

City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 5, 2011
AGENDA DATE: January 12, 2011
PROJECT ADDRESS: 830 Arbolado Rd (MST2010-00385)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Suzanne Riegle, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The 1.16-acre site is currently developed with a 2,671 (net) square foot single-family residence with a 551 (net) square foot detached garage. The proposed project involves the permitting of an as-built, 200 square foot cistern located within the required 35 foot front setback. The applicant has proposed a revision to an existing building permit (BLD2010-00903) to abate violations under ENF2008-01452 by permitting rather than demolishing the cistern that was reviewed under MST2009-00185.

The discretionary application required for this project is a Modification to allow an as-built cistern to encroach into the required 35 foot front setback (SBMC §28.15.060, 28.87.160 and 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301 and 15305.

Date Application Accepted: December 8, 2010 Date Action Required: March 8, 2011

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Raymond Appleton	Property Owner:	Glen & Amy Bacheller
Parcel Number:	019-232-006	Lot Area:	1.16 acres (50,792.6 sf)
General Plan:	Residential 1 unit/acre	Zoning:	A-1
Existing Use:	Residential	Topography:	25%

Adjacent Land Uses:

North - Residential (2-story)
 South - Residential (1-story)

East - Residential (1-story)
 West - Residential (1-story)

B. PROJECT STATISTICS

	Existing Permitted	Proposed
Living Area	2,671 sf	No change
Garage	551 sf	No change
Accessory Space	none	200 sf

C. PROPOSED LOT AREA COVERAGE

Building: 4,181 sf 8.2% Hardscape: 6,994 sf 13.8% Landscape: 39,618 sf 78%

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Setbacks			
- Front	35'	35'	6'
- Interior/Rear	15'	7'	7'
Building Height	30'	14' 1"	No change
Parking	2 covered	3 covered	No change
Open Yard	1,250 sf	>1,250 sf	>1,250 sf

V. DISCUSSION

This project was reviewed by the Single Family Design Board (SFDB) on May 11, 2009, who found the location of the cistern and reusing of water for irrigation supportable under MST2009-00185. Subsequently, the larger project under MST2009-00185 was revised to demolish the as-built cistern and the project was approved. That project is currently under construction under BLD2010-00903. The property owner has decided to pursue the approval of the as-built cistern which is located within the required 35 foot front setback and exceeds a maximum allowable height of ten inches. The property is located on a corner lot with three frontages (approximately 579 linear feet) having a front setback.

Due to the existing topography and previously installed drainage, relocation of the cistern outside of the setback would require significant grading to re-route water on the parcel and would change the natural overland flow of water. Concentrated run-off is at the east end of the property and the cistern is located at the east end of the property within six feet of the front setback. There is an existing stone-sided swale that collects rainwater and overland drainage on the site and a portion of this run-off has been diverted into the north side of the cistern to be used for irrigation of landscaping. Any excess water is released on the south side of the cistern into an existing concrete swale and into a 12" drainage pipe. The proposed project involves permitting the as-built accessory structure and cistern. The proposed cistern meets the goals of

the City's Storm Water Management plan to reduce off-site drainage by capturing run-off water and using it to maintain landscaping which treats water through infiltration into the soils before it can runoff-site. The City's Urban Historian has determined that the cistern is not historic.

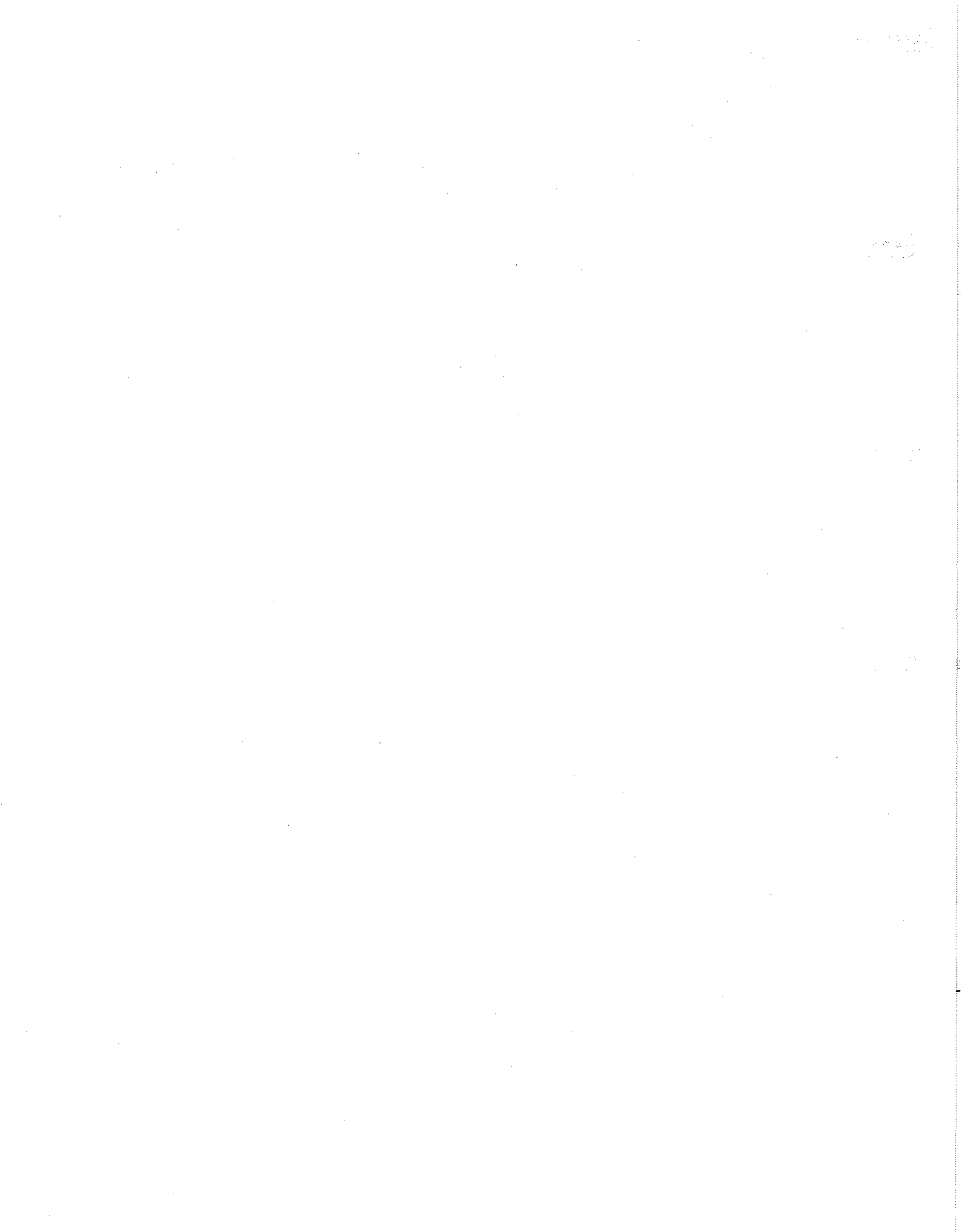
VI. FINDINGS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed cistern is appropriate because it is located in a position to maximize the use of overland flow for irrigation and reduces the amount of site run-off water into the City's storm drain. The Single Family Design Board found the location and the use of the cistern appropriate. The cistern would not be a distraction or obstruction for drivers on Arbolado because, as viewed from the street, the cistern is approximately 1' to 2'-3" above the street level, and there are no driveways within at least 250' feet of the cistern on this side of the street.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated December 8, 2010
- C. Petition of neighbor support dated May 11, 2009
- D. SFDB Minutes (MST2009-00185) dated May 11, 2009

Contact/Case Planner: Suzanne Riegle, Assistant Planner
(SRiegle@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470



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December 8, 2010

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

Re: Front Yard Modification Request
830 Arbolado Road, APN 019-232-006, A-1

Dear Staff Hearing Officer:

Our firm has been retained by the owners of the property, Glenn and Amy Bacheller, to prepare and submit a Modification Application to allow a cistern, built by previous owners, to encroach into the front yard setback.

The existing and permitted structures on the property consist of a residence with 3,134.5 net/interior square feet and a garage with 551 net/interior square feet. There is also an unpermitted water cistern with 200 gross/exterior square feet. This water cistern was built long ago before the Bacheller ownership, as well as before two previous owners. No one I could locate could identify when it may have been built. The City Cultural Historian Jake Jacobus has reviewed the cistern and his records. He does not identify it as a historical cultural resource.

The City constructed a culvert under Arbolado Road north of the property which feeds storm water into a City Constructed 24 inch wide stone and concrete swale running through the property along the adjacent and curving Arbolado Road, and then the water exits the property into a City constructed culvert under Arbolado Road south of the property. The cistern formed from concrete was dug into the sloping terrain along the City's swale in order to capture some of the storm water running through the property. The captured water from the cistern is used to irrigate the landscaping on the property.

Because of the location of the City constructed swale on the property in the front yard setback adjacent to Arbolado Road, the only reasonable location for the cistern requires it to also be located in the front yard setback adjacent to Arbolado Road. Half of the cistern is buried into the sloping terrain. The portion above ground is screen from view by existing landscaping both on the property and in the right-of-way. Additional view screened landscaping is proposed on the property on the side of the cistern facing Arbolado Road, even though right-of-way landscaping is already completely screening it. In addition, the above ground portion of the two sides of cistern, which could be seen from Arbolado Road if the view screen landscaping were not present, are proposed to be sided with stone matching the other stone planters and garden walls throughout the property

EXHIBIT B

December 8, 2010
Staff Hearing Officer
City of Santa Barbara
Re: Front Yard Modification Request
830 Arbolado Road, APN 019-232-006, A-1
Page 2

The cistern has been reviewed for design and Modification comments previously on May 11, 2009 by the Single Family Design Board (SFDB), where they found it to be "appropriate". The City mailed SFDB Notification, as well as my hand delivered Notification, resulted in only positive comments about the cistern from the SFDB and from written comments from neighbors.

Specifically, we are requesting that the existing cistern be allowed to remain with a Modification to permit it to encroach 28'6" into the 35' front yard setback. Arguments for it to remain are that the property is surrounded by front yard setbacks on three sides, and it would be impractical to locate the cistern away from its water source flowing through the City constructed swale through the property. The use of the storm water for irrigation is a proper and encouraged conservation action on behalf of the property owners. It should also be noted that the ground falls away from Arbolado Road at the cistern's location, causing it be nearly entirely below the level of Arbolado Road, as demonstrated by the elevation drawing. It is certainly below eye level of anyone walking or driving by should it ever be possible to see it through the landscaping. The neighbor's support should also be taken into consideration, of which letters were provided to SFDB.

Please contact me for comments or questions.

Respectfully,


Raymond A. Appleton
Land Use Planner

Cc: Glenn and Amy Bacheller

May 11, 2009

Community Planning Department
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: 830 Arbolado Road

Dear Planning Department:

As the owner of a neighboring property to 830 Arbolado Road, I would like to indicate my support for their project under review at your department. I understand this project includes improvements already made to the residence and property by previous owners prior to being purchased by Mr. and Mrs. Bacheller. I further understand that the improvements primarily include the enclosure of an existing covered patio, the addition of wood decks to an existing uncovered patio, and the location of an existing water cistern in the front yard setback along Arbolado Road.

Respectfully,

Bernd Storch Miyako Storch
BERND STORCH 806 Arbolado Rd. May 11, 09
Miyako Storch

Michael RODRIGUE 816 ARBOLADO Rd. May 11, 09
Michael Rodriguez

Martha J. Rodriguez
Martha J. Rodriguez

Peggy P. Wiley 837 Arbolado Rd
Peggy P. Wiley May 11, 2009

EXHIBIT C



SINGLE FAMILY DESIGN BOARD
CASE SUMMARY

830 ARBOLADO RD

MST2009-00185

R-SFR

Page: 1

Project Description:

Proposal for as-built alterations consisting of a 464 square foot addition/conversion of an existing patio, the addition of 394 and 434 square foot wood decks, a 32 square foot outdoor garden fireplace, 10 square foot garden fountain, and a 200 square foot cistern for an existing 2,671 square foot one-story single family residence. Removal of the existing cistern located in the front setback is proposed. The project will abate violations under ENF2008-01452. The proposed total of 3,686 square feet on the 1.16 acre lot in the Hillside Design District is 72% of the maximum guideline floor to lot area ratio.

Activities:

3/29/2010 **SFDB-Concept Review (Cont.)**

(Second review. Action may be taken if sufficient information is provided.)

Actual time: 5:00

Present: Raymond Appleton, Agent; Kurt Magness, Architect; Glen and Amy Bacheller, Owners.

Public comment was opened at 5:10 p.m.

Mr. Appleton acknowledged a previously submitted letter in favor of the project signed by neighbors. Public comment was closed.

Motion: Final Approval as submitted with the following comments:

- 1. The railings are in compliance with design guidelines, are not visible to the public, and are compatible with the architecture.*
- 2. Study the glass rail and garden fountain.*

Action: Mahan/Woolery, 4/1/0. Motion carried. (Mosel opposed. Carroll and Zink absent.)

The ten-day appeal period was announced.

3/29/2010 **SFDB-Final Approval - Project**

EXHIBIT D

Activities:

3/18/2010 **SFDB-Resubmittal Received**

resubmittal received

5/11/2009 **SFDB-Concept Review (New) - PH**

(Comments only; project requires environmental assessment and Staff Hearing Officer approval of a modification.)

Actual time: 7:05

Present: Raymond Appleton, Agent; Kurt Magness, Architect.

Mr. Appleton submitted a letter in support of the project signed by nine neighbors.

Public comment opened at 7:16 p.m.

A letter in support of the project signed by nine neighbors was acknowledged.

A letter in support of the project from Paula Westbury was acknowledged.

Public comment was closed.

Failed

Motion: Continued to the Staff Hearing Officer and return to Consent Calendar with the following comments:

- 1) The location of cistern and reusing of storm water for irrigation are appropriate.*
- 2) The glass handrail is appropriate for this project, the signification vegetation will prevent glare to the neighborhood.*

Action: Deisler/Zink, 3/4/0. Motion failed. (Woolery, Carroll, Bernstein, Mosel opposed.)

Motion: Continued to the Staff Hearing Officer and return to Consent Calendar with the following comments:

- 1) Study alternative materials that eliminate the glass rail.*
- 2) The cistern and decks are supportable.*

Action: Mosel/Zink 6/1/0. Motion approved. (Deisler opposed.)

5/11/2009 **SFDB-Mailed Notice Prepared**

4/10/2009 **SFDB-Posting Sign Issued**

Affidavit received; posting sign issued.