



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-13

1533 AND 1537 SHORELINE DRIVE

STREET FRONTAGE MODIFICATION, COASTAL DEVELOPMENT PERMIT, LOT LINE ADJUSTMENT

MARCH 21, 2013

APPLICATION OF JIM ZIMMERMAN, ARCHITECT FOR ANINA DAVENPORT, 1533 AND 1537 SHORELINE DRIVE, APN 045-182-013 AND 014, E-3/SD-3 ZONES, ONE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00046).

The project involves a lot line adjustment between two existing lots at 1533 Shoreline Drive (Parcel 1) and 1537 Shoreline Drive (Parcel 2). Parcel 1 is developed with a single family residence and Parcel 2 is vacant. Approximately 79 square feet of lot area will be transferred from Parcel 1 to Parcel 2. The newly created parcel at 1533 Shoreline Drive will be 18,275 sq. ft. with an average slope of 40.8% and 1537 Shoreline Drive will be 7,503 sq. ft. with an average slope of 3%

The discretionary applications required for this project are:

1. A Street Frontage Modification to allow the lot at 1533 Shoreline Drive (Parcel 1) to have less than the required 60 feet of street frontage in the E-3 Zone (SBMC §28.15.080);
2. A Coastal Development Permit (CDP20013-00001) to allow the proposed Lot Line Adjustment in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44);
3. A Lot Line Adjustment (LLA) to adjust the property line between 1533 Shoreline Drive and 1537 Shoreline Drive (SBMC §27.40 & Gov. Code §66412).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305(a) Minor Lot Line Adjustments.

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

WHEREAS, no one 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, March 14, 2013
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

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

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

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

The street frontage modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement by correcting the lots so that the driveway and garage can be accessed from the street as discussed in Section VI.A.1 of the Staff Report. There are two existing residential properties with a combined total of 99.3 linear feet of street frontage. Although the lot line dividing the two properties will be adjusted, the total amount of street frontage will not be reduced, and this proposal will not exacerbate the existing legally non-conforming situation.

B. **COASTAL DEVELOPMENT PERMIT** (SBMC §28.44.150)

1. The proposed project is consistent with the policies of the California Coastal Act, because it does not result in any adverse affects related to coastal resources, including views and public access as described in Section VI.C. of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the reconfigured lots are compatible with the existing pattern of development in the neighborhood; will not include changes to bluff top vegetation and appearance, would not impact views from public view corridors, would not impact any existing public access points to the beach, is not located on an archaeologically sensitive site and will not contribute to safety or drainage hazards on the site as described in Section VI.C. of the Staff Report.

C. **LOT LINE ADJUSTMENT**

As described in Section VI of the Staff Report, the proposed Lot Line Adjustment is appropriate for the area and is consistent with the City's General Plan, Local Coastal Plan and Building and Zoning Ordinances. There are two legal lots on the project site, and the existing development potential would remain two single family residences each located on an E-3 zoned lot and therefore the proposed project would not change the density with regard to the General Plan Land Use designation.

II. Said approval is subject to the following conditions:

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

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Submit an application for and obtain Building Permit(s) for, and complete, the construction of all private improvements.
4. Submit an application for and obtain City Council approval of the Lot Line Adjustment and Agreement(s) and record said documents.

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

Recorded Conditions Agreement. Prior to or concurrent with the recordation of the Lot Line Adjustment, the Owner shall execute an *Agreement Relating to 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 and shall include the following:

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 21, 2013 is limited to the improvements shown on the Tentative Map Lot Line Adjustment signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara.
6. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.
7. **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).
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. 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.
9. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this Lot Line Adjustment and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
10. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives

any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this Lot Line Adjustment and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- B. **Requirements Prior to Recordation of Lot Line Adjustment.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the recordation of Lot Line Adjustment.. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department**
 - a. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof or Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.
 - b. **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 prepares said agreement for the Owner's signature.
 2. **Community Development Department.**
 - a. **Recordation of Lot Line Adjustment and Agreements.** Owner shall provide evidence of recordation of the map and agreements to the Community Development Department.
 - b. **Conditions on Plans/Signatures.** The final 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 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.

C. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 081-12.
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 Planning Commission.
 - 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 project and/or further environmental review. Deviations without the above-described approval will constitute a violation of this approval.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to recordation of the Lot Line Adjustment.
5. **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 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.

III. NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless an extension is granted by the Community Development Director prior to the expiration of the approval.

IV. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission 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. 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.

V. NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

The Planning Commission's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100. The document that will perfect the lot line adjustment must be recorded on to the chain of title within two years of the approval.

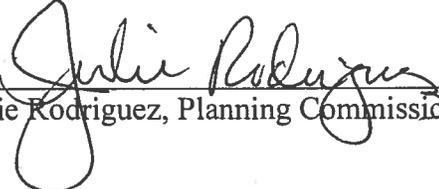
VI. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

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.

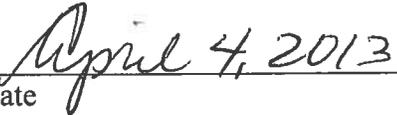
This motion was passed and adopted on the 21 day of March, 2013 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jordan)

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.



Julie Rodriguez, Planning Commission Secretary



Date

PLEASE BE ADVISED:

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

