City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE:	June 4, 2009
AGENDA DATE:	June 11, 2009
PROJECT ADDRESS:	415 Alan Road (MST2009-00083)
TO:	Planning Commission
FROM:	Planning Division, (805) 564-5470 Danny Kato, Senior Planner DK Kathleen Kennedy, Associate Planner KK

I. PROJECT DESCRIPTION

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

At this time, the Planning Commission is not being requested to take any action regarding approval of the proposed project nor make any determination regarding environmental review.

II. REQUIRED APPLICATIONS

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

III. RECOMMENDATION

Staff recommends that the Planning Commission deny the initiation of the Zone Change, General Plan Amendment and Local Coastal Program Amendment.

IV. SITE INFORMATION

A. EXISTING

Zone District	A-1/ SD-3
General Plan Designation	Residential, one unit per acre
Slope	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**

B. PROPOSED

	Proposed Parcel A	**Proposed Parcel B**
Zone District	A-1/ SD-3	E-3/ SD-3
General Plan Designation	Residential, one unit per acre	Residential, five 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	46,948 sq. ft. (1.08 acres)	12,709 sq. ft. (0.29 acres)
Zoning	**Nonconforming to Lot Area**	**Conforming to Lot Area**
General Plan	**Conforming to Density**	**Conforming to Density**

V. DISCUSSION

A. PROJECT LOCATION

The property at 415 Alan Road is located in the Campanil neighborhood of the City, which is bordered on the north and east by Arroyo Burro Creek, on the south by the ocean and on the west by Hope Ranch. The General Plan designation for the neighborhood is one dwelling unit per acre. Most of this area consists of large parcels, similar to the size of the project site or larger, which are either vacant or contain single-family dwellings. An exception to this is the Braemar Tract, a single-family, small-lot development that was subdivided while under County jurisdiction. This tract of approximately 120 parcels, on relatively steep topography, is described in the City's General Plan Land Use Element as presenting "a vivid picture of improper subdivision techniques." The density in this portion of the neighborhood is approximately four times greater than the other areas.

When the Braemar Tract was annexed to the City in 1956, it was given an E-3, One-Family Residence zone designation, which requires a 7,500 square foot minimum lot size (or more if the average slope exceeds 10%). The rest of the neighborhood has an A-1, One-Family Residence zone designation, which requires a one-acre minimum lot size (or more if the average slope exceeds 10%).

B. BACKGROUND

Similar proposals regarding the project site have been submitted for review in the past. In 2004, the Planning Commission conceptually reviewed a proposed project that involved a lot line adjustment between two parcels (415 Alan Road and 23 Wade Court) resulting in an increase of lot area for 23 Wade Court. The Planning Commission, during their review, discouraged any development on the land that would be added to 23 Wade Court.

In February of 2005, an application was submitted that consisted of a subdivision of 415 Alan Road into two lots, in addition to the lot line adjustment. Following the subdivision, the smaller lot would have been rezoned from A-1 to E-3 and the larger lot would have required a lot area modification. During project review, Staff stated that if the project were to proceed to the Planning Commission for initiation of the Zone Change and Local Coastal Program Amendment, Staff would recommend denial, in part because the original 415 Alan Road parcel, which is currently nonconforming to lot area, would have become more nonconforming as a result of the proposed subdivision. Furthermore, the creation of a new lot that would not conform to the General Plan density would not be appropriate for the neighborhood when the Land Use Element and Local Coastal Plan state that this neighborhood is already too dense.

The applicant did proceed with the project and on October 6, 2005, the Planning Commission denied the initiation requests. One of the main reasons for the denial was the inconsistency with the General Plan density.

The applicant filed an appeal of the Planning Commission action but subsequently withdrew the appeal and submitted a proposal to Staff that included a request to initiate a General Plan Amendment as well. With a General Plan Amendment (from one unit per acre to five units per acre) added to the proposal, all proposed lots would conform to the General Plan density. Due to the rezone, the 23 Wade Court parcel would become conforming to lot area as would the newly created smaller parcel; however, the larger parcel would become more nonconforming to lot area. This proposal was put on hold.

C. CURRENT PROPOSAL

In early 2009, the applicant submitted a new proposal that no longer included 23 Wade Court. The proposed project consisted of the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment and a subdivision of 415 Alan Road under the proposed Zoning and General Plan designations. The proposed project also included five additional properties along the eastern side of Alan Road. In response to the application, Staff provided the applicant with the following comments:

1. The existing parcel at 415 Alan Road is nonconforming to lot area due to the slope density requirements of the A-1 zone. Staff is not in support of the subdivision of the parcel that results in 415 Alan Road (proposed parcel A) becoming more nonconforming to lot area. In addition, Staff is also not in support of the proposal to rezone a number of parcels and change the General Plan and Local Coastal Plan designations on those parcels in order to facilitate the creation of a new lot in the project area. As you know, the City's General

Plan Land Use Element considers the adjacent Braemar Tract an example of an improper subdivision because it is a dense development on steep topography. Staff is not in support of creating a new lot in a neighborhood identified in the Land Use Element as already too dense.

2. If the applicant chooses to proceed with the proposed project, Staff would be recommending denial of the Initiation of the Zone Change and General Plan and Local Coastal Program Amendments at the Planning Commission.

3. Staff, however, would be in support of the proposal if the newly created lot were to have an upper-middle income restricted single-family detached unit. The proposal would be subject to the requirements of the City's Density Bonus Program. If the applicant chooses to proceed in this manner, please see SBMC§28.87.400 and the City of Santa Barbara Affordable Housing Policies and Procedures Manual for more information.

The proposal being presented to the Planning Commission is the same as described above but it does not include the five additional properties along the eastern side of Alan Road. In regard to the affordable housing suggestion by Staff, the applicant has requested that a payment of an in-lieu fee be considered rather than a restriction on the new residence.

VI. RECOMMENDATION

Staff's concerns remain the same as stated above. In addition, Staff would not be in support of a payment of an in-lieu fee because the purpose is to provide payment as an alternative to constructing an affordable unit. This would not be a proper application of this alternative.

For the reasons presented above, Staff recommends that the Planning Commission deny the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment for the proposed project.

If the initiation is granted, it is not meant to imply any approval of, or formal position on the proposed project other than acknowledging that the proposed Zone Change, General Plan Amendment and Local Coastal Program Amendment can proceed for study and environmental review.

Exhibits:

A. Applicant's letter, dated May 22, 2009
B. Project Plans (Exhibits A, B-1, B-2, C & Tentative Map)

Brownstein | Hyatt
Farber | Schreck
A Strategic California Merger with Hatch & Parent

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

May 22, 2009

RECEIVED
MAY 22 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

VIA HAND DELIVERY

Ms. Kathleen Kennedy
City of Santa Barbara
Community Development Department
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: Initiation of Seybold Lot Split, Rezone and General Plan Amendment
415 Alan Road (APN 047-091-024)

Dear Ms. Kennedy:

Enclosed are the copies of the revised exhibits for Planning Commission initiation of the proposed rezone and General Plan amendment at 415 Alan Road.

Following our pre-application review meeting with you on March 23, 2009, Mr. Seybold decided to revise the proposed project to eliminate the request for a rezone and General Plan amendment of the properties on the east side of Alan Road. The revised exhibits reflect this change. This letter and accompanying enclosures describe the proposed project and the reasons we believe the proposal is consistent with City policies and regulations as well as the Subdivision Map Act.

Project Description

The proposed project includes (1) subdivision of the 415 Alan Road parcel (APN 047-091-024), resulting in one new developable lot; (2) 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; (3) a General Plan Amendment, and consistent Local Coastal Plan Amendment, to change the land use designation of the rezoned parcel from 1 dwelling unit per acre to 5 dwelling units per acre; and (4) a lot area modification to reduce the minimum lot area of the already developed remainder lot from 1.5 acres to 1.08 acres (see enclosed exhibits). The proposed project would require a Tentative Parcel Map, Coastal Development Permit, Lot Area Modification, Rezone, 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 single family home and associated accessory structures on the southern side of the property. The size of this parcel conforms to the minimum one acre parcel size standard of the A-1 zone district but is smaller than the 1.5 acres that would be required under the city's slope density ordinance if the lot were now being proposed for development. The proposed lot split would result in two parcels: Parcel A would contain the existing dwelling and be 46,948 square feet in size (1.08 acres) and Parcel B would be 12,709 square feet in size (see Exhibit B-1 and Tentative Map). With the proposed rezone and land use designation change to E-3/S-D-3 and 5 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

EXHIBIT A

11,250 square foot slope density standard for a lot with an average slope between 10% and 20%. Parcel A would continue to be nonconforming to the minimum lot area under the slope density ordinance and therefore would require a lot area modification.

Project Benefits and Required Findings

The Santa Barbara Municipal Code requires the City to make the following findings in order to approve the proposed project

Findings for Tentative Map (SBMC §27.07.100): The tentative map is (1) consistent with applicable General and specific plans; (2) the design or improvement proposed is consistent with applicable general and specific plans; (3) the site is physically suitable for the type of development; (4) the site is physically suitable for the proposed density of development; (5) the design of the development or the proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat; (6) the design of the development or the type of improvement is not likely to cause serious public health problems; and (7) the design of the development or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

Findings for a Change of Zone Boundaries (SBMC §28.92.015): The change is justified by public necessity, convenience, general welfare or good zoning practice.

Findings for Coastal Development Permit (SBMC §28.45.009): The project is consistent with the policies of the California Coastal Act and the project is consistent with all applicable policies of the City's Coastal Plan, all implementing guidelines and all applicable provisions of the Municipal Code.

Findings for a Local Coastal Program Amendment (SBMC §28.45.009): The project is consistent with the policies of the California Coastal Act (commencing with Section 30200) including pubic access and public recreation because it would not affect public access or recreation opportunities. In addition, the project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provision of the Municipal Code.

Findings for a Lot Area Modification (SBMC §28.92.110): The modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

We respectfully submit that these findings can be made for the following reasons. The property is an excellent location for infill development of a single family home. The proposed new parcel already appears to be a separate lot because it is physically separated from the existing house and yard area. Further, it is adjacent to and across Alan Road from lots of comparable size, all infrastructure is in place, slopes are relatively minimal, and development would not negatively impact traffic in the neighborhood.

A rezone and General Plan Amendment to allow a new lot would be consistent with the actual density of the existing neighborhood. While the area is currently designated for 1 unit per acre, this land use designation was applied after the neighborhood was developed. The actual density of the area along Alan Road between Cliff Drive and Wade Court is 1.8 units per acre. One infill unit would result in a minimal increase in density to 2 units per acre.

The proposed project is consistent with the Coastal Act because it does not affect public access or public recreation. The project would result in a new lot added to the City's tax rolls and would be compatible with the Alan Road neighborhood. 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.

In conclusion, the proposed project benefit the City by creating a new infill property compatible with the existing neighborhood, furthering the City's policy of providing housing opportunities through infill development and adding a new property to the City's tax rolls.

Thank you for your time and consideration of this proposal.

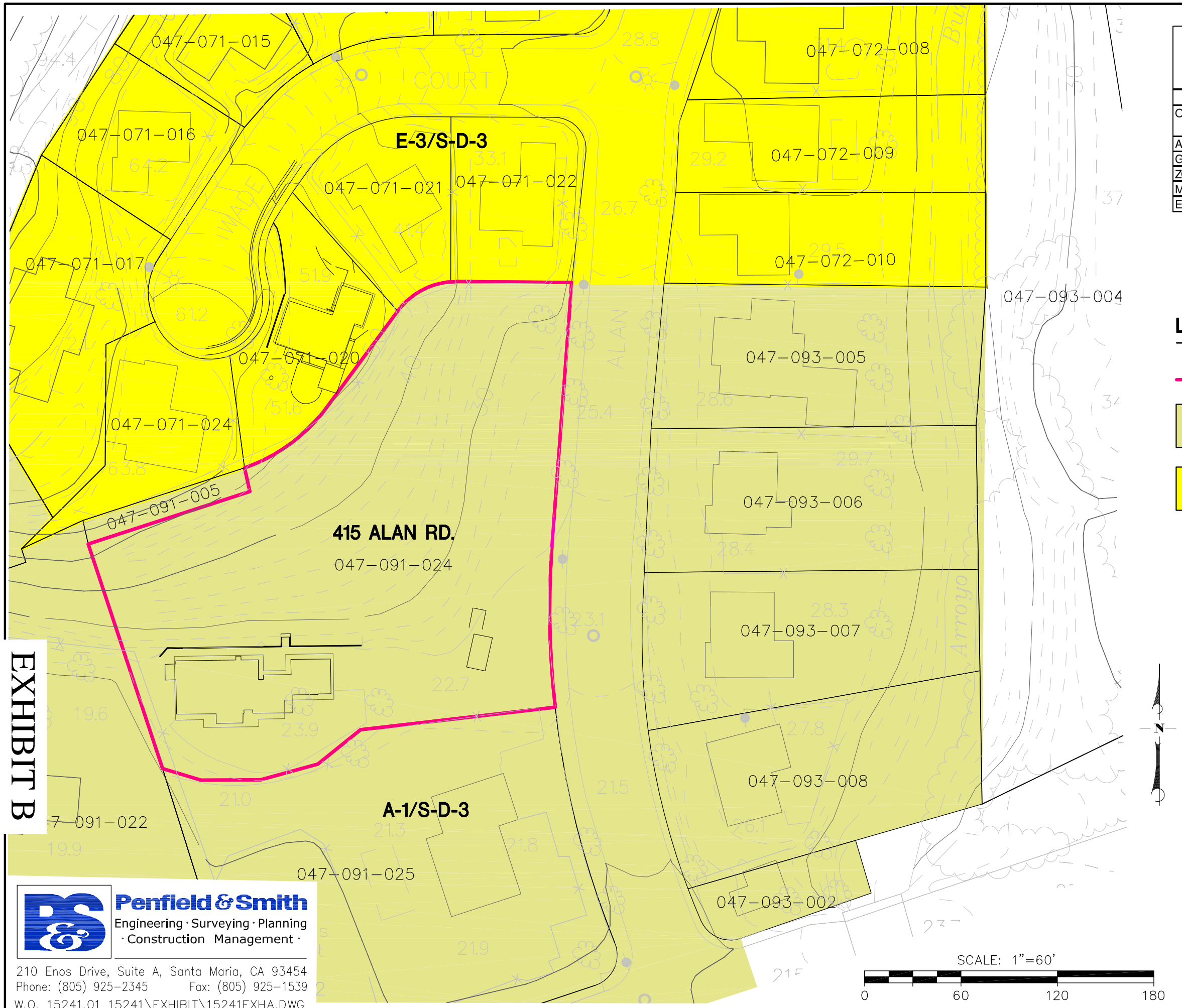
Sincerely,

Patsy Stadelman, AICP
Land Use Planner

cc: Andrew Seybold
Steven Amerikaner, Esq.

Enclosures: Tentative Parcel Map (10 copies)
Exhibit A: Seybold Existing Conditions (10 copies)
Exhibit B-1: Seybold Proposed Conditions, Subdivision and Rezone (10 copies)
Exhibit B-2: Seybold Proposed Conditions, Subdivision and General Plan Amendment (10 copies)
Exhibit C: Seybold Vicinity/Zoning Map (10 copies)

SB 505951 v1:012399.0001



EXISTING CONDITIONS 415 ALAN ROAD	
OWNER	ANDREW SEYBOLD
APN	047-091-024
GENERAL PLAN DESIGNATION	RESIDENTIAL (1 UNIT PER ACRE)
ZONE DISTRICT	A-1/S-D-3
MINIMUM LOT AREA	43,560 S.F. (1 ACRE)
EXISTING LOT AREA	59,657 S.F. (1.37 AC.)

LEGEND

EXISTING PROPERTY LINE

A-1/S-D-3 ZONE

E-3/S-D-3 ZONE

EXHIBIT B

EXHIBIT A
SEYBOLD EXISTING CONDITIONS
APN 047-091-024

CITY OF SANTA BARBARA, CALIFORNIA
JANUARY 2009

Penfield & Smith
Engineering · Surveying · Planning · Construction Management ·
210 Enos Drive, Suite A, Santa Maria, CA 93454
Phone: (805) 925-2345 Fax: (805) 925-1539
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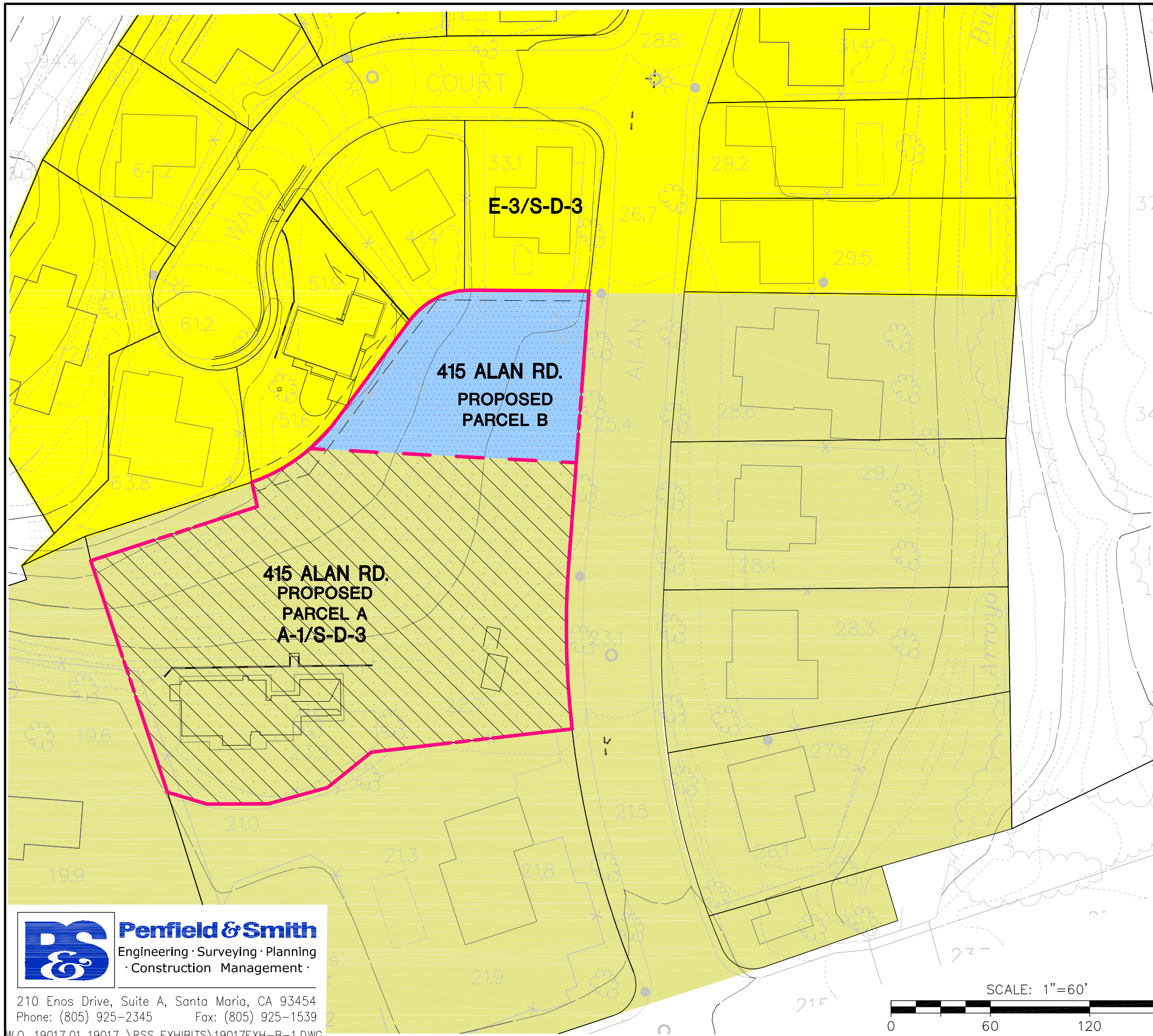

PROPOSED CONDITIONS FOR 415 ALAN ROAD FOR CONSIDERATION OF THE REZONE AND GENERAL PLAN AMENDMENT

	PARCEL A	PARCEL B
OWNER	ANDREW SEYBOLD	ANDREW SEYBOLD
PROPOSED GENERAL PLAN DESIGNATION	RESIDENTIAL (1 UNIT PER ACRE)	RESIDENTIAL (5 UNITS PER ACRE)
PROPOSED ZONE DISTRICT	A-1/S-D-3	E-3/S-D-3
MINIMUM LOT AREA	43,560 S.F. (1 ACRE)	7,500 S.F. (0.17 ACRE)
AVERAGE SLOPE	14.40%	19.90%
MINIMUM LOT AREA WITH SLOPE DENSITY FACTOR	65,430 S.F. (1.5 ACRES)	11,250 (0.26 ACRE)
PROPOSED LOT AREA	46,948 S.F. (1.08 AC.)	12,709 S.F. (0.29 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

N

SCALE: 1"=60'

0 60 120 180

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

CITY OF SANTA BARBARA, CALIFORNIA
MAY 2009

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· Construction Management ·
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Phone: (805) 925-2345 Fax: (805) 925-1539

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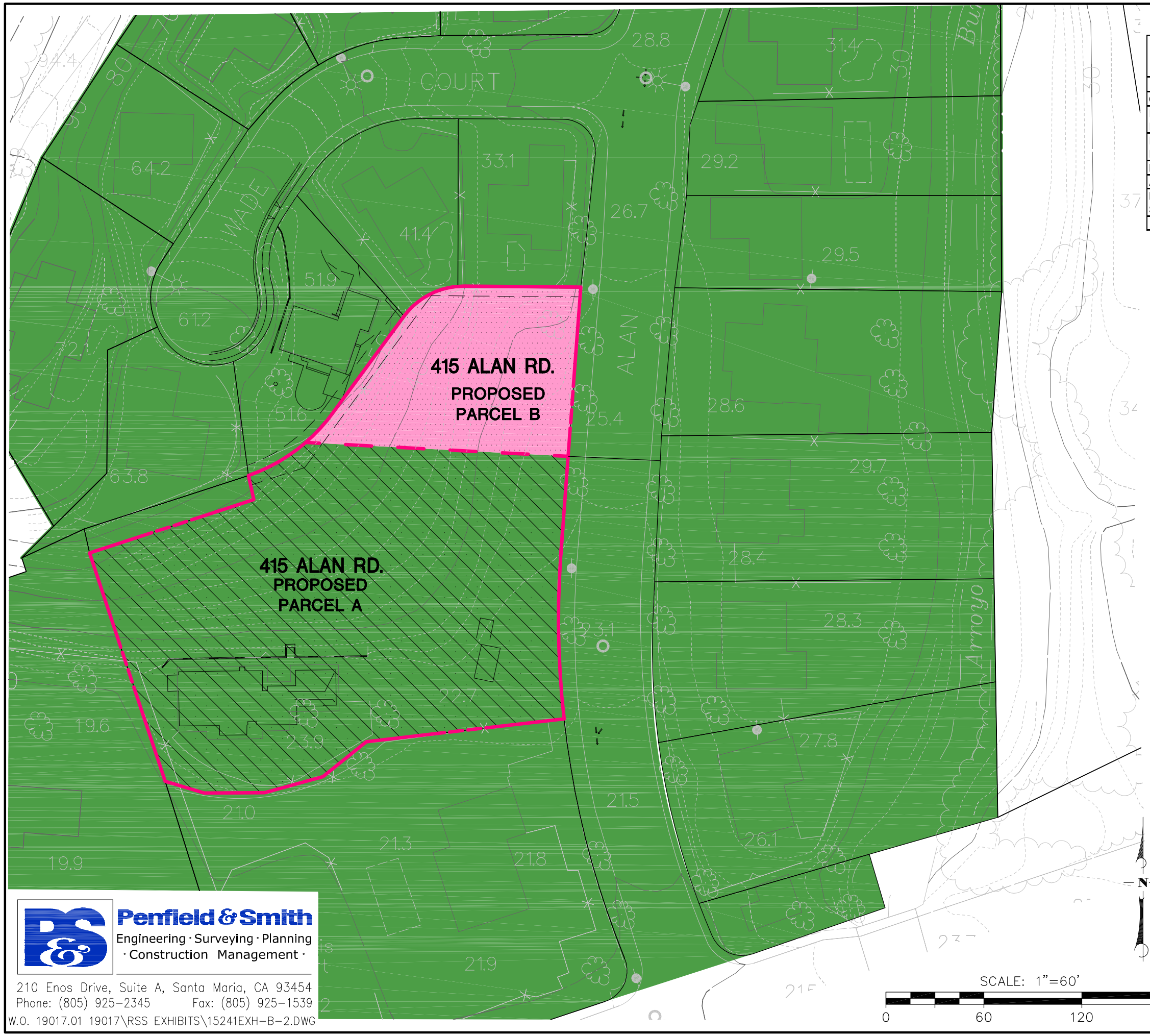

PROPOSED CONDITIONS FOR 415 ALAN ROAD FOR CONSIDERATION OF THE REZONE AND GENERAL PLAN AMENDMENT		
	PARCEL A	PARCEL B
OWNER	ANDREW SEYBOLD	ANDREW SEYBOLD
PROPOSED GENERAL PLAN DESIGNATION	RESIDENTIAL (1 UNIT PER ACRE)	RESIDENTIAL (5 UNITS PER ACRE)
PROPOSED ZONE DISTRICT	A-1/S-D-3	E-3/S-D-3
MINIMUM LOT AREA	43,560 S.F. (1 ACRE)	7,500 S.F. (0.17 ACRE)
AVERAGE SLOPE	14.40%	19.90%
MINIMUM LOT AREA WITH SLOPE DENSITY FACTOR	65,430 S.F. (1.5 ACRES)	11,250 (0.26 ACRE)
PROPOSED LOT AREA	46,948 S.F. (1.08 AC.)	12,709 S.F. (0.29 AC.)

LEGEND

PROPOSED PROPERTY LINE

EXISTING PROPERTY LINE

EXISTING 1 DU/AC LAND USE DESIGNATION

AREA OF PROPOSED LAND USE DESIGNATION CHANGE FROM 1 DU/AC TO 5 DU/AC

PROPOSED PARCEL A

PROPOSED PARCEL B

(A CONSISTENT AMENDMENT TO THE THE LOCAL COASTAL PLAN IS ALSO PROPOSED)

EXHIBIT B-2
SEYBOLD PROPOSED CONDITIONS SUBDIVISION AND GENERAL PLAN AMENDMENT
APN 047-091-024

CITY OF SANTA BARBARA, CALIFORNIA
MAY 2009

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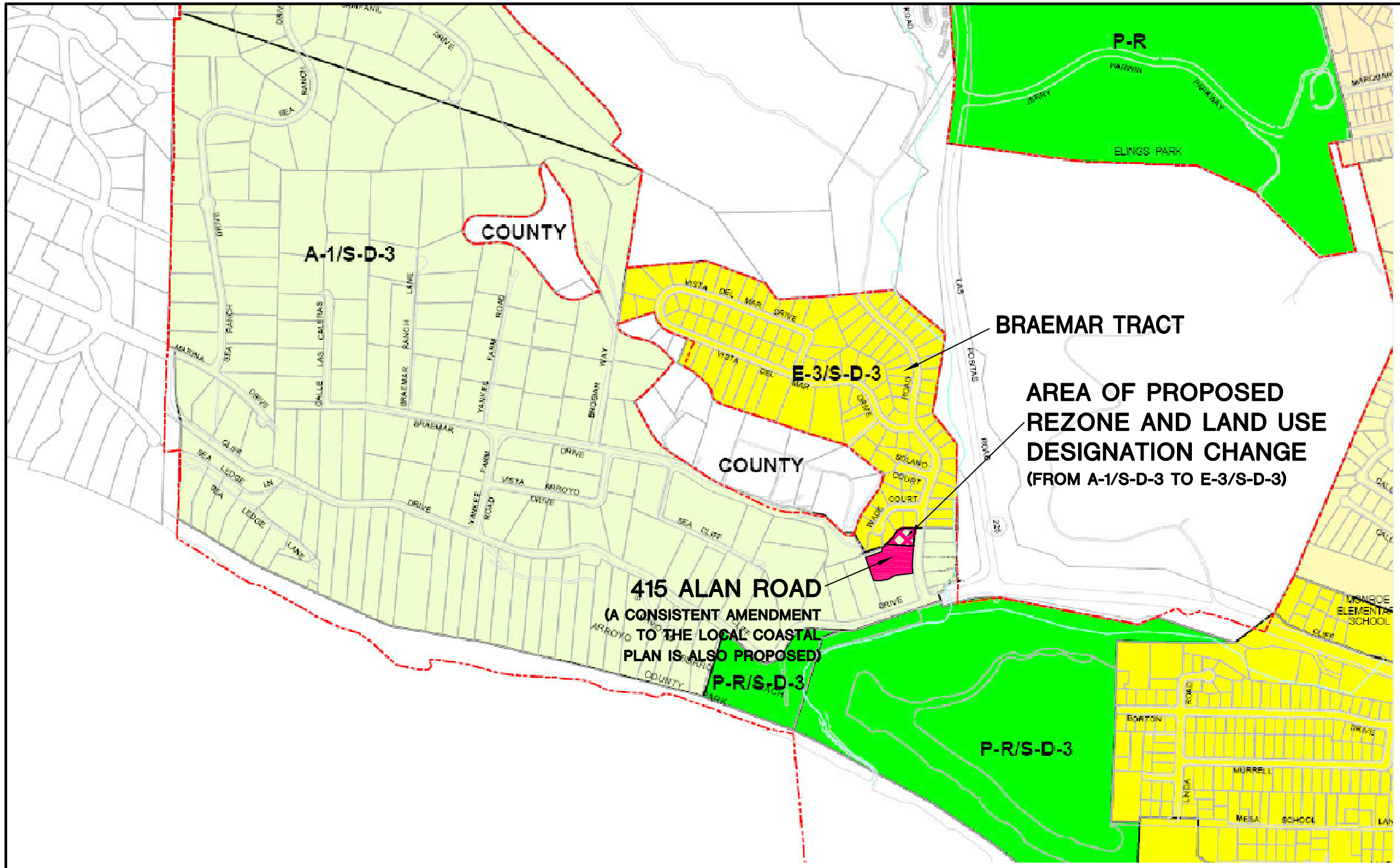

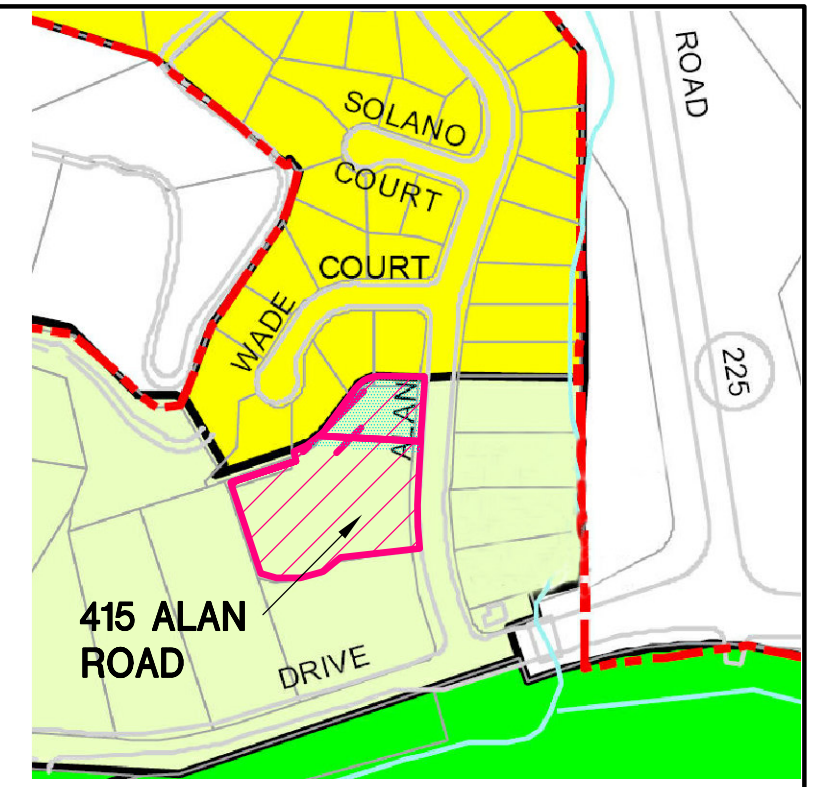

PROJECT AREA

AREA OF PROPOSED REZONING AND LAND USE DESIGNATION CHANGE

VICINITY / EXISTING ZONING MAP

EXHIBIT C
SEYBOLD VICINITY/ZONING MAP
APN 047-091-024

CITY OF SANTA BARBARA, CALIFORNIA
MAY 2009

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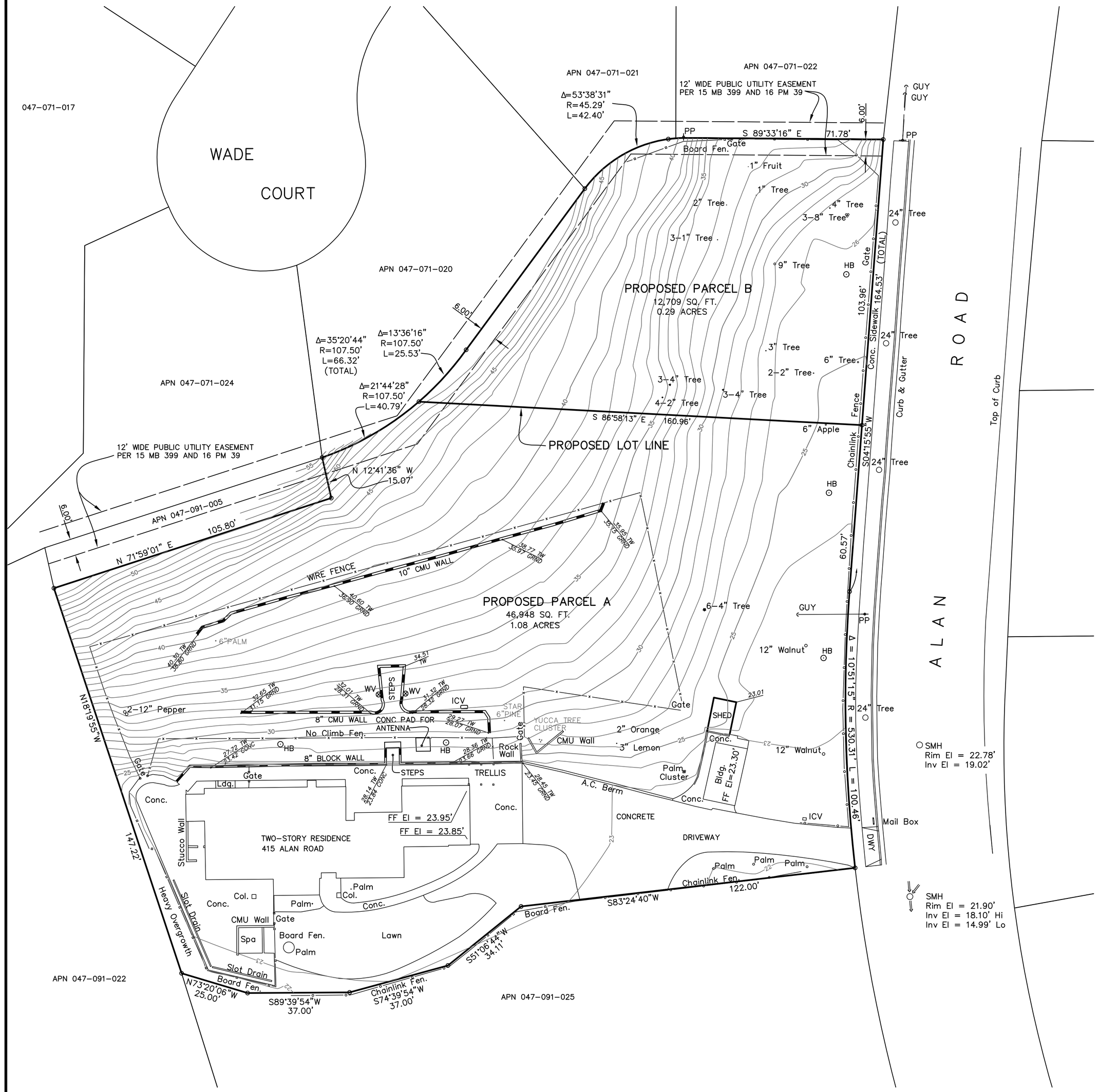


LEGEND

- PP = POWER POLE
- ‹ = GUY ANCHOR
- HB = HOSE BIB
- TW = TOP OF WALL
- GRND = GROUND
- CONC = CONCRETE
- FF = FINISHED FLOOR
- SMH = SEWER MANHOLE
- WV = WATER VALVE
- ICV = IRRIGATION CONTROL VALVE

NOTES

1. ZONING: EXISTING PARCEL: A-1/SD-3
   APN 047-091-024
   PROPOSED PARCEL A: A-1/SD-3
   PROPOSED PARCEL B: PROPOSED REZONE TO E-3/SD-3

(SEE SEPARATE EXHIBIT FOR REZONING PROPOSAL)

2. WATER: SANTA BARBARA CITY

3. SEWER: SANTA BARBARA CITY

4. GAS: SOUTHERN CALIFORNIA GAS

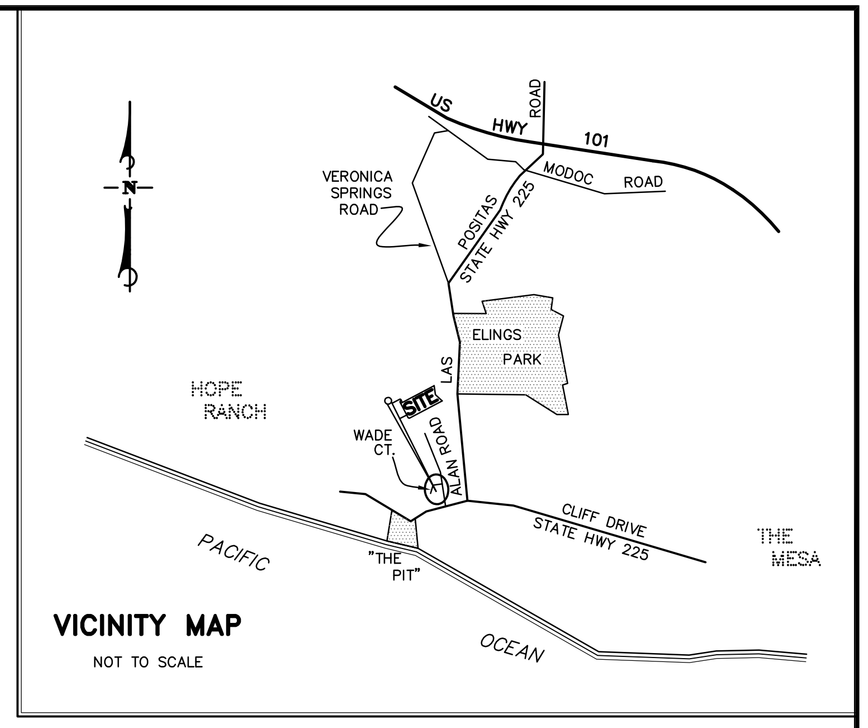
5. ELECTRIC: SOUTHERN CALIFORNIA EDISON

6. THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD SURVEY BY BLAKE LAND SURVEYS, PREPARED OCTOBER 04, 2002 AND SUPPLEMENTED BY A FIELD SURVEY UNDERTAKEN BY PENFIELD AND SMITH, JANUARY 04, 2005.

7. THE BASIS OF BEARINGS FOR THIS SURVEY IS CCS 83, ZONE 5, EPOCH 1992, PER GPS TIES TO STATION 0029 OF THE SANTA BARBARA CONTROL NETWORK AS SHOWN ON THE MAP FILED IN BOOK 147, PAGES 70 THROUGH 74, OF RECORD OF SURVEYS. DISTANCES HAVE BEEN SCALED FROM GRID TO GROUND BY A COMBINED FACTOR OF 1.00005553 COMPUTED AT CONTROL POINT 1. THE GRID BEARINGS SHOWN HEREON ARE ROTATED CLOCKWISE 1°09'54" FROM THE RECORD BEARINGS SHOWN ON THE MAP FOR TRACT 20,191, BOOK 95, PAGES 48 AND 49, OF MAPS.

8. VERTICAL DATUM IS NAVD 88, BASED UPON SBCN STATION 0029. LOCAL BENCHMARK IS A FOUND LEAD AND TAG, PT. NO 200, MARKED "LS 3228", AT THE SOUTHEAST CORNER OF THE PROJECT, HAVING AN ELEVATION OF 23.67 U.S. SURVEY FEET.

9. THIS TENTATIVE MAP WAS PREPARED IN CONJUNCTION WITH A PRELIMINARY TITLE REPORT ISSUED BY FIDELITY NATIONAL TITLE COMPANY, DATED JANUARY 21, 2009, AS ORDER NO. 09-425100652-RR. PENFIELD AND SMITH CANNOT GUARANTEE THE ACCURACY OR COMPLETENESS OF SAID REPORT.



VICINITY MAP

NOT TO SCALE

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE AN INTEREST IN THE LAND INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE ANNEXED MAP, AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID LAND. WE CONSENT TO THE MAKING AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINES.

BY: ANDREW M. SEYBOLD _____

BY: LINDA M. SEYBOLD _____

415 ALAN ROAD
STREET

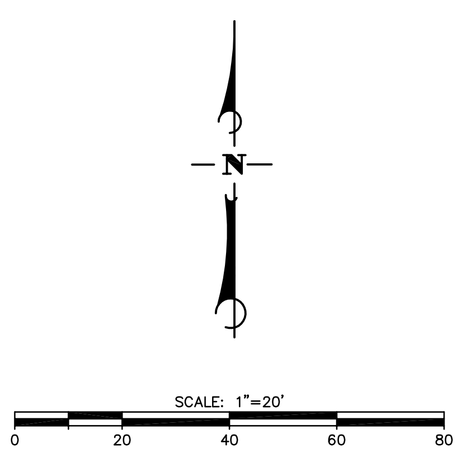
DATE PHONE
SANTA BARBARA CA 93109
CITY STATE ZIP

AREAS:

EXISTING LOT 1, TRACT 20,191
TOTAL AREA: 1.37 ACRES (GROSS AND NET)
AVERAGE SLOPE: 15.6%

PROPOSED PARCEL A
TOTAL AREA: 1.08 ACRES (GROSS AND NET)
AVERAGE SLOPE: 14.4%

PROPOSED PARCEL B
TOTAL AREA: 0.29 ACRES (GROSS AND NET)
AVERAGE SLOPE: 19.9%



TENTATIVE PARCEL MAP NO. 20,XXX

BEING A DIVISION OF LOT 1 OF TRACT 20,191
IN THE CITY OF SANTA BARBARA, STATE OF CALIFORNIA,
RECORDED IN BOOK 95, PAGES 48 AND 49 OF MAPS

SCALE: 1"= 20' MAY 2009

PREPARED UNDER THE DIRECTION OF:

KENNETH S. HUGHES PLS 6170

LICENSE EXPIRATION
DATE: 3/31/10

Penfield & Smith
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111 East Victoria Street, Santa Barbara, CA 93101
Phone: (805) 963-9532 Fax: (805) 966-9801