



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 16, 2011
AGENDA DATE: February 23, 2011
PROJECT ADDRESS: 220 E Junipero Street and 2319 Garden Street (MST2010-00334)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *[Signature]*
 Suzanne Riegle, Assistant Planner *[Signature]*

I. PROJECT DESCRIPTION

The project consists of a Voluntary Lot Merger and Lot Line Adjustment, involving three lots (APNs 025-132-003, 025-132-007, and 025-132-019), with the intent of eliminating the third lot (025-132-019). The common property owners of 2319 Garden Street (APN's 025-132-007), a 15,000 square foot lot, and a vacant interior lot (APN 025-132-019), a 5,021.4 square foot lot, has proposed a voluntary lot merger to result in a 20,021.4 square foot lot, which will be referred to as resulting Parcel 1. The interior property line of resulting Parcel 1 (2319 Garden Street) which is shared with the adjacent property at 220 E Junipero Street (APN 025-132-007: Parcel 2) will then be adjusted. Parcel 2 will receive 2,230.6 square feet of lot area from Parcel 1 for a total lot size of 8,774.8 square feet. A Lot Area Modification is requested to allow the creation of a new lot (Parcel 2) with less than 15,000 sf of lot area in the E-1 zone. The project does not include the construction of any improvements.

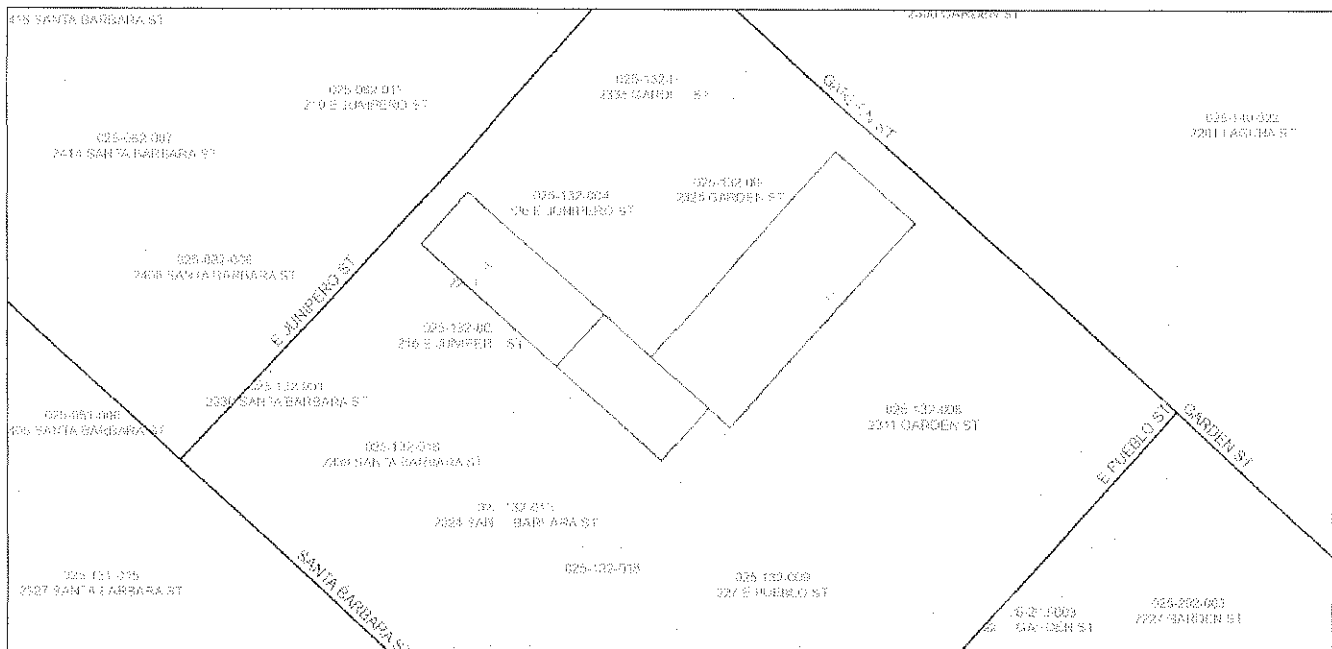
II. REQUIRED APPLICATIONS

The required applications required for this project are:

1. A Voluntary Lot Merger to merge parcels existing Parcel 1 (APN 015-132-007) and existing Parcel 3 (APN 025-132-019) to create a single parcel (SBMC§27.30 & Gov. §66451.11)
2. A Lot Area Modification to allow the creation of a new parcel (Parcel 2) which does not meet the minimum 15,000 sf lot of the E-1 Zone. (SBMC §28.15.080 & §28.92.110).
3. Street Frontage Modification. Proposed Parcels 1 will not meet the minimum street frontage of 90 feet (SBMC §28.15.080 & §28.92.110).
4. Street Frontage Modification. Proposed Parcels 2 will not meet the minimum street frontage of 90 feet (SBMC §28.15.080 & §28.92.110).
5. A Lot Line Adjustment (LLA) to change the property line between the merged parcel at 2319 Garden Street (APN 025-132-007) and existing parcel at 220 E Junipero Street (APN 025-132-003) (SBMC §27.40 & Gov. Code §66412)

III. RECOMMENDATION

If approved as proposed, the project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. No construction is proposed as part of this project. 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: Jan 25, 2011
DATE ACTION REQUIRED PER MAP ACT: March 11, 2011

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

	2319 Garden St Parcel A	222 E Junipero St Parcel B	220 E Junipero St Parcel C
Property Owner:	Walter Scott Burns and Lisa Knox Burns	Walter Scott Burns and Lisa Knox Burns	Frederick McCauley
Parcel Number:	025-132-007	025-132-019	025-132-003
General Plan:	Residential, 3 units per acre		
Zoning:	E-1, Single Family Residential		
Existing Use:	Residential	Vacant	Residential
Adjacent Land Uses:	Surrounded by residential uses		

B. PROJECT STATISTICS

Zone	E-1
Lot Area Required	15,000 sf

1. EXISTING PARCEL STATISTICS

	2319 Garden Street (Parcel A)	222 E Junipero St (Parcel B)	220 E Junipero St (Parcel C)
Slope	6.25%	4.38%	7.63%
Existing House (net sf)	2,931	0	1,756
Lot Area	15,000 net sf	5,021.4 sf	6,544.2 net sf
% of Maximum FAR (sf) Guideline	67%	N/A	52%

2. PROPOSED ADJUSTED PARCEL STATISTICS

	2319 Garden Street (Parcel 1)	220 E Junipero St (Parcel 2)
Slope	5.85%	5.72%
Existing House (net sf)	2,931	1,756
Lot Area	17,768.7 net sf	8774.8 net sf
Maximum FAR (sf) Guideline	67%	52%

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	2319 Garden Street Proposed Parcel 1		220 E Junipero St Proposed Parcel 2	
Setbacks					
-Front	30'	58.2'		14.8'	
-Interior	10'	4.4'		7.3'	
-Rear	10'	> 10'		> 10'	
Building Height	30'	> 30'		> 30'	
Parking	2 covered spaces	2 covered		2 covered	
Open Yard	1,250 sf	> 1,250 sf		> 1,250 sf	
Lot Coverage					
-Building	N/A	2,931	16%	1,756	20%
-Paving/Driveway	N/A	1,228	7%	278.5	3%
-Landscaping	N/A	13,609.7	77%	6740.3	77%

The proposed project would meet the requirements of the E-1 Zone, with the exception of the lot area for parcel 2, and street frontage modifications for both of the proposed parcels which are discussed below in section VI.

VI. ISSUES

A. VOLUNTARY LOT MERGER

The voluntary lot merger of APN's 025-132-007 and APN 025-132-019 is a ministerial action. The listing of the application is for disclosure that the lot merger will be recorded simultaneously with the lot line adjustment. The existing parcels at 2319 Garden and 222 E Junipero are both owned by Burns Family Trust.

B. 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 is consistent with all plans and policies of the City of Santa Barbara, including the General Plan.

Land Use Element: The project site is located in an area recognized by the Land Use Element of the General Plan as the Upper East neighborhood of the City. The Upper East neighborhood is bordered on the north by Mission Creek and Las Encinas Road; on the south by Sola Street; on the east by Laguna Street, Olive Avenue, and Olive Street; and on the west by State Street. The General Plan recognizes the Upper East neighborhood as being predominately residential uses with a density of three dwelling units per acre or one unit per 14,520 sf. Parcel 2 is existing non-conforming to general plan density lot size. The proposal will result in Parcel 2 becoming more compliant with the General Plan. The block bounded by Junipero, Garden,

Pueblo, and Santa Barbara Streets is approximately 4.6 acres and is currently developed with 13 units, a density of 2.8 units per acre. The block is defined as residential with a maximum density of 3 units per acre under the City's General plan. Therefore, with the elimination of one legal lot the block will not exceed the general plan density.

C. LOT LINE ADJUSTMENT

Government Code Section 66412 (d), a portion of the State Subdivision Map Act, requires that the proposed lot line adjustment be consistent with the City's zoning and building codes. The plans for the proposed construction and existing structures on both properties have been reviewed by the Building and Safety Division and are in compliance with local building codes. The lot line adjustment would increase the lot area 222 E. Junipero Street (Parcel 2) by 2,230.6 sf and Parcel 1 (merged) would be left with 17,768.7 sf. The minimum lot size for E-1 is 15,000 sf, for lots that have an average slope of less than ten percent. Both the existing and proposed lots will maintain an average slope of less than ten percent therefore requiring a minimum lot area of 15,000 sf each.

The proposal does not include any additions or alterations of existing structures or the construction of any new structures. With the approval of the requested modifications, the resulting parcels of a lot line adjustment will meet all current zoning standards, for the E-1 Single-Family Residence Zone.

The intent of the lot line adjustment is to provide eliminate the parcel known as 222 E. Junipero Street and create larger lots for the two resulting parcels. Any future development on either parcel would be subject to the ordinance requirements of the E-1 Single-Family Residential Zones.

D. STREET FRONTAGE MODIFICATIONS

The property at 220 East Junipero Street and 2319 Garden Street have a set amount of street frontage with 50 feet and 75 feet respectively. The E-1 zone requires 90 feet of street frontage. Although the proposed lot line adjustment creates two newly created lots from three existing lots, there is no opportunity to increase the street frontage of either of the lots. The existing linear street frontage will remain unchanged but requires a street frontage modification for each new lot.

E. LOT AREA MODIFICATION

The proposed parcel 2 (220 E. Junipero Street) will not comply with the minimum standard of 15,000 sf lot size for newly created lots in the E-1 zone, therefore, it will require the approval of a lot area modification. Existing Parcel 2 (APN 025-132-003) was non-conforming, with a lot size of 6,544.2 sf lots (less than half of the required minimum lot size). The Lot Line Adjustment will increase Parcel 2 by 2,230.6 sf, an approximately 34% increase in lot size. The proposed project decreases the number of legal lots on this block by one, decreases the potential density by one unit, and results in a lot which is closer to the require minimum lot size.

F. ENVIRONMENTAL REVIEW

The project is a minor land transfer between two lots currently developed with single family residences. CEQA provides an exemption for projects involving minor lot line adjustments, where no new building sites have an average slope of greater than 20%, and the potential for development would not increase. Because there is no increase in the potential for development and no new building sites, 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 AREA AND STREET FRONTAGE MODIFICATION

Modifications of lot area and street frontage requirements are consistent with the purposes and intent of the zoning ordinance, and are necessary to prevent unreasonable hardship and promote uniformity of improvement, because the project eliminates a vacant lot by dividing the land between two adjacent parcels, thereby increasing conformance with the Zoning Ordinance, as described in Sections V. and VI.B above.

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, as shown in section V and VI. above. The lot line adjustment would create two legal lots that conform to the zoning requirements in the E-1 zones as described in Sections V. and VI.C. above.

Exhibits:

- A. Conditions of Approval
- B. Site Plan (under separate cover)
- C. Applicant's letter, dated January 15, 2010

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

222 E. JUNIPERO STREET AND 2319 GARDEN STREET

LOT LINE ADJUSTMENT

FEBRUARY 23, 2011 (TENTATIVE DATE)

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 Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map 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:
 1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on February 23, 2011 is limited to two single family residential lots that may not be subdivided, and the improvements shown on the Tentative Subdivision Map 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. **Public Works Submittal Prior to Parcel Map 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*. Engineering Division Staff will prepare said agreement for the Owner's signature.
- C. **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.
 1. **Recordation of Lot Line Adjustment Agreement.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department prior to issuance of building permits for individual parcels.
 2. **Lot Line Adjustment Agreement Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof or Declaration 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.

- D. **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 TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Map shall expire three (3) 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.



CAL COASTAL Engineering and Land Surveying, Inc.

RECEIVED
DEC 16 2010

January 15, 2010
Santa Barbara City Planning Dept.

CITY OF SANTA BARBARA
PLANNING DIVISION

To: The Santa Barbara City Assistant Planner (Ms. Suzanne Riegle)

This letter is to explain the process that the owners (Mr. Frederick McCauley and Mr. and Mrs. Scott Burns) of the following Assessor Parcel Numbers are requesting from the City of Santa Barbara, Ca.

They are seeking approval for a lot line adjustment, involving the three (3) lots, Assessor Parcel Numbers 025-132-03, 025-132-07 and 025-132-019, within Block "H" of the "Mission Addition, in the City of Santa Barbara.

Their intent is to create two (2) larger lots and eliminating the third lot (Assessor Parcel Number 025-132-019). Thereby eliminating Assessor Parcel Number 025-132-019, as indicated on the attached two (2) maps, the end process, if approved, is to have two lots, instead of three lots.

The following item requirements from your letter are indicated below.

A. Planning Division

1. We have indicated on sheet 2 of 2 the existing parcel sizes of both gross and net acreages
2. On page 1 of 2, we have provided both the total building footprints, paving and the landscaped areas in square feet before and after the boundary line adjustment.
3. On page 2 of 2 we have included the existing and proposed slopes of the said lots (before and after boundary line adjustments)
4. On item # 5, the owners will apply for the lot area modification.
5. Has been eliminated.
6. Has been eliminated.
7. The outstanding zoning violations regarding hedge height will be complied with the City of Santa Barbara's requirements upon approval of the boundary line adjustment.
8. We are requesting a voluntary lot merger, a lot line adjustment, two lot frontage modifications, and a lot area modification.

(1)

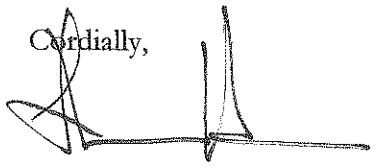
375 Alisal Road, Solvang, Ca. 93464
P.O. Box 856, Solvang, Ca. 93464 (805) 688-6556 off. (805) 688-3966 fax
calcoastalsurvey@msn.com

If you have any questions, please do not hesitate to call our office (805) 688-6556, or email us

EXHIBIT C

at (calcoastalsurvey@msn.com)

Cordially,

A handwritten signature in black ink, appearing to be 'Tom Hale', written over a horizontal line.

Tom Hale
PLS 4427
cc file

375 Alisal Road, Solvang, Ca. 93464
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