



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 25, 2015
AGENDA DATE: March 4, 2015
PROJECT ADDRESS: 710 Alameda Padre Serra and 80 Loma Media (MST2014-00638)

TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Allison De Busk, Project Planner *ALD*

I. PROJECT DESCRIPTION

The project consists of a lot line adjustment transferring approximately 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. Each lot is developed with a single-family residence and garage. No development or removal of vegetation is proposed as part of the project.

II. REQUIRED APPLICATIONS

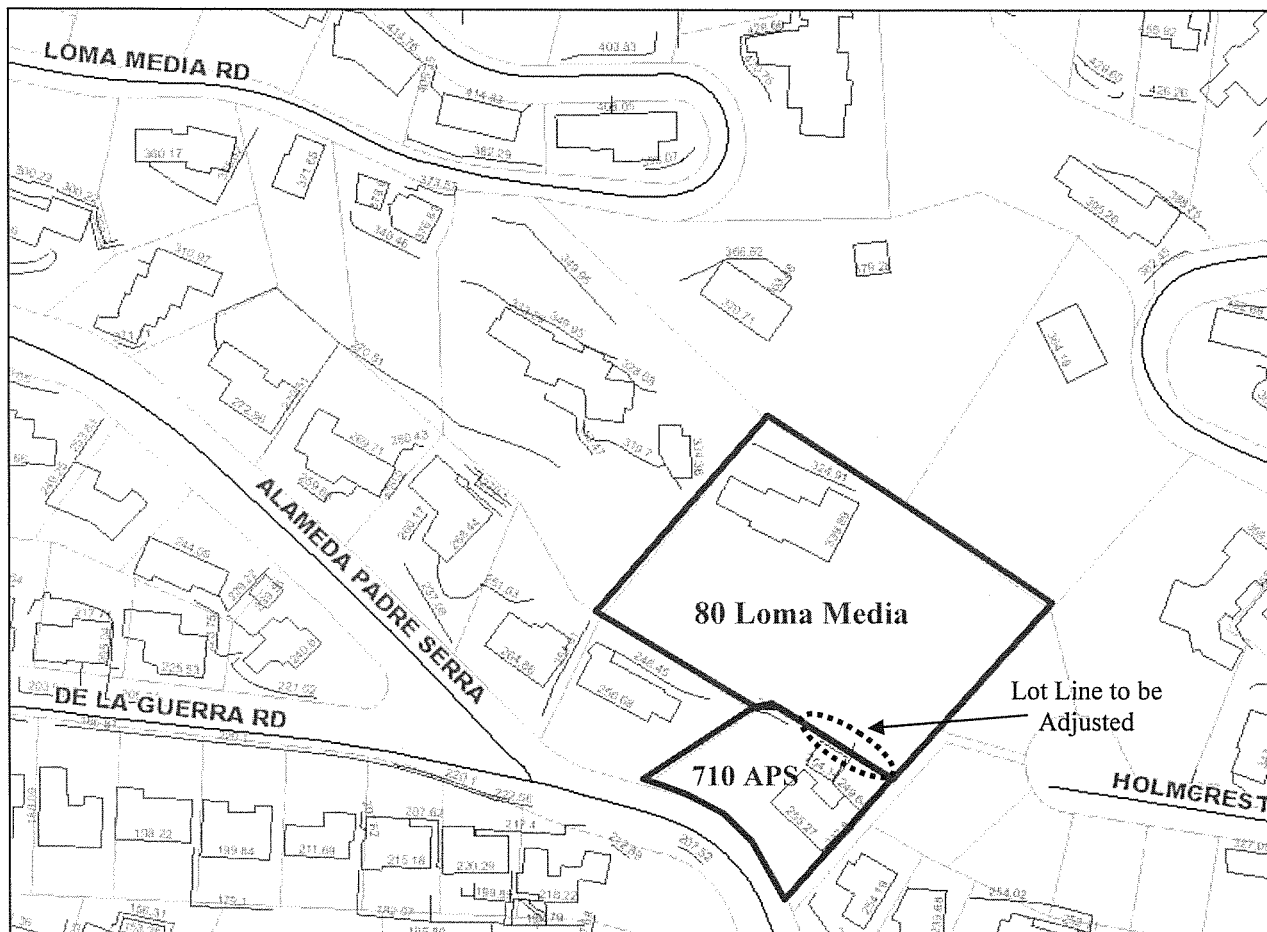
The discretionary applications required for this project are:

- A. 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
- B. A Lot Line Adjustment to transfer 1,187 square feet from 80 Loma Media to 710 Alameda Padre Serra (SBMC Chapter 27.40).

APPLICATION DEEMED COMPLETE: February 11, 2015
DATE ACTION REQUIRED: April 12, 2015

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map

IV. BACKGROUND

This proposal for a lot line adjustment came about as a result of retaining walls built by the prior owner of 710 Alameda Padre Serra on the 80 Loma Media property. The intent is to adjust the property line so that those retaining walls are entirely within the 710 Alameda Padre Serra property.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION (EXISTING)

Applicant:	Pat Yochum, Penfield & Smith Engineers	
Property Owner:	Judy E. Sturgeon, 710 Alameda Padre Serra	
Property Owner	Jack C. Stevenson and Charnee D. Stevenson, 80 Loma Media	
Site Information	710 Alameda Padre Serra	80 Loma Media
Parcel Number:	019-300-010	019-300-037
General Plan:	Low Density Residential (1 dwelling unit per acre)	Low Density Residential (1 dwelling unit per acre)
Existing Use:	residential	residential
Lot Area:	14,953 sq. ft.	61,101 sq. ft.
Zoning:	E-1	E-1
Topography:	38% slope	41% slope
Adjacent Land Uses		
	North - Residential South - Residential	East - Residential West - Residential

B. LOT AREA STATISTICS

	Required	Existing	Proposed
710 Alameda Padre Serra	45,000 sq. ft. (based on slope >30%)	14,953 sq. ft. (38% slope)	16,140 sq. ft. (39% slope)
80 Loma Media	45,000 sq. ft. (based on slope >30%)	61,101 sq. ft. (41% slope)	59,914 sq. ft. (41% slope)

VI. ISSUES

A. ZONING ORDINANCE CONSISTENCY

The proposed lot line adjustment would make the existing lot at 710 Alameda Padre Serra more conforming to minimum lot size by increasing its size by 1,187 square feet to 16,140 square feet. The existing lot is nonconforming to lot area at 14,953 square feet with an average slope of 38%. A lot area modification is required because, even after the transfer of lot area, 710 Alameda Padre Serra would have less than the required 45,000 square feet of lot area for a newly created lot in the E-1 zone with a slope of greater than 30%. The proposed project results in a lot that is closer to the zoning ordinance requirement for minimum lot size.

The lot at 80 Loma Media would be reduced by 1,187 square feet, but would remain in conformance with the minimum lot size requirement of 45,000 square feet. Given the size and slope of the two lots, it is not possible for a lot line adjustment to result in both of the lots complying with the minimum lot size of 45,000 square feet. With the approval of the lot area Modification for 710 Alameda Padre Serra, the project would meet the requirements of the Zoning Ordinance.

Additionally, the proposed lot line adjustment would bring the property at 710 Alameda Padre Serra into conformance with regard to the northern interior setback, as the existing garage is currently located in this required interior setback, but following the lot line adjustment it would comply with the required 10-foot interior setback.

B. GENERAL PLAN CONSISTENCY

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 lot line adjustment 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 identified as the Riviera Neighborhood in the General Plan. This area is primarily a single-family neighborhood and the subject parcels have a General Plan density of one dwelling unit per acre (one unit per 43,560 square feet). The lot identified as 710 Alameda Padre Serra is legally non-conforming to General Plan density. The proposed lot line adjustment would result in 710 Alameda Padre Serra increasing in size by 1,187 square feet to become more compliant with the General Plans density requirement. The lot identified as 80 Loma Media complies with the General Plan density and would continue to comply following the adjustment.

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 General Plan and zoning and building ordinances.

The proposal does not include any additions or alterations of existing structures or the construction of any new structures. Therefore, there are no issues related to compliance with local building ordinances.

With the approval of the requested lot area modification, as discussed above, the resulting parcels would comply with all current zoning standards for the E-1 Single-Family Residence Zone.

The lot line adjustment would bring the property at 710 Alameda Padre Serra closer to compliance with the General Plan designation and zoning ordinance requirements for minimum lot size. The area of land proposed to be transferred is currently used and maintained by the property owner of 710 Alameda Padre Serra, so the transfer would legalize that situation. Any future development on either parcel would be subject to the ordinance requirements of the E-1 Single-Family Residential Zones.

VII. ENVIRONMENTAL REVIEW

The project is a minor land transfer between two lots currently developed with single family residences. The City's list of projects qualifying as categorically exempt from the provisions of CEQA includes an exemption for projects involving minor lot line adjustments where no new building site has an average slope greater than 20%, and there would be no changes in land use or density. Because there is no change to land use or increase in density associated with the lot line adjustment, and it would not create a new building site, 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).

VIII. BUILDING PERMITS

No improvements are proposed as part of the project. However, staff has determined that the existing retaining walls near the garage associated with 710 Alameda Padre Serra (in the vicinity of the lot line adjustment) do not match the most recent building permit plans. A building permit will be required in order to accurately document the existing condition of the retaining walls.

IX. FINDINGS

The Staff Hearing Officer finds the following:

A. 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 staff report.

B. 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 staff report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated February 10, 2015

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

710 ALAMEDA PADRE SERRA & 80 LOMA MEDIA
LOT LINE ADJUSTMENT AND LOT AREA MODIFICATION
MARCH 4, 2015

- I. 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. **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.

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:

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 and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

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.

**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.

EXHIBIT B

APR 019-300-10
 THE FOLLOWING PARCELS PLATTED AND RECORDED ARE BASED ON INFORMATION PROVIDED BY A PRELIMINARY SURVEY OF GRAND TELE COMPANY GROUND NO. 19-778698-02, DATED FEBRUARY 9, 2010.

A 30' (NO FOOT) WIDE EASEMENT FOR PRIVATE ROAD PURCHASED IN THE DOCUMENT RECORDED JULY 29, 1998 AS INSTRUMENT NO. 1008, IN BOOK 1008, PAGE 304 OF OFFICIAL RECORDS. (ITEM 7)

A 30' (NO FOOT) WIDE EASEMENT FOR PRIVATE ROAD PURCHASED IN THE DOCUMENT RECORDED JUNE 29, 1999 AS INSTRUMENT NO. 1009, IN BOOK 1009, PAGE 296 OF OFFICIAL RECORDS. (ITEM 8)

APR 019-300-027
 THE FOLLOWING PARCELS PLATTED AND RECORDED WERE BASED ON INFORMATION PROVIDED BY A PRELIMINARY SURVEY OF GRAND TELE COMPANY GROUND NO. 19-778698-02, DATED FEBRUARY 9, 2010.

PARCELS FOUR (4) THROUGH TEN (10) OF SAID TITLE REPORT ARE NOT AFFECTED BY THIS LOT LINE ADJUSTMENT. AN EASEMENT FOR PUBLIC UTILITY PURCHASED IN THE DOCUMENT RECORDED JULY 29, 1998 AS INSTRUMENT NO. 1008, IN BOOK 1008, PAGE 304 OF OFFICIAL RECORDS. (ITEM 4) NOT AFFECTED.

AN EASEMENT FOR PUBLIC UTILITY PURCHASED IN THE DOCUMENT RECORDED JULY 29, 1998 AS INSTRUMENT NO. 1008, IN BOOK 1008, PAGE 304 OF OFFICIAL RECORDS. (ITEM 5) NOT AFFECTED.

AN EASEMENT FOR EASEMENT WIDE-ROADS PURCHASED IN THE DOCUMENT RECORDED MAY 29, 1999 AS INSTRUMENT NO. 1007, IN BOOK 1007, PAGE 48 OF OFFICIAL RECORDS. (ITEM 6) NOT AFFECTED.

SAID PARCELS ARE BASED ON THE INFORMATION PROVIDED BY A PRELIMINARY SURVEY OF GRAND TELE COMPANY GROUND NO. 19-778698-02, DATED FEBRUARY 9, 2010.

AN EASEMENT FOR PUBLIC UTILITY PURCHASED IN THE DOCUMENT RECORDED MARCH 13, 1999 AS INSTRUMENT NO. 98-18287, OF OFFICIAL RECORDS. (ITEM 10) NOT AFFECTED.

COMMENTS TO CLIENT

I HEREBY APPLY FOR THE APPROVAL OF THE ADJUSTMENT OF THIS PROPERTY TO THE PROPERTY OF THE CITY OF SAN DIEGO, CALIFORNIA. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THE PROPOSED ADJUSTMENT IS IN ACCORDANCE WITH THE CITY ENGINEER'S STANDARDS AND SPECIFICATIONS. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PLAN OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PLAN OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

OWNER'S STATEMENT

NAME: GRAND TELE COMPANY
 ADDRESS: 7775 LA JOLLA VILLAGE CENTER, SAN DIEGO, CALIFORNIA 92161
 ATTORNEY: [Name]
 DATE: [Date]

COMMENTS TO CLIENT

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NAME: GRAND TELE COMPANY
 ADDRESS: 7775 LA JOLLA VILLAGE CENTER, SAN DIEGO, CALIFORNIA 92161
 ATTORNEY: [Name]
 DATE: [Date]

OWNER'S STATEMENT

THIS BLADE (FOR CITY G.L.A.) ADJUSTED LOT AREA BLADE. THE LOT AREA IS 4,370 SQ. FT. PERIOD THIS. 4,370 SQ. FT.

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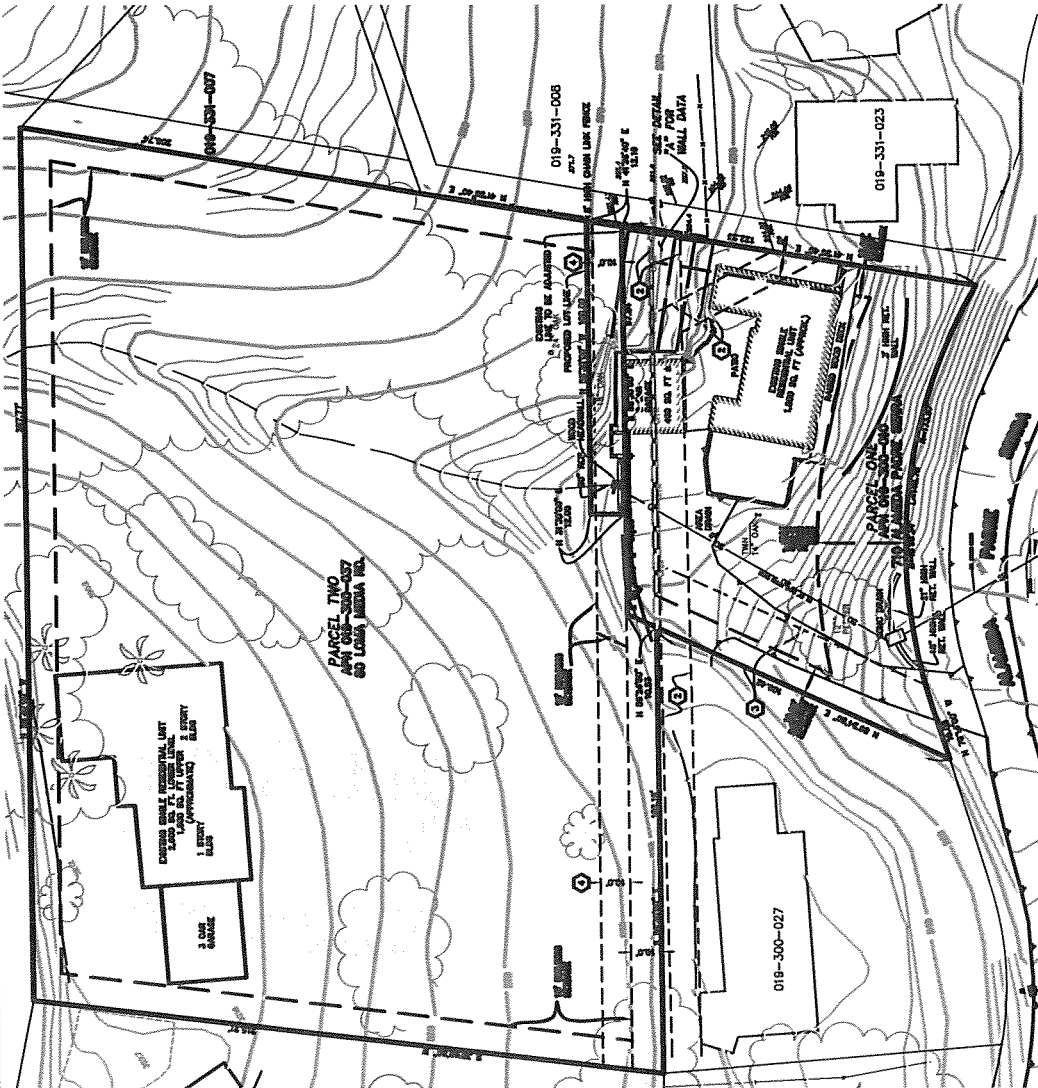
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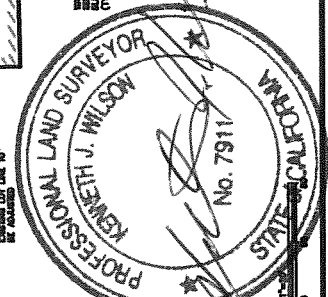
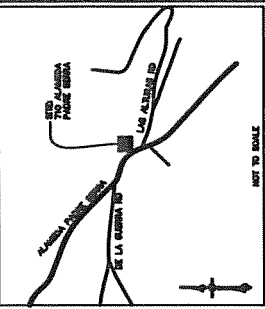
- LEGEND**
- EXISTING LINES
- PROPOSED LINES
- PROPOSED LOT LINE
- WALL
- EXISTING BENCH
- EDGE OF PARCEL

PROVISIONS

THE PROPERTY AS SHOWN HEREON IS THE PROPERTY OF THE CITY OF SAN DIEGO, CALIFORNIA. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THE PROPOSED ADJUSTMENT IS IN ACCORDANCE WITH THE CITY ENGINEER'S STANDARDS AND SPECIFICATIONS. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PLAN OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PLAN OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

LAND USE INFORMATION

APPROXIMATE PARCEL NUMBER - 019-331-008 & 019-331-023
 PARCEL AREA - 10,000 SQ. FT. / ACRES
 ZONING - M-1



LOT LINE ADJUSTMENT
 GRAND TELE COMPANY / GRAND TELE COMPANY
 19-778698-02
 THE ADJUSTED PARCEL AREA / 9.9 ACRES AREA IS
 CITY OF SAN DIEGO, CALIFORNIA, COUNTY OF SAN DIEGO
 OFFICE OF CALIFORNIA
 FEBRUARY 09



ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 10/20/2011 BY 60322
 STANTEC



Stantec Consulting Services Inc.
111 East Victoria Street
Santa Barbara CA 93101-2018
Tel: (805) 963-9532
Fax: (805) 966-9801

RECEIVED
FEB 10 2015

**CITY OF SANTA BARBARA
PLANNING DIVISION**

W.O. 2064902015

February 10, 2015

City of Santa Barbara
Staff Hearing Officer – Planning Division
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: 710 Alameda Padre Serra/ 80 Loma Media
MST# 2014-00638 – Lot Line Adjustment

Lot Line Adjustment

Our clients are requesting approval of a Lot Line Adjustment between the two lots being 80 Loma Media and 710 Alameda Padre Serra, and a modification for the minimum lot area with the slope density factor for Parcel One. The Lot Line Adjustment Application request proposes an adjustment to the common boundary between APN 019-300-010 (Parcel One) and APN 019-300-037 (Parcel Two). The area of existing Parcel One (14,953 square feet (s.f) lot area) would increase by approximately 1187 s.f to become adjusted Parcel One (16,140 s.f lot area). The area of existing Parcel Two (61,101 s.f lot area) would decrease by approximately 1187 to become adjusted Parcel Two (59,914 s.f lot area).

Existing conditions

The property addressed as 710 Alameda Padre Serra (APN 019-300-010) is developed with a single residential unit (floor area approximately 1,800 s.f), a two space garage (floor area approximately 400 s.f), driveway and landscaped areas. The portion of the retaining wall terrace system located in the northeastern corner of the existing lot has been permitted under permits BLD 2004-00808.

The property addressed as 80 Loma Media (APN 019-300-010) is developed with a single residential unit (floor area approximately 4,400 s.f), three – space garage (floor area approximately 770 s.f), driveway and landscaped areas. No demolition, tree removal or removal of significant is required or proposed.

This application originally began in 2002 as MST-2002-00724 and although the enforcement case and walls were permitted (BLD 2004-00808) the Lot Line Adjustment was not completed due to the death of one of the owners of the two lots. The estate recently sold the property and the intent is to resolve the encroachment and complete what was undertaken in 2002.



Please contact Pat Yochum at Stantec 805-963-9532 extension 146 as questions arise.

A handwritten signature in black ink, appearing to read "Pat Yochum". The signature is fluid and cursive, with a large loop at the end.

Sincerely,

STANTEC CONSULTING SERVICES INC.

Pat Yochum
Principal Land Analyst