

**MONTECITO PLANNING COMMISSION**  
**Staff Report for Hawker/Philippides Lot Line Adjustment**

**Hearing Date:** October 16, 2019  
**Staff Report Date:** September 26, 2019  
**Case No.:** 16LLA-00000-00003  
**Environmental Document:** Notice of Exemption pursuant to CEQA Section 15305(a) [Minor Alterations in Land Use Limitations]

**Assistant Director:** Jeff Wilson  
**Division:** Development Review  
**Supervising Planner:** Errin Briggs  
**Supervising Planner Phone #:** (805) 568-2047  
**Staff Contact:** Kathryn Lehr  
**Staff Contact Phone #:** (805) 568-3560

**OWNER / APPLICANT**

Craig Hawker and Athena Philippides  
1420 Greenworth Place  
Santa Barbara, CA 93108  
(805) 223-5239

**AGENT**

Brian Banks  
Siemens Planning  
5210 Carpinteria Ave #103  
Carpinteria, CA 93013  
(805) 637-4306



This site is identified as Assessor Parcels 013-191-014 and 013-191-015 located at 3140 Eucalyptus Hill Road and 740 Arcady Road, respectively, on properties zoned 2-E-1 in the Montecito Community Plan area, First Supervisorial District.

## 1.0 REQUEST

Hearing on the request of Brian Banks, agent for owners Athena Philippides and Craig Hawker to consider Case No. 16LLA-00000-00003 [application filed on April 28, 2016] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21 and Section 35.430.110 of the Montecito Land Use and Development Code (MLUDC) to adjust the boundaries between two legal lots of 0.99-acre (Lot 1; APN: 013-191-014) and 0.19-acre (Lot 2; APN: 013-191-015) and to accept the CEQA Exemption pursuant to Section 15305(a) of the State Guidelines

for Implementation of the California Environmental Quality Act. The application involves APNs 013-191-014 and 013-191-015, located at 3140 Eucalyptus Hill Road and 740 Arcady Road, respectively, and zoned 2-E-1 in the Montecito Community Plan area, First Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case No. 16LLA-00000-00003 marked "Officially Accepted, County of Santa Barbara (October 16, 2019) Montecito Planning Commission Attachments A-F", based upon the project's consistency with the Montecito Land Use Development Code, Comprehensive Plan including the Montecito Community Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this 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 this staff report dated October 16, 2019.
3. Approve the project, Case No. 16LLA-00000-00003, subject to the conditions of approval included as Attachment B of this staff report dated October 16, 2019.

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

## **3.0 JURISDICTION**

This project is being considered by the Montecito Planning Commission based on Section 35.430.110.B of the Montecito Land Use and Development Code (MLUDC), which specifies that the Montecito Planning Commission is the review authority for Lot Line Adjustments (LLAs). In addition, Section 21-6(a) of Chapter 21 Subdivision Regulations of the Santa Barbara County Code states that the Montecito Planning Commission shall be the decision-maker for LLAs in the Montecito Community Plan area.

#### 4.0 ISSUE SUMMARY

The proposed project would adjust the property line between two legal lots located within the 2-E-1 zone district in the Montecito Community Plan area. An existing dwelling currently straddles the common lot boundary of the two properties. The purpose of the LLA is to adjust the common lot line between the properties so that the existing dwelling constructed in 1957 is located solely on proposed Lot 2 and in conformance with the Montecito Land Use and Development Code. The applicant owns both of the subject properties. The proposed project would not have the potential to increase the subdivision or development potential of either of the affected lots. There are no significant planning related issues associated with this project.

#### 5.0 PROJECT INFORMATION

##### 5.1 Site Information

<b>Site Information</b>	
<b>DisplayText cannot span more th</b>	Urban; Montecito Community Plan; SRR-0.5 (Semi-rural residential, 2.0 acre minimum parcel size)
Ordinance, Zone	MLUDC, 2-E-1 (single family, 2.0 acre minimum parcel size)
Site Size	APN 013-191-014: 0.99 acre APN 013-191-015: 0.19 acre
Present Use & Development	Single-family dwelling, garage
Surrounding Uses/Zone(s)	<i>North:</i> 2-E-1, single-family dwelling <i>South:</i> 2-E-1, single-family dwelling <i>East:</i> 2-E-1, single-family dwelling <i>West:</i> 2-E-1, single-family dwelling
Access	Via Arcady Road
Other Site Information	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire District Sheriff: County Sheriff

##### 5.2 Project Description

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, it 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.

### **5.3 Background Information**

**October/November 2014** – The property owner submitted an unconditional Certificate of Compliance to the County Surveyor’s office for the affected properties.

**January 2015** – Upon review, the County Surveyor determined that the parcels did not represent two separate legal lots. The County Surveyor’s office issued a denial of Certificate of Compliance. The property owner appealed the Surveyor’s denial of the Certificate of Compliance to the Board of Supervisors.

**June 2015** – The Board of Supervisors heard the property owner’s appeal of the Surveyor’s denial of Certificate of Compliance. The Board of Supervisors upheld the appeal, thereby granting the unconditional Certificate of Compliance, an official affirmation of lot legality. The Board’s action officially created two separate, legal lots with the existing dwelling straddling the common lot line.

**April 2016** – The Applicant submitted a new application for a LLA. Pursuant to Section 35.430.110.B.3.c of the MLUDC and Section 21-93 of Chapter 21, in order to be considered ‘residentially developable’ both lots must have adequate water and sanitary service, or a letter of service from an appropriate district or company. At the time of application submittal, Montecito Water District had a moratorium on the installation of new water meters within its service boundaries. The application was considered to be ‘Incomplete’ and case processing was put on hold.

**June 2019** – County staff deemed the 2016 application ‘Complete’. The Montecito Water District lift the moratorium on new water meters, the Applicant resubmitted a service letter from Montecito Water District stating that both properties are currently served by separate water meters and, subject to review of architectural and landscape plans, the District is able to serve future development on the vacant lot.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

The proposed project is exempt from environmental review pursuant to Section 15305(a) [Minor Alterations in Land Use Limitations] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15305(a) exempts *minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.* The Lot Line Adjustment would not result in any changes in land use or density nor the creation of any new parcels. The slopes on the two properties is less than 20%. See Attachment C (Notice of Exemption) for a more detailed discussion of the CEQA exemption.

### 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><b>Land Use Element Development Policy 4:</b>  <i>Prior to 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</i></p>	<p><b>Consistent:</b> No changes to the existing access and no structures are proposed on either of the subject lots. The existing single family dwelling would remain as-is. Lot 2 would continue to be served by the Montecito Water District, Montecito Sanitary District, Montecito Fire District and the County Sheriff. As provided in Attachment E, water and sanitary services provided by the Montecito Water District (letter dated June 5, 2019) and</p>

<p><i>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 otherwise indicated in the land use plan.</i></p>	<p>Montecito Sanitary District (letter dated September 16, 2019) are available to serve vacant Lot 1. Lot 1 would also be served by the Montecito Fire District and the County Sheriff's Office. Therefore, adequate public and private services are currently available to serve both lots. Should the Applicant chose to develop Lot 1 in the future, all development would be required to obtain permits from Planning and Development as well as pay all applicable Development Impact Mitigation Fees (DIMFs). Therefore, the proposed project is consistent with this policy.</p>
<p><b>Land Use Element Development Policy 7:</b> <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"><li><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></li></ul> <p><i>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:</i></p> <ul style="list-style-type: none"><li><i>a) The Lot Line Adjustment satisfies all of the following requirements:</i><ul style="list-style-type: none"><li><i>i. Four or fewer existing parcels are involved in the adjustment; and,</i></li><li><i>ii. The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,</i></li></ul></li></ul>	<p><b>Consistent:</b> The two affected lots are 0.99-acre (Lot 1) and 0.19-acre (Lot 2) in size and are considered legal, nonconforming as to size since the minimum lot size for the 2-E-1 zone district is 2 acres. The proposed LLA would not convert a lot that is currently conforming as to size prior to the adjustment to non-conforming as to size as a result of the adjustment.</p> <p>The proposed LLA would not result in increased subdivision potential nor would it increase the number of residentially developable lots. Therefore, the proposed project is consistent with this policy.</p>

<p><i>iii. The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment.</i></p>	
<p><b><i>Land Use Element Hillside and Watershed Policy #2:</i></b> All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</p>	<p><b>Consistent:</b> The proposed lot line adjustment does not require any alteration of existing site conditions, including landforms, removal of native vegetation or trees and no grading is required as a part of the project.</p>
<p><b><i>Montecito Community Pan Policy LU-M-1.1:</i></b> Architectural and development guidelines shall be adopted, implemented, and enforced by the County in order to preserve, protect and enhance the semi-rural environment of Montecito and the natural mountainous setting.</p> <p><b><i>Montecito Community Plan Policy LU-M-2.2:</i></b> Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.</p>	<p><b>Consistent:</b> The proposed lot line adjustment does not propose any new development (e.g., walls, fences, gates, or grading) or alteration of existing conditions that would otherwise change the residential character of the community.</p>
<p><b><i>Montecito Community Plan Policy VIS-M-1.1:</i></b> Development shall be subordinate to the natural open space characteristics of the mountains.</p>	<p><b>Consistent:</b> No structural development is proposed as part of the project. Future residential development would be subject to this policy, and would be subject to review and approval by the Montecito Board of Architectural Review to ensure that each structure is compatible with the scale and character of the surrounding community and</p>

	subordinate to the natural open space characteristics of the mountains.
--	---

### **6.3 Zoning: Land Use and Development Code Compliance**

#### **6.3.1 Compliance with Montecito Land Use and Development Code Requirements**

Section 35.430.110.B.3 of the Montecito Land Use and Development Code (MLUDC) states that *all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with all of the following requirements.*

The requirements state that:

- 1) *There will be no increase in the subdivision potential for any affected lot; and*
- 2) *The Lot Line Adjustment will not result in a greater number of residential developable lots.*

The proposed LLA involves two legal lots. The LLA would not result in increased subdivision potential nor would it result in a greater number of residential developable lots since both lots are legal, non-confirming as to size. Therefore, the project would be consistent with the requirements specified in Section 35.430.110.B.3 of the MLUDC for approving LLAs that result in one or more lots that are nonconforming as to size.

No development is proposed as part of the project and no existing structures would need to be relocated. At this time the existing single family dwelling straddles the property line between the Lot 1 and Lot 2. With the approval of the LLA, the dwelling would be located solely on Lot 2 and would meet the setback requirements of the 2-E-1 zone district. The existing dwelling was permitted in 1957 and would remain in compliance with its permit approvals. Lot 1 would remain vacant until such time as the property owner submits a future permit application for development.

### **6.4 Chapter 21 Compliance**

The proposed project is consistent with the requirements of the County's subdivision regulations as described in the findings (Attachment A). The proposed lots would conform to the configuration requirements of the MLUDC as outlined above, and Chapter 21, and therefore would comply with the minimum requirements of the Subdivision Map Act.

### **6.5 Subdivision/Development Review Committee**

The proposed LLA was reviewed by the Subdivision/Development Review Committee on April 21, 2016. The committee members had no special conditions for the project. The County



Surveyor's Office required several revisions to the tentative Lot Line Adjustment Map, which have since been addressed by the applicant.

## **7.0 APPEALS PROCEDURE**

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$659.92.

## **ATTACHMENTS**

- A. Findings of Approval
- B. Conditions of Approval
- C. CEQA Notice of Exemption
- D. Lot Line Adjustment Exhibit
- E. Montecito Water District and Montecito Sanitary District Service Letters
- F. 13LLA-000000-00002 Staff Report and associated attachments

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

The Montecito Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a). Please see Attachment C, Notice of Exemption.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 CHAPTER 21 LOT LINE ADJUSTMENT FINDINGS**

**Finding required for all Lot Line Adjustments. In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations), prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:**

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

As discussed in Sections 6.2 and 6.3 of this staff report dated October 16, 2019, herein incorporated by reference, the project is consistent with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code (MLUDC). Therefore, this finding can be made.

##### **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.**

As discussed in Sections 6.2 and 6.3 of this staff report dated October 16, 2019 and herein incorporated by reference, the two subject lots are legal albeit nonconforming as to size. The proposed Lot Line Adjustment (LLA) would not convert a parcel that is currently conforming as to size prior to the adjustment to non-conforming as to size as a result of the adjustment. Therefore, this finding can 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:**
- (a) 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.**
  - (b) 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.**

- (c) 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.**
- (d) Slope stability. Development of the parcel including infrastructure avoids slopes of 30 percent and greater.**
- (e) Agriculture viability. Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.**
- (f) 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.**
- (g) 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.**
- (h) 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.**
- (i) 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.**

As discussed in Section 6.3 of this staff report dated October 16, 2019 herein incorporated by reference, the two subject lots are legal, nonconforming parcels as to lot size and will not result in increased subdivision potential. The same number of lots will exist before and after the LLA. During the creation of the subject lots,

neither lot was excluded from future construction or designated for a non-residential purposes including, but not limited to, well sites, reservoirs and roads. Lot 2 is currently developed with a single family dwelling constructed with a valid County Permit. Lot 1 and Lot 2 are considered to be residentially developable pursuant to Section 21-93(a)(3)(A)(iii) of Chapter 21 Subdivision Regulations of the Santa Barbara County Code. Therefore, the project meeting the requirements of the subsection (a) of this finding.

Both lots will be served by the Montecito Water District (letter dated June 5, 2019), the Montecito Sanitary District (letter dated September 16, 2019) pursuant to the services letters provided in Attachment E, herein incorporated by reference, as well as the Montecito Fire District and the County Sheriff. Lot 1 is accessible from Eucalyptus Road, a public road, and Lot 2 is served by Arcady Road, an existing private road. No environmentally sensitive habitat, including riparian corridors and associated buffer areas are located on either parcel. Neither lot is located within a designated flood plain or is known to have problem soils or unique geologic constraints. The existing and permitted single family dwelling is currently located atop Lot 1 and Lot 2's shared property line. As discussed in Section 6.3 of this staff report, the approval of the proposed LLA will adjust the common property line, bringing the existing dwelling into conformance with the MLUDC setback requirements. Lot 1 will remain vacant until such time as the property owner submits a permit application for development. Therefore, these findings can be made.

**2.1.4 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 existing single family dwelling is currently located on Lot 1 and Lot 2's shared property line. As discussed in Section 6.3 of this staff report dated October 16, 2019, herein incorporated by reference, approval of the LLA will allow the existing permitted development to come into conformance with the applicable setbacks of the 2-E-1 zone district by relocating the property line over 25-feet from the existing dwelling. The subject properties are nonconforming as to minimum parcel size and will remain nonconforming after the Lot Line Adjustment. Therefore, this finding can be made.

**2.1.5 The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article 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. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the respective county ordinances [the Montecito Land Use and Development Code (Section 35.491.020 and 35.491.030)].**

Although the creation of the two legal lots resulted in the dwelling being located on the common lot line, no formal violation was established and no fees were imposed. As discussed in Section 6.3 of this staff report dated October 16, 2019, the approval of the proposed LLA will adjust the property lines, bringing the existing dwelling into conformance with the MLUDC setback requirements by relocating the property line over 25 feet from the existing single family dwelling. Upon approval of the LLA, the existing residence will meet the setback requirements of the 2-E-1 zone district, and will continue to adhere to its permitted existence. The reconfigured lots will be in full compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the County Subdivision Regulations (Chapter 21) and the MLUDC. The subject properties are nonconforming as to minimum parcel size and will remain nonconforming after the Lot Line Adjustment. No new requirements on legal nonconforming uses and structures under the Montecito Land Use and Development Code (Section 35.491.020 and 35.491.030) will be imposed. Lot 1 will remain vacant until such time as the property owner submits a permit application for development. All future development will be required to comply with the MLUDC and the Montecito Community Plan. Therefore, this finding can be made.

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

No existing utilities, infrastructure, or easements will need to be relocated to accommodate the Lot Line Adjustment. Therefore, this finding can be made.

**2.2 MLUDC LOT LINE ADJUSTMENT FINDINGS**

**Findings required for all Lot Line Adjustments. In compliance with Subsection 35.430.110.B of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for a Modification the review authority shall make first all of the following findings:**

**2.2.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code.**

As discussed in Sections 6.2 and 6.3 of this staff report dated October 16, 2019, herein incorporated by reference, the project is consistent with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code (MLUDC). Therefore, this finding can be made.

**2.2.2 No lot involved in the Lot Line Adjustment whose area is equal to or greater than the lot area requirement of the applicable zone shall become smaller than the minimum lot area requirement of the applicable zone as a result of the Lot Line Adjustment.**

As discussed in Sections 6.2 and 6.3 of this staff report dated October 16, 2019 and herein incorporated by reference, the two subject lots are both legal albeit nonconforming as to size. The proposed Lot Line Adjustment (LLA) would not convert a parcel that is currently conforming as to size prior to the adjustment to non-conforming as to size as a result of the adjustment. Therefore, this finding can be made.

**2.2.3 Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot area requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are smaller than the minimum lot area requirement of the applicable zone provided it complies with all of the following requirements.**

(a) **The Lot Line Adjustment shall not result in increased subdivision potential for any lot involved in the Lot Line Adjustment.**

(b) **The Lot Line Adjustment will not result in a greater number of residentially developable lots than existed prior to the adjustment. For the purposes of this Subsection only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection if it has an existing one-family dwelling constructed in compliance with a valid County permit, or existing and proposed lots comply with all of the following criteria.**

(1) **Water supply. The lot 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 lot and that the service complies with the Company's Domestic Water Supply Permit; or 2) a Public Health Department or State approved water system.**

- (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.**

As discussed in Section 6.3 of this staff report dated October 16, 2019 herein incorporated by reference, the two subject lots are legal, nonconforming parcels as to lot size and will not result in increased subdivision potential. The same number of lots will exist before and after the LLA. During the creation of the subject lots, neither lot was excluded from future construction or designated for a non-residential purposes including, but not limited to, well sites, reservoirs and roads.



Lot 2 is currently developed with a single family dwelling constructed with a valid County Permit. Lot 1 and Lot 2 are considered to be residentially developable pursuant to Section 21-93(a)(3)(A)(iii) of Chapter 21 Subdivision Regulations of the Santa Barbara County Code.

Both lots will be served by the Montecito Water District, the Montecito Sanitary District pursuant to the services letters provided in Attachment E, herein incorporated by reference, as well as the Montecito Fire District and the County Sheriff. Lot 1 is accessible from Eucalyptus Road, a public road, and Lot 2 is served by Arcady Road, an existing private road. No environmentally sensitive habitat, including riparian corridors and associated buffer areas are located on either parcel. Neither lot is located within a designated flood plain or is known to have problem soils or unique geologic constraints. The existing and permitted single family dwelling is currently located atop Lot 1 and Lot 2's shared property line. As discussed in Section 6.3 of this staff report, the approval of the proposed LLA will adjust the common property line, bringing the existing dwelling into conformance with the MLUDC setback requirements. Lot 1 will remain vacant until such time as the property owner submits a permit application for development. Therefore, these findings can be made.

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

The existing single family dwelling is currently located atop Lot 1 and Lot 2's shared property line. As discussed in Section 6.3 of this staff report dated October 16, 2019, herein incorporated by reference, approval of the LLA will allow the existing permitted development to come into conformance with the applicable setbacks of the 2-E-1 zone district. To staff's knowledge the existing dwelling remains in conformance with its permit conditions. Therefore, this finding can be made.

**2.2.5 The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of the Montecito Land Use and Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.491 (Nonconforming Uses, Structures, and Lots).**

As detailed in Section 5.4 of this staff report dated October 16, 2019, herein incorporated by reference, a Certificate of Compliance was approved by the County's Board of Supervisors in 2015 which created two separate legal lots. The two legal lots retained the existing APN boundaries. Once these two lots were created, the single family dwelling was effectively situated atop the shared property line and was therefore no longer compliant with the MLUDC development standards for the 2-E-1 zone district. Although the creation of the two lots resulted in the dwelling being spilt by the common lot line, no violation was imposed and no fees were collected.

As discussed in Section 6.3 of this staff report dated October 16, 2019, the approval of the proposed LLA will adjust the property lines, bringing the existing dwelling into conformance with the MLUDC setback requirements. Upon approval of the LLA, the existing residence will meet the setback requirements of the 2-E-1 zone district, and will continue to adhere to its permitted existence. Lot 1 will remain vacant until such time as the property owner submits a permit application for development. All future development will be required to comply with the MLUDC and the Montecito Community Plan. Therefore, this finding can be made.

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

No existing utilities, infrastructure, or easements will need to be relocated to accommodate the Lot Line Adjustment. Therefore, this finding can be made.

## **ATTACHMENT B: CONDITIONS OF APPROVAL**

- 1. Proj Des-01 Project Description.** This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibits marked A-F, dated October 16, 2019 and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

**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:**

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

**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.**

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The

property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

- 3. Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the LOT LINE ADJUSTMENT, the Owner/Applicant shall submit a LOT LINE ADJUSTMENT Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
- 4. Map-15 LLA-Deed Recordation.** The following language shall be included on the deeds used to finalize (or any document used to record) the Lot Line Adjustment: *“This deed [or document] arises from the Lot Line Adjustment 16LLA-00000-00003 and defines a single parcel within the meaning of California Civil Code Section 1093 among two legal parcels created by 16LLA-00000-00003.”* The County Surveyor shall confirm the appropriate documents necessary to record with the deeds.
- 5. Rules-05 Acceptance of Conditions.** The Owner/Applicant’s acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 6. Rules-19 Maps/LLA Revisions.** If the unrecorded LOT LINE ADJUSTMENT is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved LOT LINE ADJUSTMENT.
- 7. Rules-23 Processing Fees Required.** Prior to recording of grant deeds and certificate of conformity, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 8. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 this project. In the event that the County fails promptly to notify the Owner / 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.
- 9. Rules-36 Map/LLA Expiration.** This LOT LINE ADJUSTMENT shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.

- 10. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

**ATTACHMENT C: NOTICE OF EXEMPTION**

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

**FROM:** Kathryn Lehr, Planning & Development

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:**

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

**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:**

County of Santa Barbara

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

Athena Philippides, owner

**Exempt Status:** (Check one)

Ministerial

Statutory Exemption

Categorical Exemption

Emergency Project

Declared Emergency

**Cite specific CEQA and/or CEQA Guideline Section:** 15305 (a)

**Reasons to support exemption findings:** This section exempts minor Lot Line Adjustments in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The proposed Lot Line Adjustment does not change land use or density, and no additional development is currently proposed.

The proposed project would adjust the property line between two legal lots located within the 2-E-1 zone district in the Montecito Community Plan area. The purpose of the LLA is to adjust the common lot line between adjacent properties so that the existing house constructed in 1957 is located wholly on proposed Parcel 1 instead of straddling the common lot line. The property owners are the same for both parcels. The proposed project would not have the potential to increase the subdivision or development potential of either of the affected lots and the slopes on the two properties are less than 20%.

There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern**

**where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The proposed Lot Line Adjustment is not located in an area with a particularly sensitive environment or in an area with any mapped or designated environmental resource of hazardous or critical concern. Therefore, this exception to the Categorical Exemption is not applicable to the proposed project.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The LLA will have no change on the current use of the parcels. Future LLAs associated with these two parcels are not anticipated. Any future LLA in the vicinity would not be expected to intensify development of usage of these parcels. Both parcels would continue their current operations/usage. Therefore, this exception to the Categorical Exemption is not applicable to the proposed project.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

There are no unusual circumstances surrounding the proposed project and there is not a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances. Therefore, this exception to the Categorical Exemption is not applicable to the proposed project.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The proposed project does not include any physical development and would not be visible from a designated scenic highway. The project would not result in damage to scenic resources, including but not limited to, trees, historic buildings, or rock outcroppings. Therefore, this exception to the Categorical Exemption is not applicable to the proposed project.



- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, this exception to the Categorical Exemption is not applicable to the proposed project.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

No construction, demolition or development is proposed as a part of the project and the project would not result in any substantial adverse change in the significance of a historical resource. Therefore, this exception to the Categorical Exemption is not applicable to the proposed project.

Lead Agency Contact Person: Kathryn Lehr

Phone #: (805) 568-3560

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

Date \_\_\_\_\_

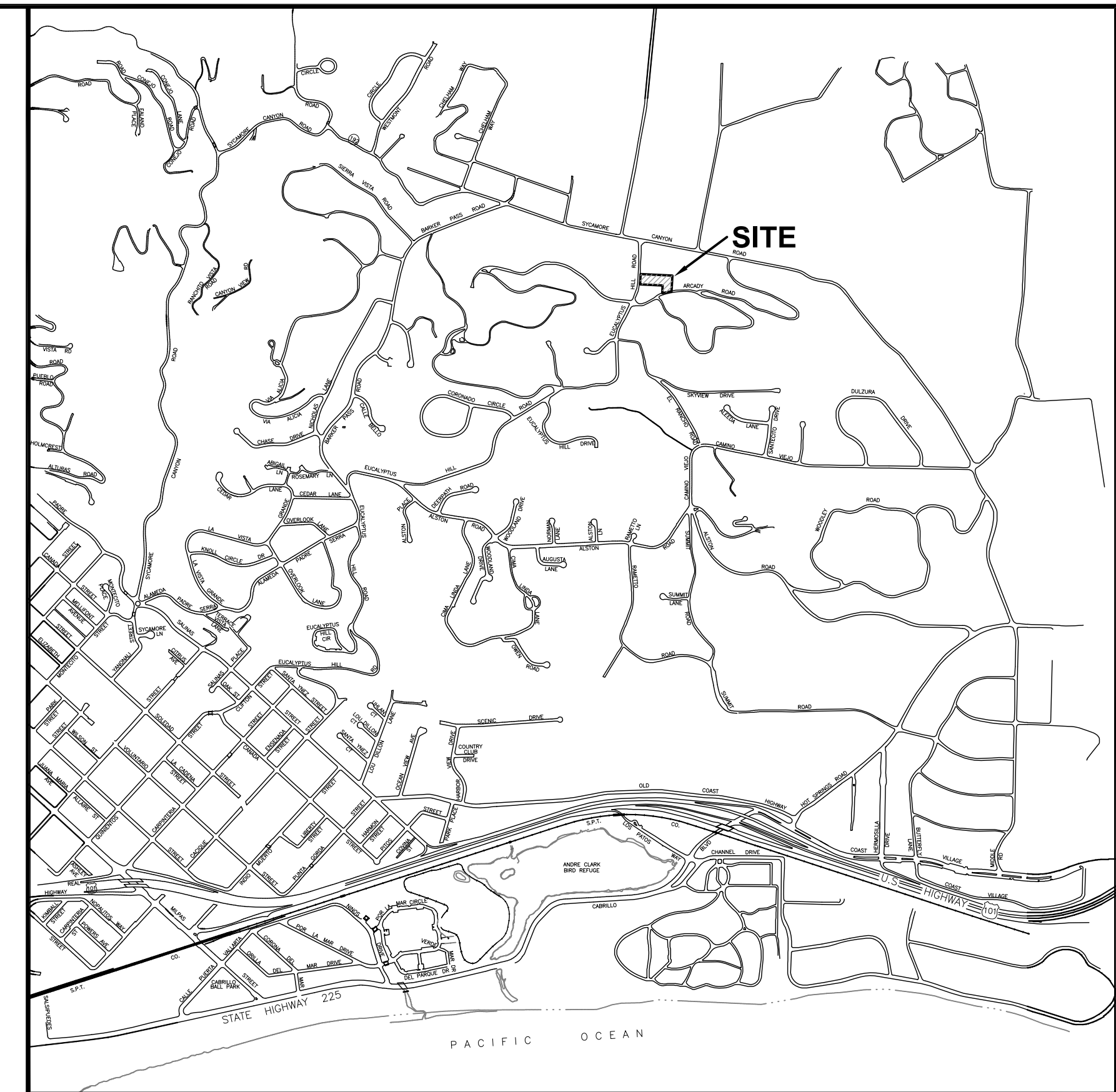
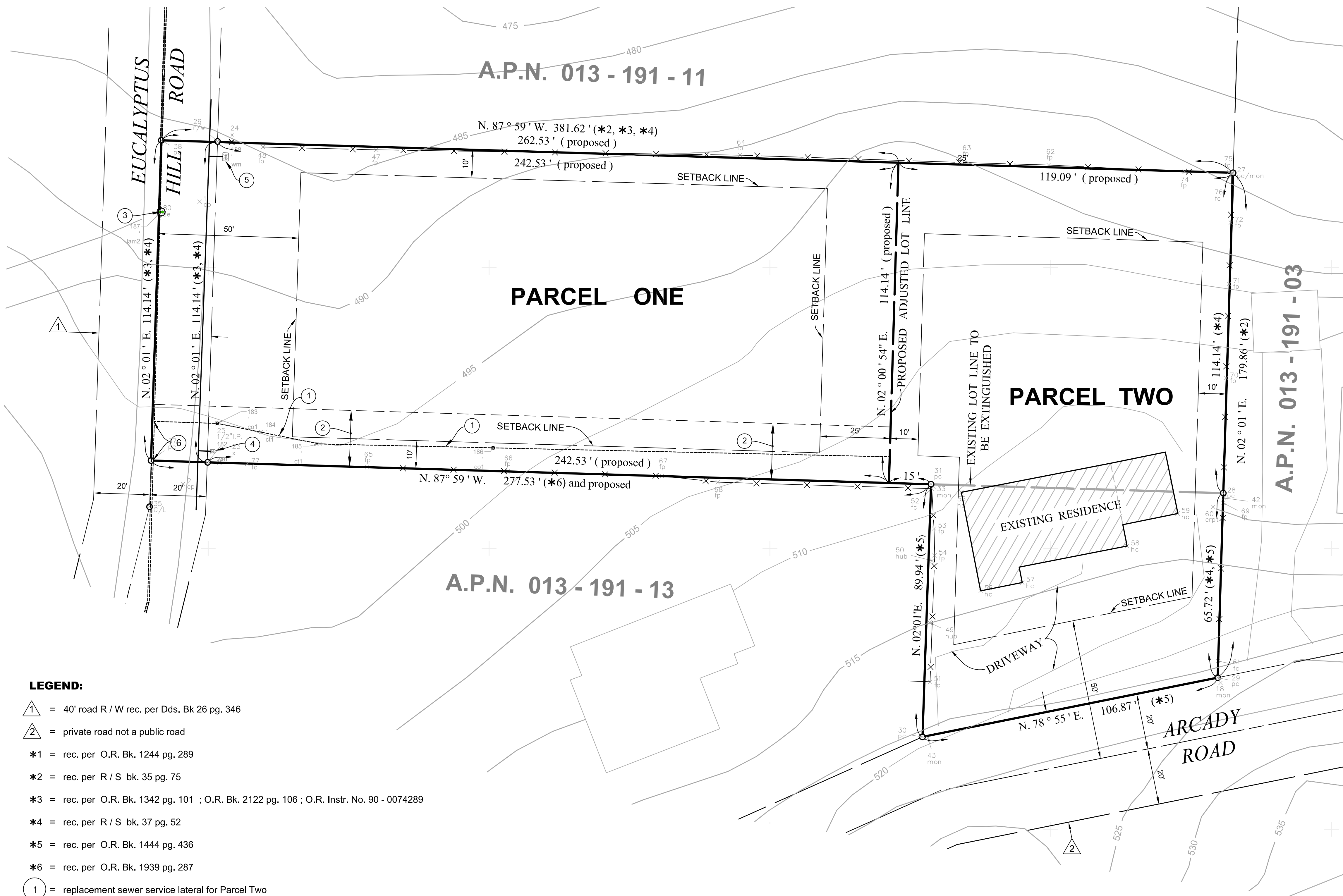
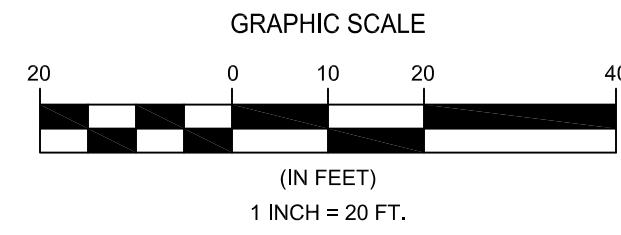
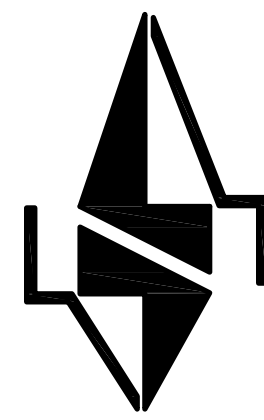
Acceptance Date: \_\_\_\_\_

Distribution: Hearing Support Staff

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

CC: Project File

**ATTACHMENT D: LOT LINE ADJUSTMENT EXHIBIT**



AREA MAP  
NO SCALE

**LEGEND:**

- ① = 40' road R / W rec. per Dds. Bk 26 pg. 346
- ② = private road not a public road
- \*1 = rec. per O.R. Bk. 1244 pg. 289
- \*2 = rec. per R / S bk. 35 pg. 75
- \*3 = rec. per O.R. Bk. 1342 pg. 101 ; O.R. Bk. 2122 pg. 106 ; O.R. Instr. No. 90 - 0074289
- \*4 = rec. per R / S bk. 37 pg. 52
- \*5 = rec. per O.R. Bk. 1444 pg. 436
- \*6 = rec. per O.R. Bk. 1939 pg. 287
- ① = replacement sewer service lateral for Parcel Two
- ② = proposed 20 foot wide private sanitary sewer and private utility easement for the benefit of 740 Arcady Road
- ③ = stub at main for future sewer service lateral for Parcel One
- ④ = existing water meter - service for Parcel Two
- ⑤ = existing water meter - service for Parcel One ( future )
- ⑥ = 13.7' tie

**EASEMENT NOTES**

The following easements affecting the subject property - the exact location and extent of the easement is not disclosed of record.  
Deeds Bk. 38 pg. 391  
Deeds Bk. 57 pg. 206  
Deeds Bk. 131 pg. 290  
O.R. Bk. 705 pg. 203

**NOTE :**

Topographic information shown hereon taken from Santa Barbara County Flood Control aerial topo (NAVD 1988 Datum). Location of existing residence as shown hereon is based on a field survey .

We hereby apply for the Lot Line Adjustment of real property shown on this plat and certify that we are the owners or the authorized agent of the legal owners of said property and that the information shown hereon is true and correct to the best of our knowledge and belief.

**PROJECT INFORMATION**

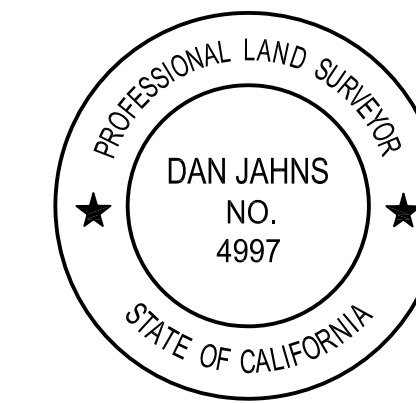
OWNERS : Craig Hawker / Athena Philippides  
1420 Greenworth Place  
Santa Barbara , Ca. 93108

SITE ADDRESSES : 3140 Eucalyptus Hill Road ( A.P.N. 013 - 191 - 14 )  
740 Arcady Road ( A.P.N. 013 - 191 - 15 )

ZONING : 2 - E - 1  
Land Use Designation : SRR - 0.5  
Services : electric / gas / water / telephone / sewer : PARCEL ONE - existing in place  
PARCEL TWO - existing in place

Existing Parcels : Parcel One ( 013 - 191 - 14 ) = 43,556 sq.ft. / 1.0 ac. gross  
43,273 sq.ft. / 0.99 ac. net  
Parcel Two ( 013 - 191 - 15 ) = 8,101 sq.ft. / 0.19 ac. gross and net

Proposed Parcels : Parcel One = 29,990 sq.ft. / 0.69 ac. gross  
29,707 sq.ft. / 0.68 ac. net  
Parcel Two = 21,667 sq.ft. / 0.50 ac. gross and net



16LLA - 00000 - 00003  
**TENTATIVE MAP**  
PROPOSED LOT LINE ADJUSTMENT BETWEEN TWO PARCELS  
IN A PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY  
OF SANTA BARBARA .  
COUNTY OF SANTA BARBARA  
MAY 2019 SCALE : AS SHOWN

**SURVEYING SERVICES**  
P . O . BOX 989 CARPINTERIA , CA. 93014

C:\Users\SSD\Documents\0-Surveying\Surveying\Hawker TM-LLA\HAWKER TentativeMap\16-20190521.dwg Tentative Map 5/21/2019 8:36:58 PM, 11

**ATTACHMENT E: MONTECITO WATER AND MONTECITO SANITARY DISTRICT  
SERVICE LETTERS**



**MONTECITO WATER DISTRICT  
CERTIFICATE OF WATER SERVICE AVAILABILITY**

**LAND USE MODIFICATION**

To the Santa Barbara County Planning and Building Departments:

Montecito Water District (District) has received an application for water service availability as summarized below:

Date of Application	05-31-19
Name of Applicant/Agent	Athena Philippides
Name of Property Owner	Athena Philippides
Service address(s)	3140 Eucalyptus Hill Rd; 740 Arcady Rd
Assessor's Parcel Number(s) to be served	013-190-014; 013-190-015
Parcel/property size (Acres)	1.0; 0.2
Brief Project description	To record a lot line adjustment between the above-referenced parcels
Land Use modification applied for	Lot Line Adjustment

Based on the information provided including the application and Tentative Lot Line Adjustment Map 16LLA-00000-00003 the District hereby notifies the County that the District can make service available to the subject property in accordance with, and subject to, the District's current and future ordinances and regulations including Water Limitation Ordinance 89 and other conditions as specified below.

1. This Certificate pertains only to the currently proposed land use modifications specifically identified above. Any changes to the proposed land use modifications are subject to additional review and approval by the District. If and when development is proposed, the property owner is required to submit architectural & landscape plans for review and approval by the District. Upon approval, a subsequent CWSA will be issued.
2. The above-referenced parcels are each served by separate water services:
  - a. 3140 Eucalyptus Hill Rd is served by an existing 1 inch meter.
  - b. 740 Arcady is served by an existing 3/4 inch meter.

**OWNER / APN 013-190-014; 013-190-015**

By 

Athena Philippides

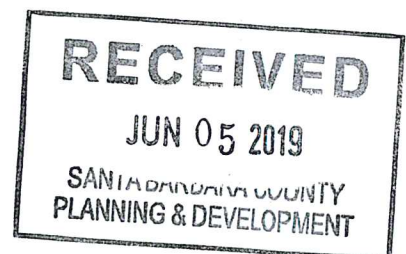
Date 6/5/19

**MONTECITO WATER DISTRICT**

By 

Nick Turner, General Manager

Date 6/5/19





# Montecito Sanitary District

1042 Monte Cristo Lane  
Santa Barbara, CA 93108

*A Public Service Agency*

General Manager: Diane M. Gabriel, P.E.

PHONE: (805) 969-4200

FAX: (805) 969-9049

E-MAIL: [dgabriel@montsan.org](mailto:dgabriel@montsan.org)

September 16, 2019

Kathryn Lehr  
County of Santa Barbara  
Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

SUBJECT: 3140 Eucalyptus Hill Road and 740 Arcady Road – Hawker / Philippides Lot Line Adjustment  
CASE NO: 16 LLA-00000-00003 / APN 013-191-014 and 013-191-015

Dear Ms. Lehr:

This letter is to provide you with confirmation that the property owner has met all requirements with the District for the proposed lot line adjustment as stated in the letter dated August 8, 2016. On September 19, 2017, the District issued permit A-4779 for the installation of a new 4" private sewer lateral and connection to the District main within in Eucalyptus Hill Road to serve the existing residence located at 740 Arcady Road. The owner was also required to abandon the existing 4" sewer lateral that ran through the middle of the vacant parcel known at 3140 Eucalyptus Hill Road. The new private sewer lateral is located within the proposed sewer easement as described on the tentative parcel map that runs along the southerly property line of said vacant parcel.

The existing sewer lateral that previously served 740 Arcady Road has been abandoned in place and the easement eliminated. The section of sewer lateral from the District main to the property line was replaced where it has been capped for future construction on the vacant parcel. Sewer service can be provided to 3140 Eucalyptus Hill Road once a sewer connection permit is issued and all applicable permit fees paid.

Please feel free to contact me if you have any questions or if you need further information.

Sincerely,

Carrie Poytress, P.E.  
Engineering Manager

cc: Athena Philippides at [athenajoy@msn.com](mailto:athenajoy@msn.com)  
Katherine Lehr at [klehr@co.santa-barbara.ca.us](mailto:klehr@co.santa-barbara.ca.us)

**ATTACHMENT F: CASE NO 13LLA-00000-00002 STAFF REPORT WITH  
ATTACHMENTS**



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Montecito Planning Commission

FROM: Alice McCurdy, Deputy Director  
Development Review  
568-2518

DATE: September 16, 2014

RE: Philippides Lot Line Adjustment 13LLA-00000-00002

---

Staff requests that this item be dropped from the Montecito Planning Commission hearing of September 17, 2014. The applicant has formally withdrawn the application for the lot line adjustment. Please see attached letter dated September 16, 2014.



 Souter Land Use Consulting  
 P.O. Box 50423  
 Santa Barbara, CA 93150  
 (805) 695-0046  
 syndisouter@aol.com

September 16, 2014

Jennifer Siemens, Planner  
Planning & Development Department  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101

Re: Philippides Lot Line Adjustment; 13LLA-00000-00002; APN 013-191-012  
3140 Eucalyptus Hill Road & 740 Arcady Road

Dear Jennifer,

On behalf of the property owners, Craig Hawker and Athena Philippides, I am withdrawing the Lot Line Adjustment application #13LLA-00000-00002 for this property.

As such, please remove the project from the 9/17/2014 Montecito Planning Commission agenda.

Once the case is closed out, please send the remaining deposit funds to:

Athena Philippides  
1420 Greenworth Place  
Santa Barbara, CA 93108

If you have any questions or need any additional information, please e-mail me at syndisouter@aol.com or call my office at 695-0046.

Sincerely,



Syndi Souter

cc: Craig Hawker & Athena Philippides, Property Owners  
Dan Jahns, PLS #4997, Surveying Services  
Susan Petrovich, Brownstein Hyatt Farber Schreck  
Anne Almy, Planning & Development  
David Villalobos, Planning & Development

**MONTECITO PLANNING COMMISSION**  
**Staff Report for Phillipides Lot Line Adjustment**

**Hearing Date: August 25, 2014**  
**Staff Report Date: August 7, 2014**  
**Case No.: 13LLA-00000-00002**

**Environmental Document: CEQA Section 15270**

**Deputy Director: Alice McCurdy**  
**Division: Development Review**  
**Supervising Planner: Anne Almy**  
**Supervising Planner Phone #: 568-2053**  
**Planner Contact: Jennifer Siemens**  
**Planner's Phone #: 568-2000**

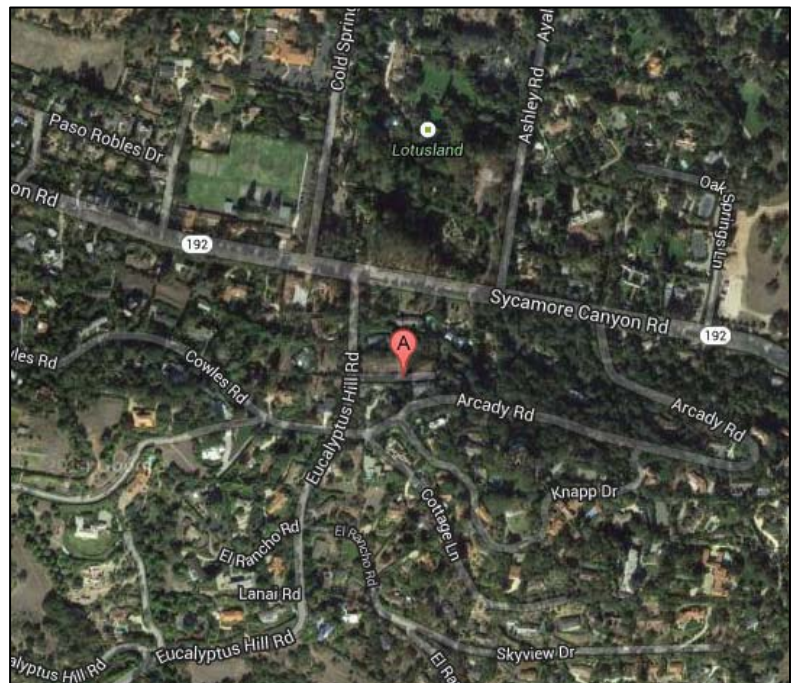
**AGENT:**

Syndi Souter  
Souter Land Use Consulting  
PO Box 50423  
Santa Barbara, CA 93150  
(805) 695-0046

**APPLICANT:**

Craig Hawker and Athena Phillipides  
1420 Greenworth Place  
Santa Barbara, CA 93108  
805-223-5239

VICINITY MAP



Application Complete: May 6, 2014

This site is identified as Assessor Parcel 013-191-012, 740 Arcady Road and 3140 Eucalyptus Hill Road, Montecito, First Supervisorial District.

Processing Deadline: 60 days from Notice of Exemption

## 1.0 REQUEST

Hearing on the request of Syndi Souter, agent for the owners, Craig Hawker and Athena Phillipides, to consider Case No. 13LLA-00000-00002, [application filed on April 30, 2013] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21 and Section 35.430.110 of the Montecito Land Use and Development Code to adjust the line between two "lots" of 1.0 acres (existing Parcel 1) and .19 acres (existing Parcel 2) to reconfigure into two lots of .72 and .46 acres, respectively, on property located in the 2-E-1

Zone. The application involves AP No. 013-191-012, located at 740 Arcady Road and 3140 Eucalyptus Hill Road, in the Montecito area, First Supervisorial District.

## 2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny Case No. 13LLA-00000-00002, marked "Officially Accepted, County of Santa Barbara (July 16, 2014) Montecito Planning Commission Attachment-D" based upon the project's inconsistency with the Comprehensive Plan, including the Montecito Community Plan, and based on the inability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for denial of the project specified in Attachment-A of this staff report, including CEQA findings.
2. Determine the denial is exempt from CEQA pursuant to CEQA Guideline Section 15270, included as Attachment-B.
3. Deny Case No. 13LLA-00000-00002.

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

## 3.0 JURISDICTION

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

***Discretionary Decision-Maker Jurisdiction and Designation of Responsibility.*** 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) Lot Line Adjustments, as defined in State Subdivision Map Act, California Government Code Section 66412.(d), and modification of approved lot line adjustments, of parcels located within the Urban and Inner-Rural Areas as designated by the Santa Barbara County Comprehensive Plan that result in four or fewer parcels.*

Section 21-6(a)(3) places the decision-maker jurisdiction of the proposal under the Zoning Administrator. However; Article 5 Chapter 2 of the County Code provides that the Montecito Planning Commission acts as the Zoning Administrator for the area covered under the Montecito Community Plan. Therefore, the Montecito Planning Commission is the decision-maker for the proposal.

## 4.0 ISSUE SUMMARY

The proposed project is for a Lot Line Adjustment to adjust the common lot line between two properties. The purpose of the Lot Line Adjustment is to reconfigure the properties so that the existing house constructed in 1957 is located wholly on proposed Parcel 1 instead of straddling the property line between the two properties. However, the County Surveyor has determined that the area comprising APN 013-191-012 consists of one legal parcel. A lot line adjustment can only be approved between two legal parcels; therefore, the lot line adjustment cannot be approved. Additionally, even if there were two legal lots, the Montecito Water District has placed a moratorium on the sale of new water meters. The nominal second lot would not have water and so would not be considered developable at this time. The lack of adequate services for two parcels is an additional reason that the proposed Lot Line Adjustment cannot be approved.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban; Montecito Community Plan; SRR-0.5, 0.5 units per acre
Ordinance, Zone	MLUDC, 2-E-1, 2.0 acre minimum parcel size
Site Size	1.19 acres gross (APN: 013-191-012)
Present Use & Development	Single-family dwelling, garage
Surrounding Uses/Zone(s)	<i>North:</i> 2-E-1, single-family dwelling <i>South:</i> 2-E-1, single-family dwelling <i>East:</i> 2-E-1, single-family dwelling <i>West:</i> 2-E-1, single-family dwelling
Access	Via Arcady Road
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire District

### 5.2 Description

The proposed project is a Lot Line Adjustment to adjust the common property boundary between two properties of 1.0 and 0.19 acres resulting in two properties of 0.72 and 0.46 gross acres respectively. The Lot Line Adjustment may be summarized as follows:

Address	APN	Existing (acres)	Proposed (acres)
3140 Eucalyptus Hill Rd (Parcel 1)	013-191-012	1.00	0.72
740 Arcady Rd (Parcel 2)	013-191-012	0.19	0.46
Total		1.19	1.19

No new development is proposed as a part of the project. Access to the parcels is currently provided via Arcady Road.

### **5.3 Background Information**

#### Background Since Ownership of Subject Parcel by Philippides/Hawker

In November 2012, the property owner requested a secondary address for the subject property. The Montecito Fire Protection District assigned the secondary address (3140 Eucalyptus Hill Road) due to the fact that the property is on a corner and has two street frontages.

A Notice of Violation was issued by the County on December 5, 2012 stating that a permit was necessary for the garage (carport) that was demolished illegally. The actual extent of the violation included the unpermitted conversion of a garage to habitable space as well as demolition of a carport. This unpermitted activity left the residence without required covered parking. The permits necessary to allow for this work would have involved an LUP for the garage conversion; the LUP would have necessarily included provisions for covered parking. Upon receipt of the Notice of Violation, Ms. Syndi Souter, agent for the applicant, stated that the existing house encroached over a shared property line and that a lot line adjustment would be required before the Hawkers could apply for a permit to legalize the garage conversion. She requested a time extension to process the lot line adjustment application.

On April 30, 2013, the applicant submitted the application for a lot line adjustment. On May 16, 2013, the Subdivision Development Review Committee (SDRC) reviewed the proposed lot line adjustment. The County Surveyor stated that no evidence was provided with the project application to show that the lot line adjustment would occur between two legal lots. They further stated that it appeared, based on their research, that there were not two legal lots; they concluded that the property consists of one legal parcel.

The memo dated May 16, 2013 prepared by the County Surveyor (Attachment E), states that no evidence was submitted with the application to prove the existence of two separate lots to be adjusted. According to the County Surveyor, the Solomon lot split plan #414 was approved by the Subdivision Committee on April 4, 1957 under the condition that Parcel B becomes a part of the Paulson property to the north and is not a separate building lot. The memo goes on to state that Land Use Rider #2322 issued for the existing single family dwelling on May 10, 1957 shows one single lot with the proposed residence in the approximate location of the existing residence. By deeding the properties together subsequent to the 4/4/57 subdivision approval, the owner merged the two parcels into one parcel that was approved pursuant to the Subdivision Map Act (See Attachment J). Therefore, the conclusion of their research was that the property consists of one legal parcel.

On May 31, 2013, surveyor, Dan Jahns submitted additional information on behalf of the applicant to the County Surveyor (Attachment F). Mr. Jahns states in the information submitted on May 31<sup>st</sup> that the conclusion of the County Surveyor in the memorandum of May 16 is inconsistent with and contradicted by multiple documents recorded both prior to and subsequent to the (Tentative) Lot Split plat 414 referred to in their letter. He states that Plat 414 specifically



depicts APN 013-191-13 (Lot A of plat 414) and what is now the Hawker/Philippides Parcel Two (Lot B of plat 414) and that at the time Lot Split plat 414 was approved, the property that was the subject of this plat was owned by Solomon, and the current Hawker/Philippides Parcel One was owned by Paulson (not a signatory to the Lot Split application or plat 414). He also states that the document referred to in the County Surveyor's letter, O.R. Bk. 1444, pg. 436, describes only the parcel he is referring to as "Hawker/Philippides Parcel Two", not a larger parcel. According to Mr. Jahns, the Hawker/Philippides "Parcel One" was created in 1955 and is described in deed O.R. Bk. 1342 pg. 101 and is also depicted on R/S Bk. 37 pg. 52; and the Hawker/Philippides "Parcel Two" was created in 1957 and is described in deed O.R. Bk. 1444 pg. 436.

On June 5, 2013 the County Surveyor responded to Mr. Jahns' May 31<sup>st</sup> submittal in a memo (Attachment G) stating that the information provided by Mr. Jahns does not bring any new evidence to prove the existence of two separate legal lots on the subject property. The County Surveyor once again concluded that the property consists of one legal parcel.

On March 19, 2014, additional information was submitted by the owner's attorney, Susan Petrovich (Attachment H), as to the existence of two legal parcels. In summary, Ms. Petrovich stated that the parcels have always been deeded in a manner that identifies them as separate parcels. She states they each arose out of entirely separate assessor's parcels that were under separate ownership at the time of the lot split that created 740 Arcady. She refers to the Pueblos Map No. 42 for the Cold Springs School District, compiled by the County Surveyor's office. She states that there is no County record of Parcel B having been legally merged with the 3140 Eucalyptus Hill parcel.

On April 11, 2014, the County Surveyor responded with a memo stating that the additional documentation provided by the applicant's attorney did not provide any new information to support the existence of two legal lots.

#### Historical Background of Subject Parcel

This historical background of the subject parcel is as follows:

- April 4, 1957 - The County approved Solomon's proposed Lot Split with the condition that one of the two parcels being created ("Lot B") become a part of Paulson's adjacent parcel to the north ("Parcel 83").
- May 1, 1957 – Solomon conveyed Lot B to Paulson through a grant deed.
- May 7, 1957 – The grant deed was recorded. The grant deed indicated that it was "subject to conditions, restrictions, rights, right of ways and easements of records, if any."
- May 8, 1957 – Paulson applied for a Land Use Rider to develop the property. The Land Use Rider identified that a single family residence was to be built on "Lot 83." The Land

Use Rider showed a single parcel with structures that straddled what would have been the boundary between Lot B and Parcel 83.

- July 27, 1965 – Paulson conveyed the entire property through a grant deed, which identified former Lot B and Parcel 83 as two separate parcels.

The relevant provisions of the County’s Subdivision Ordinance in effect in 1957 (Ordinance No. 791) were the following:

- Section 2.1 Conditions: The Subdivision Committee may approve a plat subject to reasonable conditions.
- Section 2(i) Definitions: A division of land shall be deemed to have been completed for the purposes of this ordinance when a deed has been recorded in the office of the County Recorder, or when a map showing a division of land has been filed or recorded in the office of the County Recorder or when any other document showing a division of land has been either recorded or filed in the office of the County Recorder, or made a public record by any other method.

## **6.0 PROJECT ANALYSIS**

### **6.1 Environmental Review**

The denial of the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment-C, Notice of Exemption for further details

### **6.2 Comprehensive Plan Consistency and Land Use and Development Code Compliance**

Since a lot line adjustment must be between two legal parcels and since the application does not involve two legal parcels, it cannot be found consistent with the density and minimum lot requirements of the Montecito Land Use Development Code (MLUDC) or the Comprehensive Plan, including the Montecito Community Plan, or with the findings under Chapter 21 and the MLUDC regarding lot line adjustments.

Additionally, even if there were two legal parcels, given the Montecito Water District’s moratorium on new water meters, the second lot would not be considered developable at this time inconsistent with Chapter 21 requirements that lots subject to lot line adjustments be deemed developable prior to and following the adjustment (Chapter 21, Section 21-93.a.3.a.3).

## **7.0 APPEALS PROCEDURE**

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$643.

## **ATTACHMENTS**

- A. Findings
- B. CEQA Exemption
- C. Lot Line Adjustment Plan
- D. APN Sheet
- E. Memo from County Surveyor dated May 16, 2013
- F. Letter from Dan Jahns dated May 31, 2013
- G. Memo from County Surveyor dated June 5, 2013
- H. Letter from Susan Petrovich dated March 19, 2014
- I. Memo from County Surveyor dated April 11, 2014
- J. 1957 Land Use Rider, Map, and Deed



## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

The Montecito Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment-B, Notice of Exemption.

### 2.0 CHAPTER 21 ARTICLE III LOT LINE ADJUSTMENT FINDINGS

Finding required for all Lot Line Adjustments. In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations), prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

- 2.1 **The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.**
- 2.2 **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.**
- 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. listed below:**
  - a. **The Lot Line Adjustment satisfies all of the following requirements:**
    - (1) **Four or fewer existing parcels are involved in the adjustment; and**
    - (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.**

**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:**

- (a) 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.**
- (b) 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.**
- (c) 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.**
- (d) Slope stability. Development of the parcel including infrastructure avoids slopes of 30 percent and greater.**
- (e) Agriculture viability. Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.**
- (f) 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.**
- (g) 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.**
- (h) 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.**

**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.**

- 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.**
- 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 this Article 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. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: [Planner: use one of the following] Article II (Sections 35-161 and 35-162) OR Land Use and Development Code (Section 35.101.20 and 25.101.30).**
- 2.6 Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.**

The Lot Line Adjustment cannot be processed, since a minimum of two legal lots are required in order to conduct a lot line adjustment. The County Surveyor has determined that the parcel comprising APN 013-191-012 represents one legal parcel. Therefore, none of the findings for a lot line adjustment included in Chapter 21 can be made at this time. Moreover, even if there were two legal lots, the undeveloped lot would not be granted service by Montecito Water District at this time given the District's moratorium on the issuance of new water meters. The lack of adequate services for two parcels is an additional reason that the proposed Lot Line Adjustment cannot be approved.

### **3.0 MLUDC LOT LINE ADJUSTMENT FINDINGS**

Required findings for approval. In compliance with MLUDC Section 35.430.110, the approval of a Lot Line Adjustment application shall require that the Montecito Commission first make all of the following findings;

- 3.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and this Development Code.**
- 3.2 No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.**

**3.3** Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with all of the following requirements.

- a.** Four or fewer existing lots are involved in the adjustment.
- b.** The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot.
- c.** The Lot Line Adjustment will not result in a greater number of residential developable lots than existed prior to the adjustment. For the purposes of this Subsection only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection if it has an existing one-family dwelling constructed in compliance with a valid County permit. Otherwise, to be deemed a residentially developable lot for the purposes of this Subsection, existing and proposed lots shall comply with all of the following criteria.

**(1) Water supply.** The lot 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 lot and that the service complies with the Company's Domestic Water Supply Permit; or 2) a Public Health Department or State approved water system.

**(2) Sewage disposal.** The lot is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A lot to be served by an onsite wastewater treatment system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by the Public Health Department.

**(3) Access.** The lot 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 lot including infrastructure avoids slopes of 30 percent and greater.

**(5) Agriculture viability.** Development of the lot shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the lot.

**(6) Environmentally sensitive habitat. Development of the lot avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.**

**(7) Hazards. Development of the lot shall not result in a hazard to life and property. Potential hazards include flood, geologic and fire.**

**(8) Consistency with Comprehensive Plan and Development Code. Development of the lot is consistent with the setback, lot coverage and parking requirements of the Development Code and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.**

**To provide notification to existing and subsequent property owners when a finding is made that a lot is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the lot, in compliance with County Code Section 21-92 (Procedures).**

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

**3.5 The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.491 (Nonconforming Uses, Structures, and Lots).**

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

The Lot Line Adjustment cannot be processed or approved, since a minimum of two legal lots are required in order to conduct a lot line adjustment. The County Surveyor has determined that the parcel comprising APN 013-191-012 represents one legal parcel. Therefore, none of the findings for a lot line adjustment included in the MLUDC can be made at this time. The lot line adjustment also does not meet the requirements for density and minimum lot requirements in the MLUDC or any requirements within the Montecito Community Plan. Finally, even if there were two legal lots, the undeveloped lot would not be granted service by the Montecito Water District at this time given the District's moratorium on the

issuance of new water meters. Therefore, the nominal second lot would be considered undevelopable. The lack of adequate services for two parcels is an additional reason that the proposed Lot Line Adjustment cannot be approved.

**ATTACHMENT B**

**NOTICE OF EXEMPTION**

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

**FROM:** Jennifer Siemens, Contract Planner, Planning and Development Department

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.

**APN:** 013-191-012

**Case No.:** 13LLA-00000-00002

**Location:** 1340 Eucalyptus Hill Road and 740 Arcady Road

**Project Title:** Phillipides Lot Line Adjustment

**Project Applicant:** Craig Hawker and Athena Phillipides

**Project Description:**

**The proposed project is a Lot Line Adjustment to adjust the common property boundary between two properties of 1.0 and .19 acres resulting in two properties of .72 and .46 gross acres respectively. The Lot Line Adjustment may be summarized as follows:**

<b>Address</b>	<b>APN</b>	<b>Existing (acres)</b>	<b>Proposed (acres)</b>
<b>1340 Eucalyptus Hill Rd (Parcel 1)</b>	<b>013-191-012</b>	<b>1.00</b>	<b>.72</b>
<b>740 Arcady Rd (Parcel 2)</b>	<b>013-191-012</b>	<b>.19</b>	<b>.46</b>
<b>Total</b>		<b>1.19</b>	<b>1.19</b>

**No new development is proposed as a part of the project. Access to the property is currently provided via Arcady Road.**

Name of Public Agency Denying Project: Santa Barbara County

Name of Person or Agency Carrying Out Project: Craig Hawker and Athena Phillipides

**Exempt Status:** (Check one)

\_\_\_\_\_ Ministerial

- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA and/or CEQA Guideline Section: Section 15270 (Projects which are disapproved)**

**Reasons to support exemption findings:**

The proposed denial is exempt from environmental review pursuant to Section 15270 (Projects which are disapproved) of the Guidelines for Implementation of the California Environmental Quality Act. Section 15270 statutorily exempts projects from CEQA review which a public agency rejects or disapproves.

Lead Agency Contact Person: Jennifer Siemens, Contract Planner

Phone #: 805-568-2000

Department/Division Representative: \_\_\_\_\_

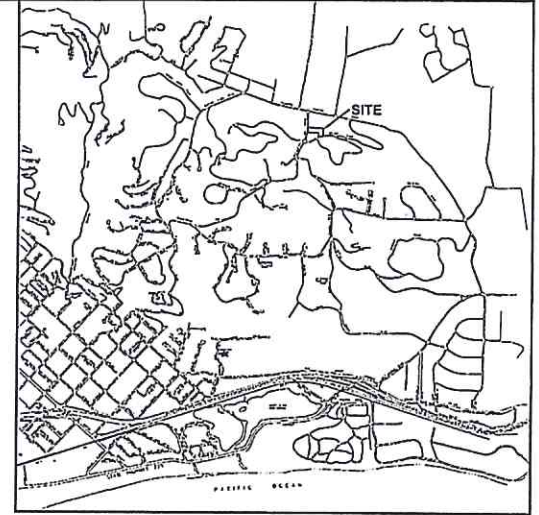
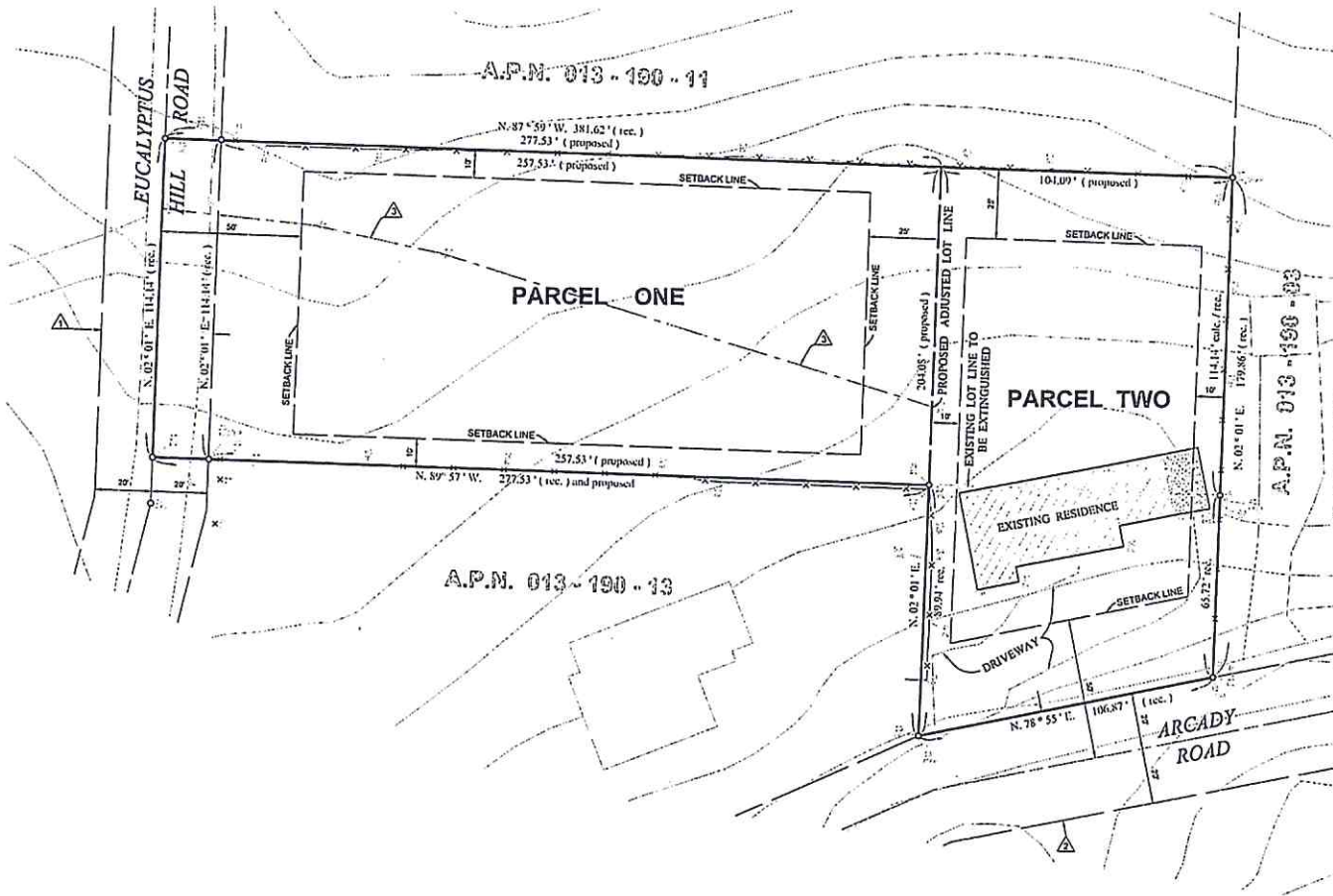
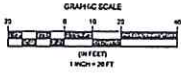
Date: \_\_\_\_\_

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

Distribution: Case file (Jennifer Siemens, Contract Planner)  
Hearing Support Staff

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





AREA MAP  
NO SCALE

**EASEMENT NOTES**  
The following easements affecting the subject property - the exact location and extent of the easement is not disclosed of record.  
Deeds Dk. 39 pg. 291  
Deeds Dk. 57 pg. 200  
Deeds Dk. 131 pg. 290  
O.R. Dk. 705 pg. 203

**NOTE**  
Topographic information shown hereon taken from Santa Barbara County Flood Control aerial topo. Location of existing residence as shown hereon is based on a field survey.

- LEGEND**
- = 40' road R/W rec. per Dds. Dk 26 pg. 346
  - = private road not a public road
  - = centerline of proposed 6 foot wide sanitary sewer easement for the benefit of Parcel Two
  - rec. = record per Deed.

We hereby apply for the Lot Line Adjustment of real property shown on this plat and certify that we are the owners or the authorized agent of the legal owners of said property and that the information shown hereon is true and correct to the best of our knowledge and belief.

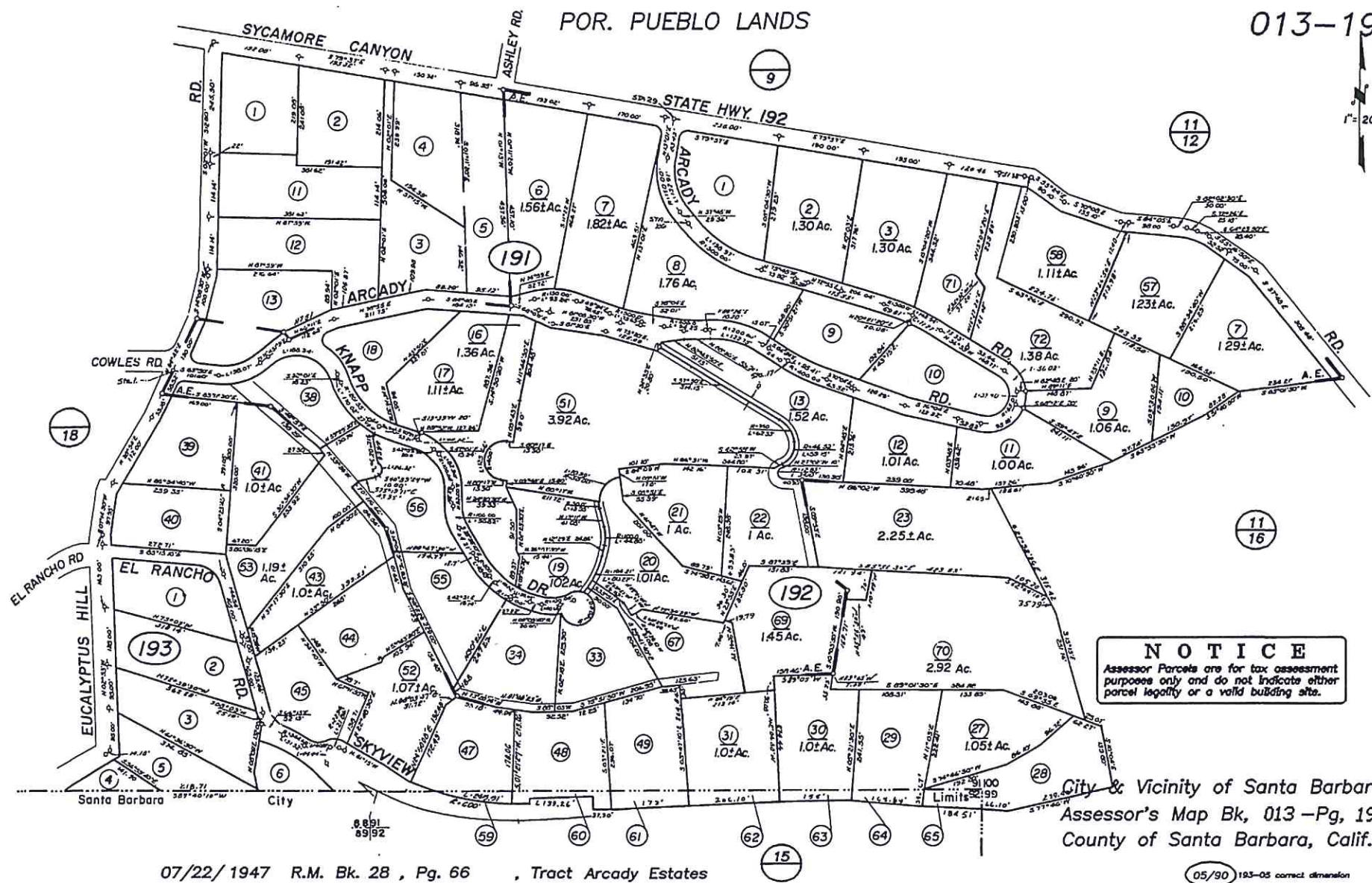
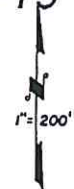
**PROJECT INFORMATION**  
**OWNERS:** Craig Hankel / Athena Philippides  
 1420 Greenworth Place  
 Santa Barbara, Ca. 93108  
**SITE ADDRESSES:** 3140 Eucalyptus Hill Road / 740 Arcady Road  
 A.P.N.: 013-191-12  
 Zoning: Z-E-1  
 Land Use Designation: STR-0.5  
 Services: electric / gas / water / telephone / sewer - Parcel One - none  
 Parcel Two - existing in place  
**Existing Parcels:** Parcel One = 43,550 sq. ft. / 1.0 acre gross  
 43,273 sq. ft. / 0.99 ac. net  
 Parcel Two = 8,101 sq. ft. / 0.19 ac. gross and net  
**Proposed Parcels:** Parcel One = 31,075 sq. ft. / 0.72 ac. gross  
 29,322 sq. ft. / 0.67 ac. net  
 Parcel Two = 19,931 sq. ft. / 0.46 ac. gross and net

13LLA - 00000 - 00002  
**TENTATIVE MAP**  
 PROPOSED LOT LINE ADJUSTMENT BETWEEN TWO PARCELS  
 IN A PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY  
 OF SANTA BARBARA,  
 COUNTY OF SANTA BARBARA  
 JUNE 2013 SCALE: AS SHOWN

**REVIEWING SURVEYOR**  
 P. O. BOX 089 CARPINTERIA, CA. 93014

POR. PUEBLO LANDS

013-19





# Memorandum

**Date:** May 16, 2013  
**To:** Jeff Thomas, Chair of  
Subdivision/Development Review Committee  
**From:** County Surveyor's Office *A.J.*  
**Subject:** 13LLA-00000-00002  
Philippides Lot Line Adjustment  
740 Arcady Rd  
APN 013-191-012



---

Review of this project reveals the following:

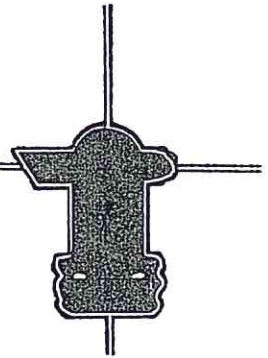
There is no evidence submitted with the application to prove existence on two separate lots to be adjusted. The Solomon Lot Split Plat #414 approved by Subdivision Committee April 4, 1957 under the condition that Parcel B becomes a part of the Paulson property to the North and is not a separate building lot. The Grant Deed from Solomon to Paulson was recorded May 7, 1957 in Book 1444 Page 436. Paulson immediately applied for and was granted land use permit for a single family residence on May 10, 1957. The issued Land Use Rider #2322 shows one single lot with the proposed residence in approximate location of the existing residence claimed to be straddling the property line.

It is clear that the intent of the Subdivision Map Act approval issued on April 4, 1957 was to create a single legal parcel. By deeding the properties together subsequent to that subdivision approval the owner merged the two parcels into the one parcel that was approved pursuant to the Subdivision Map Act.

# SURVEYING SERVICES

P.O. Box 989  
Carpinteria, CA 93013  
(805) 566-6670

DAN JAHNS  
L.S. 4997



May 31, 2013

RECEIVED

JUN 03 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT

To: Nicole Lieu  
Planning and Development Dept.  
123 E. Anapamu St.  
Santa Barbara, Ca. 93101

Re: Hawker / Philippides Lot Line Adjustment ; 13LLA-00000-00002  
1340 Eucalytus Hill Road and 740 Arcady Road ; APN 013 - 191 - 012

Ms. Lieu:

The initial County response to this application questioning the existence of two lots is based on an incomplete and incorrect review of the facts in this matter .

The conclusion of the County Surveyors office in the memorandum of May 16 is inconsistent with and contradicted by multiple documents recorded both prior to and subsequent to the ( Tentative ) Lot Split plat 414 referred to in their letter . Plat 414 specifically depicts A.P.N. 013 - 191 - 13 ( Lot A of plat 414 ) and what is now the Hawker/Philippides Parcel Two ( Lot B of plat 414 ) . At the time Lot Split plat 414 was approved , the property that was the subject of this plat was owned by Solomon , and the current Hawker / Philippides Parcel One was owned by Paulson ( not a signatory to this Lot Split application or plat ) .

In addition , the document referred to in the County Surveyor's letter , O.R. Bk. 1444 , pg. 436 , describes only the parcel I am referring to as " Hawker / Philippides Parcel Two " , not a larger parcel . The Hawker / Philippides " Parcel One " was created in 1955 and is described in deed O.R. Bk. 1342 pg. 101 and is also depicted on R / S Bk. 37 pg. 52 . The Hawker / Philippides " Parcel Two " was created in 1957 and is described in deed O.R. Bk. 1444 pg. 436 . The Hawker / Philippides property is referenced as " Parcel One " and " Parcel Two " as described in the following deeds : O.R. Bk. 2122 pg. 106 ; O.R. Instr. No. 90 - 074289 ; and O.R. Instr. No. 2012 - 0076767 .

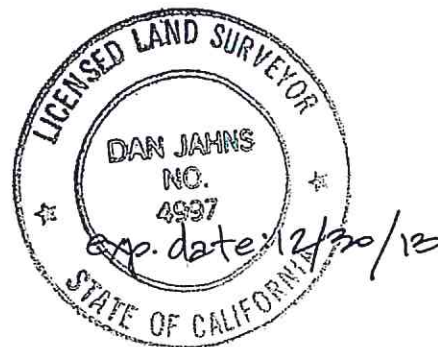
There have been no recorded documents subsequent to plat 414 describing the Hawker / Philippides Parcels One and Two as a single parcel . There have been three subsequent recorded documents ( not including a refinancing deed ) all referring to Parcel One and Parcel Two and there has been title insurance policies issued that include the legal descriptions of " Parcel One " and " Parcel Two " .

The single notation on plat 414 without the signature of Paulson ( who was the owner of "Parcel One " and not an applicant in 414 ) and without the benefit of any supporting and recorded documents does not accomplish a merger of these two lots.

As such , these are two legal lots and the Lot Line Adjustment application process should move forward.

  
Dan Jahns

c.c.: Craig Hawker / Athena Philippides  
Syndi Souter





# Memorandum

**Date:** June 5, 2013  
**To:** Nicole Lieu, Planner  
**From:** Aleksandar Jevremovic, County Surveyor  
**Cc:** Rachel Van Mullem, County Counsel  
Kevin E. Ready, Sr., County Counsel  
**Subject:** 13LLA-00000-00002  
Philippides Lot Line Adjustment  
740 Arcady Rd  
APN 013-191-012



---

In response to your Memorandum from June 4, 2013:

On June 3, 2013 my Office received a report prepared by Mr. Dan Jahns PLS, dated May 31, 2013. The report is different from the report you received on the same date, authored by Mr. Jahns, but it appears to be more comprehensive. However, it does bring any new evidence to prove existence of two separate legal lots at the subject property.

My Office's position has not changed on this matter. It is clear that the intent of the Subdivision Map Act approval issued on April 4, 1957 was to allow a division of the original parcel conditioned on the merging of northerly parcel with the adjoining property, and thus, to create a single legal parcel (the subject property) by merging Parcel B of the Lot Split #414 with the Paulson's property to the North. The subsequent deeding of the split parcel to the owner of the northerly neighboring parcel accomplished the intent of the lot split/merger approval. The subsequent deeding of the northerly parcels together in a single deed serves to show the intent of the owner to comply with the SMA approval. Parcel B does not exist as a separate legal parcel. County Counsel concurs in this conclusion.

March 19, 2014

Susan F. Petrovich  
Attorney at Law  
805.882.1405 tel  
805.965.4333 fax  
SPetrovich@bhfs.com

**VIA HAND DELIVERY**

**RECEIVED**

Ms. Anne Almy  
County of Santa Barbara  
Planning & Development  
123 East Anapamu Street  
Santa Barbara, CA 93101

MAR 19 2014  
S.B. COUNTY  
PLANNING & DEVELOPMENT

RE: Philippides Lotline Adjustment Application, 740 Arcady Road, Montecito

Dear Ms. Almy:

Brownstein Hyatt Farber Schreck represents Athena Philippides and Craig Hawker, owners of 740 Arcady Road and 1340 Eucalyptus Hill Road. I am directing this letter to you because the planner originally assigned to this case is on maternity leave.

**Introduction**

Ms. Philippides and Mr. Hawker have applied for a lotline adjustment between two existing legal parcels. In response to questions raised by the County Surveyor as to the separate nature of these two parcels, we provided materials that demonstrate that the parcels are, indeed, separate. Apparently, he requires more. We enclose a package of materials for your information and will explain their relevance in this cover letter.

We also enclose a chart, entitled "740 ARCADY ROAD/1340 EUCALYPTUS HILL ROAD," which sets forth all dates relevant to these two parcels and their history.

We believe that, after reviewing the information within and the attachments, you will have sufficient grounds to conclude that the two parcels that are the subject of the lotline adjustment application are separate legal parcels and will process the lotline adjustment as requested.

If you are unable or unwilling to process the lotline adjustment application to conclusion, we request that you provide us with a letter stating your denial of the lotline adjustment and advising the grounds for refusing to further process the Philippides/Hawker lotline adjustment application.

1020 State Street  
Santa Barbara, CA 93101-2711  
main 805.963.7000

016786\0001\11101532.1

bhfs.com

Brownstein Hyatt Farber Schreck, LLP



### **Procedural History**

The lotline adjustment application resulted from a Notice of Violation (NOV), dated December 5, 2012, requiring that the existing garage be demolished because it allegedly was built without a permit prior to the Hawkers acquiring the property. The Hawkers did not participate in creating the violation and are relatively new owners of the property.

Syndi Souter, on behalf of the Hawkers, investigated and determined that the house encroached over the shared property line so a lotline adjustment would be required before the Hawkers could apply for a permit to legalize the garage. She requested a time extension to process the lotline adjustment application to allow for time to cure the NOV. She submitted an abatement schedule that seemed reasonable at the time because she had submitted the lotline adjustment application on April 29, 2013.

Earlier this month, the Building & Safety staff member monitoring the NOV advised Ms. Souter that no further extensions would be granted because "the consensus is that only one lot exists on the parcel."

For the reasons detailed below, we do not concur with this "consensus" and request that you review the enclosed information with County Counsel and advise us that you *are* able to process the lotline adjustment. Upon receipt of such a letter, we will return to the Building Department for negotiation of a new abatement schedule that will include conclusion of the lotline adjustment process. If you cannot issue such a letter, please provide us with a clear and unambiguous statement that the lotline adjustment application will not be processed.

### **Factual Basis for Acknowledging the Legal Validity of Two Separate Legal Parcels**

These two parcels have always been deeded in a manner that identifies them as separate parcels. They each arose out of entirely separate assessor's parcels that were under separate ownership at the time of the lot split that created 740 Arcady. See the attached Pueblos Map No. 42 for the Cold Springs School District, compiled by the County Surveyor's Office.

Landowner Frank Solomon (who did NOT own the adjacent property), applied to the County to create the 740 Arcady parcel by a lot split map, approved by the County of Santa Barbara's Subdivision Committee on April 4, 1957 under Ordinance No. 791. The Subdivision Committee was the County body then authorized to approve land divisions of less than 5 parcels.

On May 1, 1957, Solomon deeded Parcel B of the lot split map to Louis Paulson, thereby complying with the Ordinance No. 791 requirement that the lot split be finalized by recordation of a map or deed. Louis Paulson was never a party to the lot split application and his land was not involved in the lot split.



There is no County record of Parcel B having been legally merged with the 1340 Eucalyptus Hill parcel.

Since Solomon deeded Parcel B to Paulson, the two Paulson lots have been conveyed twice, once by Paulson to Cox in 1965, in which the 740 Arcady lot (Parcel B) and the original Paulson lot are described as distinctly separate parcels from one another. In 2012, when Cox conveyed to Hawker/Philippides, the grant again describes the two parcels as being separate and distinct.

Deed history is an indication of intent and it is clear that Paulson, who was not the subdivider in 1957, but who acquired Parcel B from the subdivider, regarded these lots as two separate and distinct legal parcels. His successor did the same.

Even if the parcels had not been so conveyed, Civil Code section 1093 states that a legal description in a deed or other instrument of conveyance or security instrument, that consolidates the descriptions of separate and distinct parcels, does not change their nature or merge the parcels. Adopted in 1985, this section states that it is a declaration of existing law. It is retroactive in effect as a result of that declaration.

The County Surveyor's memo, dated May 16, 2013, makes several statements that deserve further analysis.

First, he states that "It is clear that the intent of the Subdivision Map Act approval issued on April 4, 1957 was to create a single legal parcel." That is far from clear, given the state of County ordinances and State law at the time. Whatever the County Subdivision Committee may or may not have intended, it could not implement any action other than a straight lot split with only one affected property owner – Solomon – being a party to the application. Paulson was not a co-applicant so his land could not be merged with a portion of Solomon's without a separate lotline adjustment process

Second, he states that "by deeding the two properties together subsequent to subdivision approval," the owner merged the two parcels. This interpretation is completely inconsistent with the facts as set forth above (the only two post-subdivision deeds have described the two parcels separately) and the law. Civil Code section 1093 states that a merger doesn't occur through consolidate of separate and distinct legal descriptions into one deed, absent an express written statement of the grantor of an intent to merge the parcels. The two grant deeds for these lots have no such express statement of intent to merge the parcels.

Third, he states that the "owner merged the two parcels into one parcel that was approved pursuant to the Subdivision Map Act." No such merger has ever occurred. The Subdivision Map Act and County ordinances have clear procedures and requirements for a voluntary merger and the Subdivision Map Act precludes involuntary



mergers without compliance with certain statutory provisions. The County of Santa Barbara did not implement those merger requirements and the time has passed to do so.

The sole basis for the County's questions about the validity of these two parcels is a handwritten note in the corner of an unrecorded Parcel Map, "Note: Parcel B to become part of the lot to the north and not a separate building site." The unrecorded Parcel Map is the only place in the County files that we were able to find any indication of the Subdivision Committee's intent and that is ambiguous – the Subdivision Committee and County Counsel knew in 1957 that a lotline adjustment would be necessary to legally combine Parcel B with an unrelated property to the north. This notation on the map is a nullity. Merger across ownership lines has never permitted under the County's ordinances.

The County Assessor records better reflect the legal impact of the Subdivision Committee's approval – the enclosed two pages from the Assessor's 1957 record book shows three (3) separate Assessor's Parcels: -083 for Paulson's original landholding, -106 for Parcel B, and -107 for Parcel A, which remained Solomon's.

The County's official notice of the lot split approval came to Solomon (Paulson was not an addressee) via a letter signed by the County Planning Director, stating "This notice is authority to proceed with the division as shown on the approved plat." The letter includes no statement that the note on the Parcel Map was a condition of approval. There is absolutely no recorded notice that such a condition was appended to the approval.

Most relevant is the fact that the County later allowed a residence to be constructed on 740 Arcady without any County processing of a lot merger, reversion to acreage, or lotline adjustment between Parcel B and the original Paulson parcel.

In any event, Paulson was not a party to the lot split proceeding; he and his successors are not bound by anything said or noted during the proceeding. The words "become part of the lot to the north" are ambiguous – they may simply have reflected Solomon's intent to sell the lot to Paulson following County approval of the lot split. Solomon did convey the property to Paulson a short time after the lot split approval. The note includes no promise signed by Paulson to later complete a merger, lotline adjustment, or reversion to acreage and there is no record that Paulson applied for or completed any such process.

Just two years earlier, the County had adopted a process for accomplishing a reversion to acreage, as described in Ordinance No. 786. That process required that a map to be filed, "designated on the title sheet by an appropriate note containing the words, "MAP OF VACATION" followed by REVERSION TO ACREAGE." (Part II. Section 4.a.). The Subdivision Committee and the County Counsel must have been aware of this new ordinance when Solomon came forward with his lot split proposal. A complete failure to comply with all applicable law and ordinances indicates that the Subdivision Committee did not intend a merger of Parcel B with the property to the north. A notation on an



unrecorded map failed to meet 1957 State and County requirements, and it doesn't meet today's requirements, for merger or reversion to acreage.

Paulson's Land Use Rider to construct a residence on his landholding didn't depict the lot line between his two legal parcels. He was not required to do so under any ordinance in force at the time. Although the house depicted on the Land Use Rider straddles the lot line, the as-built residence is largely on Parcel B, although a portion of it lies north of the shared lot line. This permit afforded the County an opportunity to announce any intention that the two parcels comprised only one legal building site, but there is no such note on the Land Use Rider. The failure to accurately site a building did not then and does not now accomplish a merger or reversion to acreage.

The conclusion must be that these are two separate legal parcels. Paulson acquired these parcels in two completely different conveyances two years apart (10/21/1955 and 5/7/1957, respectively).

If the County intended to impose a condition on the lot split, it failed to follow any legal process to accomplish that intent and, in later years, failed to enforce or give notice of the condition. The lot line between Parcel B and the Paulson's original landholding remains in place. Although the County Assessor has designated the entire property as a single Assessor's Parcel, Assessor's Parcels do not equate to legal parcels.

### **Legal Basis for Acknowledging the Legal Validity of Two Separate Legal Parcels**

The County has been involved in two comparable cases and has lost legal challenges in both:

Hawkes v. County of Santa Barbara, Santa Barbara Superior Court Case No. 169598 (1990) – judgment entered in Hawkes' favor on 3/23/1990. This decision pre-dated the Morehart decision discussed below. The court concluded that a lot legally created but later saddled with an unrecorded County condition that it was not buildable was a separate lot and legal building site.

Morehart v. County of Santa Barbara (1994) 7 Cal.4th 725 – USSC reversed Court of Appeal and determined that the County cannot, by land use regulation, impose lot merger upon private property. Cal. Govt. Code sections 66451.10 through 66451.21 "constitute the sole and exclusive authority for local agency initiated merger of contiguous parcels." Parcels "may be merged by local agencies only in accordance with the authority and procedures prescribed in [those sections]." The County had argued that the rule that the Subdivision Map Act occupied the field for mergers does not include zoning ordinances "that require merger of parcels for issuance of a development permit" because it is not a "local agency initiated merger" and it is the action of the owner in applying for a development permit that effectuated the merger, not the County. The Supreme Court rejected that argument in its entirety.



The Supreme Court also pointed to Sections 66451.10(a) that provides that "two or more contiguous parcels or units of land . . . shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner, and no further proceeding under [the Subdivision Map Act] or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease or financing of the contiguous parcels or units, or any of them."

The Supreme Court also referenced Section 66451.11 as prescribing the specific conditions under which the local parcel merger ordinance may make parcels eligible or ineligible for merger. Santa Barbara County never adopted a merger ordinance so the "merger is permitted only if one of the parcels comprises less than 5,000 square feet, or was not created in compliance with applicable law," or fails to meet current health and safety requirements. Inconsistency with the general plan simply because of lot size or density standards doesn't constitute grounds for the exemption. "The statute does not, however, authorize imposition of merger simply because a parcel is undersized by local zoning standards unless one of the parcels to be merged is less than 5,000 square feet."

While considering these two local cases, we ask that the County consider its position if it fails to acknowledge what the public record reveals: (1) that the County approved the creation of two separate legal lots through a lot split that complied with local ordinances in force at the time became effective as required by ordinance; and, (2) that the County may have attempted to impose a legally unsupportable and unrecorded condition upon Solomon without Paulson being a part of the process; and, (3) that the County failed to follow State law or its own ordinances applicable to combining two parcels under separate ownership; and, (4) that the County made no attempt to enforce this condition against the subdivider; and, (5) that the County did not require recordation of the alleged condition.

### **Conclusion**

On behalf of Mr. Hawker and Ms. Philippides, I can assure you that they would like to resolve this issue with the County amicably. This can be accomplished with a simple lotline adjustment that will then allow the County to issue a building permit for the garage.

Because timing is important in regard to the Notice of Violation, we also request that the time to abate the violation be further extended. The property owners believe that they have two legal parcels and are pursuing their legal right to a lotline adjustment, but perhaps they and the County can resolve the NOV issue by pulling a permit to modify the former garage so that it can be used as a garage while reserving their right to contend that the permit in no way compromises the legal status of the lots that comprise the property.

Please respond to the following questions:

Will the County process a permit to restore the garage door pending resolution of the parcel validity issue, agreeing that the restoration in no way compromises the Hawkers' position?

Will the County state an appealable decision as to whether it contends that Parcel B is not a legal buildable parcel, separate and apart from the property known as 1340 Eucalyptus Hill Road?

Sincerely,



Susan F. Petrovich

Attachments

Cc: Eric Snyder, Building Dept. Enforcement, w/out attachments

Cc: Glenn S. Russell Ph. D., Planning & Development Director, w/attachments

# Memorandum

**Date:** April 11, 2014  
**To:** Anne Almy, Supervising Planner  
**From:** Aleksandar Jevremovic, County Surveyor  
**Cc:** Rachel Van Mullem, County Counsel  
Kevin E. Ready, Sr., County Counsel  
**Subject:** 13LLA-00000-00002  
Philippides Lot Line Adjustment  
740 Arcady Rd  
APN 013-191-012



---

In response to your Memorandum dated March 26, 2014:

The additional documentation provided by applicant's attorney has been reviewed by my Office and it did not provide any new information to support existence of two legal lots.

County Counsel concurs in this conclusion.



LAND USE RIDER

Date: 5/8/57  
Envelope: \_\_\_\_\_

PERMIT: 2362

THIS RIDER TO BE ON JOB AT ALL TIMES

Zone: E-2

Requirements to be made a part of Application & Permit  
Division of Building & Safety, County of Santa Barbara.

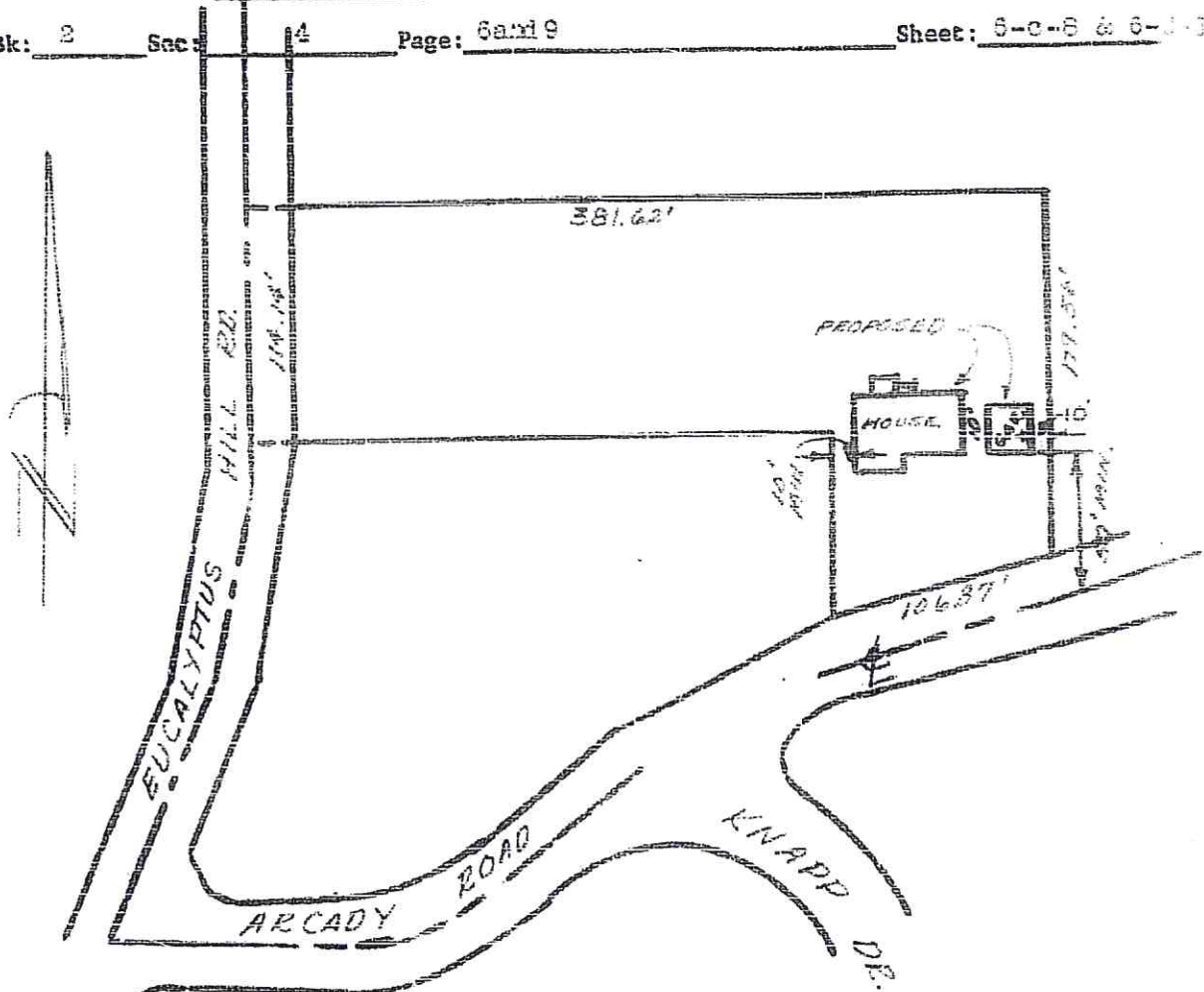
Owner: L. T. Paulson Address of Job: 740 Arcady Rd.

Lot: 88 Block: \_\_\_\_\_ Tract: Arcady Estates Neighbor  
Ph: 9-0002

Description: \_\_\_\_\_ Value: \$18,000

School District: Cold Springs Proposed Use: Single Family Residence

Bk: 2 Sac: 4 Page: 6 and 9 Sheet: 5-c-8 & 6-1-14



Zoning approval subject to compliance with provisions of existing ordinances and restrictions applicable to area.

Zoning Approval: Wmg Date: 5-10-57 Remarks: \_\_\_\_\_  
Architectural Approval: Wmg Date: 5-10-57

Plot  Index  
 Map  Value



8750



PLACE INTERNAL REVENUE STAMPS IN THIS SPACE

#106783-C bw

I.R.S. 165

# Joint Tenancy Grant Deed

(Individual)

FRANK S. SOLOMON and HELEN G. SOLOMON, husband and wife

(GRANTOR - GRANTORS)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Do Hereby Grant To LOUIS T. PAULSON and EDITH M. PAULSON, his wife

As Joint Tenants

the real property in the City of Santa Barbara

County of Santa Barbara State of California, described as follows:

That portion of the Outside Pueblo Lands of the City of Santa Barbara, located in El Montecito (so-called), in the County of Santa Barbara, State of California, described as follows:

Beginning at a 1/2 inch survey pipe set at the southeast corner of a tract of land described in the deed to Louis T. Paulson, et ux., recorded October 21, 1955 as Instrument No. 19044 in Book 1342, page 101 of Official Records, records of said County, said point also being on the east line of a tract of land described in the deed to Frank S. Solomon, et ux., recorded June 7, 1954 as Instrument No. 9403 in Book 1244, page 289 of Official Records, records of said County.

Thence 1st, south 2°01' west along the east line of said Solomon tract, 65.72 feet to a 1/2 inch survey pipe set on the northerly line of Arcady Road. Thence 2nd, south 78°55' west along the northerly line of said road, 106.87 feet to a 1/2 inch survey pipe set at an angle point in said road. Thence 3rd, north 2°01' east leaving the northerly line of said road, 89.94 feet to a point in the south line of the tract of land described in said deed to Paulson hereinabove mentioned. Thence 4th, south 87°59' east along said south line, 104.09 feet to the point of beginning.

SUBJECT to covenants, conditions, restrictions, rights, right of ways and easements of record, if any.

Dated May 1, 1957

*Frank S. Solomon*  
*Helen G. Solomon*

STATE OF CALIFORNIA }  
COUNTY OF } SS.  
Santa Barbara }

On May 1, 1957  
before me, the undersigned  
a Notary Public in and for said County and State, personally appeared Frank S. Solomon and Helen G. Solomon

known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

*William M. Curtis*  
Notary Public in and for said County and State.  
My Commission Expires Sept. 29, 1960

WHEN RECORDED, PLEASE MAIL THIS INSTRUMENT TO  
Mr. and Mrs. Louis Paulson  
13108 Pipeline Avenue, Chino, Calif.

ORDER No. 106783-C ESCROW No. SAME

SPACE BELOW FOR RECORDER'S USE ONLY

8750

RECORDED AT REQUEST OF

Security Title Insurance Co.

MAY 7 1957 at 8:30 A.M.

BOOK 1444 PAGE 436

OFFICIAL RECORDS

Santa Barbara County, Calif.  
JAMES G. FOWLER, Recorder

*Sub. J. G. Fowler* Deputy

FILE # 200

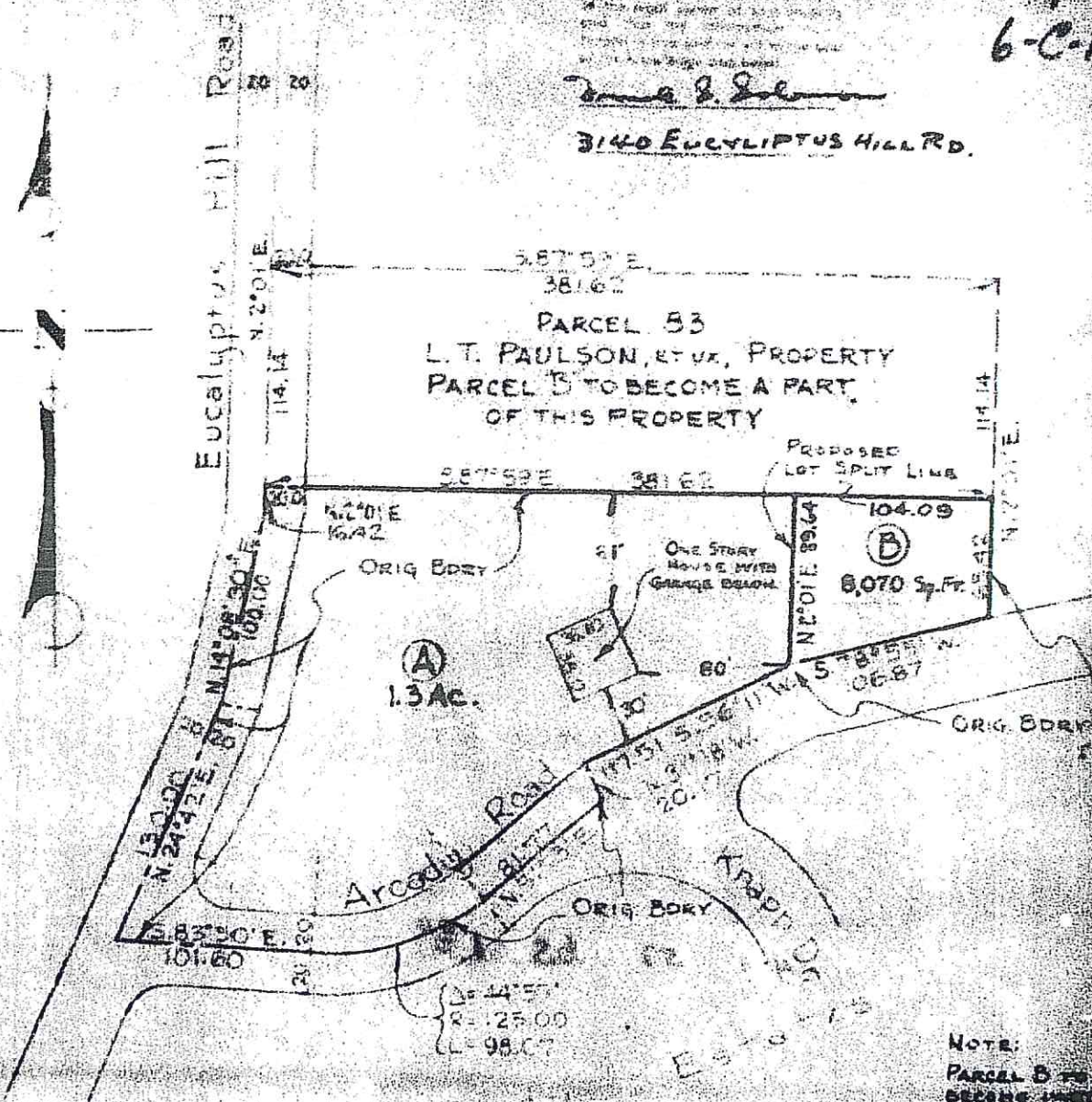


6-C-14

Property shown for purposes of this map is shown as being owned by Frank S. Solomon, et ux. as shown on the map and as shown on the legal owner of said property and as shown on the map and as shown on the legal owner of said property.

Frank S. Solomon

3140 EUCALYPTUS HILL RD.



FRANK S. SOLOMON PROPERTY  
 PROPOSED DIVISION  
 PARCEL 84, PUEBLO MAP 42 and PARCEL 1, ARCADY ESTATES  
 COLD SPRINGS SCHOOL DISTRICT

SCALE 1"=80' March 1957

Assessors Map Pages 6 & 9

PENFIELD & SMITH, REGISTERED CIVIL ENGINEERS - 111 E. VICTORIA ST. - SANTA BARBARA, CALIFORNIA