



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 015-15
MODIFICATION AND LOT LINE ADJUSTMENT
710 ALAMEDA PADRE SERRA AND 80 LOMA MEDIA
MARCH 4, 2015

APPLICATION OF PAT YOCHUM, AGENT FOR JUDY STURGEON AND JACK AND CHARNEE STEVENSON, 710 ALAMEDA PADRE SERRA AND 80 LOMA MEDIA, APN 019-300-010 AND -037, E-1 (ONE FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2014-00638)

The project consists of a lot line adjustment transferring 1,187 square feet from 80 Loma Media to 710 Alameda Padre Serra. Following the adjustment, 80 Loma Media would be 59,914 square feet and 710 Alameda Padre Serra would be 16,140 square feet. A lot area modification would be required for 710 Alameda Padre Serra because, even after adding the 1,187 square feet, it would have less than the required 45,000 square feet of lot area that is required for a lot in the E-1 Zone with a slope of greater than 30%. The adjustment affects an interior lot line and would not change the development potential of either lot. No development is proposed as part of the project.

The discretionary applications required for this project are:

1. A Lot Area Modification to adjust the boundary of a lot at 710 Alameda Padre Serra that has less than the required 45,000 square feet of lot area (SBMC §28.92.110); and
2. A Lot Line Adjustment to transfer 1,187 square feet from 80 Loma Media to 710 Alameda Padre Serra (SBMC Chapter 27.40).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305.

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 one person spoke regarding questions they had on the project, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 25, 2015.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the requested Lot Area Modification and the Lot Line Adjustment making the following findings and determinations:

1. LOT AREA MODIFICATION (SBMC §28.92.110)

The lot area modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot. The existing lot at 710 Alameda Padre Serra is nonconforming to the minimum lot size requirement

of the General Plan and Zoning Ordinance. The lot line adjustment would bring the property more into conformance with the minimum density requirements of the General Plan and minimum lot size of the Zoning Ordinance, as described in Section VI of the written staff report.

2. LOT LINE ADJUSTMENT (SBMC §27.40.040 AND GOV. CODE §66412)

With the approval of the lot area modification for 710 Alameda Padre Serra, the proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances, in that it would increase the size of 710 Alameda Padre Serra to bring it closer to conformance with the Zoning Ordinance minimum lot size, without decreasing the lot size of 80 Loma Media to a substandard level, as discussed in Section VI of the written staff report.

II. Said approval is subject to the following Conditions of Approval:

A. Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of lot line adjustment application.
2. Submit an application for the lot line adjustment to the Public Works Department.
3. Submit an application for and obtain a Building Permit (BLD) to permit as-built retaining walls.

Details on implementation of these steps are provided throughout the conditions of approval.

B. Public Works Department.

1. **Lot Line Adjustment.** The Owners shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* or *Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.
2. **Water Rights Assignment Agreement.** The Owners 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 prepares said agreement for the Owners' signature.

C. Community Development Department.

1. **Building Permits for As-Built Walls.** Prior to recordation of the Lot Line Adjustment, the Owner of 710 Alameda Padre Serra (APN 019-300-010) shall submit plans for the as-built retaining walls to the Building and Safety Division for review. Issuance of the building permit for said walls shall not occur until after the Lot Line Adjustment has been recorded so that the walls are shown entirely on the 710 Alameda Padre Serra property.


D. General Conditions.

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **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 being notified of a lawsuit regarding 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 4th day of March, 2015 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 MODIFICATION APPROVAL TIME LIMITS:**
The Staff Hearing Officer action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:
 - a. An extension is granted by the Community Development Director prior to the expiration of the approval; or
 - b. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
6. **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.
7. **NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**
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 land use 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 longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.