



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

December 5, 2013

CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:00 P.M.

I. ROLL CALL

Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujo, and Addison Thompson.

Absent: Mike Jordan

STAFF PRESENT:

Bettie Weiss, City Planner
Renee Brooke, Senior Planner
N. Scott Vincent, Assistant City Attorney
Steve Foley, Supervising Transportation Planner
Derrick Bailey, Supervising Transportation Engineer
Peggy Burbank, Project Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of September 19, 2013
2. Resolution 012-013
Safety Element Recommendation to City Council
3. Draft Minutes of October 3, 2013
4. Resolution 013-013
State Street, Cota Commuter Lot, and Coast Village Road Farmer's
Markets

MOTION: Lodge/Bartlett

Approved the minutes and resolution 012-013 of September 19, 2013 as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0. Absent: 1 (Jordan)

MOTION: Lodge/Bartlett

Approved the minutes of October 3, 2013 and resolution 013-013 as corrected.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Campanella, Thompson) Absent: 1 (Jordan)

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- C. Announcements and appeals.

Ms. Brooke made the following announcements:

1. Peggy Burbank, Project Planner, will be retiring from the city next week.
2. The Staff Hearing Officer's decision for 101 S. La Cumbre Road was appealed and is scheduled for Planning Commission consideration on December 12, 2013.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Schwartz opened the public hearing at 1:10 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEM:

ACTUAL TIME: 1:11 P.M.

APPLICATION OF JAMES ZIMMERMAN, ARCHITECT FOR ROBERT AND JAN KOPF, 1222 SHORELINE DRIVE, APN 045-214-021, E-3/SD-3 ZONES, LOCAL COASTAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2013-00207)

The proposed project involves demolition of an existing one-story single family residence and detached garage, and construction of a new two-story, 1,680 square-foot single family residence and 440 square-foot detached garage on a 5,662 square-foot lot in the East Mesa Neighborhood. The discretionary application required for this project is a Coastal Development Permit (CDP2013-00005) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15303 (a): New Construction or Conversion of Small Structures, Single Family Residence.

Case Planner: Peggy Burbank, Project Planner
Email: PBurbank@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4582.

Peggy Burbank, Project Planner, gave the Staff presentation.

James Zimmerman, Architect, gave the Applicant presentation.

Chair Schwartz opened the public hearing at 1:22 P.M., with no one wishing to speak, the public hearing was closed.

MOTION: Thompson/Pujo

Assigned Resolution No. 014-13

Approved the project, making the amended findings for the Coastal Development Permit as outlined in the Staff Report, dated November 27, 2013, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jordan)

Chair Schwartz announced the ten calendar day appeal period.

IV. DISCUSSION ITEM

ACTUAL TIME: 1:42 P.M.

MUNICIPAL CODE AMENDMENTS RELATED TO FENCES, SCREENS, WALLS AND HEDGES (SBMC §28.87.170)

The purpose of this discussion is to present the proposed Municipal Code amendments and accompanying draft guidelines and receive input on the proposal. At a subsequent Planning Commission meeting, staff will present a proposed final ordinance and guidelines and request that the Planning Commission make a recommendation to City Council for their adoption.

Case Planner: Renee Brooke, AICP, Senior Planner.

Email: RBrooke@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4466.

Renee Brooke, AICP, Senior Planner, gave the Staff presentation. Steve Foley, Supervising Transportation Planner, and Derrick Bailey, Supervising Transportation Engineer, provided clarification in responding to the Commission's questions.

Chair Schwartz opened the public hearing at 2:23 P.M.

The following people provided public comment:

1. Lori Smyth commented in support of staff's direction on the code amendments. Suggested allowing adjoining neighbors to work out the hedge height that works for them. If there is disagreement, then mediation can be provided by Zoning staff. Disagrees with complaint-based enforcement. Would like to see some bamboo types used as hedges. Safety and privacy should be as important as air and light.

2. Kathleen Dagg would like to see the city follow up on complaints and enforce the code.
3. Marcos Lazaro, Santa Barbara Association of Realtors, supports the current suspension of the hedge ordinance with the exception of when it poses a threat to residents.
4. Steve Cook wondered why the ordinance does not apply to more zones. Does not think that "hedge" is clearly defined; would also like to see slopes defined. Suggests looking at the use of promotion as opposed to enforcement in getting more community support and compliance.
5. Richard Powell believes that the 8' height limit should be kept. Expressed support for the proposed amendments.
6. Pamela Stafford acknowledged Staff's work with community in hearing concerns. Would like to see height variance live with the owner and not the property. When the property changes hands, it would revert to regular heights, but new owner could opt to keep it at time of purchase.
7. Diane Powell supports the proposed amendments and appreciatively acknowledged Staff's work with the community. Asked if neighbors would receive notice when staff receives an exception request.
8. Grant Castleberg would like consideration for hedge height exceptions in areas where hedges are needed as a sound barrier.
9. Dr. A.E. Keir Nash suggested hedges buffer noise and dust and submitted a handout of recommendations.
10. Marguerite Nash thanked staff for the proposed amendments and wants allowance for a higher hedge along front property lines for safety and dust.
11. Jane Frederick suggested more clarification of definitions proposed. Need to define 'grade' with regard to walls/hedges. Terms are used such as natural grade, above grade, below grade, etc. Did not find a clear process of resolution for complaints, other than being complaint-driven and suggested Staff review the complaint process for code violations. With larger cars, asked for consideration of a 15 by 20 triangle adjacent to driveways to take into account longer length of cars.
12. Greg Knudson felt that the 3.5 height restriction does not work for all neighborhoods. The ten-foot front setback for R-3 and R-4 Zones may not allow for anything other than 3.5 fences or walls. On lots where cars can turn around on-site, a 7' triangle might be adequate for site visibility.
13. Vickie Ondracek suggested that there be guidelines to protect residence privacy from public views, especially when a site sits below the road level. Administrative exceptions appear more for interior property lines and would like to see the same for front property lines.
14. Mary Fox was concerned with unregulated Y intersections. She has pursued enforcement for three years, but has received no resolution. Echoes need for definition of 'grade'. Enforcement has not been consistent. Encourages exploration of trees on property line that impact a neighbor's sun exposure.
15. Milt Hess would like clarification on whether a hedge on top of a wall is measured from the base of the wall or the base of the hedge.

16. Florence Sanchez sees more hedges being put in the Upper East Side for traffic and privacy. Sees 23 properties as non-compliant and wonders what will become of them.
17. Fred Sweeney, President of Upper East Association, reported the board has not taken a position on the amendments. As a Single Family Design Board Member, he regularly deals with hedges and it's important to understand the purpose of the ordinance and that it came about in 1957 when large tracks were built on flat land. Neighborhoods vary by many degrees and that needs to be considered. One ordinance may not solve everything for all neighborhoods and perhaps may require looking at individual neighborhoods.

With no one else wishing to speak, the public hearing was closed at 2:54 P.M.

Chair Schwartz called a recess at 2:54 P.M and reconvened the meeting at 3:03 P.M.

Scott Vincent, Assistant City Attorney, suggested affirmative defense as another potential solution to allow neighbors to agree to a height that exceeds the ordinance limit. An affirmative defense could be demonstrated after a complaint is filed and would better represent the temporal nature of the agreement among neighbors.

Commissioner's Comments:

1. Commissioner Lodge is in agreement with all of the proposed changes and thinks they are going in the right direction. Has concerns with the allowances proposed for all-way stop controlled intersections.
2. Commissioner Campanella is also in agreement with most changes. Suggested considering different neighborhoods rather than a 'one size fits all' approach. Referenced Upper East Side neighborhood in comparison to other neighborhoods. Thinks that height could be higher than 3.5' in some cases and asked for more flexibility in that regard.
3. Commissioner Bartlett stated that rather than tweak a 1957 ordinance, we should look at what we really want to see. Does not think the 'one size fits all' approach is best way to go. Pleased with flexibility that Staff is proposing. Agrees with safety standards and thinks the safety triangles are responsive and appropriate. Likes that neighbors on interior lot lines can come to agreement rather than go through an enforcement approach. Agrees with Commissioner Campanella that public realm along the front property line areas are the biggest issue. Lower heights were appropriate when we had single story homes, but now homes are two story and higher hedges may be appropriate. Scale the hedge to the home. Grade should be considered. Thanked Staff for efforts made. If the ordinance changes lead people away from enforcement, then it will be money that was well spent.
4. Commissioner Pujo thinks this is a great start, but needs more flexibility on some provisions. Need to get a handle on what will end up being enforced and what can be expected. Concerned with treatment of hedges – believes hedges need to be looked at differently than fences and walls; hedges grow and may not always be

compliant. Hedges provide greenery but are difficult to enforce. Hedges need greatest flexibility of all and should be noted that way in the Ordinance. If neighbors agree, then the concept of 'affirmative defense' gives an accurate assurance to the hedge owner that adjoining neighbor will not seek enforcement, but only at the time that agreement is made; not in perpetuity. Problems arise when neighbors change and no longer agree. Agrees that 8' is not enough for interior lot line hedges; should go to 12'. Fences and walls along front property lines should consider design and character. In areas where we have design guidelines, perhaps looked at by design review board when making a decision.

5. Commissioner Thompson agrees that hedges, fences, and walls should not be lumped together. Most comments received refer to this Ordinance as the 'hedge ordinance'. Most complaints received are about hedge heights. Fences and walls are structures. Hedges are landscaping elements that bring about potential problems that a fence and wall do not. We should consider looking at these separately. We should apply these regulations to all zones in the city; not just residential. It is difficult to craft one set of rules that will apply to the entire city. Perhaps different heights depending on lot size should be considered. One size fits all with enough flexibility is going to be difficult. The entryway could be only 2'3" wide. 18 square foot limit for arbors is too small if you can go to 8' high. Flexibility for administrative review and approval is good. Capability of adding additional height in some circumstances is good. Exceptions for guard rails are a good idea. Need to recognize the character differences of neighborhoods in the city.
6. Commissioner Schwartz thanked the public for the years of feedback provided and Staff for the work that has been done. Agrees with Commissioners Thompson and Pujo that hedges are in a different realm than fences and walls. Not sure if they should be addressed in a separate ordinance or not. Moving in a more flexible direction and allowing Staff to make some exceptions is reasonable. Challenge will be in providing a template for the public that provides clarity and consistency so when the public comes to the City with a request or complaint there are clear guidelines. Hedge heights on interior lot lines are a different issue than streetscape with the public right of way. More rigor and higher standards with tighter standards are more appropriate for the public right-of-way. Flexibility should be allowed for interior lot lines. Does not want to see the city engage in constant mediation between neighbors. Our neighborhoods have distinct character and differences, yet we cannot have an ordinance for each neighborhood. Need to strike a balance. We need more feedback from the public from different neighborhoods.
7. Commissioner Bartlett added that hedges should comply with the Solar Access Ordinance, hence 12' height should be OK on interior lot lines and create privacy without diminishing light. Commissioner Pujo agreed.
8. Commissioner Thompson noted that though the guidelines are titled fences, screens, wall, and hedges, they do not have any mention of hedges.

V. **ADMINISTRATIVE AGENDA**

ACTUAL TIME: 4:52 P.M.

Commissioner Schwartz announced the formation of a Zoning Information Report (ZIR) Subcommittee. City staff will continue to work with the Santa Barbara Association of Realtors on this issue. Commissioners Campanella, Pujo, and Schwartz will represent the Planning Commission in this effort.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meetings held in October and November.

2. Other Committee and Liaison Reports

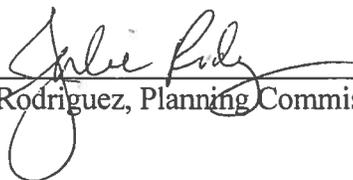
a. Commissioner Schwartz announced the formation of a Zoning Information Report (ZIR) Subcommittee. The city will be working with the Santa Barbara Association of Realtors. Commissioners Campanella, Pujo, and Schwartz will represent the Planning Commission.

b. Commissioner Schwartz reported on the Downtown Parking Committee meeting held November 14, 2013.

VI. **ADJOURNMENT**

Chair Schwartz adjourned the meeting at 4:56 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

