



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 2, 2006
AGENDA DATE: November 9, 2006
PROJECT ADDRESS: 730 Las Canoas Place & 2030 Las Canoas Road (MST2003-00327)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *KKM*

I. PROJECT DESCRIPTION

The proposed project consists of a lot line adjustment between 730 Las Canoas Place, located in the City and 2030 Las Canoas Road, located in the County. The lot line adjustment would result in approximately 1.70 acres being added to the 730 Las Canoas Place parcel. The owners of 730 Las Canoas Place currently have a landscape and use easement from the owners of 2030 Las Canoas Road for the area to be added to their parcel. The proposed project would also require the annexation of the subject property into the City. Each property contains a single-family residence and no new development is proposed. The Planning Commission initiated the annexation on September 3, 2004.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Lot Line Adjustment between 730 Las Canoas Place (APN 021-030-039) and 2030 Las Canoas Road (APN 021-010-060 and -061) (SBMC§27.40); and

Recommendation of approval to City Council of the following actions:

2. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City;
3. General Plan Amendment to add the subject property to the City's General Plan Map with a designation of Major Hillside;
4. Zoning Map Amendment to add the subject property to the City's Zoning Map with a designation of A-1, One-Family Residence Zone; and
5. Hillside Design District Map Amendment to add the annexed area to the Hillside Design District.

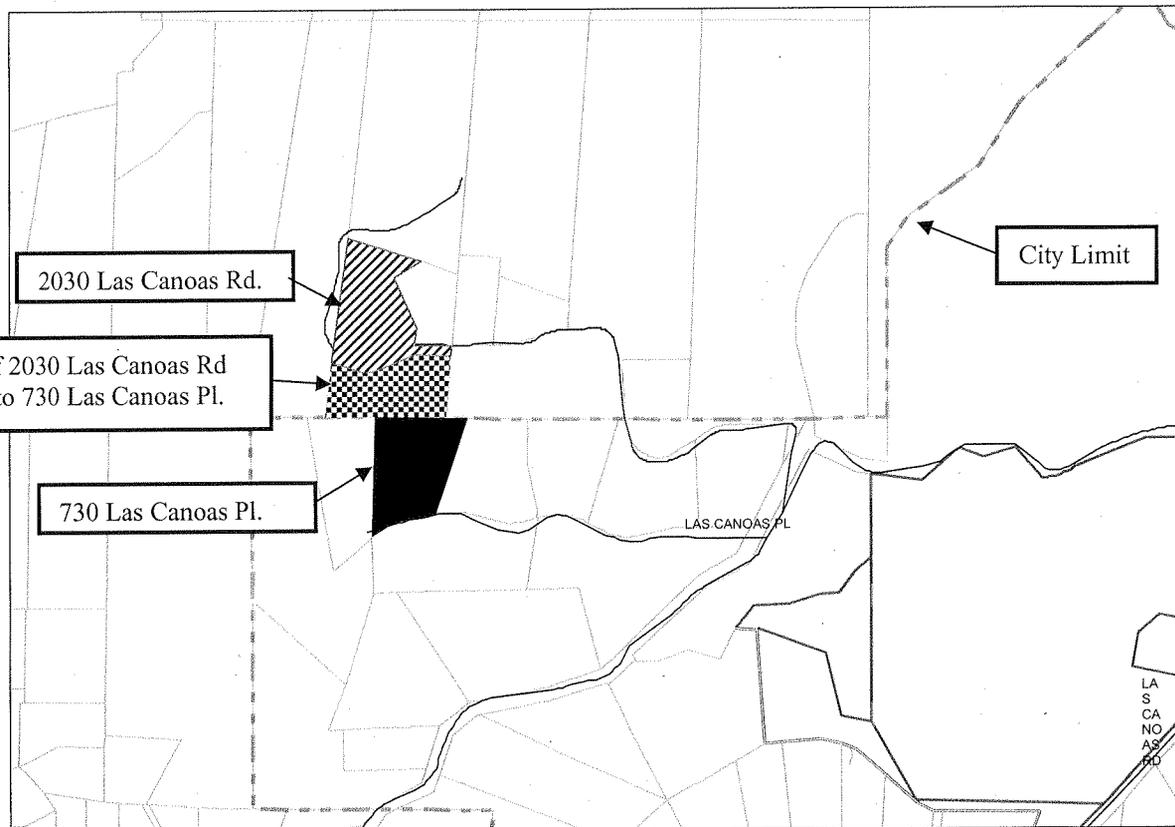
III. RECOMMENDATION

The subject parcel is within the City's existing Sphere of Influence and in an area the General Plan recommends to be annexed. Staff recommends that the Planning Commission approve the lot line adjustment contingent upon approval of the annexation by the Local Agency Formation

Commission (LAFCO) and recommend that the City Council approve the Annexation, General Plan Amendment, Zoning Map Amendment and Hillside Design District Map Amendment, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.

DATE APPLICATION ACCEPTED: September 11, 2006

DATE ACTION REQUIRED: November 30, 2006



Vicinity Map for 730 Las Canoas Place and 2030 Las Canoas Road

IV. DISCUSSION

In 1989, the owners of 2030 Las Canoas Road granted a landscape and use easement, consisting of approximately 1.70 acres of land located in the unincorporated area of Santa Barbara County, to the owners at 730 Las Canoas Place, a parcel located in the City. The ownership of each parcel has since changed and the new owners are requesting a lot line adjustment between the two properties that would result in the easement area becoming part of the 730 Las Canoas Place parcel. The easement area would be required to be annexed to the City.

Annexation is a legislative process and City procedures require that the Planning Commission

or City Council initiate an annexation before the applicant can submit a formal application for annexation. On September 3, 2004, the Planning Commission initiated an annexation that included the entire 2030 Las Canoas Road parcel; however, the annexation application has since been revised to include only the easement portion of 2030 Las Canoas Road.

Existing General Plan and annexation policies encourage the annexation of parcels within the City's Sphere of Influence at the earliest convenience. In this case, the area to be annexed is located adjacent to existing City boundaries and within the City's Sphere of Influence.

The 2030 Las Canoas Road parcel is approximately 3.96 acres with an existing County zoning designation of AG 1-10 (Agriculture with a minimum lot size of 10 acres of gross land area per dwelling unit) and Mission Area Design Overlay. The 730 Las Canoas Place parcel is 2.26 acres and has a zoning designation of A-1, Single Family Residential Zone and a General Plan designation of Major Hillside. After the lot line adjustment, 730 Las Canoas Place would have a lot size of 3.96 acres and 2030 Las Canoas Road would have a lot size of 2.26 acres. For the area proposed to be annexed to the City, Staff recommends a General Plan Designation of Major Hillside and a Zoning Designation of A-1, Single Family Residential, to match the 730 Las Canoas Place parcel. In addition, Staff recommends that the annexed area be added to the City's Hillside Design District.

Both properties currently contain a single-family residence and no additional development is proposed on either property. Both parcels would continue to be served by City water and by private septic systems and the annexed portion would be detached from the Santa Barbara County Fire Protection District.

The Land Use Element of the General Plan states that designated major hillside open space areas, such as the Cielito neighborhood where 730 Las Canoas Place is located, should be rezoned to more restrictive densities than one dwelling unit to the acre. In addition, it states that major hillsides serve as a transition between the residential areas of the community and the mountains and, as such, "suitable controls must be instituted to restrict the density and manner of future development in a way that would leave these foothills essentially open and unscarred."

In the A-1 Zone, the minimum lot size requirement is one acre per newly created lot. The minimum lot size required is increased when the average slope of the parcel falls within the following parameters:

<u>Factor</u>	<u>Percent of Average Slope</u>
1.5 times minimum lot area	10% up to and including 20%
2.0 times minimum lot area	over 20% up to & including 30%
3.0 times minimum lot area	over 30%

The 730 Las Canoas Place parcel is currently 2.26 acres in size with an average slope of 22 percent. After the lot line adjustment, the 730 Las Canoas Place parcel would be 3.96 acres in size with an average slope of 24 percent; therefore, it would continue to meet the current A-1 slope density lot size requirements. At the time of the initiation of the annexation, the Planning Commission recommended that the lot line adjustment be undertaken in such a way that there

be no potential for the lots to be further subdivided. The lot line adjustment would not result in either parcel having an increase in development potential for additional or secondary dwelling units or the potential to be further subdivided. The only development potential that each property may have is a future addition to the existing residence or the demolition and rebuild of new residences. A lot split application for the 730 Las Canoas Place parcel is highly unlikely given that a lot area modification request would be required and Staff would not be in support of the request. Staff does not see the benefit of requiring that the zoning be changed to a more restrictive density than A-1 at this time, even though the properties are located in a Major Hillside area. The proposed lot sizes are consistent with those of other existing lots in the area and cannot be further split, based on zoning and the slope of the lots. Neither the Santa Barbara Fire Department nor the Building & Safety Division have stated any concerns about the proposed annexation and lot line adjustment.

V. ENVIRONMENTAL REVIEW

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the City California Environmental Quality Act Guidelines Section 15305 (3) (minor lot line adjustments).

VI. FINDINGS

The Planning Commission finds the following:

A. **LOT LINE ADJUSTMENT (GOV. CODE §66412 AND SBMC §27.04.030)**

The proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances. The lot line adjustment would transfer approximately 1.70 acres from a parcel located in the unincorporated area of Santa Barbara County and would not increase the development potential of either site.

B. **RECOMMENDATIONS TO THE CITY COUNCIL: Annexation, General Plan and Zoning Map Amendments**

The proposal is consistent with current General Plan and annexation policies, which encourage annexation of parcels within the City's sphere of influence at the earliest convenience. Therefore, the Planning Commission recommends that the City Council approve the annexation request, with the zoning upon annexation to be A-1, Single Family Residential, the General Plan designation to be Major Hillside, and the property to be included in the Hillside Design District.

Exhibits:

- A. Conditions of Approval
- B. Annexation and Tentative Lot Line Adjustment Exhibit Map
- C. Applicant's letter dated October 31, 2006

PLANNING COMMISSION CONDITIONS OF APPROVAL

730 LAS CANOAS PLACE AND 2030 LAS CANOAS ROAD
LOT LINE ADJUSTMENT
NOVEMBER 9, 2006

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. **Approval Contingent Upon Annexation.** Approval of the subject project is contingent upon adoption of an Ordinance approving the annexation by the City Council and the Local Agency Formation Commission and completion of that annexation.
- B. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument 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. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 - 2. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 9, 2006 is limited to a lot line adjustment between 730 Las Canoas Place (APN 021-030-039) and 2030 Las Canoas Road (APN 021-010-060 and -061) as shown on the Annexation and Lot Line Adjustment Exhibit Map plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 - 3. The Owner understands and acknowledges that the City requires that all private residential development in this neighborhood shall eventually connect to the City sewer system when a sewer main is constructed at a point adjacent to the property owner's real property. Consequently, Owner's will at Owner's sole expense, connect their residence to the City Sewer System within one year of being advised in writing that the City sewer main is operable and available and available for such a connection. In the event Owners fail to comply with this condition of approval, City may enter the real property of Owners and make such a sewer connection with the cost of connection becoming a lien on real property to be paid in connection with property taxes and assessments imposed on the Real Property.
- C. **Public Works Submittal Prior to Recorded Agreements.** 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 Lot Line Adjustment for the project:
 - 1. **LAFCO Annexation Map.** The Owner shall submit to the Public Works Department for review, a LAFCO Annexation Map prepared by a licensed land surveyor or registered Civil Engineer.

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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.

D. **Public Works Submittal Following Annexation.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval:

1. **Application for Lot Line Adjustment.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.

2. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above 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

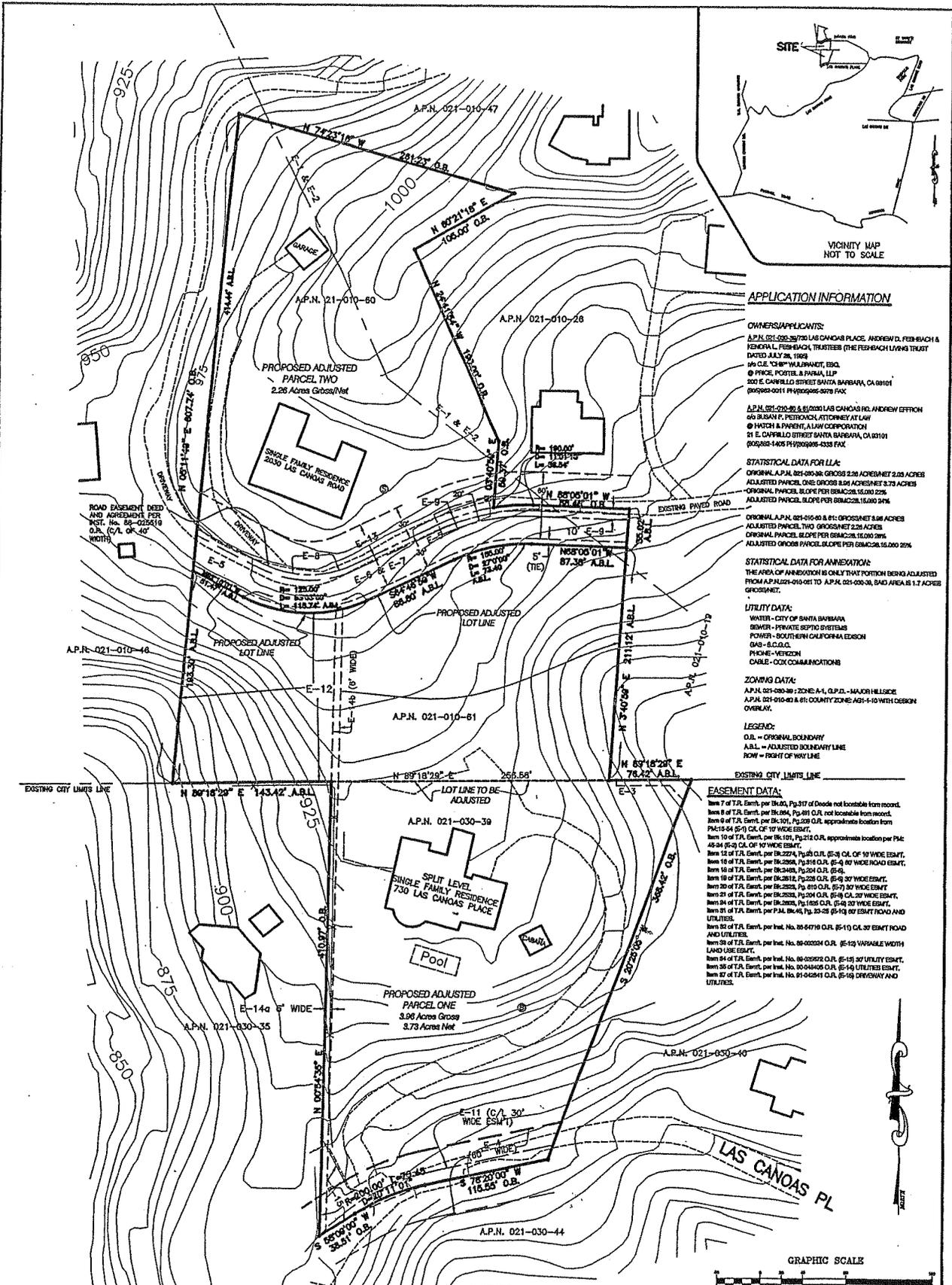
License No.

E. **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 the City Council denial of the appeal and approval of 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 LOT LINE ADJUSTMENT TIME LIMIT:

The Lot Line Adjustment approval shall expire 24 months from the date of approval unless the lot line adjustment document is recorded following approval of the annexation by LAFCO or an extension is granted pursuant to Section 27.40.100.



APPLICATION INFORMATION

OWNERS/APPLICANTS:
 A.P.N. 021-010-30/31 LAS CANOAS PLACE, ANDREW D. FESHBACH & KENNETH L. FESHBACH, TRUSTEES (THE FESHBACH LIVING TRUST DATED 3/21/28, 1988)
 40 C.E. "C" WILSON AVENUE, BLDG. #1
 PRICE, POSTER, & PARRA, LLP
 300 E. CARPILLO STREET SANTA BARBARA, CA 93101
 (805)833-0211 FAX (805)833-5078 FAX

A.P.N. 021-010-60 & 61/2000 LAS CANOAS RD. ANDREW EFFRON
 60 BURNHAM F. PETERSON, ATTORNEY AT LAW
 21 E. CARPILLO STREET SANTA BARBARA, CA 93101
 (805)833-1405 FAX (805)833-4333 FAX

STATISTICAL DATA FOR LLA:
 ORIGINAL A.P.N. 021-010-30 GROSS 2.26 ACRES NET 2.03 ACRES
 ADJUSTED PARCEL ONE GROSS 8.84 ACRES NET 8.73 ACRES
 ORIGINAL PARCEL BLOPE PER GRADUAL 15.00 22%
 ADJUSTED PARCEL BLOPE PER GRADUAL 15.00 21%

ORIGINAL A.P.N. 021-010-60 & 61 GROSS NET 3.86 ACRES
 ADJUSTED PARCEL TWO GROSS NET 3.24 ACRES
 ORIGINAL PARCEL BLOPE PER GRADUAL 15.00 22%
 ADJUSTED GROSS PARCEL BLOPE PER GRADUAL 15.00 20%

STATISTICAL DATA FOR ANNEXATION:
 THE AREA OF ANNEXATION IS ONLY THAT PORTION BEING ADJUSTED FROM A.P.N. 021-010-30 TO A.P.N. 021-010-30, 31 AND AREA IS 1.7 ACRES GROSS NET.

UTILITY DATA:
 WATER - CITY OF SANTA BARBARA
 SEWER - PRIVATE SEPTIC SYSTEMS
 POWER - SOUTHERN CALIFORNIA Edison
 GAS - ELCOGAS
 PHONE - VERIZON
 CABLE - COX COMMUNICATIONS

ZONING DATA:
 A.P.N. 021-010-30; ZONE: R-1, G.P.D. - MAJOR RESIDENCE
 A.P.N. 021-010-60 & 61; COUNTY ZONE: AG-1-10 WITH DEGREE OVERLAY.

LEGEND:
 O.B. = ORIGINAL BOUNDARY
 A.B.L. = ADJUSTED BOUNDARY LINE
 R.O.W. = RIGHT OF WAY LINE

EASEMENT DATA:
 Item 7 of T.R. Easmt. per Bk. 100, Pg. 317 of Deeds not locatable from record.
 Item 8 of T.R. Easmt. per Bk. 100, Pg. 317 of Deeds not locatable from record.
 Item 9 of T.R. Easmt. per Bk. 101, Pg. 238 O.R. approximate location from P&S-54 (5-1) C.A. OF 10' WIDE ESM'T.
 Item 10 of T.R. Easmt. per Bk. 101, Pg. 212 O.R. approximate location from P&S-54 (5-1) C.A. OF 10' WIDE ESM'T.
 Item 11 of T.R. Easmt. per Bk. 101, Pg. 212 O.R. approximate location from P&S-54 (5-1) C.A. OF 10' WIDE ESM'T.
 Item 12 of T.R. Easmt. per Bk. 2274, Pg. 23 O.R. (5-3) C.A. OF 10' WIDE ESM'T.
 Item 13 of T.R. Easmt. per Bk. 2274, Pg. 23 O.R. (5-4) 67' WIDE ROAD ESM'T.
 Item 14 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.
 Item 15 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.
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 Item 95 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.
 Item 96 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.
 Item 97 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.
 Item 98 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.
 Item 99 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.
 Item 100 of T.R. Easmt. per Bk. 2381, Pg. 23 O.R. (5-4) 37' WIDE ESM'T.

NOTES:

- TOPOGRAPHY IS CITY OF SANTA BARBARA PUBLIC WORKS 1" = 100' AERIAL TOPOGRAPHY PER 1995 DIGITAL BASE MAP WITH DEC. 2000 UPDATE.
- DATE: USC&GS NAVD83 DATUM.
- BOUNDARY BASIS OF SURVEY IS RECORD PER PARCEL MAP BOOK 41, PAGE 96, & PARCEL MAP BOOK 15, PG. 54 S.B. Co.
- EASEMENTS ARE PLOTTED PER FIRST AMERICAN TITLE COMPANY REPORT No. 4201-803875 MARCH 25, 2004. ONLY EASEMENTS AFFECTING THE TITLE REPORT (PCL 1 AND PCL 4) ARE PLOTTED. T.R. = TIT.
- ORIGINAL FESHBACH PROPERTY; A.P.N. 021-030-39 = 2.26 ACRI ORIGINAL EFFRON PROPERTY; A.P.N. 021-010-60 & 61 = 3.06
- ⊙ = INDICATES APPROXIMATE LOCATION OF SEPTIC SYSTEM.
- THE ORIGINAL MAPPING FOR THE TWO PARCELS IN QUESTION USE BEARINGS THEREFORE SOME OF THE BEARINGS AND DISTANCES SHOW DIFFER FROM THE RECORDED DOCUMENTS. THE FINAL DESCRIPTIONS LOT LINE ADJUSTMENT AND ANNEXATION DOCUMENTS WILL BE RELATE

REQUEST CERTIFICATE:
 I HEREBY APPLY FOR THE APPROVAL OF A LOT LINE ADJUSTMENT BETWEEN THE REAL PROPERTIES SHOWN ON THIS PLAN, AS WELL AS THE ANNEXATION OF THE ADJUSTED AREA TO THE CITY OF SANTA BARBARA, AND CERTIFY THAT I AM THE AUTHORIZED AGENT OF SAID OWNERS AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

ANNEXATION & TENTATIVE LOT LINE ADJUSTMENT EXHIBIT MAP

BETWEEN 730 LAS CANOAS PLACE & 2030 LAS CANOAS ROAD
 A.P.N. No. 021-030-39 & A.P.N. 21-010-60 & 61
 BEING PARCEL 1 OF P.M. Bk. 41, Pgs. 99 AND PARCEL A OF P.M. Bk. 15, Pg. 54
 SANTA BARBARA ~ COUNTY OF SANTA BARBARA ~ STATE OF CALIFORNIA

BY: **WATERS LAND SURVEYING INC.**

WLS
 8000 HOLLISTER AVENUE - SUITE 7 & 8
 OCELA, CALIFORNIA 95024

JOSEPH E. WATERS, PLS 3804

OCTOBER 2006

40' W.O. No. 23042 PROJECT: EFRON SHEET 1 OF 1

EXHIBIT B

FLOWERS & ASSOCIATES, INC.
C I V I L E N G I N E E R S

Robert T. Flowers
RCE 18324
Stephen G. Flowers
RCE 26192
Vernon E. Williams
RCE 33690
Eric L. Flavell
RCE 33000
David R. Baum
RCE 46497

500 EAST MONTECITO STREET SANTA BARBARA, CA 93103

PHONE: 805.966.2224 • FAX: 805.965.3372

E-MAIL: www.flowersassoc.com

W.O. 0346

October 31, 2006

RECEIVED

OCT 31 2006

Planning Commission
City of Santa Barbara, Planning Division
630 Garden Street
Santa Barbara, CA 93101

CITY OF SANTA BARBARA
PLANNING DIVISION

**Subject: Proposed Lot Line Adjustment and Annexation
730 Las Canoas Place
City of Santa Barbara
MST #2003-00327**

Planning Commission Members:

Background

On January 11, 1989, a landscape and use easement was granted by the Mazzia family (2030 Las Canoas Road, the adjacent parcel), in favor of Ken and Melitta Slaughter, the owners and developers of 730 Las Canoas Place which property is now owned by Andrew and Kendra Feschbach.

These rights of use were enabled by the recording of the Grant of Easement Document (Instrument No. 89-002024) defining the exclusive, perpetual rights granted over a described portion of the adjacent property and the agreement to transfer fee title. The property in question has been fenced and occupied by Andrew and Kendra Feschbach, since 1995 and prior to that date by Kenneth and Melitta Slaughter subsequent to the January 1989 Grant.

The Feschbach property lies within the city of Santa Barbara, is zoned A-1, consists of a 2.261 gross acres, is improved with a single family dwelling of approximately 6,300 S.F., a 3 car garage, pool cabana, pool, spa, detached trellis/arbor and a potting shed. The Feschbachs have owned this property since early 1998.

Request

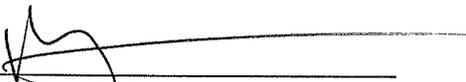
This Application includes a request for approval of the proposed lot line adjustment adding 1.70 acres to 730 Las Canoas Place (APN 021-030-39) and approval to annex same into the City of Santa Barbara. This will entail annexation of this easement into the City of Santa

Barbara, a General Plan and Zoning Map Modification and an addition to the Hillside Design District Map. We feel it should be noted that no new additional city services are required for this new property. It should also be noted, that no additional improvements, modifications of land use or of the present physical grade or existing landscaping are proposed or envisioned as a part of this Application.

Waters Land Surveying has prepared the "Tentative Lot Line Adjustment Exhibit" and associated Slope Density Analysis (SBMC 28.15.080) to comply with City of Santa Barbara regulations.

We thank you for your time. If you have questions or comments, please contact me. Thank you.

Best Regards,
FLOWERS & ASSOCIATES, INC.

By: 
Peter I. Doctors, P.E.

CC: Chip Wulbrandt
Susan F. Petrovich
Andrew Feshbach