



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 010-11

605 AND 615 SAN ROQUE ROAD

LOT LINE ADJUSTMENT AND STREET FRONTAGE MODIFICATION

MARCH 9, 2011

APPLICATION OF TOM HALE, AGENT FOR LESLEY ALEXANDER AND RICHARD MONIOT, 605 AND 615 SAN ROQUE ROAD, APNS 053-071-008 AND 053-071-003, E-1/SD-1/SD-2 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL (MST2010-00254)

The project consists of a proposal for a lot line adjustment between two existing legal lots. Approximately 17,175 square feet of lot area will be transferred from 615 San Roque Road (053-071-003) to 605 San Roque Road (053-071-008). The newly created parcel at 615 San Roque Road will be 15,000 square feet and 605 San Roque Road will be 36,674 square feet.

The discretionary application required for this project is:

1. A Lot Line Adjustment (LLA) between two (2) legal lots (SBMC §27.40, Gov. Code §66412 and;
2. A Modification to allow less than the required street frontage for a newly created lot in the E-1 Zone (SBMC §28.15.080 and §28.92.110.A).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 Minor Alterations in Land Use Limitations.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, March 2, 2011.
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 Staff Hearing Officer:

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 modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot as detailed in Section of VI.B. of the Staff Report, dated March 2, 2011, because the legal non-conforming situation will not be changed or intensified by the approval of this Lot Line Adjustment and the proposed lot configuration is consistent with the existing development pattern of the lots.

B. 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 because the lot line adjustment would create two legal lots that conform to the lot area, setback and open yard requirements in the E-1 zone by relocating the property line that currently separates the two properties, and are consistent with the General Plan as described in Section VI C. of the Staff Report, dated March 2, 2011.

II. Said approval is subject to the following conditions:

A. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 9, 2011 is limited to two single family residential lots that may not be subdivided, and the improvements shown on the Lot Line Adjustment plan signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

B. **Requirements.** 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 and recording the Lot Line Adjustment 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*. Engineering Division Staff will prepare said agreement for the Owner's signature.

2. **Lot Line Adjustment Agreement Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* to the Public Works Department, including the legal description of both 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. **Recordation of Lot Line Adjustment Agreement.** After City Council approval, the Owner shall provide evidence of recordation to the Building and Safety division prior to issuance of building permits for individual parcels.
- 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.

This motion was passed and adopted on the 9th day of March, 2011 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer'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.