



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 2, 2011  
**AGENDA DATE:** March 9, 2011  
**PROJECT ADDRESS:** 605 & 615 San Roque Road (MST2010-00254)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Kelly Brodison, Assistant Planner

### I. PROJECT DESCRIPTION

The project consists of a proposal for a lot line adjustment between two existing legal lots. Approximately 16,433 square feet of lot area will be transferred from 615 San Roque Road to 605 San Roque Road. The newly created parcel at 615 San Roque Road (APN 053-071-003) will be 15,000 square feet with an average slope of 7% and 605 San Roque Road (APN 053-071-008) will be 35,971 square feet with an average slope of 23%.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

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

### III. RECOMMENDATION

With the approval of the requested street frontage modification, the proposed project conforms to the City's Zoning and Building Ordinances and policies of General Plan. No construction is proposed as part of this project. The proposed request does not raise any significant issues. No construction is proposed on the project site and no exterior changes are proposed on the existing buildings. 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.

STAFF HEARING OFFICER STAFF REPORT  
605 & 615 SAN ROQUE ROAD (MST2010-00254)  
MARCH 2, 2011  
PAGE 2



Vicinity Map for 605 & 615 San Roque Road

**APPLICATION DEEMED COMPLETE:** February 4, 2011  
**DATE ACTION REQUIRED PER MAP ACT:** March 21, 2011

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

	605 San Roque Road	615 San Roque Road
Property Owner:	Lesley J. Alexander	Richard E. Moniot & Julie K. Wendt
Parcel Number:	APN 053-071-008	APN 053-071-003
General Plan:	Residential, 5 units per acre	
Zoning:	E-1, Single Family Residential SD-1, San Roque Subdivision SD-2, Upper State Street Area	
Existing Use:	Residential	Residential
Adjacent Land Uses:	North – Residential South – Residential East – Residential West – San Roque Creek and Stevens Park	

**B. PROJECT STATISTICS**

	Existing	Proposed
605 San Roque Road	19,537.5 sq. ft. 24% slope	35,971 sq. ft. 23% slope
615 San Roque Road	31,433.5 sq. ft. 17% slope	15,000 sq. ft. 7% slope

**C. FLOOR AREA RATION STATISTICS**

	Lot Area	Maximum FAR (Net Sq. Ft.)	Existing (Net Sq. Ft.)
605 San Roque Rd.	35,971 sq. ft. net	4,897	2,077
615 San Roque Rd.	15,000 sq. ft. net	4,375	1,710

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	605 San Roque Road	615 San Roque Road
		Proposed	Proposed
Setbacks			
-Front	40'	N/A	40' (No Change)
-Interior	10'	10'	10'
Building Height	30'	No Change	No Change

Lot Frontage	90'	None*	100'
Parking	2 covered	2 covered	2 covered
Open Yard	1,250 square feet	>1,250 square feet	> 1,250 square feet
Minimum Lot Area Required	15,000 sq. ft. av. Slope 0-10% 22,500 sq. ft. net av. slope of 10-20% 30,000 sq. ft. net av. slope of 20-30% 45,000 sq. ft. net av. slope of 30% or more	35,971 sq. ft. 23% slope	15,000 sq. ft. 7% slope

\*The proposed project is consistent with the requirements of the E-1, Single-family Residence Zone, with the exception of the street frontage modification for 605 San Roque Road, which is discussed in Section VI. Any future development on either parcel would be subject to the provisions of the E-1 Zone and review by the Single Family Design Board.

**VI. ISSUES**

**A. 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. There are two existing building sites, each developed with a single family residence. 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).

**B. LOT FRONTAGE MODIFICATIONS**

Santa Barbara Municipal Code, Section 28.151.080 (Lot Frontage Requirements) states that newly created parcels in the E-1 Zone must have no less than 90 feet of frontage on a public street. The existing lot at 615 San Roque has 100' of street frontage and that will not change as a result of this proposed lot line adjustment. However, the existing lot at 605 San Roque does not front on a public street and takes access from an 11' wide driveway easement crossing over the adjacent property closer to the street at 609 San Roque Road. A modification of the requirement for 90 feet of street frontage is necessary. Section 28.92.100 of the Zoning Ordinance allows the Staff Hearing Officer to approve a modification of the minimum required street frontage when it can be found consistent with the purposes and intent of the ordinance and necessary to secure an appropriate improvement on a lot. The existing parcel is landlocked, and the approval of the street frontage modification is not increasing or intensifying the legally non-conforming amount of street frontage. There is no reasonable opportunity for the applicant to provide the required 90' of street frontage and the existing linear street frontage will remain unchanged with no new driveway cuts. Therefore, Staff believes the proposed lot configuration is acceptable and consistent with the existing development pattern on the lots.

### 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 below, the proposed subdivision is 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 San Roque neighborhood of the City. The Westside neighborhood is bordered on the north by Foothill Road; on the south by the commercial development above State Street; on the east by San Roque Road; and on the west by Arroyo Burro Creek. This neighborhood is fully developed with single-family homes. Most of this neighborhood is designated for five dwellings to the acre which is consistent with the proposed lot line adjustment and the E-1 zoning.. The project is adjacent to Stevens Park and San Roque Creek, which both run along the rear property line. 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. Both of the lots involved with this lot line adjustment are developed with existing single family residences, and no additional units or lots are proposed, at this time, therefore the project can be found consistent with the Residential General Plan designation of 5 units per acre.

*Conservation Element:* This project site is immediately adjacent to Stevens Park and San Roque Creek. San Roque Creek is one of the major creek systems within the City of Santa Barbara. Creeks provide drainage from the mountains and hills to the ocean, are largely natural in appearance and thus contribute to the aesthetic quality of the City. Creeks function as an important ecological resource while providing open space. As open space, the creekside and the neighboring park environment contributes the overall community by offering visual relief from the built environment. Parks are also valuable visual amenities and are consider recreational resources. No development is proposed as a part of this lot line adjustment nor would any future development be allowed without additional review. Therefore the lot line adjustment can be found consistent with the Conservation Element of the General Plan

### D. 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 minimum lot size for an E-1 zoned lot is 15,000 square feet for lots that have an average slope of less than ten percent; 1.5 times the minimum lot area for lots with an average slope between 10% and 20%; 2.0 times the minimum lot area for lots with an average slope between 20% and 30%; and 3.0 times the minimum lot area for lots with an average slope of 30% or more.

The lot line adjustment would increase the lot area 605 San Roque Road, with a 23% slope, from 19,537.5 square feet to 35,971 square feet and decrease the lot area of 615 San Roque Road, with a 7% slope, from 31,433.5 square feet to 15,000 square feet. Therefore, both of the

newly adjust lots would comply with the requirements of the Zoning Ordinance and the Subdivision Map Act.

**VII. FINDINGS**

Staff recommends that the Staff Hearing Officer approve the project, making the findings below:

**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 are necessary to secure an appropriate improvement on a lot as detailed in Section of VI.B. of the Staff Report 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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated November 12, 2008

## STAFF HEARING OFFICER CONDITIONS OF APPROVAL

605 & 615 SAN ROQUE ROAD

*LOT LINE ADJUSTMENT*

MARCH 2, 2011

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.** 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.

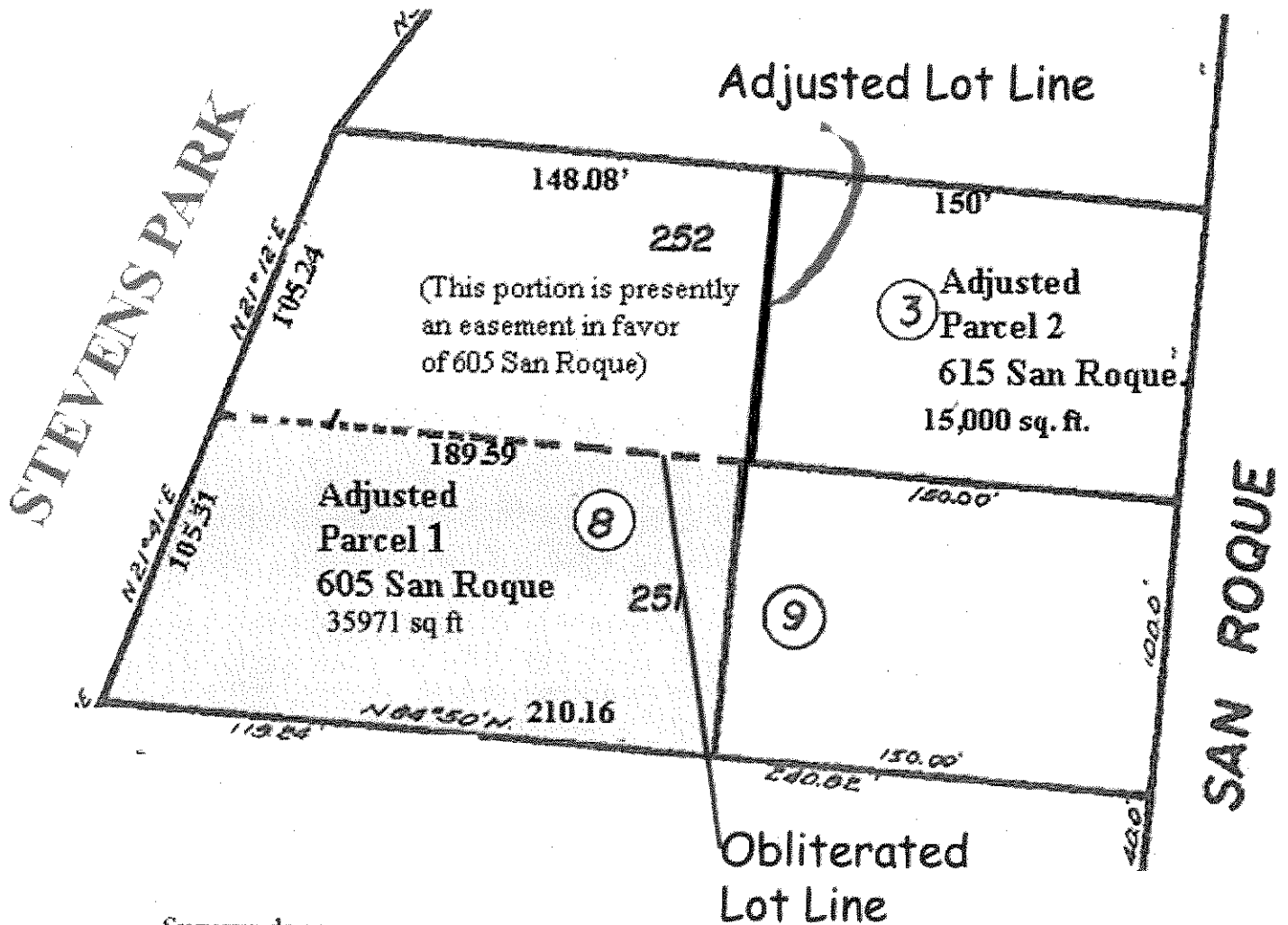
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification 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.

**NOTICE OF LOT LINE ADJUSTMENT 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.



# Map showing proposed lot line change



Surveys done:

In 2008, a survey of APN 070-53-03 showing the breakdown of the easement area, by Cal Coastal.

In 1960, a survey of APN 070-53-08 as part of an application to build a residential structure.

Letter from Applicant

Lesley Alexander 805 682-5381; ljonesa@cox.net  
605 San Roque Road, SB 93105

RECEIVED  
JAN 03 2011

CITY OF SANTA BARBARA  
PLANNING DIVISION

\*\*\*\*\*

The following is in response to the instructions received upon applying, "Planning Commission/DART Application Submittal Requirements." Much of this information also included in a chart on page 4.

(a.) Requested, 1) A Lot Line Adjustment 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).

Note: No changes are proposed, necessary or planned. No problems evident.

(b.) Only one letter has been received re:DART. The letter was dated 11/9/10 but I received it 12/8/10, and therefore missed the Planning meeting of 11/16/10. . A copy of that letter is attached.

(c.) Planning has requested items listed on instructions given when applying. The request has also been made that the 18 x 24 focus information on one large diagram rather than many small ones.

Applicant proposes to meet these requirements with diagrams, charts, photos, and the ensuring discussion. Some items were very detailed, possibly not appropriate to the current situation, and therefore omitted. However, I am available to suggestions from staff.

(d.) 605 San Roque has been physically viewed by Kelly Brodison.

(e.) I have full use of the land in question under an easement agreement. However, the legal document is long and would be intimidating to a potential buyer. I am in my mid-80's and at some point my children will have to sell the property. This is why I am applying for a formal lot split approval. It would facilitate the sale.

(f.) I don't see any problems. The easement agreement specifies that once the lot line adjustment is in place, there will continue to be restrictions (see legal document in original application folder). No residence or garage will be permitted until 2100, and of course it would only be permitted then if the City and the Fire Department were sympathetic, which seems unlikely. Only a small garden shed would be permissible on the area to be transferred. I won't be needing one there. I plan no changes at all from the present permitted use. There will be no demolition, new construction, no r change of use.

(g.) The easement area, which is the area under consideration for a lot line adjustment, has no structures on it.

- 1)
- 2) There is a residence on 605 San Roque, 2000 sq ft gross and 1594 net, plus a carport of 483 square feet. There is also a residence on 615 San Roque, 1609 gross and 1300 net.
- 3) No structures will be demolished or changed.
- 4) The 605 residence is 10' from the boundary on both east and south side. A site plan has been submitted. The 615 residence is 40' from San Roque (east side), 17' from the property to the north, and 10' from the property to the south.
- 5) No trees or significant vegetation will be removed.
- 6) There will be no change in the drainage. Most water moves to the south west, following drop in elevation, eventually going to San Roque Creek. Some drains to the south and some goes towards San Roque Road on the east.
- 7) Present parking for 605 includes 2 carport spaces; for 615, 2 garage spaces.
- 8) No grading will be done.
- 9) Land to the north, east, and south is designated residential. Land to the west is a city park.
- 10) There are some lights attached to the residences at 605 and 615, but none will be added.

No smoke or odors would be added.

No new noise sources.

The County has geological maps of earthquake faults, and none are shown in this property. Otherwise, no geotechnical studies have been done here.

No resource or constraint studies have been done.

There are no trails or public easements.

There is a 5' easement on 605 (see map) on the rear 100' of the south side for telephone and electricity, an easement on 609 San Roque in favor of 605 for access to San Roque and planting, and also on 615 San Roque for gardening.

The properties are located next to Stevens Park and San Roque Creek.

- 11) There will be no demolition, and no changes beyond minor gardening work.

12) The existing residence on 605 San Roque has 1594 sq ft net and 2000 sq ft gross, 3 bedrooms, 2 baths, and a study. The residence at 615 has 1300 sq ft net and 1609 sq ft gross, 2 bedrooms and one bathroom.

(h.) No hazardous materials will be used. No oil wells. No remediation needed. The property is not on any hazard lists.

3. The last letter from Kelly Brodison on behalf of the DART review is attached.

4. 10 two page sets of 18" x 24" plans are attached.

5. Photographs have been submitted of the easement area to be transferred from all sides including Stevens Park, of the residences on the premises, and of adjacent residences.

6. Public Notice requirements: payment has been made for mailing labels.

7. Hydrology Calculations: There will be no change in drainage which follows the contour of the earth. Most rain water soaks into the ground and thence to San Roque Creek.

8. Coastal Review waived.

9. Recent title reports are attached.

10. A cover sheet has been submitted.

11. \$10, 230 has been paid to the City.

12. Acknowledged.

The following is in response to the Public Works "LOT LINE ADJUSTMENT DOCUMENT PROCESSING (POST APPROVAL)" sheet.

Master Application

Fees

Since there are no changes, no plans exist for the four full sets of plans.

Title reports within the last 3 months are attached

Legal descriptions have been submitted

A survey of 615 San Roque, the donor parcel, showing the easement area, has been submitted. A survey of 605 San Roque Road has also been submitted. The parcel just south of 605 also has a recent survey, if requested, showing the lot line with 605.

A Lot Line Adjustment plan has been submitted.

**SUMMARY CHART**

RECEIVING PARCEL	PRESENT LOT	PROPOSED LOT
APN	53-070-08	53-070-08
Address	605 San Roque Rd	605 San Roque Rd
Lot Size	21463 sq ft	36424 sq ft
Acres		0.84
Slope density	24%	23%
General Plan Use Designation	residential 5 units per acre	.....
Zone	E-1. SD-1. SD-2	E-1. SD-1. SD-2
Number of residential units	one	one
Owner's name	Lesley Alexander	Lesley Alexander
Gross sq ft residence	2000	2000
Net square foot residence	1594	1594
Gross sq ft covered parking	483	483
Covered parking spaces	two	%
FAR (house gross/lot gross)		$2000/36424=.05\%$
FAR (lot size - net sq ft house)		$36424-1594=35080$
E-1 setback, side 10'; frontage 40'	10', no frontage	10', no frontage
Bedrooms	3	3
Bathrooms	2	2

DONOR PARCEL	PRESENT LOT	PROPOSED LOT
APN	53-070-03	53-070-03
Address	615 San Roque Rd	615 San Roque Rd
Lot Size	32268 sq ft	15000 sq ft
Acres		0.34
Slope density	17%	7%
General Plan Use Designation	residential 5 units per acre	.....
Zone	E-1. SD-1. SD-2	E-1. SD-1. SD-2
Number of residential units	one	one
Owner's name	Rick Moniot, Julie Wendt	Rick Moniot, Julie Wendt
Gross sq ft residence	1609	1609
Net square foot residence	1300	1300
Gross sq ft covered parking	410	410
Covered parking spaces	two	two
FAR (house gross/lot gross)		$1609/15000=.11\%$
FAR (lot size - net sq ft house)		$15000-1300=13700$
E-1 setback, side 10'; frontage 40'	10', 40'	10', 40'
Bedrooms	2	2
Bathrooms	1	1