

**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

**TO:** Montecito Planning Commission

**FROM:** Travis Seawards, Deputy Director, Development Review Division

**STAFF CONTACT:** Kathryn Lehr, Planner; (805) 568-3560

**DATE:** January 15, 2020

**RE:** Case No. 16LLA-00000-00003  
Hawker/Philippides Lot Line Adjustment  
3140 Eucalyptus Hill Road and 740 Arcady Road  
APNs: 013-191-014 and 013-191-015

At the Montecito Planning Commission (“Commission”) hearing of October 16, 2019, Commissioner Kupiec moved (seconded by Commissioner Keller, and carried by a vote of 3 to 2 (Senauer and Newman)) to continue the Hawker/Philippides Lot Line Adjustment (Case No. 16LLA-00000-00003) to the November 20, 2019 hearing to allow for additional public comment. The November 20, 2019 hearing was cancelled and the project was rescheduled for January 15, 2020 and was subsequently re-noticed. The Commission also directed staff to prepare findings for denial, which is included as Attachment A.

On January 15, 2020, staff recommends that the Commission approve the project by taking the following actions:

1. Make the required findings for approval of the project specified in Attachment A of the staff report dated October 16, 2019, including CEQA findings;
2. Determine the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a), as specified in Attachment C of the staff report dated October 16, 2019; and
3. Approve the project, Case No. 16LLA-00000-00003, subject to the conditions of approval included as Attachment B of the staff report dated October 16, 2019.

Alternatively, in order to deny the project, take the following actions:

1. Make the required findings for denial of the project specified in Attachment A of Staff’s Memorandum dated January 15, 2020, including CEQA findings;

2. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(b), included as Attachment B of Staff's Memorandum dated January 15, 2020; and
3. Deny the project, Case No. 16LLA-00000-00003.

## **ATTACHMENTS**

- A. Findings for Denial dated January 15, 2020
- B. Map of Surrounding Parcels with Acreages
- C. Acreage Table of Surrounding Parcels
- D. CEQA Exemption

CC: Case File (to Planner)  
Hearing Support

## ATTACHMENT A: FINDINGS

### **1.0 CEQA FINDINGS**

The Montecito Planning Commission finds that denial of Case No. 16LLA-00000-00003 is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment B of Staff's Memorandum dated January 15, 2020 for the CEQA Notice of Exemption.

### **2.0 ADMINISTRATIVE FINDINGS**

Pursuant to Section 21-93 of Santa Barbara County Code Chapter 21 Land Division, a Lot Line Adjustment shall only be approved if all of the findings for approval can be made. Only findings that cannot be made are discussed below:

#### **2.1.2 No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.**

The two subject lots are legal albeit nonconforming as to size. Parcels located within a 300-foot radius of the subject lots vary in size however the majority of which are 0.90-acre or greater in size (See Attachments B and C to this memo dated January 15, 2020). If approved, the LLA will result in two lots of 0.68-acre and 0.50-acre (Lots 1 and 2, respectively), well below the 0.96-acre average of surrounding parcels. The new lots will not be compatible with the size of existing surrounding lots. Therefore, this finding cannot be made.

#### **2.1.3 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. listed below:**

##### **a. The Lot Line Adjustment satisfies all of the following requirements:**

- (1) Four or fewer existing parcels are involved in the adjustment;**
- (2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and**
- (3) The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. For the purposes of this subsection only, a parcel shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the parcel is not a building site, or 2) the parcel is designated for a non-residential**

**purpose including, but not limited to, well sites, reservoirs and roads. A parcel shall be deemed residentially developable for the purposes of this subsection if it has an existing single family dwelling constructed pursuant to a valid County permit.**

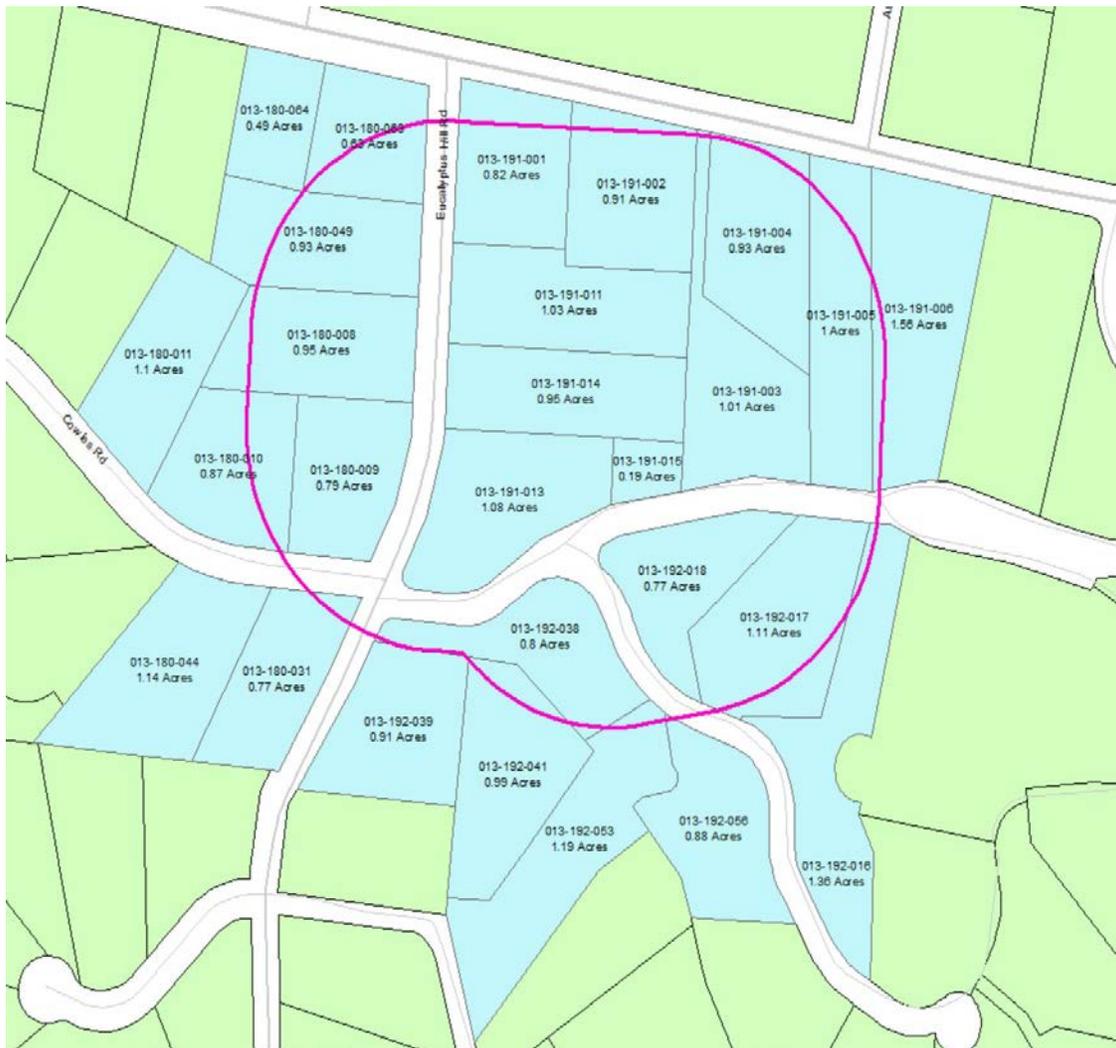
- b. Otherwise, to be deemed a residentially developable parcel for the purposes of this subsection only, existing and proposed parcels shall satisfy all of the following criteria as set forth in the County Comprehensive Plan and zoning and building ordinances:**
- (1) Water supply. The parcel shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well requirements of the County Environmental Health Services.**
  - (2) Sewage disposal. The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.**
  - (3) Access. The parcel is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.**
  - (4) Slope stability. Development of the parcel including infrastructure avoids slopes of 30 percent and greater.**
  - (5) Agriculture viability. Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.**

- (6) Environmentally sensitive habitat. Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.**
- (7) Hazards. Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.**
- (8) Consistency with Comprehensive Plan and Development Code. Development of the parcel is consistent with the setback, lot coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.**
- (9) To provide notification to existing and subsequent property owners when a finding is made that the parcel(s) is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the parcel, pursuant to Section 21-92 (Procedures) of Chapter 21 of the Santa Barbara County Code.**

The project is not consistent with this subsection. As proposed, the LLA (Case No. 16LLA-00000-00003) will adjust the property line between two legal lots. The LLA will decrease the size of Lot 1 from 0.99-acre to 0.68-acre and increase the size of Lot 2 from 0.19-acre to 0.50-acre and. The two subject lots are legal, nonconforming parcels as to lot size. Existing Lot 2 is currently developed with a legally constructed single family dwelling. However, the existing dwelling currently straddles the common lot line and is located within the rear setback of Existing Lot 2 and is not consistent with the setback requirements the Montecito Land Use and Development Code, which requires a 25 foot setback.

Furthermore, because the existing dwelling straddles the property line of both Lot 1 and Lot 2, although currently vacant, Lot 2 is undevelopable at this time. No new development on either Lot 1 or Lot 2 can occur until the dwelling is located exclusively on one, legal lot. Approval of the LLA (Case No. 16LLA-00000-00003) would adjust the property line such that the existing dwelling would be located entirely on Lot 2 and would allow Lot 1 to become newly developable. Approval of the proposed project will result in an increase in the number of residentially developable parcels therefore these findings cannot be made.

**ATTACHMENT B: MAP OF SURROUNDING PARCELS WITH ACREAGES**



## ATTACHMENT C: ACREAGE TABLES

### Acreage of Surrounding Parcels (within 300 feet of subject lots)

APN	Address	Acreage
013-180-064	Fire District	0.49
013-180-063	3175 EUCALYPTUS HILL RD	0.63
013-180-031	3095 EUCALYPTUS HILL RD	0.77
013-192-018	710 KNAPP DR	0.77
013-180-009	696 COWLES RD	0.79
013-192-038	717 KNAPP DR	0.80
013-191-001	2320 SYCAMORE CANYON RD	0.82
013-180-010	680 COWLES RD	0.87
013-192-056	747 KNAPP DR	0.88
013-191-002	2340 SYCAMORE CANYON RD	0.91
013-192-039	3106 EUCALYPTUS HILL RD	0.91
013-180-049	3165 EUCALYPTUS HILL RD	0.93
013-191-004	2360 SYCAMORE CANYON RD	0.93
013-180-008	3155 EUCALYPTUS HILL RD	0.95
013-192-041	707 ARCADY RD	0.99
013-191-005	2380 SYCAMORE CANYON RD	1.00
013-191-003	760 ARCADY RD	1.01
013-191-011	3146 EUCALYPTUS HILL RD	1.03
013-191-013	730 ARCADY RD	1.08
013-180-011	670 COWLES RD	1.10
013-192-017	722 KNAPP DR	1.11
013-180-044	685 COWLES RD	1.14
013-192-053	733 KNAPP DR	1.19
013-192-016	770 KNAPP DR	1.36
013-191-006	2400 SYCAMORE CANYON RD	1.56

**Average Acreage of Surrounding Parcels: 0.9608-acre**

### Existing Acreage of Subject Lots

APN	Address	Acreage
013-191-015	740 ARCADY RD	0.19
013-191-014	3140 ARCADY RD	0.99

### Proposed Acreage of Subject Lots

APN	Address	Acreage
013-191-015	740 ARCADY RD	0.50
013-191-014	3140 ARCADY RD	0.68

**ATTACHMENT D: CEQA EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Kathryn Lehr, Planner

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APNs:** 013-191-014, 013-191-015

**Case No.:** 16LLA-00000-00003

**Location:** The Lots are located at 3140 Eucalyptus Hill Road and 740 Arcady Road.

**Project Title:** Hawker/Philippides Lot Line Adjustment

The request is for a Lot Line Adjustment to adjust the shared property boundary between two adjacent legal lots, existing Lot 1 (APN: 013-191-014) and existing Lot 2 (APN: 013-191-015). The boundaries will be adjusted as follows:

Existing Lot	Existing Lot	Proposed Lot	Change in Lot Area
Lot 1: 013-191-014	0.99 acre	0.68 acre	-0.31acre
Lot 2: 013-191-015	0.19 acre	0.50 acre	+0.31 acre

Existing Lot 2 is currently developed with a 2,135 square foot single family dwelling. The structure will remain on proposed Lot 2.

Existing Lot 1 is not developed. No new structural development is proposed as part of the Lot Line Adjustment, nor would the Lot Line Adjustment result in a change of land use or a greater number of residentially developable parcels than existed prior to the adjustment.

**Services and Access**

No development is proposed as part of the project. Existing Lot 2 will continue to be served by Montecito Water District and Montecito Sanitary District. Existing Lot 1 currently maintains a water meter, however is not actively serving development since the lot is vacant. Access to Lot 1 and Lot 2 will continue to be provided off of Eucalyptus Hill Road and Arcady Road, respectively. Fire protection will continue to be provided by the Montecito Fire District. No grading, tree or vegetation removal is proposed as a part of the project.

**Name of Public Agency Approving Project:**  
**Name of Person or Agency Carrying Out Project:**

County of Santa Barbara  
Athena Philippides, owner

**Exempt Status:** (Check one)

Ministerial  
 Statutory Exemption  
 Categorical Exemption  
 Declared Emergency

**Cite specific CEQA and/or CEQA Guideline Sections: 15270**

**Reasons to support exemption findings:** CEQA Section 15270 states that “CEQA does not apply to projects which a public agency rejects or disapproves.” The project is recommended for disapproval and therefore CEQA Section 15270 applies.

**Lead Agency Contact Person:** Kathryn Lehr

**Phone #:** (805) 568-3560

**Department/Division Representative** \_\_\_\_\_

**Date** \_\_\_\_\_

**Acceptance Date:** \_\_\_\_\_

Distribution: Hearing Support Staff

Date Filed by County Clerk: \_\_\_\_\_

CC: Project File