



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

REVISED

RESOLUTION NO. 096-07

2206 MISSION RIDGE ROAD

MODIFICATIONS AND LOT LINE ADJUSTMENT

NOVEMBER 7, 2007

APPLICATION OF PAT YOCHUM, PENFIELD & SMITH, FOR JANE DREYFUS DINIZ, OWNER, 2206 MISSION RIDGE ROAD, 019-071-009 & 019-071-010, A-1, SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE AND 3 UNITS PER ACRE (MST2006-00757)

The project involves a lot line adjustment between two legal lots at 2206 Mission Ridge Road. Parcel 1 (APN 019-071-010) and Parcel 2 (APN 019-071-009) were created in 1955 and this lot line adjustment will resolve a portion of the main residence and the entire garage that are located over the existing property line. Two modifications are required for both parcels to have less than the required lot area in the A-1 Zone.

The discretionary applications required for this project are:

1. Modifications (two) to allow each of the lots to have less than the required amount of lot area (SBMC § 28.15.080);
2. A Lot Line Adjustment revise the lot lines between the existing parcels (SBMC Chapter 27.40).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak neither in favor of nor in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 31, 2007.
2. Site Plans
3. Correspondence received in support of the project:

Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the subject application making the following findings and determinations:

The proposed requests do not raise any significant issues. No exterior changes are proposed on the project site. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings below and subject to the conditions of approval in Exhibit A.

A. Findings for the Lot Line Adjustment

The proposed lot line adjustment would result in two lots that would continue to be non-conforming to current A-1 Zone standards. The proposed lot line adjustment does not raise additional issues. The existing legal uses on the affected parcels would continue to conform to current City Zoning and Building Ordinances.

B. Findings for the modifications related to Lot Area (SBMC §28.21.080.7)

The modification of the lot area requirement would allow for an appropriate improvement of the lot, prevent unreasonable hardship and would be consistent with the purposes and intent of the Zoning Ordinance.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Staff Hearing Officer 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. Recorded Agreement. Prior to recordation of the Lot Line Adjustment on the Real Property, the Owner shall execute a written agreement, 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 watercourses, 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. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Historic Landmarks Commission (HLC).
3. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on November 7, 2007, is limited to the improvements shown on the Lot Line Adjustment signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

4. **Garages Available for Parking.** A covenant that includes a requirement that all garages **be** kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
5. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company.
6. **Oak Tree Protection.** The existing oak tree(s) shown on the Lot Line Adjustment shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Dan Condon, dated April 12, 2007. A copy of this report shall be attached to the recorded conditions as an exhibit. (During any future construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees. The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
 - c. Any oak trees removed as part of future development of the parcels shall be replaced at a minimum of 10 oak trees planted for each oak tree removed (10:1). The Historic Landmarks Commission shall consider the location of existing oak trees in the design of any future development on the parcels.

B. Requirements Prior to Lot Line Adjustment 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 Lot Line Adjustment and prior to the issuance of any permits for the project:

1. **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." The Owner shall submit said "Agreement Assigning Water Extraction Rights" prepared by the Engineering Division.
2. **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, 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.

- C. Design Review.** The following items are subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant preliminary approval of any future development of either parcel until the following conditions have been satisfied.
1. **Oak Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a ten-for-one basis of the same species.
 2. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 3. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Dan Condon, dated April 12, 2007, shall be implemented.
 4. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - a. Landscaping provided under the oak tree(s) shall be compatible with preservation of the trees as determined by the Historic Landmarks Commission (HLC). No irrigation system shall be installed under the dripline of any oak tree.
 - b. Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a ten to one (10:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 5. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the newly configured lots shall be kept to the minimum necessary for plant survival.
- D. Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into future construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section C above.
 2. **Driveway Improvements.** The future proposed driveway on Parcel 2 shall be constructed to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Director.
 3. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.

4. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
5. **Conditions on Plans/Signatures.** The final Staff Hearing Officer 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
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- E. Litigation Indemnification Agreement.** In the event the Staff Hearing Officer 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

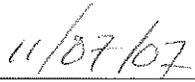
City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

This motion was passed and adopted on the 7th day of November, 2007 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
4. **NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS::**
The Staff Hearing Officer's action approving the Lot Line Adjustment 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.