City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 047-06
730 LAS CANOAS PLACE AND 2030 LAS CANOAS ROAD*
LOT LINE ADJUSTMENT AND RECOMMENDATIONS TO CITY COUNCIL
NOVEMBER 9, 2006
PROJECT ADDRESS CORRECTED ON MAY 12, 2010

APPLICATION OF C. E. CHIP WULLBRANDT, AGENT FOR ANDREW AND KENDRA FESHBACH, 730 LAS CANOAS PLACE, APN 021-030-039, A-1, ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE, AND ANDREW EFFRON, 2030 LAS CANOAS ROAD, APN 021-010-060 AND -061, COUNTY ZONING AG-1-10, AGRICULTURAL, MINIMUM TEN ACRES/UNIT AND MISSION AREA DESIGN OVERLAY (MST2003-00327)

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 1.72 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 to use the subject property. 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 annexation was initiated by the Planning Commission on September 3, 2004.

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:

1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City;
2. General Plan Amendment to add the subject property to the City's General Plan Map with a designation of Major Hillside;
3. 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
4. Hillside Design District Map Amendment to add the annexed area to the Hillside Design District.

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).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

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WHEREAS, one person appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 9, 2006
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

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

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. **Recommended 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.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) of 730 Las Canoas Place and occupant(s) of the Real Property, defined as the adjusted 730 Las Canoas Place parcel (APN 021-030-039 and 021-010-061) as shown on the Annexation and Tentative Lot Line Adjustment Exhibit Map, 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(s) of the adjusted 730 Las Canoas Place parcel (APN 021-030-039 and 021-010-061), 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. **City Sewer System Connection.** 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, Owner of the adjusted 730 Las Canoas Place parcel 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"). 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.

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 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.

This motion was passed and adopted on the 9th day of November, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Myers/Jacobs)

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

Kathleen Goo

Kathleen Goo, Acting Planning Commission Secretary

2/8/07

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.