

February 15, 2006

TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

MONTECITO PLANNING COMMISSION  
HEARING OF FEBRUARY 9, 2006

**RE: *Zaleski Lot Line Adjustment and Rezone, Case No. 05LLA-00000-00014,  
05RZN-00000-00009***

Hearing on the request of Jim Zaleski, owner, to consider the following [applications filed on September 23, 2005]:

- a) **05LLA-00000-00014** for approval of a Lot Line Adjustment under the provisions of County Code Chapter 21 to adjust lines between two parcels of 3.41 and 2.63 acres to create two parcels of 2.45 and 3.59 acres in the 3-E-1 and 2-E-1 Zone Districts under Article IV;
- b) **05RZN-00000-00009** proposing to rezone 2.45 acres from 3-E-1 to 2-E-1 and 3.60 acres from 2-E-1 to 3-E-1 under the provisions of Santa Barbara County Code Chapter 35 of Article IV;

and to accept the Exemption pursuant to Sections 15305 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 011-060-032 and 011-060-033, located at 1474 and 1478 East Mountain Drive in the Montecito area, First Supervisorial District.

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Dear Honorable Members of the Board of Supervisors:

At the Montecito Planning Commission Special hearing of February 9, 2006, Commissioner Thielscher moved, seconded by Commissioner Gottsdanker and carried by a vote of 5-0 to recommend that the Board of Supervisors:

1. Adopt the required findings for the Lot Line Adjustment, 05LLA-00000-00014, specified in Attachment A of the staff report dated January 26, 2006, including the CEQA findings;
2. Adopt the required findings for the Rezone, 05RZN-00000-00009, specified in Attachment A of the staff report dated January 26, 2006, including the CEQA findings;
3. Accept the Notice of Exemption pursuant to Section 15305 of the State CEQA Guidelines, included as Attachment B of the staff report dated January 26, 2006;

4. Approve the Lot Line Adjustment, Case No. 05LLA-00000-00014, subject to the conditions included as Attachment C of the staff report dated January 26, 2006, as revised at the hearing of February 9, 2006, and;
5. Adopt an Ordinance Rezone for APN's 011-060-032 & 011-060-033, amending the Montecito Zoning Map, Exhibit Number 35-404.7.2.

#### REVISIONS TO THE CONDITIONS OF APPROVAL

*New Condition No. 11 is added:*

11. Additional development, including development of structures associated with landscaping but not including perimeter fencing, shall not occur within the landscape buffer created by this Lot Line Adjustment. (0.97 acres).

Sincerely,

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Steve Chase  
Secretary Planning Commission

xc: Case File: 05LLA-00000-00014, 05RZN-00000-00009  
Montecito Planning Commission File  
Lisa Martin, Planning Technician  
Dianne Meester, Assistant Director, Planning and Development  
Steve Chase, Deputy Director, Development Review  
Montecito Association, P.O. Box 5278, Montecito, CA 93150  
Owner: James Zaleski, 1474 E. Mountain Drive, Santa Barbara, CA 93108  
Agent: Susan McLaughlin, 800 Santa Barbara St., Santa Barbara, CA 93101  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD  
Supervisor Carbajal, First District  
Commissioner Bierig  
Commissioner Meghreblian  
Commissioner Phillips  
Commissioner Thielscher  
Commissioner Gottsdanker  
David Allen, Deputy County Counsel  
Errin Briggs, Planner

**Attachments:            Attachment A – Findings**  
**Attachment C – Conditions of Approval**

SC/tlc

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

Find that the project is exempt from environmental review pursuant to CEQA Guidelines Sections 15305. A more detailed discussion of the exemption is provided in Attachment B to this staff report.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 REZONE FINDINGS**

Pursuant to Article IV, Section 35-474, in order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a Rezone request, the following findings shall be made by the Planning Commission and Board of Supervisors:

##### ***2.1.1. The request is in the interests of the general community welfare.***

The rezone will bring the adjusted parcels into conformance with the current Zoning Ordinance, allowing for orderly processing of any future proposals on the lots. The rezone will not cause an intensification of use, since the properties are developed with dwellings, nor will it provide a benefit that is not enjoyed by the surrounding parcels. Therefore, the project is consistent with this finding.

##### ***2.1.2. The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and Article IV.***

The project site is designated as Semi-Rural Residential (SRR-0.5) under the Montecito Community Plan. Upon approval of the concurrently proposed rezone and removal/relocation of the shed on Parcel 1 there would not be any inconsistencies with the Comprehensive Plan policies or Article IV zoning requirements. Therefore, the project is consistent with this finding.

##### ***2.1.3. The request is consistent with good zoning and planning practices.***

The project involves a lot line adjustment between two existing lots which would result in Parcel 1 becoming non-conforming as to parcel size (2.44 acres in the 3-E-1 zone district). The application for rezone would alleviate the non-conforming status of Parcel 1.

Additionally, Parcel 2 would gain a landscape buffer as a result of the project. This buffer would increase privacy and result in greater neighborhood compatibility for the subject parcels. Rezoning Parcel 2 to 3-E-1 (would become 3.60 acres) would result in a more appropriate zoning designation. Therefore, the project is consistent with this finding.

#### **2.2 LOT LINE ADJUSTMENT FINDINGS**

The County Subdivision Regulations (Chapter 21 of the County Code) provide that a Lot Line Adjustment should not be approved unless all of the standards for approval of a Lot Line Adjustment as stated in Section 21-93 are met. Pursuant to the standards of approval set forth below, the project is consistent with the policies and provisions of the Comprehensive Plan, Montecito Community Plan, and Chapters 21 and 35 of the County Code:

**2.2.1. *The Lot Line Adjustment is in conformity with the County General Plan and the purposes and policies of Chapter 35 of this code, the Zoning Ordinance of the County of Santa Barbara.***

The project involves an adjustment between two existing legal lots which would result in 1.) a split zone on Parcel 2 (3-E-1 and 2-E-1) and 2.) Parcel 1 becoming non-conforming as to parcel size (2.44 acres in the 3-E-1 zone district). The Lot Line Adjustment is conditioned for recordation only after approval of the concurrently proposed rezone (05RZN-00000-00009). The project is also conditioned to remove or relocate a shed which intrudes into the front and side yard setbacks of Parcel 1 prior to map recordation. After approval of the concurrently proposed rezone and removal/relocation of the shed on Parcel 1 there would not be any inconsistencies with the Comprehensive (General) Plan policies or Article IV zoning requirements.

**2.2.2. *No parcel involved in the Lot Line Adjustment that is conforming as to size prior to the adjustment shall become nonconforming as to size as a result of the adjustment.***

The project involves an adjustment between two existing lots which would result in Parcel 1 becoming non-conforming as to parcel size (2.44 acres in the 3-E-1 zone district). The Lot Line Adjustment is conditioned for recordation only after approval of the concurrently proposed rezone (05RZN-00000-00009) which would alleviate the non-conforming status of Parcel 1.

**2.2.3 *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 or b:***

The project involves an adjustment between two existing lots which would result Parcel 1 becoming non-conforming as to parcel size (2.44 acres in the 3-E-1 zone district). The Lot Line Adjustment is conditioned for recordation only after approval of the concurrently proposed rezone (05RZN-00000-00009) which would alleviate the non-conforming status of Parcel 1.

**2.2.4. *The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district, or make an existing violation more onerous.***

The purpose of the Lot Line Adjustment is to preserve a landscape buffer between the two properties which affords privacy for parcel 2. The existing shed on Parcel 1 is located within the front and side yard setbacks. However, this structure will be removed/ relocated as a condition of approval of the project. Therefore, no violations of setback or other zoning requirements would be created from the proposed Lot Line Adjustment.

**2.2.5. *The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks, and any other applicable provisions of [Chapter 21] or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid.***

Parcel 1 is currently inconsistent with setback regulations due to the location of the shed in the southeast corner. However, this structure will be removed/ relocated as a condition of approval of the project. Any future development will be subject to all rules and regulations of the Santa Barbara County zoning and building codes, and any applicable provisions of Chapter 21 Subdivision Regulations.

**2.2.6. *Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.***

The area of adjustment currently contains a private septic system which serves Parcel 1. This private septic system will be abandoned in accordance with Environmental Health Services requirements and prior to recordation of the Lot Line Adjustment. The owner proposes to replace the private system with a connection to the Montecito Sanitary District. An easement for this extension has been proposed and is identified on the site plan. The proposed Lot Line Adjustment would not affect access or any other existing services.

## ATTACHMENT C: CONDITIONS OF APPROVAL

1. Approval of Lot Line Adjustment 05LLA-000000-000014 is based upon and limited to compliance with the project description, Montecito Planning Commission Staff Report dated February 3, 2006 and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Planning and Development Department for conformity with this approval. Deviations from the project description or conditions of approval may require a modification to project conditions and further environmental review.

### **The project description is as follows:**

**The project proposes a Lot Line Adjustment between two parcels, located at 1478 (Parcel 1) and 1474 (Parcel 2) East Mountain Drive (APNs 011-060-032 and -033, respectively) in the Montecito Area, First Supervisorial District. The purpose of the Lot Line Adjustment is to adjust the property line between the two subject parcels to protect a landscape buffer which affords privacy for 1474 East Mountain Drive (Parcel 2). Parcel 2 is zoned 2-E-1 and parcel 1 is zoned 3-E-1 (These will switch as a result of the concurrently proposed rezone 05RZN-00000-00009). As a result of the Lot Line Adjustment, Parcel 2 would increase in size from 2.63 acres to 3.59 acres (gross) and Parcel 1 would decrease in size from 3.59 acres to 2.45 acres (gross). The 0.97 acre area of adjustment currently contains a septic system that serves Parcel 1 which will be abandoned in accordance with Environmental Health Services requirements. The owner proposes to replace the private system with a connection to the Montecito Sanitary District and the proposed easement is identified on the site plan. Access for both parcels is taken from East Mountain Drive via a private road.**

**There are several easements on the subject properties, most of which are required for utilities and road access. All of the current easements will be maintained and will not be affected by the proposed Lot Line Adjustment.**

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto.

2. Prior to filing a Record of Survey or other documents used to record the Lot Line Adjustment, the applicant shall pay all applicable P&D permit processing fees in full.
3. Prior to filing a Record of Survey or other documents used to record the Lot Line Adjustment, the shed on the southeast corner of Parcel 1 shall be removed or relocated out of the front and side yard setbacks.
3. A notice of the Lot Line Adjustment shall be recorded with the deed of each property to be adjusted. Said notice shall include the following:
  - a. Legal description for each adjusted parcel; and
  - b. Statement of the findings and conditions approving the Lot Line Adjustment.
4. The following language shall be included on the deeds arising from the Lot Line Adjustment:

This deed arises from the Lot Line Adjustment 05LLA-00000-00014 and defines a single parcel within the meaning of California Civil Code §1093. Any document

used to record the Lot Line Adjustment shall include a statement that the document arises from a Lot Line Adjustment that is intended to identify two legal parcels.

5. Two copies of the Record of Survey or other documents used to record the Lot Line Adjustment and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final clearance to the County Surveyor.
6. Lot Line Adjustment 05LLA-00000-00014 shall expire three years after approval or conditional approval by the final decision-maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
7. Compliance with the following condition letters:
  - a. County Public Health Department: December 13, 2005
8. Prior to filing a Record of Survey or other documents used to record the Lot Line Adjustment, the applicants shall submit a copy of the adopted ordinance for 05RZN-00000-00009 in order to avoid creating a split zone on Parcel 2 and to avoid Parcel 1 becoming non-conforming as to parcel size.
9. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the Montecito Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.
10. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of 05LLA-00000-00014. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.