



City of Santa Barbara

California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 5, 2007
AGENDA DATE: September 12, 2007
PROJECT ADDRESS: 2530 Mesa School Lane (MST2004-00618)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *KK*

I. PROJECT DESCRIPTION

The proposal is a request for a one-year extension of the expiration date of the Tentative Subdivision Map approved by the City Council on appeal on August 16, 2005. The project involves the subdivision of a 20,000 square foot parcel into two parcels. Proposed Parcel 1, which contains the existing residence, would be 11,250 net square feet (12,050 gross square feet) with an average slope of 13.5% and proposed Parcel 2 would be 7,950 net/gross square feet with an average slope of 0.9%. The project includes demolition and reconstruction of the existing garage on Parcel 1 to allow for a 10-foot access easement to Parcel 2 along the eastern property line. The existing driveway off of Mesa School Lane that currently serves proposed Parcel 1 would be extended to serve proposed Parcel 2. A carport is proposed on Parcel 2, and the existing utility room would be converted to a single-family residence.

The discretionary applications approved for the project by the City Council were:

1. A Modification to allow a newly created parcel to have less than the required 60 feet of frontage on a public street (SBMC§28.15.080);
2. A Tentative Subdivision Map (TSM) to divide one parcel into two residential parcels (SBMC Title 27); and
3. A Coastal Development Permit to subdivide and make improvements to a residential parcel located in the non-appealable jurisdiction of the Coastal Zone (SBMC§28.45.009).

II. SITE INFORMATION

Applicant: Harry Wright	Property Owner: Harry Wright
Parcel Number: 041-292-039	Lot Area: 20,000 sq. ft.
General Plan: Residential, 5 units per acre	Zoning: E-3/SD-3, Single Family Residential/Coastal Overlay Zones
Existing Use: Single-family residential	Topography: 13.5% slope to the rear
Adjacent Land Uses:	
North - Single-family residential	East - Single-family residential
South - Single-family residential	West - Single-family residential

III. DISCUSSION

According to SBMC§27.07.110, *Expiration and Extension of Tentative Maps*, the approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved. The subdivider may request an extension of the tentative map approval or condition of approval by written application to the Staff Hearing Officer filed with the Community Development Department before the expiration of the tentative map. The Staff Hearing Officer may impose new conditions or revise existing conditions. An extension or extensions of tentative map approval or conditional approval shall not exceed in aggregate three (3) years beyond the expiration of the original twenty-four (24) month period. In addition, because the applicant submitted the time extension request prior to the expiration date of August 16, 2007, the map is automatically extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

The project was denied by the Planning Commission on July 7, 2005 and was subsequently appealed by the applicant. With the addition of a building envelope that identified increased setbacks along the interior lot lines of Parcel 2 and a condition of approval that requires any new construction on either parcel to be reviewed by the Architectural Board of Review, the City Council approved the project on August 16, 2005.

The parcel map was submitted to the Public Works Department for review on February 23, 2006. The project received Final Architectural Board of Review approval on June 26, 2006 and a building permit for the demolition of the existing garage and construction of a new attached garage on Parcel 1 and the conversion of the utility building and new carport on Parcel 2 was issued on March 23, 2007.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 for the extension of time limits on an approved project where circumstances have not changed.

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IV. RECOMMENDATION/FINDINGS

The applicant has worked diligently toward recordation of the Parcel Map and construction of the improvements on the site. The project continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve a one-year time extension, to August 16, 2008, for the Tentative Subdivision Map subject to the original conditions of approval included in Exhibit C.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated July 31, 2007
- C. City Council Decision on Appeal, dated August 16, 2005

PROJECT DATA

1. MOVE ATTACHED GARAGE S₁ TO THE WEST TO ALLOW FOR NEW LOT ROBES/PERKS & UTILITY REASSEMBLY TO SERVE PARCEL # 2.

HARVEY WEIGER
 2530 MESA SCHOOL LANE
 SANTA BARBARA CA 93109
 2530 MESA SCHOOL LANE
 SANTA BARBARA CA 93109
 804.287.089

E-3/5-D-3
 7500' ± SLOPE DENSITY
 1.000' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY

MINI LOT AREA:
 7500' ± SLOPE DENSITY
 1.000' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY

MINI LOT AREA:
 7500' ± SLOPE DENSITY
 1.000' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY
 1.125' ± SLOPE DENSITY

1. ADD REQUEST FOR EXISTING PERMITTED 600' THRU-ROOF UTILITY
2. ADD NEW 2-LANE COVERED GARAGE, TURN AROUND & DRIVEWAY
3. MOVE UTILITY TO DRIVE/PERKMENT & CONNET TO NEW DECK
4. TO OBTAIN AN ADULT PERMIT FOR THE DECK AND TO REMOVE OR OBTAIN A PERMIT FOR THE STORAGE SHED (BY-INDUSTRY NOTED IN 2/18/2005 - 000000)

HARVEY WEIGER, 2530 MESA SCHOOL LANE, SANTA BARBARA CA 93109
 TO BE ASSIGNED MESA SCHOOL LANE, SANTA BARBARA CA 93109
 TO BE ASSIGNED

OWNER:
 JIM ADDRESS:
 APRIL:
 ZONE:
 MINI LOT AREA:
 PARCEL AREA:
 SET BACKS, INTERFERE LOT:
 OPEN YARD AREA:

PARCEL # 1
 PROJECT DESCRIPTION:
 CHANGE:

JOB ADDRESS:
 APRIL:
 ZONE:
 MINI LOT AREA:
 PARCEL AREA:
 SET BACKS:
 FEEDIN:
 SLOPE:
 FEAS:
 OPEN YARD AREA:
 MINI PERMITTED SITE:

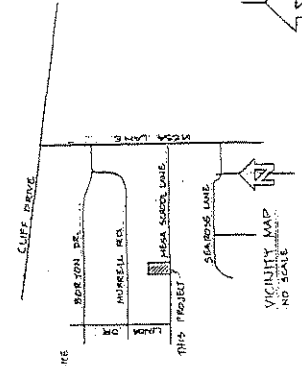
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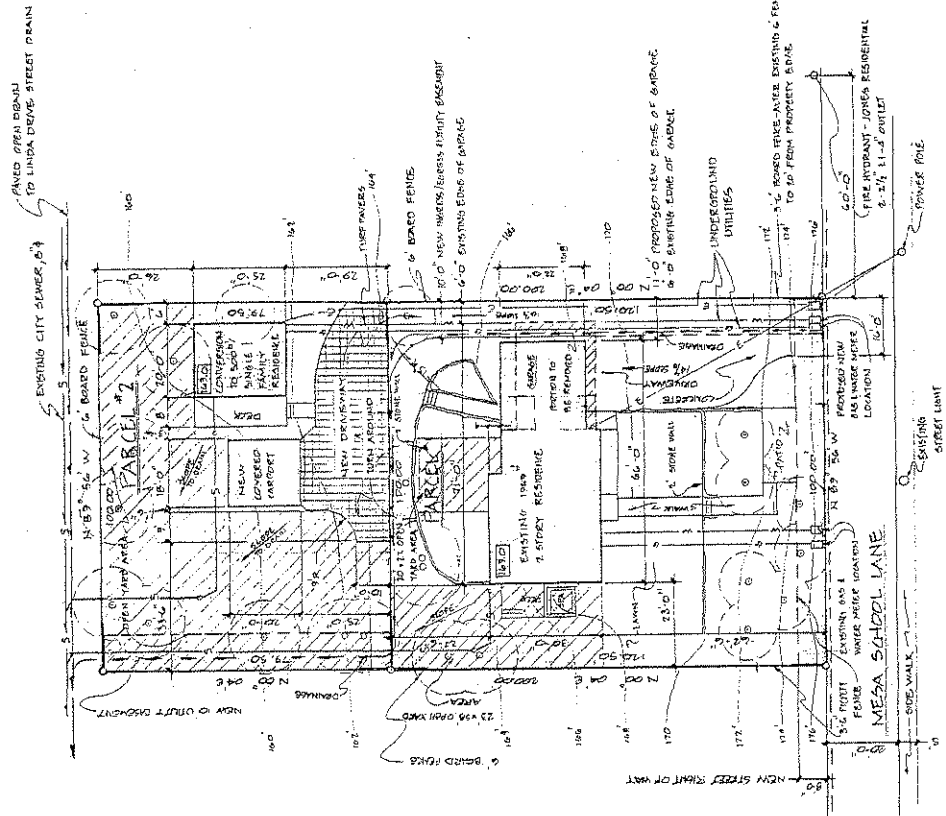
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HARVEY WEIGER, 2530 MESA SCHOOL LANE, SANTA BARBARA CA 93109
 TO BE ASSIGNED MESA SCHOOL LANE, SANTA BARBARA CA 93109
 TO BE ASSIGNED

OWNER:
 JIM ADDRESS:
 APRIL:
 ZONE:
 MINI LOT AREA:
 PARCEL AREA:
 SET BACKS, INTERFERE LOT:
 OPEN YARD AREA:



PROPOSED SITE PLANS
 SCALE: 1/8" = 1'-0"
 LOCATION OF LOT'S
 BOUNDARIES OF ADJACENT TRACT
 BY L.P. 000
 2530 MESA SCHOOL LANE
 SANTA BARBARA CA 93109
 GENERAL PLANNING/COSTAL PLAN DESIGNATION: RESIDENTIAL-5 UNITS PER ACRE



EXISTING	PROPOSED	PERCENTAGE	PERCENTAGE
1.000	1.000	100%	100%
1.125	1.125	112.5%	112.5%
1.250	1.250	125%	125%
1.375	1.375	137.5%	137.5%
1.500	1.500	150%	150%
1.625	1.625	162.5%	162.5%
1.750	1.750	175%	175%
1.875	1.875	187.5%	187.5%
2.000	2.000	200%	200%

THIS SHEET IS FOR SIZE & TYPE OF TREE.
 INFORMATIONAL DATA WAS RECEIVED AND
 SEEN ON SITE AND IS CORRECT AND
 CURRENT ON JULY 21, 2004.
 PLANT WILL ABANDON EXISTING 1/2" WATER
 SERVICE AND UPGRADE TO A NEW 1" SERVICE.
 NEW MESS HANDED CAN BE CONTRIBUTED
 TO THIS 1/2" MESS.



EXHIBIT B

EXHIBIT A

July 31, 2007

Staff Hearing Office
City of Santa Barbara
Planning/Zoning
630 Garden Street
Santa Barbara, CA. 93101

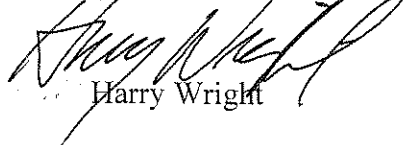
Harry Wright
2530 Mesa School Lane
Santa Barbara, CA. 93109

Re: MST 2004-00618

Dear Sirs:

On June 19, 2007, the Santa Barbara City Council approved a request to record an easement at my residence, 2530 Mesa School Lane. Unfortunately the documents were not completed by the City Recorder in time to have the final map approved by the Council and effect final recording. I have endeavored to complete this process as quickly as possible however inordinate delays and lack of communication by my lender necessitated the easement recording process. Dodson Land Surveying has prepared the map and it is ready for the final information and signatures as soon as it is completed by the City. At this time I am requesting an extension to complete the map recording process. I have worked diligently to complete the process however I am a public safety employee and not a developer and have learned how confusing and difficult the process can be.

Thank you for your attention in this matter



Harry Wright

RECEIVED

AUG 01 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

CELL 705-3224

EXHIBIT B



City of Santa Barbara California

CITY OF SANTA BARBARA CITY COUNCIL

DECISION ON APPEAL
2530 MESA SCHOOL LANE
AUGUST 16, 2005

APPLICATION OF BILL POEHLER, AGENT FOR HARRY WRIGHT, 2530 MESA SCHOOL LANE, APN 041-292-039, E-3/S-D-3 ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 5 UNITS PER ACRE, (MST2004-00618, CDP2005-00005)

The project applicant seeks approval to subdivide a 20,000 square foot parcel into two parcels. Parcel 1 would be 12,050 gross square feet and would contain the existing single-family residence and a remodeled attached two-car garage. Parcel 2 would be 7,950 gross square feet and would be developed with a single-family residence converted from the existing utility building and a new two-car carport.

The discretionary applications under consideration are:

1. Modification to allow a newly created parcel to have less than the required 60 feet of frontage on a public street (SBMC § 28.15.080);
2. Tentative Subdivision Map (TSM) to divide one parcel into two residential parcels (SBMC Title 27); and
3. Coastal Development Permit to subdivide and make improvements to a residential parcel located in the non-appealable jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15315, 15303 and 15301.

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

WHEREAS, 1 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, June 30, 2005
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Robert Cummings, 2534 Mesa School Lane

WHEREAS, Bill Poehler, Agent for Harry Wright, appealed the Planning Commission decision to the City Council.

NOW, THEREFORE, the City Council, on appeal:

I. Upheld the appeal of Bill Poehler, Agent for Harry Wright, and approved the subject application, making the following findings and determinations:

A. Street Frontage Modification (SBMC §28.15.080)

The modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot. The proposed lot configuration is consistent with the surrounding pattern of development. There are nearby parcels on Mesa School Lane that provide access easements to lots without street frontage.

B. Tentative Map (SBMC §27.07.100)

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 since the proposed lots would meet the minimum lot size specified in the E-3 zone and the density requirements of the General Land Use Designation of five units per acre. The site is physically suitable for the proposed development.

C. Coastal Development Permit (SBMC §28.45.009.6.H)

The project is consistent with the policies of the California Coastal Act, the City's Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the subdivision and residential development would be compatible with the existing residence and the development pattern of the neighborhood, would not be visible from the beach, would be minimally visible from public viewing areas, would not impact public access, and would not contribute to safety or drainage hazards on the site.

II. Said approval is subject to the following conditions:

A. Recorded Agreement. Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be executed by the Owner in a written instrument which shall be reviewed and approved as to form and content by the City Attorney, and recorded by the City. Said agreement(s) shall be recorded in the Office of the County Recorder:

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. **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 Architectural Board of Review (ABR).
 3. **Approved Development.** The development of the Real Property approved by the City Council on August 16, 2005, is limited to two residential lots and the improvements shown on the Tentative Subdivision Map and development plans signed by the Mayor on said date and on file at the City of Santa Barbara. Parcel 2 includes a restricted development envelope and future construction on both parcels shall be subject to review and approval by the Architectural Board of Review.
 4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
 5. **Fire Sprinkler System.** Owner shall install and properly maintain a fire sprinkler system within any dwelling unit or detached accessory building on Parcel 2.
- B. Public Works Submittal Prior to Parcel Map Recordation.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Parcel Map for the project:
1. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property.
 2. **Parcel Map.** Owner shall submit a Parcel Map prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
 3. **Public Improvement Agreement.** If Owner has not completed the required public improvements before seeking approval of the Parcel Map, Owner shall execute an "Agreement to Construct and Install Improvements" committing owner to complete the required public improvements prior to approval of the Parcel Map.
 4. **Public Improvement Securities.** If Owner has not completed the required public improvements before seeking approval of the Parcel Map, Owner shall provide an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to approval of the Parcel Map.
 5. **Street Improvement Plans.** Improvement plans for construction of improvements along the subject property road frontage on Mesa School Lane. As determined by the Public Works Department, the improvements shall include

new City standard 6' driveway apron, underground service utilities, preserve and/or reset survey monuments, supply and install and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.

6. **Dedication.** Owner shall dedicate or make an irrevocable offer to dedicate an 8-foot wide easement for all public street purposes as shown on the approved Tentative Subdivision Map.

C. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:

1. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

2. **Construction Best Management Practices Required.** Construction activities shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.
3. **Driveway Slope.** Driveway slope shall not exceed a 16% grade.
4. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st *
Martin Luther King's Birthday	3 rd Monday in January
Présidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th *
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC § 9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

5. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.
6. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. 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.

D. Prior to Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
2. **Check Valve/Anti-Backflow Device.** Provide an approved check valve or anti-backflow device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120 and Public Works Construction Standard Detail 5-009.0.
3. **Utilities Undergrounded.** Place utilities underground from the transmission source and within the Real Property.

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

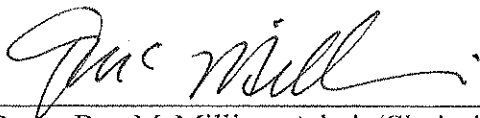
any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF MODIFICATION, TENTATIVE SUBDIVISION, & COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The City Council's action approving the Modification, Tentative Subdivision, and Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC §28.92.026, SBMC § 27.07.110 and SBMC §28.45.009.q, unless:

1. Construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

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



Deana Rae McMillion, Admin/Clerical Supervisor

8-16-05

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.