



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 5, 2016  
**AGENDA DATE:** October 12, 2016  
**PROJECT ADDRESS:** 1542 Santa Rosa Avenue (MST2016-00136)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Beatriz Gularte, Senior Planner *HG*  
 Kelly Brodison, Assistant Planner *KAB*

### I. PROJECT DESCRIPTION

The project consists of the subdivision of an existing 22,062 square foot parcel that is currently developed with two homes on an E-3 (One-Family Residence) zoned lot with a General Plan and Local Coastal Plan Designation of Residential, five units per acre, located in the non-appealable jurisdiction of the Coastal Zone. Proposed Parcel 1 would be 10,904 square feet with an average slope of 8.1% and Proposed Parcel 2 would be 11,158 square feet with an average slope of 8.5%. No new square footage or additional dwelling units are proposed as part of the project.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Tentative Subdivision Map to allow the division of one lot into two (2) separate lots (SBMC Chapters 27.07 and 27.13); and
- B. A Street Frontage Modification to allow less than the minimum of sixty feet (60') of frontage on a public street for Parcel 2 (SBMC §28.15.080 and §28.92.110); and
- C. A Coastal Development Permit (CDP2016-00005) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

**APPLICATION DEEMED COMPLETE:** September 9, 2016

**DATE ACTION REQUIRED PER MAP ACT:** October 29, 2016

### III. RECOMMENDATION

With the approval of the requested Street Frontage Modification, the proposed subdivision would conform to the City's Zoning and Building Ordinances and policies of the General and Local Coastal Plans. In addition, the proposed lot sizes and configuration would be consistent with the neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

**IV. HISTORY**

A Conditional Use Permit was approved by the Planning Commission on March 2, 1995 (PC Resolution #014-95) to allow an additional single family dwelling on a single family zone lot.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

<b>Applicant:</b>	Jarrett Gorin, Vanguard Planning		
<b>Property Owner:</b>	Jan Griffin		
<b>Site Information</b>			
<b>Parcel Number:</b>	045-131-016	<b>Lot Area:</b>	22,062 square feet
<b>General Plan:</b> Residential – 5 units per acre			
<b>Local Coastal Plan:</b> Residential – 5 units per acre			
<b>Zoning:</b> E-3 (One-Family Residence)			
<b>Existing Use:</b>	Single-Family	<b>Topography:</b>	~9%
<b>Adjacent Land Uses</b>			
<b>North</b> – Single-Family Residential		<b>East</b> - Single-Family Residential	
<b>South</b> - Single-Family Residential		<b>West</b> - Single-Family Residential	

**B. PROJECT STATISTICS**

	<b>Lot Area (net)</b>	<b>Square Footage (FAR)</b>	<b>Avg. Slope</b>	<b>Street Frontage</b>
<b>Parcel 1</b>	10,904 sq. ft.	1,645 sq. ft. (43%)	8.1%	95.63 feet
<b>Parcel 2</b>	11,158 sq. ft.	2,872 sq. ft. (74%)	8.5%	none

**VI. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/ Allowance</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>
Setbacks -Front -Interior	20' 6'	30' 10'	N/A 10'
Building Height	30'	~14' (One-story)	~24' – (Two-story)
Open Yard	1,250 sq. ft.	1,250 sq. ft.	1,250 sq. ft.
Parking	2 covered spaces per residence	2 covered spaces	2 covered spaces
Net Floor Area (FAR)		1,645 sq. ft.	2,875 sq. ft.
Lot Area	7,500 sq. ft.	10,904 sq. ft.	11,158 sq. ft.

Required Street Frontage	60'	95.63'	0-Modification Required
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The proposed two-lot subdivision is consistent with the requirements of the E-3, Single-Family Residence Zone, with the exception of required street frontage for proposed Parcel 2. A condition of approval has been included to require that a section of the driveway on Parcel 2 is replaced with permeable mulch to ensure compliance with the open yard requirement. Any future development on either parcel would be subject to the provisions of the E-3 Single-Family Residential Zone.

**VII. ISSUES**

**A. STREET FRONTAGE MODIFICATION**

The existing Parcel currently has 95.63 linear feet of frontage on Santa Rosa Avenue. Santa Barbara Municipal Code, Section 28.151.080 (Lot Frontage Requirements) states that newly created parcels in the E-3 Zone shall have no less than 60 feet of frontage on a public street. Therefore, a Street Frontage Modification of this requirement is necessary because newly created Parcel 2 would not have frontage on a public street. The subdivision would create two new lots, one with frontage on Santa Rosa Avenue, and a new lot taking access from Santa Rosa through an easement through proposed Parcel 1. Staff is supportive of this modification because Parcel 2 would be accessed via a 14-foot wide easement through Parcel 1, it is a continuation of the existing situation, and the creation of the new lot is compatible with the character and physical layout of surrounding parcels.

**B. GENERAL PLAN CONSISTENCY**

Before a Tentative Subdivision Map can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision can be found consistent with the plans and policies of the City of Santa Barbara.

Land Use Element: The project site is located in the East Mesa neighborhood as identified in the Land Use Element of the General Plan. The neighborhood is bordered on the north by the southern edge of the Mesa Hills; on the south by the Pacific Ocean; on the east by Oceano Avenue; and on the west by Meigs Road. It is characterized as a small lot single family neighborhood with the exception of some multiple-family areas near Oceano and Barranca closer to City College. Most of the East Mesa neighborhood has a General Plan designation of 5 dwelling units per acre with E-3 zoning. There is also a commercial area near the corner of Cliff Drive and Meigs Road. The subdivision would result in a density of 4 units per acre, consistent with the land use designation. Similar subdivision have occurred in this area and the proposed lot split is consistent with the predominantly low-density single-family development that makes up this neighborhood. The minimum lot size in this zone is 7,500 square feet and the proposed lots would both exceed this minimum requirement. Any future development on the proposed lots would be subject to the provisions of the E-3 single family residential zone.

**C. LOCAL COASTAL PLAN CONSISTENCY**

The project is a subdivision in the non-appealable jurisdiction of the Coastal Zone and, therefore, requires a Coastal Development Permit. This site is located in Component Two of the Local Coastal Land Use Plan (LCP), which is situated south of Cliff Drive between Arroyo Burro Creek and City College. Major coastal issues in this area include shoreline access, maintenance of

existing public views of the coast and open space, water resources, and visitor-serving commercial possibilities. The proposed project creates no changes in the residential land use allowed for the site and, due to its location and minimal development proposed (removal of concrete driveway area for required open yard), the project raises no substantial issues with respect to the Coastal Act or Local Coastal Program.

### **VIII. ENVIRONMENTAL REVIEW**

Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (minor land divisions). The project qualifies for this exemption because it consists of the division of property in urbanized areas zoned for residential use and will result in only two parcels; it is in conformance with the General Plan and zoning; all services and access to the proposed parcels are available; and, the parcel does not have an average slope greater than 20 percent.

### **IX. FINDINGS**

The Staff Hearing Officer finds the following:

#### **A. STREET FRONTAGE MODIFICATION (SBMC §28.15.080 AND §28.92.110.A)**

The modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot because there are currently two houses on the lot taking access from Santa Rosa Avenue and the street frontage modification will not change or intensify the existing pattern of development, or access thereto, in the neighborhood.

#### **B. THE TENTATIVE MAP (SBMC §27.07.100)**

The subdivision request and its design are consistent with the General Plan; the site is physically suitable for the proposed subdivision because it complies with the minimum lot size required in the E-3 Zone and will continue to be developed with residential uses; it is suitable for the proposed density of development; the lot split will not cause substantial environmental damage nor will it cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat; and it will not cause serious public health problems. The subdivision will not conflict with public easements; will not affect reasonable public access to public natural resources; and will not result in a negative impact on water quality requirements. Therefore, with the approval of the Street Frontage Modification, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Sections VII.B and VI, respectively, of the staff report.

#### **C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act as described in Section VII.C of the staff report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan as outlined in Section VII.C of the Staff Report, all applicable implementing guidelines, and all applicable provisions of the Code with the requested parking modification.

Exhibits:

Staff Hearing Officer Staff Report  
1542 Santa Rosa Avenue (MST2016-00136)  
October 5, 2016  
Page 5

- A. Conditions of Approval
- B. Tentative Subdivision Map
- C. Applicant's letter, dated July 5, 2016

## STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1542 SANTA ROSA AVENUE  
TENTATIVE SUBDIVISION MAP, COASTAL DEVELOPMENT PERMIT, STREET FRONTAGE MODIFICATION  
OCTOBER 12, 2016

I. 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. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
2. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements
3. Submit an application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, except a demolition or other appropriate (as determined by City staff) building permit for work in anticipation of primary project improvements, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, 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 concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on October 12, 2016, is limited to a subdivision creating two lots and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **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 Single Family Design Board (SFDB).

C. **Public Works Submittal Prior to Parcel Map 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 Parcel Map and prior to the

issuance of any permits for the project except a demolition or other appropriate (as determined by City staff) permit for work in anticipation of primary project improvements:

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Easements** A access easement fourteen (14) feet in width for vehicles, pedestrians and other utility purposes over Parcel 1 for the benefit of Parcel 2.
  3. **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." Engineering Division Staff will prepare said agreement for the Owner's signature.
  4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project. If the private covenants have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
  5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
  6. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the private driveway and shared section of sewer lateral subject to the review and approval of the Public Works Director and City Attorney.
- D. **Public Works Requirements Prior to Parcel Map 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 Parcel Map and prior to the issuance of any permits for the project:
1. **Recordation of Parcel Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
- E. **Community Development Require Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Community

Development Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:

1. **Open Yard.** The asphalt driveway section on Parcel 2 will be removed and replaced with a permeable surface to comply with the requirement to provide 1,250 square feet of open yard.
2. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

		Date
Property Owner		
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

F. **General Conditions.**

1. **Prior Conditions.** These conditions supersede the conditions identified in Planning Commission Resolution 014-95.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit

and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

4. **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 being notified of a lawsuit regarding 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 2 year updatebecome 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 MODIFICATION APPROVAL TIME LIMITS:**

The Staff Hearing Officer action approving the Modification, shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:**

The Staff Hearing Officer’s action approving the Tentative Map shall expire two (2) years from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

TENTATIVE PARCEL MAP

OWNER / SUBDIVIDER

2 LOTS  
 BEING A TWO LOT SUBDIVISION OF LOT 35 OF 748 ACRES  
 MAP FILED IN BOOK 8, PAGE 31 OF MAPS AND SURVEYS IN  
 SANTA BARBARA COUNTY, IN THE COUNTY OF  
 SANTA BARBARA, STATE OF CALIFORNIA.

RESERVE APPLY FOR APPROVAL OF 2 RESIDENTIAL LOTS  
 STATE THAT WE ARE THE LEGAL OWNERS OF THE AUTHORIZED  
 SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR  
 KNOWLEDGE AND BELIEF.

APN: 045-131-015  
 CORNER: 1542 SANTA ROSA AVENUE  
 25,062 SQ. FT. GROSS AND NET

PROPOSED PARCEL DATA:  
 PARCEL 1: 0.250 ACRES OR 10,894 SQ. FT.  
 PARCEL 2: 0.256 ACRES OR 11,158 SQ. FT.  
 GROSS: 0.506 ACRES OR 22,052 SQ. FT.  
 NET: 0.250 ACRES OR 10,894 SQ. FT.

APN: 045-131-022  
 LOT 35/100 E. PHASE 23  
 APN: 045-131-023  
 LOT 35/100 E. PHASE 23

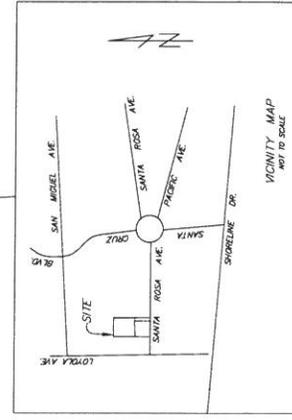
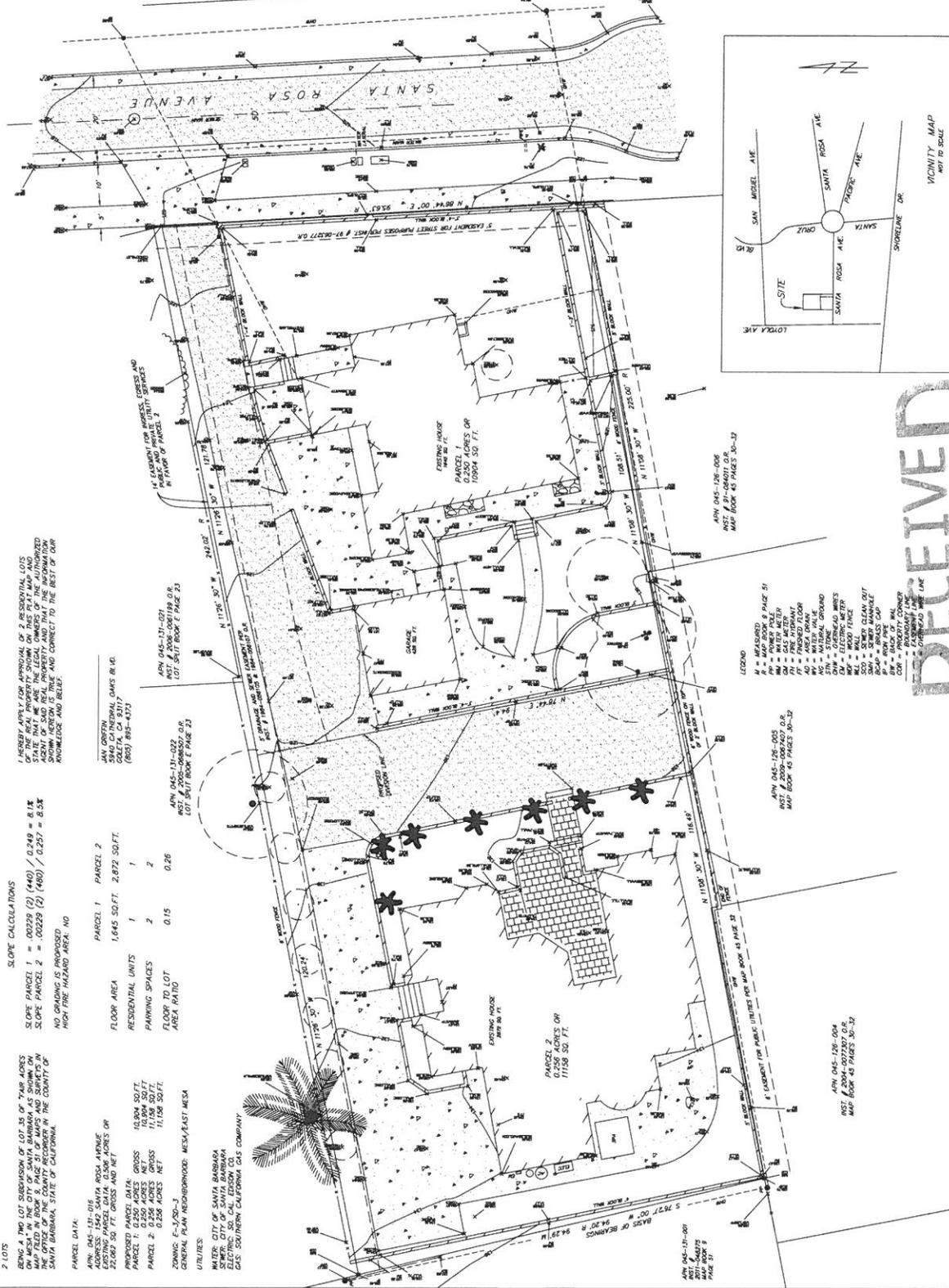
APN: 045-126-008  
 LOT 35/100 E. PHASE 30-32

SLOPE CALCULATIONS  
 SLOPE PARCEL 1 = 00228 (2) (440) / 0.249 = 8.1%  
 SLOPE PARCEL 2 = 00223 (2) (480) / 0.259 = 8.5%  
 US. SLOPES IS PROPOSED  
 HIGH FIRE HAZARD AREA: NO

PARCEL 1 PARCEL 2  
 FLOOR AREA 1,645 SQ. FT. 2,872 SQ. FT.  
 RESIDENTIAL UNITS 1 2  
 PARKING SPACES 2 0.26  
 FLOOR TO LOT AREA RATIO 0.15 0.26

JAN ORTIN  
 5040 CHEVON DR. #16  
 SANTA BARBARA, CA 93101  
 (805) 895-4371

CITY OF SANTA BARBARA  
 ELECTRIC, SO. CAL. Edison CO.  
 GAS: SOUTHERN CALIFORNIA GAS COMPANY



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 (805) 981-1611

EXHIBIT B

RECEIVED  
 OCT 20 2016  
 CITY OF SANTA BARBARA  
 PLANNING DIVISION

July 5, 2016

Page 1 of 3

Ms. Susan Reardon, Staff Hearing Officer  
 City of Santa Barbara  
 PO Box 1990  
 Santa Barbara, CA 93102-1990

RECEIVED  
 JUL 07 2016

Hand Delivered

**RE: Modification Request for 1542 Santa Rosa Avenue, APN 045-131-016, E-3 Zone**

CITY OF SANTA BARBARA  
 PLANNING DIVISION

Dear Ms. Reardon:

Vanguard Planning Inc. represents Jan Griffin (the "Owner") the owner of the above referenced property (the "Subject Property"). We are requesting a modification to the City of Santa Babrara (the "City") Municipal Code (the "SBMC") standards in association with a two lot subdivision of an existing parcel that is currently developed with two legal residential units. The subdivision would create two conforming E-3 lots each developed with a single residential unit.

**1.0 BACKGROUND AND PROJECT DESCRIPTION**

The existing 21,136 s.f. Subject Property is developed with two single family residences. The residence located furthest from the Santa Rosa Avenue street frontage was permitted pursuant to a Conditional Use Permit approved by the City in 1995. A copy of the approval resolution is included as **ATTACHMENT A** to this letter.

The scope of work for this project is as follows:

*The project consists of a one-lot subdivision of an existing 22,062 square foot parcel that is currently developed with two homes on an E-3 (One-Family Residence) zoned lot with a General Plan Designation of Low Density Residential (Max 5 du/acre) and in the non-appealable jurisdiction of the Coastal Zone. Lot 1 will be 10,904 sq. ft. and Lot 2 will be 11, 158 sq. ft.. A 2,438 s.f. area of existing asphalt pavement on Lot 2 will be removed and replaced with permeable mulch groundcover. General Plan Density. The existing property has a General Plan Residential of Low Density Residential (max 5 du/acre). With the division of the property into separate lots the new lots would still conform to this designation at a residential density of 4 du/acre.*

*The applications required for this project are as follows:*

- 1. Tentative Subdivision Map;**
- 2. Street Frontage Modification;**
- 3. Coastal Development Permit.**

## **2.0 REQUESTED PUBLIC STREET FRONTAGE MODIFICATION (SBMC Sec. 28.15.080)**

### *2.1 Proposed Modification is Necessary due to Unique Physical Conditions of the Subject Property*

SBMC Sec. 28.15.080 requires 60' of public street frontage for all new lots created in the E-3 zone district. Due to the physical configuration of the Subject Property, and the locations of the two approved single family residences that occupy the Subject Property, it is not possible to subdivide the lot in a way that provides two new lots with 60' of street frontage. The Subject Property is approximately 95' wide. A total of 120' would be necessary in order to provide two lots each with 60' of street frontage. Additionally, the locations of the existing homes preclude a subdivision of the existing lot down the center in a manner that provides public street frontage for both new lots. The manner in which the Subject Property is proposed to be subdivided results in a configuration that meets all applicable E-3 zone district standards with the exception of the street frontage requirement for Lot 2.

### *2.2 Proposed Modification is Necessary to: 1) secure an appropriate improvement on a lot; 2) prevent unreasonable hardship; and 3) promote uniformity of improvement*

The two existing single family residences on the Subject Property are "appropriate improvements" on a lot. This configuration exists due a CUP approved by the City in 1995 (see **ATTACHMENT A**). The Subject Property is located within a neighborhood of typical single family homes on standard residential lots. The Subject Property and is unusual in that it comprises two legal residences on a single residential lot. Therefore, subdivision of the Subject Property into two single family residential lots which conform to E-3 setback requirements, and are developed with existing single family residences also represents an "appropriate improvement."

As discussed in Section 2.1 above, the Subject Property has only 95' of public street frontage. Therefore it is not possible to subdivide the site in a manner that provides two lots each with 60' of public street frontage without acquiring additional land area from an adjacent parcel. This is not a possibility. Even if it were, a subsequent subdivision configuration that provides the required 60' of frontage for each new lot would require demolition of *both* existing approved residences, and reconstruction of two new residences on the new lots. This is because the new lot line in such a configuration would run through the middle of both existing structures. We believe this represents an unreasonable hardship for the Owner. The requested modification allows for subdivision of the property into two lots that conform to all E-3 standards with the exception of the 60' street frontage requirement for Lot 2, and avoids this unreasonable hardship.

The Subject Property is much larger than the lots throughout the surrounding neighborhood. It is also longer/deeper. It is unusual in that it is subject to a CUP and developed with two residential units whereas surrounding lots are not subject to any special requirements and are developed with one residential unit each. The requested modification accompanies Owner's application to subdivide the Subject Property into two single family residential lots of similar size and configuration to the lots in the surrounding neighborhood. No new physical development is proposed. The end result of the proposal will be to eliminate the existing CUP and create two new lots that meet E-3 zone district requirements. This promotes uniformity of development.

## **3.0 BENEFITS OF THE PROJECT**

The requested modification accompanies a proposal for a subdivision that will convert a unique property, subject to a CUP, into one fully conforming E-3 lot and one E-3 lot that conforms to all applicable standards with exception of the 60' public street frontage requirement. No new development is proposed. We believe this is beneficial as it will remove the need for ongoing compliance with and

monitoring of conditions imposed by the CUP on the Subject Property, and will convert the site into two typical residential properties similar to those that surround it.

Thank you for taking the time to review this. If you have any questions, feel free to contact me via E-mail at [aarrett.gorin@vanguardplanning.com](mailto:aarrett.gorin@vanguardplanning.com) or at (805) 966-3966. I look forward to presenting our proposal in person at our hearing.

Sincerely,

VANGUARD PLANNING INC.



Jarrett Gorin, AICP  
Principal

**ATTACHMENTS**

A. Resolution 014-95 dated March 2, 1995

cc: Jan Griffin (via E-mail)

# **ATTACHMENT A**

Resolution No. 014-95 dated March 2, 1995