



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: November 28, 2007
AGENDA DATE: December 5, 2007
PROJECT ADDRESS: 110 Santa Rosa Place (MST2007-00521)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor
 Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

The 6,000 square foot project site is currently developed with a single family residence, attached garage, detached accessory structure, and an "as-built" water feature with fish pond. The discretionary application required for this project is a Modification to permit the water feature and associated equipment to be located within the required six-foot (6') interior yard setback (SBMC §28.15.060).

Date Application Accepted: October 16, 2007 Date Action Required: January 16, 2007

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Derrick Eichelberger	Property Owner:	Henry Bartley
Parcel Number:	045-201-020	Lot Area:	6,000 sf
General Plan:	5 Units Per Acre	Zoning:	E-3/SD-3
Existing Use:	One Family Residence	Topography:	Flat
Adjacent Land Uses:			
	North - One Family Residence		East - One Family Residence
	South - One Family Residence		West - One Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,800 sf	No Change
Garage	463 sf	No Change
Accessory Space	None Existing	No Change

III. LOT AREA COVERAGE

Lot Area:	6,000 sf
Building:	2,500 sf; 40%
Hardscape:	1,300 sf; 15%
Landscape:	2,200 sf; 35%

IV. DISCUSSION

The backyard area of this single family residence has been improved with a gazebo and water feature without benefit of permits. The water feature includes a rock formation, waterfall, koi pond and associated equipment that was installed within the required 6' setback. It is the applicant's position that the Modification should be supported in that the installation is merely a visual improvement that does not encourage congregation or result in square footage within the setback. It is Staff's position that although many may find the sound of a waterfall enjoyable, it is none the less a noise generator in an area intended to provide a quiet buffer zone between neighboring residential uses. And although support for the application has been submitted by the neighbor most directly affected by the installation, Staff's site visit revealed that concrete blocks have been added to the top of the existing perimeter wall in an effort to buffer the sound to the neighbor.

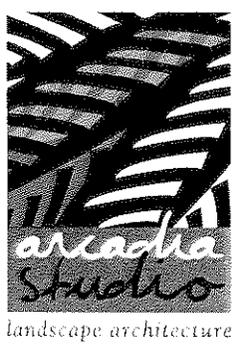
V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer deny the project, making the findings that approval of the Modification would allow an inappropriate improvement in the required buffer zone that does not meet the purpose or intent of the ordinance.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated October 15, 2007
- C. Neighbor's letter of Support dated October 5, 2007

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470



October 15, 2007

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Dear Staff Hearing Officer:

Existing Situation

There is an existing pond and waterfall on the subject property which was installed without permits. The owner was not informed by the contractor for the need of a permit, and nobody involved in this submittal was involved in the design or construction of the water feature. The pond is approximately 10' wide x 18' long, with a 3' high waterfall. The structure of the pond and waterfall is 18" from the face of the existing 6' high block wall that runs along the property line. There is also a small pump behind the fountain that sits approximately 16" above grade. It is our intention to incorporate a gravel filter in the base of the pond to make the overall depth of the pond no greater than 18". This has been reviewed and approved by Chris Short. The main issue before you is the encroachment of the pond into the side-yard setback.

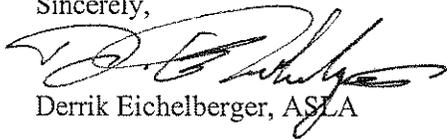
Justification for request

It is our understanding that the modifications are supportable based on the fact that the pond is not square footage that promotes congregation or use, and is merely a visual improvement. The water fall is designed to face the interior of the yard, is fairly benign, and directs sound toward the house, not toward the neighbors. In addition, there is an existing 6' block wall between the pond and the closest neighbor which baffles much of the sound. Discussions with this neighbor have been very positive in nature, and are backed up with a written letter of support.

Benefits

The pond is not visible to anyone but the owner of this property, therefore has no visual impacts to the community. The existing waterfall provides a pleasant sound to the few people who can hear it, and is generally perceived to be a benefit.

Sincerely,



Derrik Eichelberger, ASLA

EXHIBIT B



October 5, 2007

Mr. Jeff Lovegreen
106 Santa Rosa Ln.
Santa Barbara, CA 93109
(805) 962-9834

Re: Bartley Pond

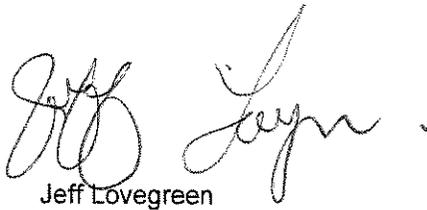
Santa Barbara City Zoning Dept:

I am aware of Mr. Bartley's pond located at 110 Santa Rosa Ln., Santa Barbara, CA 93109 which is located directly next to my property.

It is of no more concern to me then if it was located centrally in his back yard.

The pump is extremely quite since he changed the motor two years ago, I do not believe that I can even hear the pump motor from anywhere in my yard or house.

I have no issues with the pond staying where it is.


Jeff Lovegreen

INTERESTED PARTIES CORRESPONDENCE:

DISTRIBUTED ON: 11/19

SHO (4):

- STAFF HEARING SUPERVISOR (Bettie Weiss)
- ORIGINAL to STAFF HEARING OFFICER (Rox)
- PLANNING TECH FOR ITEM
- APPLICANT

REMOVABLE LABEL)

Entered into Advantage:

Entered into People

Entered into Parcel/People

11/19
date completed

KL
initials

