



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 4, 2006  
**AGENDA DATE:** October 11, 2006  
**PROJECT ADDRESS:** 288 North La Cumbre Road (MST2006-00152)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DK*  
 Brenda Beltz, Planning Technician *BBB*

### I. PROJECT DESCRIPTION

The 93,881 square foot project site is currently developed with eight (8) single family residences known as Amber Gardens. The development is served by a water well. The proposed project involves a new reverse osmosis treatment system for improved water quality within an existing fenced water system area. The proposed improvements include a 192 square foot shed to house the new equipment and storage tanks and a ten-foot screen hedge. The discretionary applications required for the project are Modifications to permit the compound to be located within the required 40' interior yard setback (SBMC §28.36.075) and for a hedge to exceed the maximum height of eight-feet (8') when located within a required yard (SBMC §28.87.170).

Date Application Accepted: August 29, 2006      Date Action Required: November 29, 2006

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

|                                |                                 |
|--------------------------------|---------------------------------|
| Applicant: Richard Dean        | Property Owner: Willis Kay Aiko |
| Parcel Number: 057-320-001     | Lot Area: 93,881 s.f.           |
| General Plan: 5 Units per Acre | Zoning: E-3/PUD 4.6/SD-2        |
| Existing Use: Residential      | Topography: unknown             |
| Adjacent Land Uses:            |                                 |
| North - Residential            | East - Residential              |
| South - Residential            | West - Residential              |

**B. PROJECT STATISTICS**

|                 | <b>Existing</b> | <b>Proposed</b> |
|-----------------|-----------------|-----------------|
| Building Area   | 12,072 s.f.     | 12,072 s.f.     |
| Garage          | 4,172 s.f.      | 4,172 s.f.      |
| Accessory Space | 0 s.f.          | 192 s.f.        |

**C. LOT AREA COVERAGE**

|                 | <b>Amount</b> | <b>Percentage</b> |
|-----------------|---------------|-------------------|
| Building        | 13,628 s.f.   | 14 %              |
| Paving/Driveway | 16,110 s.f.   | 16.5 %            |
| Landscaping     | 68,931 s.f.   | 69.5 %            |
| Total Lot Area  | 93,881 s.f.   | 100%              |

**III. DISCUSSION**

- This project was reviewed by the Architectural Board of Review (ABR) on August 26, 2006. The ABR gave the project positive comments (see Exhibit C) and stated that the existing hedge was to be replaced with a nine foot high, five gallon Eugenia Santa Barbara hedge.
- The proposed shed enclosure is located within an existing water treatment compound that was granted a modification in 1980 to be located seven feet from the property line and within the required 40 foot interior yard setback (see Exhibit D). Due to the fact that the project was developed with an independent water system rather than being connected to the City water service, it was determined in 1980 that requiring the applicants to remove the water system from the setback would constitute an unreasonable hardship. This additional encroachment is required to bring the water system into compliance with state water quality standards. The new shed structure will be located a minimum of seven feet from the property line and is necessary to both screen the water equipment from view, and to insulate the equipment for noise. The proposed hedge is required to be at least nine to ten feet in height in order to properly screen the water compound from the neighbors, as required by ABR.
- In addition to the original modification approval for the water system, the property owners entered into agreement with the City of Santa Barbara in March 1980 granting an option for the City to acquire the private water system for this property (see Exhibit E). Staff consulted with Bill Ferguson, City Water Resources Specialist, who confirmed that this agreement is still valid, however City Public Works does not choose to acquire the private water system at this time. This contract continues to remain a valid agreement to be applied at any time at the City's request.

**IV. RECOMMENDATION/FINDING**

- Since the improvements are in an area previously approved for water treatment facilities and the hedge will adequately screen the property from the adjacent neighbors, Staff recommends that the Staff Hearing Officer approve the project, making the findings that: the Modification is consistent with the purposes and intent of the Zoning Ordinance; and the Modification is necessary to prevent an unreasonable hardship.
- Said approval is subject to the following condition:  
The applicant or homeowner must contact Manuel Romero, the City Wastewater Collection Superintendent, prior to submitting for a building permit to resolve any issues related to proposed wastewater discharge as a result of this addition to the water system.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated August 15, 2006
- C. ABR/HLC Minutes
- D. Planning Commission Resolution No. 57 and Staff Memorandum
- E. Recorded Agreement Granting Option to Acquire Private Water System

Contact/Case Planner: Brenda Beltz, Planning Technician  
(bbeltz@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

 Souter Land Use Consulting

 P.O. Box 50423

 Santa Barbara, CA 93150

 (805) 695-0046

 syndisouter@aol.com

August 30, 2006

Bettie Weiss  
Staff Hearing Officer  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

Re: 288 N. La Cumbre Road- Common Area; APN 057-320-001/-CA1  
E-3/PUD 4.6/SD-2; MST#2006-00152

Dear Ms. Weiss,

On behalf of the property owner, the Amber Gardens Homeowners' Association, I am requesting two (2) Modifications to the Common Area on the property. The first Modification request is to allow a shed within the required 40-foot interior yard setback. The second Modification request is to allow a hedge to exceed the 8-foot height limit within the interior yard.

The property is 93,881 sq. ft. in size and is currently developed with eight (8) single family residences, each with an attached two-car garage. The development is served by a water well, and a water treatment compound is located in the northeast corner of the property within the Common Area. The existing water treatment compound is located almost entirely within the 40' interior yard setback. The existing water treatment compound was permitted in 1980 with a Modification to the interior yard setback approved by the Planning Commission on 9/18/1980 (Resolution No. 57). Currently, the well water does not meet the State standards for water quality.

The first Modification request is to allow a new 192 sq. ft. shed to encroach up to 33 feet into the required 40-foot interior yard setback. The shed would contain a reverse osmosis treatment system, which would treat the well water and bring it into compliance with the State water quality standards. The shed would be located entirely within the existing water treatment compound.

The second Modification request is to allow a new Eugenia hedge to be planted and maintained at a height of 9 to 10 feet, along the northern portion of the water treatment compound on the property line. The purpose of the hedge is to screen the water treatment compound from the adjacent neighbor to the north. The ABR reviewed the project on 8/21/06 and determined that the hedge needed to be taller than the required 8 foot height limit to adequately screen the water treatment compound, including the new shed.

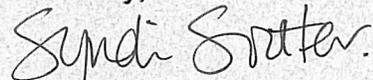
The benefit of the project is that it would allow the property owners to have clean water without having additional structures located within their useful Common Area. By

EXHIBIT B

locating the shed within the existing water treatment compound, it will also reduce trenching, piping and energy costs to run the water through the reverse osmosis treatment system. The new hedge will replace an existing old Myoporum hedge that the northern neighbor dislikes, and will provide screening that is acceptable to both the HOA and the neighbor.

If you have any questions or need any additional information regarding this project, please feel free to call me at 695-0046.

Sincerely,

A handwritten signature in cursive script that reads "Syndi Souter".

Syndi Souter

ABR meeting 8/21/06

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL FOR A MODIFICATION.)

Tom Griffith commented on the poor landscape screening of the existing water treatment compound and requested that the screening be improved as part of the approval for this proposed project.

Continued indefinitely to the Staff Hearing Officer with the following comments: 1) The applicant shall remove the existing Myoporum screen trees along the north section of the property line for the length of the property line that is shared with the adjacent neighbor. 2) Eugenia Santa Barbara hedge (5-gallon size) shall be planted 3-feet on center in place of the existing trees and maintained at 9-foot height.

Case file  
TWT

SANTA BARBARA CITY PLANNING COMMISSION

RESOLUTION NO. 57

SUBJECT: Application of Murl Bruington for a modification of provisions of Section 28.36.075.1 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as applied to City Parcel 57-240-01 located at 288 North La Cumbre Road in a E-3-PUD SD-2 one family residence with a planned unit development overlay and a special district 2 zone, in order to permit an existing water system to be located seven(7) feet from the interior lot line instead of being set back the required forty (40) feet.

WHEREAS, the City Planning Commission has held the required public hearing on the above application; and the applicant was present.

WHEREAS, 1 persons appeared to speak in favor of the application and 0 persons appeared to speak in opposition thereto, and the following exhibits were presented for the record:

- Application
- Site Plan
- Landscape Rendering
- Staff Report

; and

WHEREAS, the matter having been fully considered by this Commission, the Planning Commission finds as follows:

The modification is necessary to prevent an unreasonable hardship

NOW, THEREFORE IT IS RESOLVED that the City Planning Commission hereby approves the subject request, subject to the following conditions:

1. The screening and landscaping around the water system is subject to the review and approval of the Architectural Board of Review (ABR). Special consideration should be given to the visual impact from the property located to the north of the site.

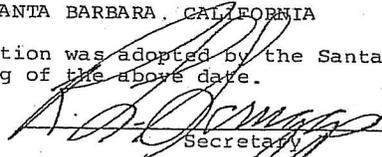
Passed and adopted this 18 day of September, 1980, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7  
NOES: 0

Abstained: 0  
Absent: 0

CITY PLANNING COMMISSION  
SANTA BARBARA, CALIFORNIA

I hereby certify that the above Resolution was adopted by the Santa Barbara City Planning Commission at its meeting of the above date.

  
Secretary

NOTE: This action of the City Planning Commission shall become effective 10 days from date of mailing of this resolution copy, unless appealed to City Council within that time, and shall remain in effect thereafter unless the conditions have not been met, or unless the Modification is unused, abandoned or discontinued for a period of 6 months.

DATE MAILED September 22, 1980

(the above shall not apply to rezonings)

Date: September 19, 1980

MEMORANDUM

DATE: September 18, 1980  
TO: Planning Commission  
FROM: Planning Division  
SUBJECT: Modification request for Murl Bruington

SPECIAL REQUEST: A modification to allow a water system to be located seven (7) feet from an interior lot line instead of being set back the required forty (40) feet.

BACKGROUND: In 1979 a zone change from E-3 to E-3 PUD and a Tentative Subdivision Map for an eight (8) unit condominium project at 288 North La Cumbre Road were approved by the City. One of the conditions of approval was:

"An agreement regarding water service shall be reached between the applicant and the City prior to the recordation of the Final Map."

DISCUSSION: The applicant has been working with the Department of Public Works on the specifications and location of the required water system. The two (2) 6500 gallon tanks plus miscellaneous accessory equipment were installed in the rear portion of the lot within the forty (40) foot setback required in the PUD zone.

CONCLUSION AND RECOMMENDATIONS: Planning staff recommends that the Planning Commission make the finding that the modification request is necessary to prevent unreasonable hardship on the applicant if the water system had to be moved. Staff recommends that the modification be approved subject to the following condition:

1. The screening and landscaping around the water system is subject to the review and approval of the Architectural Board of Review (ABR). Special consideration should be given to the visual impact from the property located to the north of the site.

Attachment: Site Plan



80-3038

TITLE INSURANCE COMPANY  
Agmt. No. 10,248  
*Tract Map*

Recording requested  
by and when recorded,  
return to:  
City Clerk

AGREEMENT GRANTING OPTION TO ACQUIRE PRIVATE WATER  
SYSTEM IN EXCHANGE FOR CITY WATER SERVICE CONNECTIONS

City of Santa Barbara THIS AGREEMENT entered into this 4th day of March,  
1980,

by and between

RECORDED AT THE REQUEST OF  
SAFECO TITLE INSURANCE CO.

and

THE CITY OF SANTA BARBARA, a  
Municipal Corporation, herein-  
after referred to as "City";  
Keith K. Bruington  
Murl Dean Bruington  
D. A. Peterson  
Cynthia A. Peterson  
hereinafter referred to as  
"Owners".

W I T N E S S E T H:

WHEREAS, the owners have title to real property located  
at 288 North La Cumbre Road in the City of Santa Barbara.  
Said property is more fully described in a legal description  
attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the owners, through their authorized agents  
and representatives, have applied to the City for a variance  
from certain portions of the zoning ordinance of the City  
and for a Conditional Use Permit pursuant to the zoning  
ordinance of the City for the development of said real  
property; and

WHEREAS, the City has approved the relief from the  
zoning ordinance by action of the City Council on June 5,  
1979 and approved a Conditional Use Permit on August 21,  
1979; and

WHEREAS, as a condition of said granting the variance  
and Conditional Use Permit, the City imposed conditions  
requiring the execution of an agreement pertaining to water  
service.

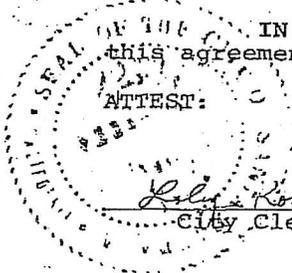
In consideration of the matters set forth above, the  
parties hereto agree as follows:

1. In the event the real property described in Exhibit  
"A" (attached hereto and incorporated herein) becomes part  
of the City water service area, and the City requests that  
the real property connect to the City water service system,  
said property owners or successors shall apply to the City  
for water service from the City and shall connect to the  
City water service system. Fees and application procedures  
shall be in accordance with the requirements of the Municipal  
Code for new connections in effect at that time.

2. In the event and so long as the property is served water by the City either at the request of the City as set forth in paragraph 1 above or after request by the owners, the City shall have the right to use without payment to owners and as part of the City water system any water wells existing on the described real property at the time of the application for connection to the City water system. Owners hereby agree to execute easement(s) or other documents needed to convey to the City reasonable access for use and maintenance of said wells and as the right to extract and sell the water.

3. This agreement is binding on Owners and his heirs, successors, transferees, legal representatives and assigns. Owners agree, by the execution of this agreement, to the recording of this agreement at the option of the City.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.



ATTEST:

THE CITY OF SANTA BARBARA,  
a Municipal Corporation

Lily Rossi, Deputy  
City Clerk

[Signature]  
Mayor

OWNERS,

APPROVED AS TO FORM:

Anthony C. Gadi  
Asst City Attorney

[Signature]

APPROVE AS TO CONTENT:

[Signature]  
Public Works Director

- x Murl Dean Bruington
- x Dennis A. Peterson
- x Cynthia A. Peterson

Through the courtesy of -  
**ST. PAUL TITLE**  
COMPANY

Individual Acknowledgment

STATE OF CALIFORNIA  
COUNTY OF Santa Barbara } SS.

On 21 February 1980 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Keith K. Bruington, Murl Dean Bruington, Dennis A. Peterson and Cynthia A. Peterson

known to me to be the person\_s \_\_\_\_\_ whose name\_s \_\_\_\_\_ subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Vicki A. Young  
Vicki A. Young

