



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 12, 2008
AGENDA DATE: June 18, 2008
PROJECT ADDRESS: 693 Westmont Road and 694 Circle Drive (MST2007-00651)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Suzanne Johnston, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of the transfer a 457 square foot piece of land from the lot at 694 Circle Drive to the lot at 693 Westmont Road; both lots are located within the Hillside Design District. The transfer will result in lot areas of 8,620 square feet for the property at 693 Westmont Road and 7,047 square feet for the property at 694 Circle Drive.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Lot Line Adjustment. (SBMC § 27.40)

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: May 23, 2008
DATE ACTION REQUIRED PER MAP ACT: August 7, 2008

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Carrie Torme	Property Owner:	Carrie Torme Chris & Tabitha Elwood
Parcel Numbers:	013-102-011 & 013-102-001		
General Plan:	Residential, 1 unit/acre	Zoning:	R-1
Existing Use:	Residential		
Adjacent Land Uses:			
	North - Residential		East - Residential
	South - Residential		West - Residential

B. PROJECT STATISTICS

	Existing		Proposed	
693 Westmont Road	8,162 square feet	8.9% slope	8,620 square feet	9.4% slope
694 Circle Drive	7,504 square feet	2.3% slope	7,047 square feet	1.3% slope

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	693 Westmont Rd		694 Circle Drive	
		Proposed		Proposed	
Setbacks					
-Front	15' (1 story) 20' (2 story portion)	21'		20'	
-Interior	5'	5'		5'	
-Rear	5'	5'		39'	
Building Height	30'			14' 6"	
Parking	2 covered	2 covered		2 covered	
Open Yard	1,250 square feet	1,286 square feet		> 1,286 square feet	
Lot Size	6,000 square feet	8,620 square feet		7,047 square feet	
Lot Coverage					
-Building	N/A	1,775 s.f.	20.6%	2,588 s.f.	36.7%
-Paving/Driveway	N/A	800 s.f.	9.3%	420 s.f.	6%
-Landscaping	N/A	6,045 s.f.	70.1%	4,039 s.f.	57.3%

The proposed project would meet the requirements of the R-1 Zone.

VI. ISSUES

A. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The Land Use Element of the General Plan describes the project site as being located in the Eucalyptus Hill neighborhood of the City. The Eucalyptus Hill neighborhood is bordered on the north and east by the City Limits; by Sycamore Canyon Road on the west; and the bottom of the hill and Old Coast Highway on the south. The General Plan characterizes this area as a very popular neighborhood because of its fine views and the quality of homes. The General plan recommends that the pattern of low density continue, and indicates the classification of two dwelling units to the acre for the majority of the Eucalyptus Hill, with three units per acre for the western portion which is characterized by existing development consistent with that designation. The proposed project is consistent with the single-family residential designation of the neighborhood.

B. BACKGROUND

The lot line adjustment proposes no new construction; however, the property located at 694 Circle Drive has an active building permit (BLD2007-02624) for the reconstruction and expansion of the existing one-story, single-family residence. The addition was exempt from discretionary review.

C. LOT LINE ADJUSTMENT

The lot line adjustment would increase the lot area 693 Westmont Road from 8,162 square feet to 8,620 square feet and decrease the lot area of 694 Circle Drive from 7,504 square feet to 7,047 square feet. The minimum lot size for an R-1 lot is 6,000 square feet for lots which have an average slope of less than ten percent. The lots are relatively flat, with slopes of less than ten percent and exceed the minimum size requirements. The intent of the lot line adjustment is to locate the property line at the top of the slope between the two lots at the rear of the subject properties. The existing fence sits at the top of this slope on the property at 694 Circle Drive and would be reinstalled at the new property line upon approval of the Lot Line Adjustment.

D. ENVIRONMENTAL REVIEW

The project is a minor land transfer between two lots currently developed with single family residences. No additional development would be allowed because of the transfer of property. The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (Minor Alteration in Land Use Limitations).

VII. FINDINGS

The Staff Hearing Officer finds the following:

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 create two legal lots that conform to the zoning requirements in the R-1 zone and locate the property line at the top of the geographical feature which currently separates the two properties.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated April 21, 2008

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

693 WESTMONT RD & 694 CIRCLE DRIVE

LOT LINE ADJUSTMENT

JUNE 12, 2008

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 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 watercourses, conduits and any access road, as appropriate.
 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 in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 3. **Westmont Rd & Circle Drive Public Improvements.** The Owner shall *provide adequate positive drainage from site*. Any work in the public right-of-way requires a Public Works Permit.
- B. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
- Lot Line Adjustment Required.** 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.
- C. **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.

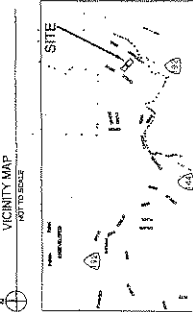
NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Lot Line Adjustment 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 within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

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 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 application, unless otherwise specified by state or federal law.

Site Addresses
693 Westmont Road (A.P.N. 013-102-011)
694 Circle Drive (A.P.N. 013-102-008)



Mapping Information:
 THIS MAP WAS PREPARED BY THE SURVEYOR'S OFFICE OF PROBER LAND SURVEYING, INC. (A.P.N. 013-102-008) AND IS A PART OF A SET OF PLANS BEING SUBMITTED TO THE COUNTY OF SANTA BARBARA FOR RECORDATION.

- 1. LOT AREA BEFORE LOT LINE ADJUSTMENT: 8,108 S.F. (0.18724 AC)
- 2. LOT AREA AFTER LOT LINE ADJUSTMENT: 8,108 S.F. (0.18724 AC)
- 3. TOTAL AREA OF THE TRACT: 2,009 S.F. (0.04577 AC)
- 4. TOTAL AREA OF THE TRACT: 2,009 S.F. (0.04577 AC)

- 1. AVERAGE SLOPE CALCULATIONS FOR EACH LOT: 0.000% (0.00000) SLOPE
- 2. AVERAGE SLOPE CALCULATIONS FOR EACH LOT: 0.000% (0.00000) SLOPE
- 3. AVERAGE SLOPE CALCULATIONS FOR EACH LOT: 0.000% (0.00000) SLOPE
- 4. AVERAGE SLOPE CALCULATIONS FOR EACH LOT: 0.000% (0.00000) SLOPE

- 1. OPEN VARD AREA: 0.000 AC (0.00000)
- 2. OPEN VARD AREA: 0.000 AC (0.00000)
- 3. OPEN VARD AREA: 0.000 AC (0.00000)
- 4. OPEN VARD AREA: 0.000 AC (0.00000)

- 1. APPLICANTS: PROBER LAND SURVEYING, INC.
- 2. APPLICANTS: PROBER LAND SURVEYING, INC.
- 3. APPLICANTS: PROBER LAND SURVEYING, INC.
- 4. APPLICANTS: PROBER LAND SURVEYING, INC.

- 1. SURVEYOR: PROBER LAND SURVEYING, INC.
- 2. SURVEYOR: PROBER LAND SURVEYING, INC.
- 3. SURVEYOR: PROBER LAND SURVEYING, INC.
- 4. SURVEYOR: PROBER LAND SURVEYING, INC.

Owner's Certificate:
 I hereby certify that the information herein is true and correct to the best of my knowledge and belief.

Owner's Certificate:
 I hereby apply for approval of this division of real property, shown on this plat, and certify that I am the legal owner and that the information herein is true and correct to the best of my knowledge and belief.

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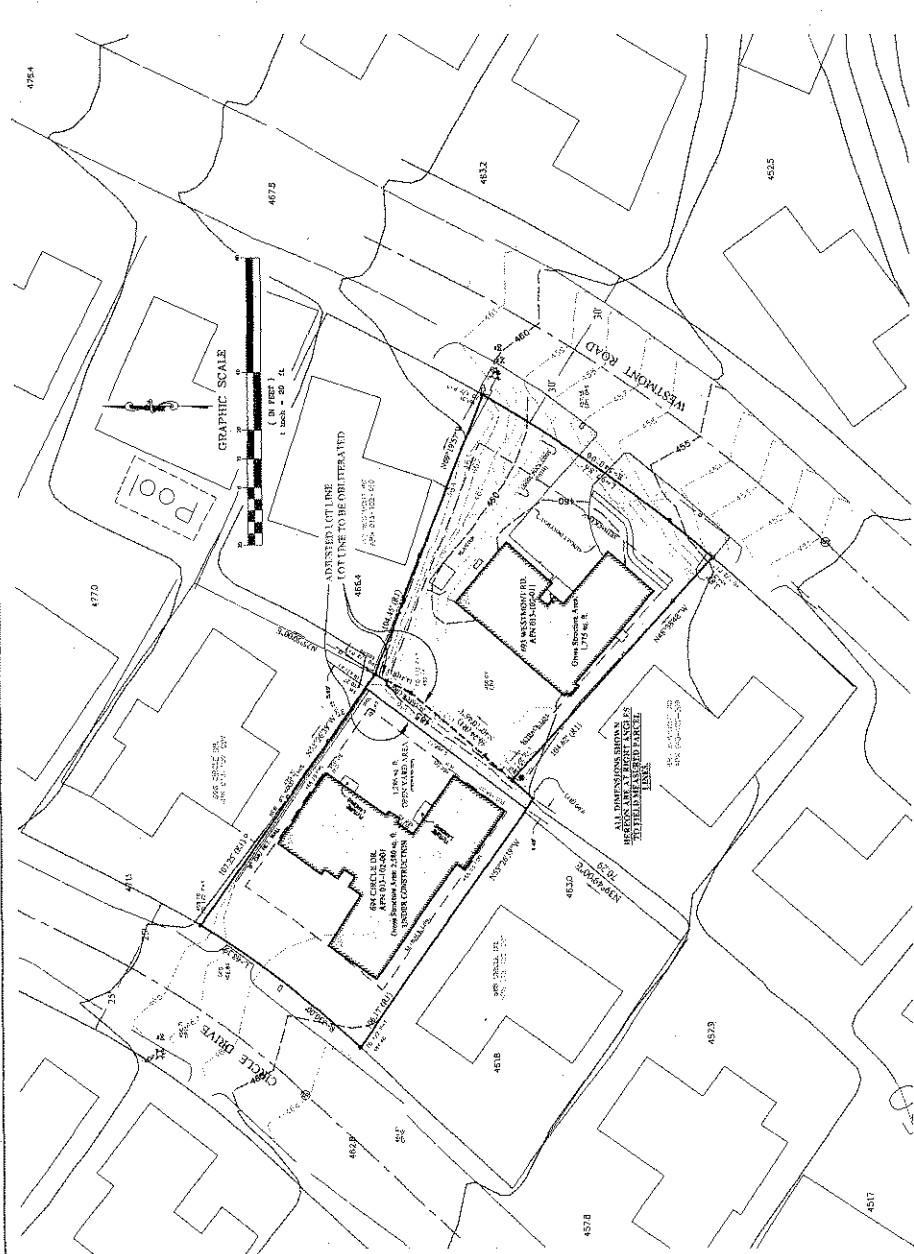
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GRAPHIC SCALE:
 1" = 100'

ADJUSTED LOT LINE TO BE OBLITERATED:
 10.00' (3.048 M)

WESTMONT ROAD:
 10.00' (3.048 M)

CIRCLE DRIVE:
 10.00' (3.048 M)

PROBER LAND SURVEYING, INC.
 123 S. FARMERS AVENUE, SUITE C-137
 SANTA BARBARA, CALIFORNIA 93101
 TEL: 805/965-1000
 FAX: 805/965-1001
 WWW: WWW.PLSURV.COM

APRIL 2008
SHEET ONE OF

EXHIBIT B

April 21, 2008

Staff Hearing Officer
City of Santa Barbara

RECEIVED
APR 23 2008

Re: Lot Line Adjustment for 693 Westmont Road and 694 Circle Drive

CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Staff Hearing Officer,

I am seeking Staff Hearing Officer approval for a lot line adjustment. The proposed lot line adjustment consists of a 457 square foot sliver of land between the back yards of 693 Westmont Road and 694 Circle Drive to be subtracted from the lot at 694 Circle Drive and added to the lot at 693 Westmont Road.

693 Westmont Road and 694 Circle Drive are adjacent properties, sharing a rear lot line. There is an existing wood fence at the top of a steep slope between the two properties. The location of the existing fence is a good location for the dividing line between the back yards of the two properties because it sits between the flat back yard of 694 Circle Drive and the start of the steep slope leading to the back yard of 693 Westmont Road. Thus, the fence provides safety by preventing anyone from falling down the steep slope between the two properties.

However, the existing rear lot line is not in the same location as the existing fence. Instead, the rear lot line between the properties is v-shaped (rather than straight) and in the middle of the steep slope (rather than on flat ground at the top of the slope). In other words, the existing rear lot line does not conform to the topographical conditions at the site.

Therefore, the owners of the two lots want to adjust the rear property line in order to conform to the topographical conditions. The Tentative Lot Line Adjustment Map attached to this application shows the existing v-shaped rear lot line (labeled "Lot Line To Be Obliterated"), the adjusted rear lot line (labeled "Adjusted Lot Line"), and the sliver of land between them. The proposed lot line adjustment will transfer ownership of the sliver of land shown on the Tentative Lot Line Adjustment Map from 694 Circle Drive to 693 Westmont Road.

The lot at 693 Westmont Road will become larger as a result of the lot line adjustment.

The lot at 694 Circle Drive will become smaller as a result of the lot line adjustment.

Both lots will conform to all zoning requirements after the lot line adjustment. (See the Tentative Lot Line Adjustment Map for details.) Both lots will exceed the minimum size of 6,000 square feet (for lots with average slopes of less than 10%). The open yard for both lots will exceed 1,250 square feet.

This project was reviewed by the Pre-Application Review Team. See the attached Comments letter dated January 30, 2008.

EXHIBIT C

The plans (see attached "Tentative Lot Line Adjustment Map") have been revised according to the PRT comments in section III.A. of the Comments letter, as follows:

1. The 1958 subdivision map has now been used to delineate the boundaries of neighboring properties. Note that the 1958 subdivision map did not affect the legal boundaries of the two properties involved in the proposed lot line adjustment – 693 Westmont Road and 694 Circle Drive. In fact, that is the reason for the lot line adjustment. When the Montecito Circle subdivision was created in 1956, the rear lot lines for properties in the "inner circle" of the subdivision were drawn incorrectly. The 1956 rear lot lines were supposed to be at the top of the steep slope between the lots on Circle Drive and the lots on Westmont Road. When the mistake was discovered in 1958, some of the rear lot lines were adjusted. That was the purpose of the 1958 subdivision map. However, some of the lots were not adjusted for the topographical conditions in 1958. The rear lot line between 693 Westmont Road and 694 Circle Drive was not adjusted in 1958. I am requesting approval to adjust that rear lot line now.
2. The slope calculations were performed using the method outlined in the City's Slope Calculation Memorandum. See the calculations on the plans (#4 under "Mapping Information"), signed and stamped by the licensed engineer.
3. The average slopes of both lots are less than 10% (see #4 under "Mapping Information" on the plans). Thus, lot area modifications are not required in this case.
4. The site plan has been revised to show the actual footprint of the new house (under construction) at 694 Circle Drive. The site plan also shows two proposed landings for sliding doors leading to the back yard. The landings have not been constructed yet. The landings will be no deeper than 3 feet deep, in order to comply with the open yard requirements described in Municipal Code Section 28.87.062 (2), which states that porches or steps "may project not more than three feet (3') into any required interior yard". Both properties exceed the open yard requirement of 1,250 square feet. (See the cross-hatched area on the site plan for 694 Circle Drive's open yard of 1,286 square feet.)

The proposed lot line adjustment *does not* involve any construction, demolition, removal of trees or vegetation, grading, landscaping, exterior lighting, creation of smoke or odors, creation of new noise sources, or use or disposal of hazardous materials. The proposed project involves only the transfer of ownership of a small sliver of land (457 square feet) between the back yards of the two lots.

After the lot line application is approved, as a separate project from this application, the existing wood fence will be replaced by a new wood fence in the same location. I will obtain a building permit for the reconstructed fence.

There are no significant issues relating to this application for a lot line adjustment between two residential lots. The only potential problem area is possible confusion of City staff between (1) this application for a lot line adjustment between two lots and (2) a separate application from the owners of one of the lots (694 Circle Drive) for a construction permit for an addition to and rebuilding of their demolished previously existing single family residence.

694 Circle Drive is the lot which will become *smaller* as a result of the lot line adjustment.

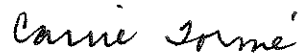
This application for a lot line adjustment does not pertain in any way to any application for construction.

This application for a lot line adjustment *does not* create a larger lot for 694 Circle Drive that would enable the owners to build a larger residence.

In fact, after this application for a lot line adjustment is approved, the lot at 694 Circle Drive will be *smaller* than it is now.

Therefore, when the owners of 694 Circle Drive applied for a construction permit, they made sure that their proposed construction project will comply with the *smaller* lot size for 694 Circle Drive that will result after the lot line adjustment is approved. The Tentative Lot Line Adjustment Map attached to this application shows the actual footprint of the new residence under construction at 694 Circle Drive, which falls within all of the setback lines (shown as dashed lines on the plans), including the setback from the *adjusted* rear lot line, which creates a smaller lot for that property.

Sincerely,



Carrie Torme