

City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 31, 2007
AGENDA DATE: November 7, 2007
PROJECT ADDRESS: 2206 Mission Ridge Road (MST2006-00757)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Kelly Brodison, Assistant Planner *KAB*

I. SUBJECT

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 would resolve an issue with 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 amount of lot area in the A-1 Zone.

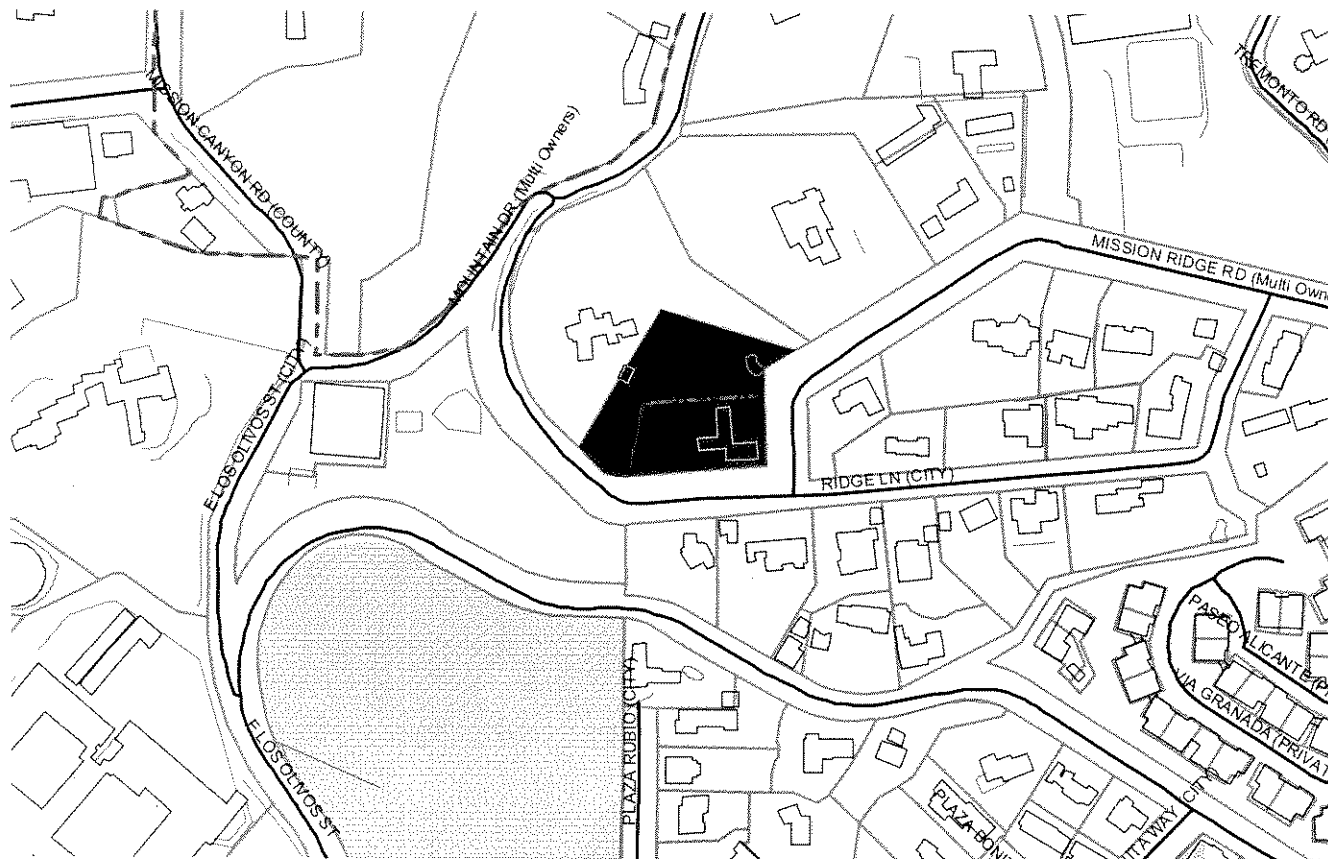
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Modifications (two) to allow both parcels to have less than the required lot area in the A-1 Zone (SBMC §28.15.080);
2. A Lot Line Adjustment between two (2) legal lots (SBMC §27.40, Gov. Code §66412).

III. RECOMMENDATION

With the approval of the requested modifications, the proposed project conforms to the City's Zoning Ordinance and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map - 2206 Mission Ridge Road

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

September 20, 2007
December 9, 2007

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

2206 Mission Ridge Road	Parcel 1	Parcel 2
Applicant:	Pat Yochum/Penfield & Smith	Pat Yochum/Penfield & Smith
Property Owner:	Jane Dreyfus Diniz	Jane Dreyfus Diniz
Parcel Number:	APN 019-071-010	APN 019-071-009
General Plan:	Residential, 1 and 3 units per acre	Residential, 1 unit per acre
Zoning:	A-1 (One-Family Residence) Zone	A-1 (One-Family Residence) Zone
Existing Use:	Residential	Vacant (except for pool)
Adjacent Land Uses:		
	North – Residential South – Residential	East – Residential West – Residential

B. PROJECT STATISTICS

		Parcel 1	Parcel 2
Lot Area	Existing	20,969 sq. ft.	31,966 sq. ft.
	Proposed	26,174 sq. ft.	26,762 sq. ft.
Slope	Existing	3.7%	3.7%
	Proposed	4.6%	4.6%

C. FLOOR AREA RATIO STATISTICS

	Lot Area	Maximum Floor Area (Net sq. ft.)	Existing (Net Sq. Ft.)
Proposed Parcel 1	26,174 sq. ft. net	4,770	3,281
Proposed Parcel 2	26,762 sq. ft. net	4,777	N/A

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Proposed Parcel 1	Proposed Parcel 2
Setbacks			
-Front	35'	Legal non-conforming	N/A
-Interior	15'	15'	N/A
Lot Area Required	43,560 sq. ft.	26,174 sq. ft. net	26,762 sq. ft. net
Lot Frontage	100'	115'	410'

The proposed project is consistent with the requirements of the A-1, Single-family Residence Zone, with the exception of the lot area modifications. See further discussion of the modifications below. Any future development on either parcel would be subject to the provisions of the A-1 Single-Family Residential Zone and review by the Historic Landmarks Commission or Single Family Design Board.

VI. PROJECT DESCRIPTION

The proposed project involves the adjustment of a lot line between two residential lots in the Hillside Design District. The two subject parcels were created in 1955 and at that time were zoned E-1. Since that time the lots were rezoned as A-1 and are considered legal nonconforming. These properties are both accessed off of Mission Ridge Road and have slopes of approximately 4%. Parcel 1 (APN 019-071-010) is proposed to be increased by 5,205 square feet and Parcel 2 (APN 019-071-009) is proposed to be decreased by the same amount. The lot line adjustment is proposed in order to correct a situation where the existing residence and garage are located over the existing property line.

Parcel 1 is currently developed with a single family residence, attached accessory structure and detached garage. Only the existing pool and equipment shed will remain on Parcel 2. Upon adjustment, two lots would continue to remain. No structural changes are proposed with this application.

VII. ENVIRONMENTAL REVIEW

The Guidelines of the California Environmental Quality Act (CEQA) include a number of types of projects that are exempt from environmental review. CEQA provides an exemption for projects involving minor lot line adjustments where no "new" building sites have an average slope of greater than 20%. Staff has completed environmental analysis of the project and determined that the project will be categorically exempt based on CEQA Guidelines Section 15305.

VIII. ISSUES

A. LOT LINE ADJUSTMENT

Section 66412 (d), of the State Subdivision Map Act requires that the proposed lot line adjustment be consistent with the City's zoning and building codes. This section does not require existing non-conforming structures on the site to be brought into conformity with current codes as a condition of the lot line adjustment. The project is located in the A-1 One-Family Residence Zone, which has a minimum lot area of 43,560 square feet and a 100-foot frontage requirement for newly created lots. Both lots are legally existing and are non-conforming as to the present-day zoning requirements for the A-1 Zone.

Following the proposed lot line adjustment, both lots will continue to be non-conforming to the Zoning Ordinance lot area requirement. The lot area for Parcel 1 (APN 019-071-010) is proposed to be increased from 20,969 square feet to 26,174 square feet. The lot area for Parcel

2 (APN 019-071-009) is proposed to be decreased from 31,966 square feet to 26,762 square feet. No exterior change or construction is currently proposed on the project site.

B. LOT AREA MODIFICATIONS

Santa Barbara Municipal Code Section 22.15.080 states that the minimum lot area for newly created lots in the A-1 zone shall be one acre (43,560 square feet). A Modification for each of the newly configured lots is requested in order for the lots to be at less than one acre in size. In order for the Staff Hearing Officer to approve the modifications for lot area, it must be found that the modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to (i) secure an appropriate improvement on a lot, or (ii) prevent unreasonable hardship, or (iii) promote uniformity of improvement, or (iv) construct a housing development which is affordable to very low-, low-, moderate, or middle-income households.

2206 Mission Ridge Road is located in the A-1 One-Family Residence Zone, which has a minimum lot size of 43,560 square feet. Currently, the existing residence and garage do not comply with the interior yard setbacks. By approving the Lot Line Adjustment, the current 15' interior setback encroachment would be corrected. The existing residence is legal non-conforming to the 35' front yard setbacks.

These lot area modifications are necessary to permit a lot line adjustment between Parcel 1 and 2 at 2206 Mission Ridge Road. The lot line adjustment and accompanying modifications would not result in any increased potential development on the sites and would continue to maintain both lots as non-conforming to the A-1 Zone requirements of 43,560 square feet. The modification would allow the property owner to secure an appropriate improvement on the lot. Since the modification is required to approve a lot line adjustment that would not result in any increase in future potential development of the site and would result in the existing residence and garage being on one lot, Staff is supportive of the modification. The project would be consistent with the purpose and intent of the Zoning Ordinance, would secure an appropriate improvement on a lot and prevent unreasonable hardship.

C. COMPLIANCE WITH THE GENERAL PLAN

Before a Lot Line Adjustment 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 an area recognized by the Land Use Element of the General Plan as the Riviera neighborhood. This neighborhood is bordered on the north by the top of Mission Ridge; on the south by Alameda Padre Serra; on the east by Sycamore Canyon Road; and on the west by Mountain Drive. It is described as an area with considerable steep topography, and care must be exercised in the future to encourage the use of special development techniques.

The General Plan protects this single-family neighborhood with densities of one and three dwelling units to the acre, and current zoning conforms with these designations. The majority of the neighborhood has a land use designation of three units per acre. The subject parcels have

a split designation of one and three dwelling units to the acre. Parcel One is split by General Plan designations of one unit and three units per acre and almost all of Parcel Two is designated one unit per acre. The intensity of the development allowed by this Lot Line Adjustment does not change the potential for a maximum of two residential units on the parcels with one house on each lot. Neither lot currently meets the requirement. Parcel 1 does not meet the requirement due to the split designation. There are no obvious topographic or geographic reasons for the line to bisect the subject properties.

The proposed project does not include new development at this time; however, both of the newly proposed parcels would have a density of less than two units per acre and would be in compliance with the General Plan.

Conservation Element: The City's Conservation Element recognizes areas with slopes of 30% or greater as prominent in the overall community landscape, which provide a significant visual resource. Therefore, it is the City's policy to discourage new development on slopes that are 30% or greater. The average slope of each parcel would be approximately 4%, resulting in future development consistent with that policy.

IX. FINDINGS

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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated September 20, 2006

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

2206 MISSION RIDGE ROAD
MODIFICATIONS, LOT LINE ADJUSTMENT
NOVEMBER 7, 2007

- 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. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project 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. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **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.
 - b. **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. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

- c. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 5. **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 Parcel Map 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.
 3. **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 required pursuant to Section A above have not yet been approved by the Department of Real Estate, a draft of such covenants shall be submitted.
- 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. **Existing Tree Preservation.** The existing trees shown on the approved Lot Line Adjustment shall be preserved and protected during any future construction.
 6. **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. The drip system along the bluff edge shall be removed after one full season of plant growth.
- 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.

NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

STAFF HEARING OFFICER CONDITIONS OF APPROVAL
2206 MISSION RIDGE ROAD
NOVEMBER 7, 2007
PAGE 5

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.

OWNER'S STATEMENT

I HEREBY AFFIRM FOR THE APPROVAL OF THE ADJUSTMENT OF REAL PROPERTY TAXES THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME: Penfield G. Smith
 ADDRESS: 1500 S. BAYVIEW
 CITY: BERNARD STATE: CA ZIP: 94103
 TELEPHONE: (415) 842-8888

SITE STATISTICS

PROJECT INFO: 2008 MISSION RIDGE PHASE 4
 APTS: 019-071-008 (RESIDENTIAL) - 3 UNITS PER ACRES
 019-071-010 (RESIDENTIAL) - 3 UNITS PER ACRES (1 UNIT PER ACRES)
 ZONING: A-1, SINGLE FAMILY RESIDENTIAL
 GENERAL PLAN EXEMPTION: 019-071-009 (RESIDENTIAL) - 1 UNIT PER ACRES
 019-071-010 (RESIDENTIAL) - 3 UNITS PER ACRES (1 UNIT PER ACRES)
 THE PROJECT CONSISTS OF A LOT LINE ADJUSTMENT BETWEEN TWO LEGAL PARCELS LOCATED IN LOTS 10 TO 12, TO INCORPORATE A PORTION OF THE MAIN RESIDENCE AND GARAGE INTO THE EXISTING PROPERTY LINE.

EXISTING PARCEL 1:
 31,800 SQ. FT. (0.73 ACRES) NET SLOPE: 2.7% (20.50 FT. SW/ET. SIDE)
 27,100 SQ. FT. (0.62 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 2,700 SQ. FT. (0.06 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 TOTAL: 61,600 SQ. FT. (1.41 ACRES)
EXISTING PARCEL 2:
 31,800 SQ. FT. (0.73 ACRES) NET SLOPE: 2.7% (20.50 FT. SW/ET. SIDE)
 27,100 SQ. FT. (0.62 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 2,700 SQ. FT. (0.06 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 TOTAL: 61,600 SQ. FT. (1.41 ACRES)

PROPOSED PARCEL 1:
 31,800 SQ. FT. (0.73 ACRES) NET SLOPE: 2.7% (20.50 FT. SW/ET. SIDE)
 27,100 SQ. FT. (0.62 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 2,700 SQ. FT. (0.06 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 TOTAL: 61,600 SQ. FT. (1.41 ACRES)
PROPOSED PARCEL 2:
 31,800 SQ. FT. (0.73 ACRES) NET SLOPE: 2.7% (20.50 FT. SW/ET. SIDE)
 27,100 SQ. FT. (0.62 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 2,700 SQ. FT. (0.06 ACRES) NET SLOPE: 2.0% (18.00 FT. SW/ET. SIDE)
 TOTAL: 61,600 SQ. FT. (1.41 ACRES)

EASEMENT NOTES

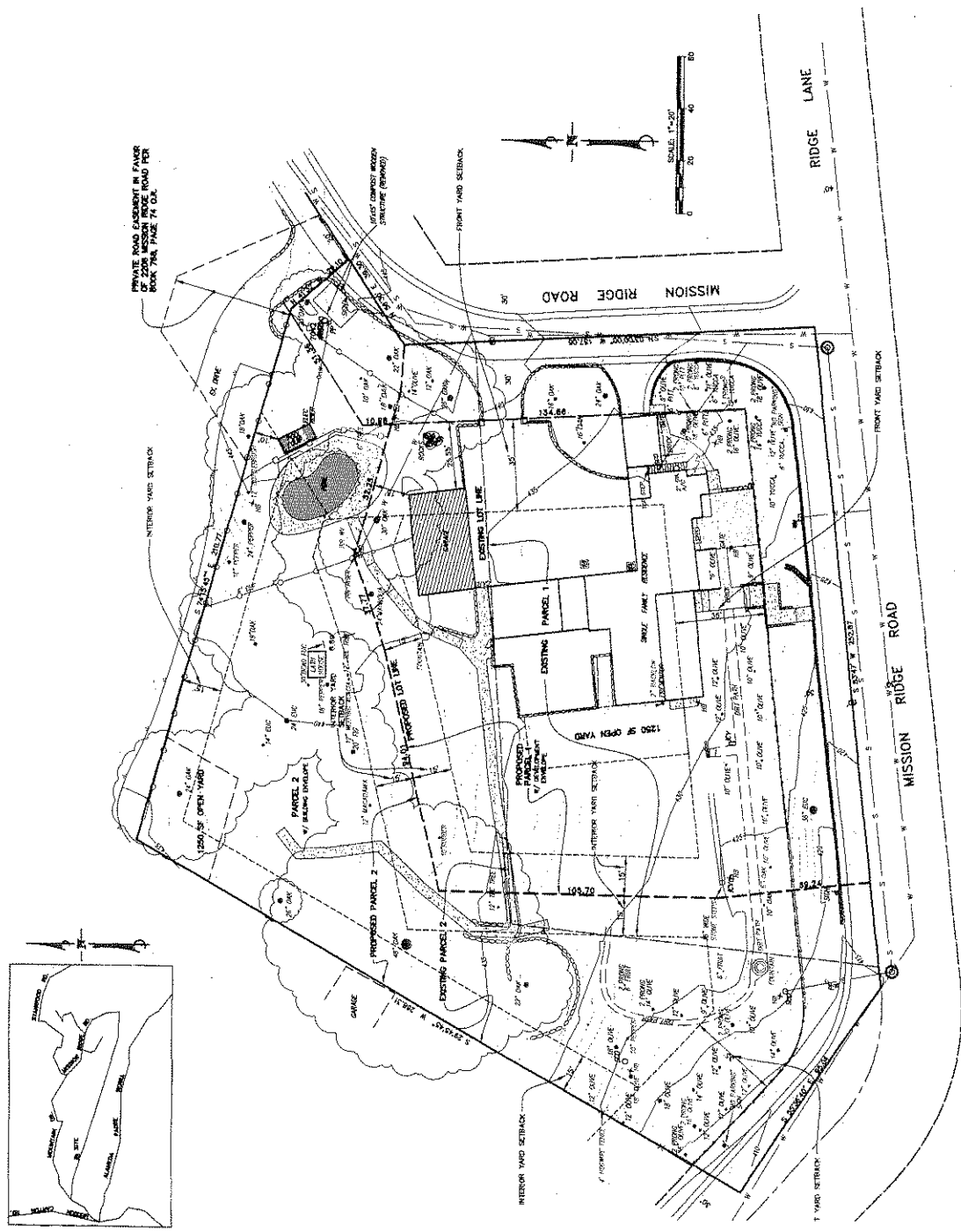
1. EASEMENT FOR UTILITY LINES: 10' EASEMENT FOR UTILITY LINES (10' EASEMENT FOR UTILITY LINES)
 2. EASEMENT FOR ACCESS: 5' EASEMENT FOR ACCESS (5' EASEMENT FOR ACCESS)
 3. EASEMENT FOR VIEW: 10' EASEMENT FOR VIEW (10' EASEMENT FOR VIEW)

TOPOGRAPHY

THE TOPOGRAPHY AS SHOWN HEREON HAS BEEN TAKEN FROM THE CITY OF SANTA ANA'S TOPOGRAPHIC MAP, COMPARED AT A SCALE OF 1" = 200' AND THE SURVEYED TOPOGRAPHY HAS BEEN CORRECTED TO REFLECT THE TOPOGRAPHY AS SHOWN ON THE TOPOGRAPHIC MAP.

LOT LINE ADJUSTMENT OF LOTS WITHIN ASSESSOR'S PARCELS 019-071-008 & 019-071-010

CITY OF SANTA ANA
 SHERMAN COUNTY OF SANTA ANA
 STATE OF CALIFORNIA
 OCTOBER 2007

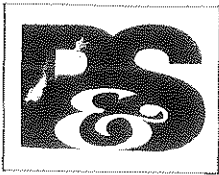


DATE: 10/19/07
 SHEET: 1 OF 1

PREPARED UNDER THE DIRECTION OF:
 PENFIELD G. SMITH
 LICENSED PROFESSIONAL ENGINEER - CIVIL
 LICENSE EXPIRES DATE: 3/31/08

EXHIBIT B

Penfield G. Smith
 ENGINEER - SURVEYOR - PLANNER
 1500 S. BAYVIEW, SUITE 100, SANTA ANA, CA 92705
 PHONE: (415) 842-8888 FAX: (415) 842-8889
 W.O. 11228 01 TELETYPE: 1025740100



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W.O. 16126.01

September 20, 2007

Ms. Betty Weiss
Staff Hearing Officer
City of Santa Barbara
Community Development Department
630 Garden Street
Santa Barbara, CA 93101

RECEIVED

SEP 20 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

Subject: **LOT LINE ADJUSTMENT 2206 MISSION RIDGE ROAD
ASSESSOR'S PARCEL NUMBER(S) 19-071-009 & 010
MST #2006-00757**

Dear Ms. Weiss:

Jane Dreyfus Diniz is the owner of the two parcels at 2206 Mission Ridge Road and desires to adjust the property lines between the two legal parcels created in 1955 to resolve a portion of the main residence and the entire garage that are located over the existing property line.

The lot line adjustment as proposed is consistent with the City's General Plan, Zoning and Building Codes, with the exception of the two lot area modifications we are requesting for each of the legal non-conforming lots. These lots were created in 1955 and at that time the lots complied with the E-1 zone lot area requirements. Since that time, the lots were rezoned from E-1 to A-1 and are considered legal nonconforming.

No development is proposed as part of this application. However, as part of the City's environmental review for the project, we were requested by City Staff to label development and building envelopes for both parcels. It is our understanding that the building envelopes contain the footprints of the permitted structures unless otherwise shown and inclusive of future ground disturbance and grading. The development envelopes include the building envelope area plus potential infrastructure corridors for public/private utilities and ingress and egress to serve the structures within the building envelopes. Because the site does not have any site constraints, the building envelopes for both lots are the designated areas outside the required setbacks. The development envelopes for both lots include the entire property.

In addition to the building and development envelopes, City Staff requested an arborist report and a Phase 1 Archaeological Resource Analysis to baseline the site data. Dan Condon prepared the arborist report and it was accepted by Staff. The Phase 1 Archaeological Resource Analysis was prepared by David Stone and it was accepted by the Historic Landmarks Committee on August 8, 2007. Given

the above information, it is our understanding that the proposed project will not result in any potential environmental effects and will be exempt from the California Environmental Quality Act under section 15305(a) Minor Lot Line Adjustments.

During the DART review process, Staff requested we provided a baseline for the accessory structures on site. There are four structures on site that have been permitted, found exempt from a building permit or demolished due to condition of the structure. Specifically, the four structures are discussed below:

Lath House: Use is for horticulture located on Parcel 2 and is 6.75' x 10' (67.5 sq. ft) exempt from a permit requirement and the accessory structure is located outside the present/proposed side yard setback.

Pool Equipment Shed: The swimming pool was permitted in 1956 as Building Permit 74066. The property zoning at the time was E-1 and side yard setback 10 feet. The shed dimensions are 6' x 12' (72 sq. ft) and is exempt from the accessory structure permit as it conformed with the side yard setback at time of construction and ancillary to the permitted pool. This is shown on Parcel 2.

Compost Wooden Bin: The 10' x 15' dilapidated structure shown on Parcel 2 has been removed after consultation with Building and Safety following our DART meeting. Photographs have been submitted to document current site conditions.

Fountain: The fountain is located on Parcel 1 and is not located within the side yard setback.

In short, the project will not result in any adverse affect to the environment and the lot line adjustment meets the City's Zoning Ordinance and Building Codes, with the exception of the Lot Area Modifications. This project resolves a conflict where buildings located over the property lines will comply with the current zoning side yard setbacks. The adjustment also results in an in-fill parcel that is in compliance with zoning setbacks, average slopes and suitable for development in an existing developed urban area. We look forward to our hearing and hope that that you can approve this project.

Please contact me if you have any questions.

Very truly yours,

PENFIELD & SMITH



Pat Yochum
Project Manager