

# Cloudy future for Rispin 'subdivision'

By BOB SMITH

Any attempt to subdivide or otherwise develop the 6.5 acre Rispin Estate and mansion will require additional environmental study, the Capitola City Council ruled Thursday night.

The council supported City Manager Steve Burrell, and ruled against developer Howard Dysle, in deciding that an Environmental Impact Report (EIR) prepared for Dysle's proposal to build an 83 unit senior citizen residential complex on the property was not sufficient to allow subdivision of the property into 16 single family residential building sites.

But even if Dysle completes the additional environmental work now being demanded by the City Council, he has no assurance that a 16-unit subdivision would be acceptable to the city.

Mayor Ron Graves repeatedly said during council discussions that other members of the city council had expressed their opposition to the 16-unit density. Graves would not say who the other councilmembers were.

Dysle went to the council, appealing a ruling by Burrell and acting Planning Director Susan Tupper that he be required to complete additional geological, drainage and biotic studies before he could file a subdivision map.

"It would be inadvisable for the city to allow lots to be created which were unsuited for construction," Ms. Tupper said in outlining her reasons for seeking the additional environmental information.

Burrell concurred, telling the council last

Thursday night:

"A 16-lot subdivision is certainly very different from the original proposal. It could be a less or more intense usage of the land."

Dysle argued that isn't so. He said the subdivision is a less intense development of the same nature as discussed in the original EIR and under one section of the California Environmental Quality Act, could be used for the subdivision.

City Councilman Dennis Beltram first questioned why Dysle's appeal wasn't the subject of a full public hearing, and then argued: "He's coming with a brand new application with no relationship to the previous project. I want more information before I make an enlightened decision."

City Attorney Richard Manning told Beltram that CEQA does not provide for appeal of the staff decision to require an EIR, and the city's ordinance, which goes beyond the state's minimum requirements, allows the appeals but doesn't require the usual advertised, formal public hearing.

Beltram also complained that Dysle's latest proposal relegates the mansion to a secondary role. "The proposal takes the centralized mansion proposal and throws it out the window," he told the other members of the council. "This is just another housing project."

"I'm not sure that this deals with the concern that the property be treated as a unit and that the mansion not get lost in the shuffle."

Graves was persistent in his concern that Dysle would waste thousands of dollars in EIR fees and options on the property, only to find the majority of the

council predisposed against a 16-unit subdivision.

Of the five councilmen, Graves seemed the most favorably disposed towards the subdivision proposal, although he avoided making a direct commitment to the project. But he also wanted additional environmental studies before the city again considered the proposal.

Other councilmen worried about the proposal. Councilman Michael Routh said he didn't know if the city's Automatic Review zoning would provide tight enough architectural controls once a subdivision map is approved.

"The present EIR doesn't address my concerns for the wildlife," Routh said. "My concern is what happens to the biotic community?"

Councilman Robert Bucher was more concerned with the project aesthetics and geology than the wildlife.

He said he had no problems at all with subdividing the southern end of the property where there is a overwinter Monarch butterfly colony, but suggesting redrawing the lot lines around the Rispin Mansion to give it a larger lot and converting two small lots next to Wharf Road into a common area for the subdivision.

To the north of the mansion, Bucher said homes might be built on poles. "A 2,000 square foot home on lots 15 and 16 (the extreme northern end of the property) might be 40-50 feet up in the air," Bucher said. The three adjacent lots to the south might also require "pole" construction, said Bucher, a building contractor.