parcels located immediately to the west, south and north and two to three times the size of parcels located to the east.

B. THE TENTATIVE MAP (SBMC §27.07.100)

Proposed Parcel A

If approved as proposed, Parcel A of the Tentative Subdivision Map would be consistent with the current General Plan and Local Coastal Plan of the city of Santa Barbara because it would meet the density requirement of one unit per acre. The project would also be consistent with underlying lot size requirement of the A-1 Zone District.

The site is current developed with a single-family residence and is physically suited for the site. It is served by adequate City services, has adequate access and complies with all applicable regulations. No additional development is proposed at this time. Because the new parcel does not propose any new development, the project will not cause substantial environmental damage, such as impacts to the nearest marine environment, and associated improvements will not cause serious public health problems. The existing driveway from Alan Road provides adequate access to the site and does not interfere with any easements.

Proposed Parcel B

If approved as proposed, Parcel B of the Tentative Subdivision Map would be consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara. The proposed amendments would change the General Plan land use designation from one unit per acre to three units per acre.

The proposed parcel is physically suitable for the proposed development the project and is consistent with the provisions of the Municipal Code and the General Plan because there would be available level area to develop a residence without requesting Modifications. The proposed use is consistent with the vision for this neighborhood of the General Plan because the size of the lot is within range of the adjacent lots within the Braemar Park Tract, which begins on the northern property line. This tract is comprised of single and two-story development ranging in size of 1,500 to 3,000 square feet. While most of the Campanil Neighborhood is more semi-rural, the Braemar Tract includes more urban public improvements such as sidewalks, streetlights and public sewer, which extent the length of the project site frontage.

Future development of the lot will not cause substantial environmental damage because it will avoid steep slopes and still be consistent with all applicable provisions of the Ordinance. Future improvements of the lot will not cause serious public health problems because all public services are available to serve the parcel. To ensure that there will be minimal impacts, Proposed Parcel B includes a development restriction of a 2,000 square foot single story residence with a 500 square foot garage and a requirement that this development shall be located in an area between the forty-foot contour line and the public street (Exhibit A). There is adequate access to the site directly from Alan Road and there are existing pedestrian improvements along the front of the proposed parcel.

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.060)

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended.

1. The project is consistent with the policies of the California Coastal Act. The project will not impact coastal access, since it is located on the north side of Cliff Drive and there are no recreational facilities on site. The project will not impact the marine environment due the distance from the Coastline and Arroyo Burro Creek. Future development of the site will comply with applicable storm water management practices. While no development is proposed at this time, the project site is located within a developed neighborhood with public sidewalks, lighting and all public services available adjacent to the lot. There would be no visual impacts of the coastal area. The subdivision includes one lot that is developed with a single-family residence and the other lot would be a vacant sloping lot immediately adjacent to a public street. The project is not located within a hazards zone and future development would comply with all applicable energy codes.

   The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation. The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite. The project would not result in a negative impact to recreational activities at nearby Douglas Family Preserve or Henry's Beach, and, due to its location on the northeast side of Cliff Drive, the project does not have the potential to affect public access to the coast.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. The subdivision would result in one lot developed with an existing residence with a garage and the other would be vacant. The applicant has demonstrated that adequate off street parking would be available for the vacant lot. The additional vacant lot would not result in impacts to recreational facilities. Public sidewalks are located along the front of the vacant parcel and passive outdoor recreational opportunities are near the site. While no development is proposed, the vacant parcel will be restricted to 2,500 square feet of total development, which is consistent with the character of the neighborhood. Additionally, given the location of the project site, views to and from the coastline would not be impacted. Finally, any future development would be required to underground the utilities.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Applicant's letter, dated March 31, 2010

PLANNING COMMISSION CONDITIONS OF APPROVAL

415 ALAN ROAD

TENTATIVE SUBDIVISION MAP, MODIFICATION, GENERAL PLAN & LOCAL COASTAL PLAN AMENDMENT
ZONING MAP AMENDMENT & COASTAL DEVELOPMENT PERMIT

MARCH 3, 2011

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all additional land use approvals. Refer to condition B "Approval Contingent Upon Adoption of General Plan/Local Coastal Plan Amendment."

2. Pay Land Development Team Recovery Fee.

3. Make application and obtain a Public Works Permit (PBW) for all required public improvements as identified in condition D.6 "Alan Road Public Improvements," and **complete** said improvements. Refer to condition E "Requirements Prior to Permit Issuance."

4. Make application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents. Refer to conditions D "Public Works Submittal for Parcel Map Approval" and F "Prior to Recordation of Map."

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Approval Contingent Upon Adoption of Zoning and General Plan Map and Local Coastal Program Amendment.** Approval of the subject project is contingent upon City Council approval of the Zoning, General Plan Map and Local Coastal Program Amendments, and California Coastal Commission approval of the Local Coastal Program Amendment.

C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 3, 2011 is limited to a two lot subdivision, creating one 45,056 square foot lot, with an existing single family residence remaining on this lot, and one 14,601 square foot lot, which would be vacant. No additional development is proposed, as shown on the tentative subdivision map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Future Development.** All future development on Proposed Parcel A shall be subject to the following conditions:

a. All future construction shall comply with the applicable conditions of approval contained in Sections F. "Requirements Prior To Permit Issuance."

b. All future development shall be located between the forty foot contour line and the public street.

c. Future development of the lot shall be limited to following: 1) A single story residence not to exceed 2,000 square feet, 2) A garage not to exceed 500 square feet, 3) A driveway providing access to the development and 4) hardscape, landscaping and other at grade type of uses (e.g. pool).

3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

D. **Public Works Submittal For Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval prior to processing the approval of the Parcel Map:

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.

2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

3. **Alan Road Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Alan Road. As determined by the Public Works Department, the improvements shall include the following: saw-cut and replace a minimum of 6 panels of cracked, uplifted or otherwise damaged sidewalk, and grind the edges of approximately 6 additional panels of sidewalk that are uplifted at the joints under the direction of the Public Works Inspector. All work in the public right-of-way requires a Public Works Permit.

4. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of $15,000 to the Community Development Department prior to Certificate of Occupancy of the future development of Proposed Parcel A.

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for public improvement permits pulled prior to recordation of the Parcel Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

   a. **Public Improvement Plans.** A site plan showing required public improvements, identified in condition D.6 "Alan Road Public Improvements", shall be submitted to the Public Works Department for review, approval, and issuance of a Public Works permit.

2. **Community Development Department.**

   a. **Conditions on Plans/Signatures.** The final Planning Commission / Staff Hearing Officer / City Council Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

   Signed:

   _____
   Property Owner Date

   _____
   Contractor Date License No.

   _____
   Architect Date License No.

   _____
   Engineer Date License No.

F. **Prior to Recordation of the Map.** Prior to recordation of the Map, the Owner of the Real Property shall complete the following:

1. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

   a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.

c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.

4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

   Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Modification or shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or

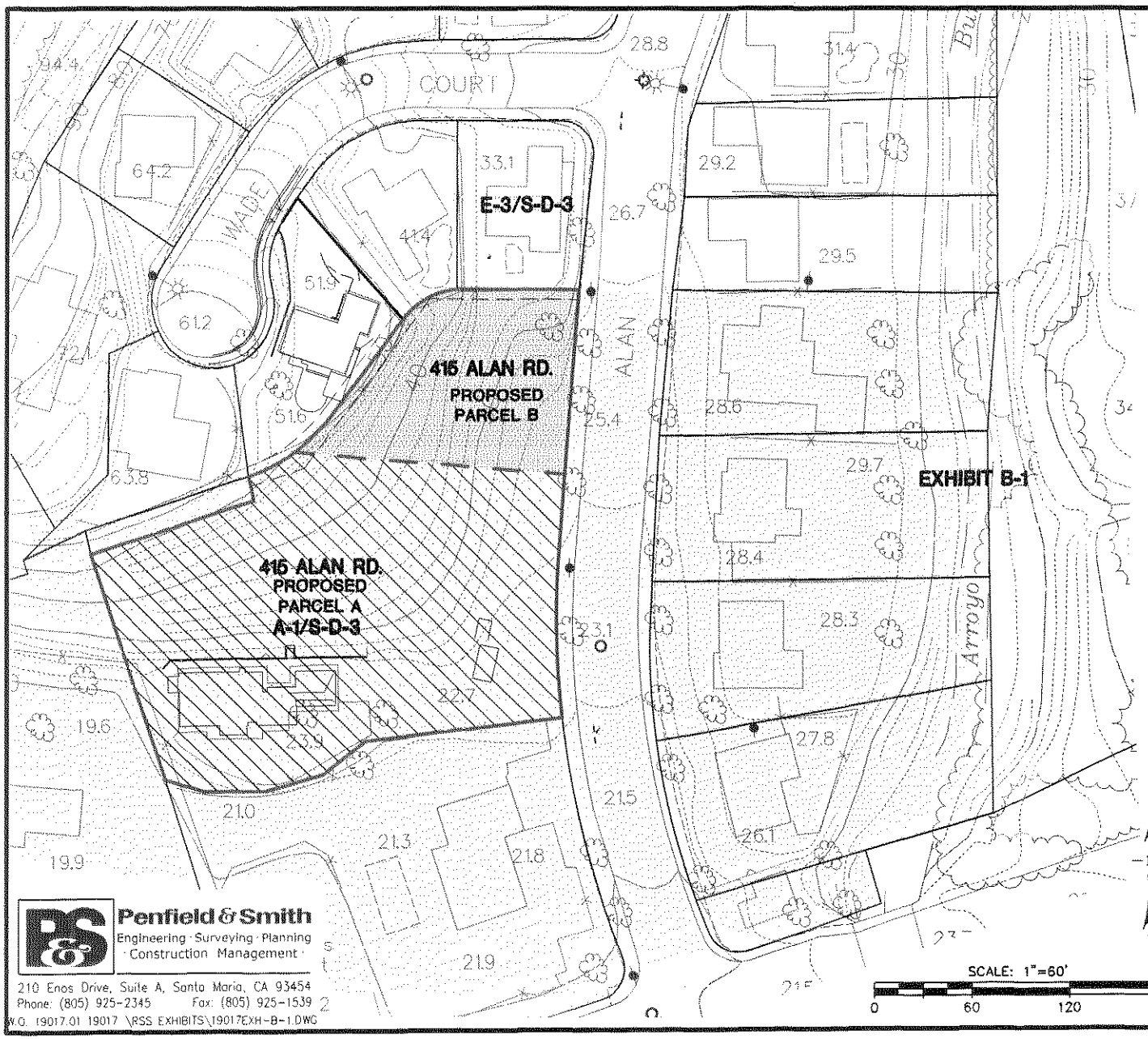
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



PROPOSED CONDITIONS FOR 415 ALAN ROAD REZONE AND GENERAL PLAN AMENDMENT		
	PARCEL A	PARCEL B
PROPOSED GENERAL PLAN DESIGNATION	RESIDENTIAL (1 UNIT PER ACRE)	RESIDENTIAL (3 UNITS PER ACRE)
PROPOSED ZONE DISTRICT	A-1/S-D-3	E-3/S-D-3
MINIMUM LOT AREA	43,560 S.F. (1 AC)	7,500 S.F. (0.17 AC)
AVERAGE SLOPE	14.3%	19.5%
MINIMUM LOT AREA WITH SLOPE DENSITY FACTOR	65,340 S.F. (1.5 AC)	11,250 (0.26 AC)
PROPOSED LOT AREA	45,056 S.F. (1.03 AC.)	14,801 S.F. (0.34 AC)

LEGEND

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING A-1/S-D-3 ZONE
- EXISTING E-3/S-D-3 ZONE
- AREA OF PROPOSED REZONE FROM A-1/S-D-3 TO E-3/S-D-3
- PROPOSED PARCEL A
- PROPOSED PARCEL B

EXHIBIT B-1
SEYBOLD PROPOSED CONDITIONS SUBDIVISION AND REZONE
APN 047-091-024

CITY OF SANTA BARBARA, CALIFORNIA

FEBRUARY 2011

Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·
210 Enos Drive, Suite A, Santa Maria, CA 93454
Phone: (805) 925-2345 Fax: (805) 925-1539
W.O. 19017.01 19017 \RSS EXHIBITS\19017EXH-B-1.DWG

EXHIBIT B

Brownstein | Hyatt
Farber | Schreck

RECEIVED
FEB 16 2011
CITY OF SANTA BARBARA
PLANNING DIVISION

March 31, 2010

Patsy Stadelman, AICP
Land Use Planner
805.882.1424 tel
805.965.4333 fax
PStadelman@bhfs.com

VIA HAND DELIVERY

Honorable Chair Jostes and Members of the Planning Commission
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: Seybold Lot Split, Zone Change, General Plan and Local Coastal Plan Amendments
415 Alan Road, APN 047-091-024
MST # 2009-00083

Dear Chair Jostes and Members of the Planning Commission:

Brownstein Hyatt Farber Schreck, LLP submits the enclosed Planning Commission/DART application on behalf of Andrew and Linda Seybold, owners of property located at 415 Alan Road. The Seybolds are proposing a Lot Split, Zone Change, General Plan and Local Coastal Plan Amendments of their property which would result in one new developable residential parcel.

On November 10, 2009 the City Council upheld an appeal of the Planning Commission's June 11, 2009 decision and initiated a Zone Change, General Plan Amendment and Local Coastal Plan Amendment for APN 047-091-024. This letter and accompanying enclosures describe the proposed project and the reasons we believe the proposal is consistent with City policies and regulations and the Subdivision Map Act.

Project Description

The proposed project includes subdivision of the 415 Alan Road parcel (APN 041-091-024), resulting in one new developable lot; a rezone of the newly created parcel from A-1/S-D-3, One-Family Residence and Coastal Overlay Zones, to E-3/S-D-3, One-Family Residence and Coastal Overlay Zones; and General Plan and Local Coastal Plan Amendments to change the land use designation of the rezoned parcels from 1 dwelling unit per acre to either 3 or 5 dwelling units per acre as further discussed below. The proposed project would require a Tentative Parcel Map, Coastal Development Permit, Lot Area Modification, Zone Change, and General Plan and Local Coastal Plan Amendments.

The 415 Alan Road parcel is 59,657 square feet (1.37 acres) and is currently developed with one approximately 2200 square foot single family home with an attached garage and an approximately 250 square foot accessory structure toward the southern half of the property. The northern half of the property is undeveloped and contains fruit trees, grasses and shrubs. The average slope of the parcel is 15.6 percent. Single family residential uses surround the project site. The subject property and the area to the south, southwest and east is zoned A-1/S-D-3. The area to the north and northwest of the subject property is zoned E-3/S-D-3. The entire area has a land use designation of 1 dwelling unit per acre. However, much of the surrounding development is not consistent with the zoning and/or land use designation. The average parcel size within the surrounding area is less than 14,000 square feet.

The size of the existing 415 Alan Road parcel conforms to the minimum one acre parcel size standard of the A-1 zone district but is smaller than the 1.5 acres required under the city's slope density ordinance. The proposed lot split would result in two parcels: Parcel A would contain the existing

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dwelling and accessory structure and be 45,056 square feet in size (1.03 acres) and Parcel B would be 14,601 square feet (0.34 acre) in size. With a rezone and land use designation change to E-3/S-D-3 and 3 dwelling units per acre, respectively, Parcel B would conform with the minimum 7,500 parcel size standard of the E-3 zone district and would satisfy the 11,250 square foot slope density standard for a lot with an average slope between 10 and 20 percent. Parcel A would continue to conform with the minimum lot area of the A-1 zone district; however, it would continue to be smaller than the required size per the slope density ordinance. We are requesting a Modification to allow the smaller lot area on this already developed lot.

Parcel B could also be configured to meet the parcel size and slope density standards for 5 dwelling units per acre land use designation which would be consistent with the actual density of the surrounding neighborhood. The City Council did not identify a preferred density at the June 11 hearing, but instead directed us to work with staff to determine the appropriate density, balancing factors including compatibility with the surrounding neighborhood, consistency with designations in other similar areas of the City, and good planning principles. Based on discussions with you and Ms. Weiss, it is our understanding that staff prefers a land use designation of 3 dwellings per acre for consistency with designations in other hillside areas of the City. This is also consistent with the General Plan Update's proposed land use designation for the surrounding developed neighborhood, including the Braemar Tract and the parcels on Alan Road directly across the street from the subject property. Should staff's opinion regarding the preferred land use designation change after further review of the project, we are willing to consider a change to the proposal so long as it continues to achieve the goal of creating one new developable residential lot.

No development is proposed at this time, however the project would result in the creation of one new developable single family residential lot (Parcel B). Future development on Parcel B would be subject Single Family Design Board approval and require a Coastal Development Permit. Vegetation on the site currently includes fruit trees, grasses and shrubs, some of which would be removed to allow construction of a home. Some grading would also likely be required for the future development. The home would be served by existing utilities (sewer, water, electricity, phone) located along Alan Road and vehicular access would be from Alan Road.

Home Size Restriction

At the November 10, 2009 City Council hearing, the Council directed staff and the Seybolds to work together to determine whether a unit size or other restrictions on the future development could result in a home that provides a substantial community benefit.

We propose to limit the house to 2000 square feet with a garage of 540 square feet or less, which would result in a floor-to-lot area ratio of 0.17. In addition, the house would be limited to a maximum of one story and include solar panels and other energy efficient measures to make it a sustainable home.

The average size of the homes on the 20 closest lots in the neighborhood is 2540 square feet with a floor-to-lot area ratio of 0.17, so the future home on Parcel B would fit seamlessly within the neighborhood. Using the Single Family Design Review Board's practice of limiting the maximum home size to 85 percent of the maximum FAR, a 3676 square foot house could be built on this 14,601 square foot parcel. Therefore, a 2540 square foot house is a 31 percent smaller than what could be built on a lot of this size.

Limiting the size and incorporating sustainable and energy efficient features will result in a home that demands far fewer resources than the typical home making this infill development a model of modest-size sustainable housing for the community, thereby providing a substantial benefit to the community.

Pre-Application Review Comments

The project has changed somewhat since the Pre-Application Review, therefore, most of the comments contained in the March 13, 2009 PRT letter are no longer applicable to the proposed project. We incorporated the applicable information requested in the Engineering Division Handout in the Tentative Map.

Project Benefits and Required Findings

The proposed project would allow for the future construction of a new modest-sized single-family home in this nearly built-out neighborhood. The Seybolds plan to build a one-story, three to four bedroom home that is compatible with the character and scale of surrounding homes. This would be a "smart home," showcasing the most current home automation technologies and including solar power and many other energy efficient and sustainable features

1. **The proposed project would facilitate better use of an odd-shaped lot and more efficient use of scarce vacant land in the City.** The proposed new parcel already appears to be a separate lot because it is physically separated from the existing house and yard area. The established infrastructure and lack of significant natural resources on the property make this an ideal location for infill development that fits with the existing scale and character of the neighborhood. The enclosed conceptual site plan shows the approximate size and location of the home that would be developed on Parcel B.

2. **Santa Barbara needs housing and this proposal will create an additional modest-sized residential unit.** The City is suffering from a severe shortage of middle-class housing opportunities, which is one of the reasons for the high cost of housing. Infill sites, such as this one, offer the opportunity to fit new housing into the City without expanding its boundaries or converting dedicated open space. As stated above, the Seybolds are willing to limit the size of the future home on the property to 2000 square feet to ensure the new home fit seamlessly with the neighborhood and provide a housing opportunity for a middle-class Santa Barbara family.

3. **The proposal takes advantage of an infill housing opportunity while not changing the character of the neighborhood.** There are relatively few places in the City where additional housing can be provided without changing the character of the neighborhood, and this is one of those places. The proposed new 14,601 square foot parcel is slightly larger than surrounding properties and conforms to slope density standards

4. **The proposal is consistent with the principles of Plan Santa Barbara.** The Plan SB "Policy Preference Report," issued in January 2009 puts forth the following sustainability principle:

> "'Living Within Our Resources'" means effectively managing growth and in-fill development to conserve the community's natural, physical and historic resources for present and future generations. Challenges between future development and resource use must be met with creative solutions that meet the multiple objectives of preserving historic resources and community character, retaining a diverse population and culture, and allowing sufficient growth to propel a steady economy" (page 19).

Further, the report calls for incentives to encourage smaller, 'affordable-by-design' homes:

> "Incentives for Affordable-by-Design Units. Prepare design standards and codify incentives for market rate developers to build smaller, 'affordable-by-design' residential units that better meet the needs of our community. Incentives could includes higher allowable densities, less required parking, etc." (Housing Policy H5, page 54).

This proposal affords the opportunity to put these stated goals into action.

Conclusion

We respectfully submit that the project is consistent with all applicable policies and standards of the Zoning Ordinance, General Plan and Local Coastal Plan and all the findings for approval of the Tentative Map, Coastal Development Permit, Lot Area Modification, General Plan and Coastal Plan Amendments can be made. In addition the project supports the goals of Plan Santa Barbara to promote infill housing opportunities and living within our resources.

The project would improve the Alan Road neighborhood and benefit the City by creating a new infill property that fits within the existing neighborhood and provides a sustainable, energy-efficient home for a middle-class family. The proposed new lot has ready access from Alan Road and would connect to the existing water and sewer infrastructure on Alan Road. Further, there are no significant natural resources on the property which could be adversely affected by future development.

Thank you for your time and consideration of this proposal.

Sincerely,

Patsy Stadelman, AICP
Land Use Planner

cc: Andrew Seybold

Enclosures: Planning Commission Submittal Cover Sheet
Master Application
Coastal Development Permit Application
Hazardous Waste and Substances Form
Check for application fees ($56,685)
PRT Letter, dated March 13, 2009
Tentative Parcel Map (1 reduced, 10 full-size copies)
Conceptual Site Plan for Parcel B (1 copy)
Updated Preliminary Title Report (2 copies)
Project and Context Photos (1 copy)
Property Owner and Tenant Mailing Labels
Mailing Label Affidavit

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