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Community Development Department

DYK-Planfile
ATTACHMENT 3

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June 23, 2009

Peter Ehlen
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**SUBJECT: POTENTIAL 3-LOT SUBDIVISION AT 1642/1654 CALLE CANON/
2418 CALLE MONTILLA**

Dear Pete:

This letter is in response to a meeting I had with you and your Mrs. McGuire a couple of weeks ago, as well as a number of phone calls and an informal meeting since then with both you and Mrs. McGuire. I appreciate the interest of your client in determining the best way to move forward with consideration of their property, and balancing that with the consideration of the pending appeal before the City Council of a Planning Commission denial. I hope this letter provides you and your client with some options to consider, and we are certainly available to answer any questions. We have tried to be as forthcoming as we can about what different processes might entail, but as you can appreciate, we are unable to be certain about outcomes and issues that might arise under different scenarios.

From our conversations with you and your client, we believe the main focus of inquiry is regarding a 3 lot subdivision at 1642 Calle Canon. The new lots would consist of the following lots shown on the August 8, 2008 plans: Lot 5, Lot 6, and Lots 1-4 combined into a single large parcel.

Three Lot Subdivision

A three lot subdivision would constitute a revised project. With the described project, Staff anticipates that the required Planning Commission applications would be a Tentative Subdivision Map and a Modification for wall height. Review and approval by the Single Family Design Board would also be required.

Unfortunately, because the building area of Lot 5 includes areas that are over 20% slope, the project cannot be deemed exempt from CEQA. Therefore, Staff anticipates the need to prepare an Initial Study, pursuant to CEQA, to determine the appropriate level of environmental review (at this point our hope would be for a Negative Declaration, but an Environmental Impact Report is possible). The major issues in the Initial Study would most likely center around the new building site on Lot 5, and the two new driveways, as well as the wall adjacent to the new driveway that would access the large lot. Of course, it is possible that other issues arise during the Initial Study. Since the proposal is less than five lots, a Parcel Map would be required instead of a Final Map.

I realize that one of your concerns is new fees. We feel that we can consider this a revised project and thereby have reduced fees. The fee would be half of the current fee of \$7,365.00 for the Tentative Subdivision Map, half the current fee of \$2,015.00 for the Modification, \$8,077.00 to prepare an Initial Study, \$900 for the Negative Declaration, and \$375 for Single Family Design Board review of the grading and the retaining wall for total fees of \$14,042. This assumes other Modifications or an EIR are not required.

All advisories and required additional information identified in the September 24, 2008 letter would be applicable, with the exception of the additional information requested for lots no longer proposed (e.g., storm drain and sewer connections to lots 3 and 4).

It's important to note that all public improvements shown on the August 8, 2008 plans, including sidewalk, curb, parkway, street lights, fire hydrants, drain outlets, etc., as shown on sheet T3 of the current plans, would be required in addition to improved access to the existing residences on Calle Canon. The new driveway probably would not be required to go beyond proposed lot 2, since development is no longer proposed further along the driveway. A narrower driveway may be acceptable to provide this access. Requirements for the driveway geometry would depend partially on the number of residences served by the driveway. You would probably want to discuss your proposal with Jim Austin at 564-5702 for Fire Department access requirements. These improvements would be required to be installed prior to Final Map recordation, which is standard for new subdivisions, although it is possible to defer the installation of the public improvements for up to 12 months. In order to defer the installation of the improvements, your clients would have to bond for the improvements, and if they weren't completed within 12 months, then the City would exercise the bond, and pay for the construction of the improvements.

Based on the information that we have, Staff could support the approval of the three-lot subdivision, with the appropriate mitigations and conditions of approval.

Alternate Plan - Two-Lot Subdivision

You also asked for comments on an alternative plan, which would entail the subdivision of the existing 2418 Calle Montilla lot (approx. 53,000 s.f.) into two lots: proposed Lot 6, and the remainder of the existing lot, which would be approximately 41,000 s.f. in size. As stated previously, Staff would support proposed Lot 6 despite its inadequate lot size because of the pattern of the development on Calle Montilla. However, we would not support the creation of the remainder lot, because we believe the average slope of the remainder lot to be at least 20%, and more likely over 30%, in which case the 30,000 s.f. minimum lot size would be required to be doubled or tripled. Since the remainder lot would only be about 41,000 s.f. in size, the minimum lot size requirement would not be met. Staff would not support the creation of another under-sized lot, and does not recommend proceeding with this idea.

Phased Plan: three-lot subdivision and subsequent subdivision

We understand that the three-lot subdivision would be the first part of a phased project. Phase 2 has not yet been defined for Staff. We just want to highlight that in our opinion, phased projects are inherently risky because the Planning Commission and most neighbors do not like the idea of piecemealing, where the entire project is not reviewed, but only parts at a time. There is no guarantee that, once the first phase is approved, any future phase would also be approved, although there would be nothing preventing an applicant from applying. It is possible to envision a scenario where the first phase goes well, but the Planning Commission would not approve later phases. We believe that the proposed phased strategy, with the three-lot subdivision followed by the subdivision of the large lot is risky and more expensive than attempting a single subdivision at this time. It is more expensive because the project is two subdivisions, so all costs would be at least doubled. Additionally, the public improvements would be required to be installed prior to the Phase I Final Map is recorded (public improvements can be deferred for up to 12 months as noted above), which front-loads costs. We predict that two Mitigated Negative Declarations would be required, and depending on the Phase 2 plan, an EIR could be required for it. As you can see, we have serious concerns with such a subdivision phasing plan.

Alternate Phased Plan: lot line adjustment and subsequent subdivision

When Staff met with Justin Van Mullem, we discussed a phased project wherein Phase 1 would be a lot line adjustment that would create Lot 6 and one very large lot, and Phase 2 would be a subdivision of the single large lot into 2-3 lots. While my conversation with Mrs. McGuire makes this approach seem unlikely from her end, we thought we'd still respond with our thoughts on it as an approach.

Although phasing is inherently risky as discussed above, we believe that this lot line adjustment/subdivision phasing plan is a lower risk phasing strategy that Staff could support, as the lot line adjustment would not create any new development potential. We believe that the Planning Commission would support this phasing strategy as well. We also believe that Phase 1 would be a fairly low cost and speedy phase, as the project could most likely be found to be categorically exempt from CEQA, and the public improvements would not be required for the lot line adjustment. Staff would support the Lot Line Adjustment and the phasing plan; however, Staff and Planning Commission support of the second phase proposal is entirely dependent on what is proposed. If the second phase were to be for two to three lots, Staff could probably support it.

Conclusion

I hope this information is helpful. As we've discussed, we still need to resolve the status of the pending appeal before the City Council as well. At this point, the July 14th appeal date in front of the City Council is not feasible. The City Clerk's Office does need your consent to either find a later date for the appeal, put it on a tentative hold while you decide which direction to take, or withdraw the appeal.

Potential 3-lot Subdivision

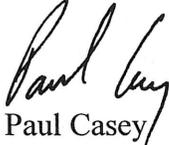
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If you have any technical questions on the planning discussions above, please feel free to contact Dan Gullett, Associate Planner, or Danny Kato, Senior Planner at 564-5470.

We look forward to working with you on a revised project if that is the direction you would like to go.

Sincerely,



Paul Casey
Community Development Director

cc: Joe Maguire PO Box 5723 Santa Barbara CA 93105
Planning File

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