City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: March 11, 2015

AGENDA DATE: March 18, 2015

PROJECT ADDRESS: 1702 La Vista del Oceano Drive and
1706 and 1708 La Vista del Oceano Lane (MST2012-00435)

TO: Staff Hearing Officer

FROM: Planning Division, (805) 564-5470
Renee Brooke, Senior Planner ALD for RLB
Suzanne Riegle, Associate Planner

I. PROJECT DESCRIPTION

This is a request for a one-year Time Extension of the expiration date of the Lot Line Adjustment approved by the Staff Hearing Officer on February 20, 2013 (SBMC Subsection §27.40.100.B & Gov. Code §66412(d)). The discretionary application for the project that was previously approved was a Lot Line Adjustment (LLA) between three one-family residential zoned parcels APNs 035-480-061, -062 & -063 (also known as 1702 La Vista Del Oceano Drive and 1706 and 1708 La Vista del Oceano Lane). The subject parcels are part of the Upper Rogers Tract Subdivision and are located in the Alta Mesa Neighborhood and the Hillside Design District. .

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the one-year time extension to February 20, 2016, for the Lot Line Adjustment, subject to the original conditions of approval as outlined in Staff Hearing Officer Resolution No. 011-13, attached as Exhibit A.

III. DISCUSSION

According to SBMC §27.40.100.A. and B, *Expiration and Extension of Lot line Adjustments*, the approval or conditional approval of a lot line adjustment shall expire twenty-four (24) months from the date the map was approved or conditionally approved. The subdivider may request an extension of the lot line adjustment approval or condition of approval by written application to the Staff Hearing Officer filed with the Community Development Department before the expiration of the lot line adjustment. Time extensions of the tentative map approval or conditional approval may not exceed in aggregate three (3) years beyond the expiration of the original twenty-four (24) month period. Since the project was approved by the Staff Hearing Officer on February 20, 2013, the project's initial expiration date was February 20, 2015.

The applicant has been actively pursuing the necessary approvals required for condition compliance with the LLA approval that has delayed the recordation of the lot line adjustment; and is therefore,

requesting a one-year time extension to proceed with this project. The project remains unchanged and continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan.

A one-year extension is now being requested pursuant to SBMC §27.40.100.B. The applicant submitted the extension on February 9, 2015, thereby satisfying the City's requirements that the request be filed before the approval has expired (Exhibit B). If approved, the project's new expiration date would be June 3, 2016.

Exhibits:
A. Staff Hearing Officer Resolution #011-13
B. Applicant's letter, dated February 9, 2015

City of Santa Barbara
California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 011-13
1702, 1706, AND 1708 LA VISTA DEL OCEANO DRIVE
LOT LINE ADJUSTMENT
FEBRUARY 20, 2013

APPLICATION OF L&P CONSULTANTS FOR VISTA OCEANO LA MESA VENTURE LLC, 1702, 1706, 1708 LA VISTA DEL OCEANO DRIVE, SANTA BARBARA CA, APNs 035-480-061, -062, -063, E-1 ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2012-00435)

The project consists of two lot line adjustments between three single-family residential parcels – 1702, 1706 and 1708 La Vista del Oceano, located at the end of La Vista del Oceano Drive (Upper Rogers Tract Subdivision) in the Alta Mesa Neighborhood. The applicant proposes to transfer 1,422 square feet from 1706 La Vista del Oceano to 1708 La Vista del Oceano, and 1,153 square feet from 1702 La Vista del Oceano to 1706 La Vista del Oceano.

The discretionary application required for this project is a Lot Line Adjustment (SBMC § 27.40.040)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act 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 thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 13, 2013 (revised).
2. Site Plans

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

I. Approved the Lot Line Adjustment making the finding and determination that it is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The proposed changes to the existing lots are consistent with the vision for the Alta Mesa Neighborhood of the General Plan, and the adjustments in the sizes of the three lots respect the requirements of the E-1 zone, particularly: they exceed the minimum lot size of 45,000 sf. and the buildings and structures remain outside of the interior setbacks for their respective lots. The adjustments in lot lines do not change the boundary established in the original subdivision approval between the development envelopes and the restricted area dedicated to the City as natural open space, and no infrastructure or utilities are affected by the lot line adjustment, as described in Section VI of the Staff Report.

EXHIBIT A

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

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real properties 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. Submit to Public Works Department, Engineering Land Development an application for a Lot Line Adjustment after Staff Hearing Officer approval.
2. Pay Land Development Team Recovery Fee for Lot Line Adjustment.

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

B. **Recorded Conditions Agreement.** The Owners shall execute a *written instrument* on each lot (1702, 1706 and 1708 La Vista del Oceano), 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. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 053-04A and 053-04B, as necessary, in relation to the land included in this LLA (MST 2012-00435).

2. **Landscape Plan Compliance.** The Owners shall comply with the Landscape Plans approved by the Single Family Design Board (SFDB). Such plans shall be modified to the extent they incorporate new area or lost area as a result of the LLAs, or measures to restore land in the restricted area (See C below). The revised plans shall be approved by the SFDB prior to issuance of the LLA and Certificate of Occupancy. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures, and any identified plantings in the restricted area. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.

3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owners shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owners shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owners shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owners are responsible for the adequacy of any project-related

drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining properties.

4. **Geotechnical Liability Limitation.** The Owners understand and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owners unconditionally waive any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owners agree to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owners' successor-in-interest or third parties.

C. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB) for landscaping. (See B.2 above.) City Staff shall investigate the properties to determine the need for restoration in the restricted area, any restoration measures to be incorporated into the landscape plans, and any subsequent permits required.

D. **Requirements Prior to Permit Issuance.** The Owners shall submit the following, or evidence of completion of the following, for review and approval by the respective departments listed below, prior to the issuance of any permit for the project. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

Lot Line Adjustment Required. 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. **Community Development Department.**

a. **Recordation of Agreements.** The Owners shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of the LLA and Certificate of Occupancy.

b. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each

condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner for La Vista del Oceano		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and landscaping: Prior to the start of any vegetation, structure or paving removal, or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owners shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City

Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owners of the Real Property shall complete the following:

1. **Landscape Plan.** All requirements of the landscape plan approved by the SFDB for their respective parcel.
2. **Land Development Team Recovery Fee Required.** Payment of the land development team recovery fee (30% of all planning fees, as calculated by staff).

F. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 053-04A and 053-04B, as necessary, in relation to the land included in this LLA (MST 2012-00435).

2. **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.

3. **Approval Limitations.** Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Staff Hearing Officer 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.

4. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the City Council, Applicant/Owners hereby agree 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/Owners further agree 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/Owners 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/Owners fail 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 20th day of February, 2013 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 — 2/22/13

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 Lot Line Adjustment 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 properties, 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 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.

3 West Carrillo Street, Suite 205 Santa Barbara, CA 93101
ph: 805.962.4611 fax: 805.962.4161

February 9, 2015 P.N. 12-011.01

RECEIVED
FEB 09 2015
CITY OF SANTA BARBARA
PLANNING DIVISION

Staff Hearing Officer
City of Santa Barbara
Community Development
630 Garden Street
Santa Barbara, CA 93101

Subject: Request for Time Extension; SHO Resolution No. 011-13
1702, 1706, 1708 Vista Del Oceano Lot Line Adjustment
MST #2012-00435; APNs 035-480-061, 062 and 063

Dear Staff Hearing Officer:

Kindly consider this correspondence as a request for approval of a Time Extension for the Lot Line Adjustment approved February 20, 2013 by the Staff Hearing Officer for the City of Santa Barbara pursuant to adopted Resolution No. 011-13. We enclose herewith the following for processing of the Time Extension request:

- Completed Planning Commission & Staff Hearing Officer Cover Sheet.
- Copy of Resolution No. 011-13.
- Processing fee of $595.00 ($470.00 for request processing fee; $125 for mailing labels)

The Time Extension is requested in order to allow for additional time to complete the document and map preparation, processing and recordation necessary to complete the Lot Line Adjustment process, and the time necessary for compliance with Conditions of Approval associated with Planning Commission Resolutions 053-04A and 053-04B (MST #2012-00435), which the subject Lot Line Adjustment is subject to per Condition #1.

Very truly yours,
L & P CONSULTANTS

Mark Lloyd
Agent

cc: Marty Newton 1702, 1706, 1708 Vista Del Oceano LLA Time Extension Letter

EXHIBIT B