

County Planning Commission Staff Report for the Calprop/Hoctor Lot Line Adjustment Project

Hearing Date: February 27, 2008
Staff Report Date: February 8, 2008
Case No.: 07LLA-00000-00011

Deputy Director: Dave Ward
Division: Development Review, South
Staff Contact: Errin Briggs
Planner's Phone No.: 568-2047
Supervising Planner: Anne Almy

Environmental Document: Exempt pursuant to CEQA Guidelines Section 15305(a)
(Minor Alterations in Land Use Limitations)

OWNERS/APPLICANTS:

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(212) 303-6134

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AGENT:

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VICINITY MAP



This site is identified as Assessor Parcel Numbers 005-260-009 & 005-260-011, located approximately 300 yards east of the intersection of US101 and Padaro Lane at 2825 & 2781 Padaro Lane, in the Summerland area, First Supervisorial District.

1.0 REQUEST

Hearing on the request of Jessica Kinnahan, agent for the owners, to consider Case No. 07LLA-00000-00011, [application filed on October 2, 2007] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21, to adjust lines between two lots of 3.01 gross acres and 17.25 gross acres to reconfigure into two lots of 10.01 acres and 10.25 acres, on property located in the 3-E-1 zone; and to accept the Exemption pursuant to Section 15305 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 005-260-009 & 005-260-011, located at 2825 & 2781 Padaro Lane, in the Summerland area, First Supervisorial District.

Application Submittal: October 2, 2007
Application Complete: November 26, 2007
Processing Deadline: 60 days from NOE

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 07LLA-00000-00011 marked "Officially Accepted, County of Santa Barbara, February 27, 2008, Planning Commission Exhibits A-D", based upon the project's consistency with the Comprehensive Plan including the Coastal Land Use Plan and the Summerland Community Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
2. Accept the exemption, included as Attachment B of this staff report, pursuant to Section 15305(a) of the State Guidelines for the implementation of CEQA.
3. Approve the project, Case No. 07LLA-00000-00011 subject to the conditions included as Attachment C.

Refer back to staff if the Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on Section 21-6 of the Chapter 21 Subdivision Regulations which states:

- (a) *Planning Commission or Zoning Administrator. The Santa Barbara County Planning Commission shall be the decision-maker, except that the Zoning Administrator shall be the decision-maker for the following:*

(2) Because the project site is located within a rural area and the lot-line adjustment would increase the size of the smallest parcel by more than 10%, the decision-maker shall be the Planning Commission.

4.0 ISSUE SUMMARY

The proposed project comprises a straight-forward lot line adjustment in a coastal, rural portion of the Summerland Community Plan area. The purpose of the lot line adjustment is to effectuate a private-party purchase of a portion of 2825 Padaro Lane.

Reconfigured Lot 2 currently has an outstanding building violation (06BDV-00000-00083) for work without permits and has several previously unpermitted structures located in the south and east portions of the property. The building violation and unpermitted structures are being

resolved independent of the subject request. Recordation of the lot line adjustment is conditioned on the successful resolution of the building violation and removal of the unpermitted structures.

5.0 PROJECT INFORMATION

5.1 Site Information

<u>Site Information</u>	
Comprehensive Plan Designation (Both parcels)	Coastal, Rural, RES-0.33 (Residential, one dwelling unit per 3 acres), Summerland Community Plan Area
Article II, Zoning District	Coastal, 3-E-1 (Residential, 3 acre minimum lot size), Flood Hazard Overlay, ESH & Riparian Corridor Overlay
Site Size	Reconfigured Lot 1: 3.01 gross acres Reconfigured Lot 2: 17.25 gross acres
Present Use & Development	Reconfigured Lot 1: Residential, Single-Family Residence & several accessory structures Reconfigured Lot 2: Residential, Single-Family Residence & several accessory structures
Surrounding Uses/Zoning	North: US 101 South: Pacific Ocean East: Residential, 3-E-1 West: Residential, 3-E-1
Access (Both Parcels)	Private Drive from Padaro Lane
Other Site Information	Bluff-top properties, Reconfigured Lot 2 borders West Toro Canyon Creek
Public Services (Both Parcels)	Water Supply: Montecito Water District Sewage: Private Septic System Fire: Carpinteria/Summerland Fire District

5.2 Description

The request is for a Lot Line Adjustment to adjust the boundaries between APN's 005-260-009 & 005-260-011 known as 2825 and 2781 Padaro Lane respectively. The adjustment would transfer 7.00 gross acres from 2825 Padaro Lane (Reconfigured Lot 2) to 2781 (Reconfigured Lot 1) resulting in Reconfigured Lot 2 at 10.25 gross acres and Reconfigured Lot 1 at 10.01 gross acres. No other development is proposed as part of the project. Lot 1 is currently developed with an 8,000 square foot single-family residence with attached garage, cabana, two spas, swimming pool and guest house. Lot 2 is currently developed with a 1,350 square foot residence, detached accessory structure, watchman's trailer, detached garage with carport and several storage containers. Both

parcels would continue to be served by the Montecito Water District, private septic systems and the Carpinteria/Summerland Fire District. Both parcels would continue to take access from Padaro Lane.

5.3 Background Information

APN 005-260-011 (Reconfigured Lot 1)

The subject parcel was created as part of Parcel Map 13,698 in February of 1986 as shown in Parcel Map Book 38, pages 57-59.

The existing, on site development was approved under Coastal Development Permit 01CDH-00000-00041 on May 20, 2002.

APN 005-260-009 (Reconfigured Lot 2)

The subject parcel was created as lot "A" of Parcel Map 13,069 as approved by the Santa Barbara County Subdivision Committee on February 12, 1981.

According to a Historic Resources Report drafted by San Buenaventura Research Assoc. and dated March, 2007¹, the existing main residence and accessory structure (to be validated as a DRSU under separate permit) were probably constructed between 1942 and 1944 and subsequently moved to the subject property sometime in the late 1940's (before zoning was required in this area.) According to the same report, the existing garage/carport was probably constructed during the 1970's and the accessory structures proposed for demolition were likely constructed in the 1970's or 1980's. No permit history can be found in the County files for any of the structures onsite, although the residence and accessory structure can be seen in site plans associated with prior permits granted on the subject property dating back to the mid 70's. A temporary trailer was placed on the subject property sometime in 2006 and is currently unpermitted.

On May 16, 2006, building violation Case No. 06BDV-00000-00083 was initiated on Reconfigured Lot 2 for work without permits. Additionally, several unpermitted structures are located along the bluff-top and are proposed to be removed. Approval of Case Nos. 07CDH-00000-00007 for an addition to the main residence and removal of the unpermitted structures, 07CDP-00000-00063 for the conversion of an existing accessory structure to a detached residential second unit and 07CUP-00000-00019 for a temporary watchman's trailer would bring the subject property into conformance with the building code and all Article II zoning requirements. However, these applications are currently under appeal with the California Coastal Commission and await resolution.

These applications were appealed by the Coastal Commission on the basis that the property owner had removed a significant amount of vegetation from the mouth of Toro Canyon Creek and several eucalyptus trees from a Monarch butterfly over-wintering site contained therein. The applicant has subsequently developed a restoration plan for the creek and butterfly habitat and is working with Coastal Commission staff to resolve the appeals.

¹ On file with P&D and available upon request

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The project can be found categorically exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15305 [Minor Alterations in Land Use Limitations] of the State CEQA Guidelines. See Attachment B for a more detailed discussion.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p>Coastal Land Use Plan Policy 2-6: <i>Prior to the issuance of a development permit, the county shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density indicated in the land use plan.</i></p>	<p>Consistent: Both subject parcels would continue to have adequate services and resources in place to serve the ongoing residential uses. The Montecito Water District, private septic systems and the Carpinteria/Summerland Fire Department currently provide, and would continue to provide adequate services. The same service providers would serve any future development on Proposed Parcels 1 & 2. The adjacent road network is adequate to serve the ongoing uses, and no increase in traffic would result from the project.</p>
<p>Land Use & Development Policy 7: <i>Lot line adjustments involving legal, non-conforming parcels as to size may be found consistent with the Comprehensive Plan if:</i></p> <ul style="list-style-type: none"> <i>a. No parcel involved in the lot line adjustment that is conforming as to size prior to the adjustment shall become non-conforming as to size as a result of the adjustment; and,</i> <i>b. Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with subsection a</i> 	<p>Consistent: Both subject parcels are conforming as to size in the 3-E-1 zone district. The proposed lot line adjustment would not cause any conflicts related to parcel size and would not result in a greater number of residential developable parcels than existed prior to the adjustment.</p>

REQUIREMENT	DISCUSSION
<p><i>or b listed below:</i></p> <p>a. <i>The Lot Line Adjustment satisfies all of the following requirements:</i></p> <p>i. <i>Four or fewer existing parcels are involved in the adjustment; and,</i></p> <p>ii. <i>The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,</i></p> <p><i>The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment.</i></p>	

6.3 Zoning: Compliance with Article II, Coastal Zoning Ordinance

Both parcels are currently conforming with respect to parcel size in the 3-E-1 zone district and would continue to be conforming after recordation of the Lot Line Adjustment. Approval of the proposed project would not cause any inconsistencies with the provisions of Article II for either lot.

APN 005-260-011 (Reconfigured Lot 1)

All existing development on Reconfigured Lot 1 is in conformance with the provisions of Article II.

APN 005-260-009 (Reconfigured Lot 2)

As discussed in Section 5.3 of this staff report and hereby incorporated by reference, Reconfigured Lot 2 currently has an outstanding building violation (06BDV-00000-00083) for work without permits and has several previously unpermitted structures located along the bluff of the property. Recordation of the lot line adjustment is conditioned on the successful resolution of the building violation and removal of the unpermitted structures. (Condition of approval no. 2)

6.4 Subdivision/Development Review Committee

The project was reviewed by the Subdivision Development Review Committee on November 1, 2007. Departmental condition letters are included with Attachment C of this staff report.

7.0 APPEALS PROCEDURE

- The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. Section 35-182.3.1 provides, “For developments which are appealable to the Coastal Commission under Section 35-182.4.2, no appeal fee will be charged.
- The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's notice of final action.

ATTACHMENTS

- A.** Findings
- B.** Exemption
- C.** Conditions of Approval with attached Departmental letters
- D.** Tentative Lot Line Adjustment Map