



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 22, 2006  
**AGENDA DATE:** March 29, 2006  
**PROJECT ADDRESS:** 642 Surf View Drive (MST2005-00790)

**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner  
Roxanne Milazzo, Associate Planner *RM*

### **I. PROJECT DESCRIPTION**

The 12,000 square foot project site has frontage onto Surf View and Meigs Road. Current development on site consists of a 2,060 square foot single family residence and attached two-car garage. The proposed project involves an "as-built" wall.

### **II. REQUIRED APPLICATIONS**

The discretionary application required for this project is a Modification to permit a wall to exceed the maximum allowable height of three and one-half feet (3 ½') when located within ten-feet (10') of a front lot line and twenty-feet (20') back along the driveway (SBMC §28.87.170).

### **III. SITE INFORMATION**

|                           |                      |                   |                               |
|---------------------------|----------------------|-------------------|-------------------------------|
| Parcel Number:            | 035-093-008          | Zoning:           | E-1 One-Family Residence Zone |
| General Plan Designation: | 3 Units Per Acre     | Topography/Slope: | 30% Average Slope             |
| Existing Use:             | One-Family Residence | Proposed Use:     | One-Family Residence          |

#### Adjacent Land Uses

|                             |                            |
|-----------------------------|----------------------------|
| North: One-Family Residence | East: Meigs Road           |
| South: One-Family Residence | West: One-Family Residence |

#### Lot Coverage (Proposed):

- Building: 2,060 s.f. (17%)
- Paving/Driveway 2,960 s.f. (25%)
- Landscaping 6,919 s.f. (58%)
- Lot Area: 11,939 s.f.

#### Parking:

- Required 2 Covered
- Provided 2 Covered

Date Application Accepted: February 27, 2006      Date Action Required: May 27, 2006

#### **IV. DISCUSSION**

This project was reviewed by the Architectural Board of Review (ABR) on January 17, 2006 and received favorable comments. The Board felt the request was minor and technical in nature, the materials used for the wall were high quality, and adequately screened by landscaping.

The existing wall was constructed without permits by the current property owners. While processing plans for a series of retaining walls necessary to secure the secondary frontage facing Meigs Road, Staff discovered the overheight walls along the Surf View frontage. Pursuant to SBMC §28.87.170, wall height is limited within the first ten-feet (10') of a lot, and for twenty-feet (20') along the driveway, to a maximum height of 3 ½'. Staff understands that the height limit is related to both aesthetics and safety. This wall design, which consists of two separate walls, backfilled and landscaped, provides the only usable outdoor living space for this single family residence. The wall is stepped and landscaped to provide both a retaining effect and appropriate/compatible design for the neighborhood. Staff's initial safety issues have been addressed with the elimination of a grouping of short palms which obstructed the visibility for vehicles exiting the property. Transportation Planning Staff has been out to the site and determined that public safety is not reduced by the existing wall and vegetation. Although the use of the Modification process for legalization of "as-built" construction is strongly discouraged, Staff's position is that this wall could have been proposed and approved with a Modification, due to the benefits it provides.

#### **V. RECOMMENDATION/FINDINGS**

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification for wall height does not violate the purpose or intent of the ordinance and is necessary to secure an appropriate improvement on this site, subject to the conditions that all vegetation be maintained at a height which allows continued visibility into the public right-of-way.

#### Exhibits:

- A. Project Plan
- B. Applicant's letter dated February 27, 2006
- C. Neighborhood Letters of Support
- D. ABR Minutes Summary

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

February 8, 2006

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

**Subject:       Modification request for 642 Surf View Drive / APN 035-093-008 /  
                  Zone E-1**

Dear Modification Hearing Officer:

**Statement of existing condition and proposed project:**

There is an existing single story home (~2060 sq. ft.) with an attached two-car garage. There is an existing retaining wall at the front property line that begins at the edge of the driveway. This wall varies in height from 4 inches beginning at the driveway to 57 inches at the Southwest property corner for an average height of 30 inches.

The proposal is for an 'as-built' masonry fence 48 inches tall to be built within 10 feet of the front property line and closer than five feet from the existing retaining wall.

**Specific Modification request and justification for request.**

The modification requests are to allow:

1. The 48-inch high masonry fence to be located closer than 10 feet from the front property line.
2. The 48-inch masonry fence to be located 31 inches from the existing retaining wall. This will result in a combined height that varies from 58 inches to 105 inches (~~8.75~~ feet) for an average of 6.79 feet.

Outdoor area is a minimal on this property and the Arroyo's toddler uses the front yard to play. The fence is necessary for the safety of their child. If the fence were located 10 feet from the front property line it would severely limit the front yard area.

**Benefits of the project:**

Allowing this project would result in a safe environment for their child to play and maximize the area of the already small front yard. The fence and the plantings are very tastefully done and an enhancement to the neighborhood. Additionally, this project was reviewed by the Architectural Board of Review on January 17, 2006 and gained favorable comments from board members.

**Visibility:**

Due to the nature of the property and the fact that the masonry fence begins curving back toward the house approximately 15 feet from the driveway, the visibility when backing

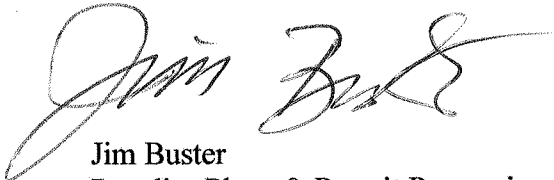
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out to the street is not impaired to a point that it creates a public safety concern. (see photographs and drawings).

Photo identification:

1. Looking down the street from the driveway with the 'test' car in the driveway.
2. This photograph was taken from the driver's seat of the car located as shown in photograph #1.
3. Looking up the street.
4. Looking up the street from the yard.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Buster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jim Buster  
Paradise Plans & Permit Processing  
3089 Tiana Drive  
Santa Ynez, CA 93460  
(805) 451 9501

January 13, 2006

City Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RE: Application Number MST2005-00790  
642 Surf View Drive

Architectural Board of Review:

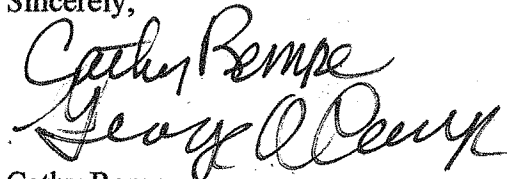
We received notice of your meeting on Tuesday, January 17, 2006 regarding the proposed project for 642 Surf View Drive. We are residents of Surf View Drive and live within the 300 foot notification limit.

We have **no objection** to the proposed new retaining walls and addition of fill dirt. The remodel and upgrading of Tony and Maria Arroyo's house and property has been one of the most attractive and nicest additions to our Surf View/Island View development in the 30 years we have lived here.

In addition, we see **absolutely no reason** that the as-built retaining wall in the front of the property should be modified. It is a beautiful addition to the property and the neighborhood, does not cause concern for safety and is well built. In discussions with other neighbors, there have been no objections to the beauty it adds to our neighborhood.

We are in hopes that you will grant a permit for the new retaining walls and fill-dirt project and drop the requirement for modification of the as-built front retaining walls. As Santa Barbara continues to grow and grow more beautiful, it is sometimes necessary to adjust some of the past restrictions in particular areas.

Sincerely,

Handwritten signatures of Cathy Rempe and George Rempe in cursive script.

Cathy Rempe  
George Rempe

CC: Tony and Maria Arroyo

January 17, 2006

Becky Pintard  
627 Surf View Dr.  
Santa Barbara, CA 93109

Re: 642 Surf View Dr.  
Application Number: MST2005-00790

Attention: Architectural Board of Review

As a neighbor of Mr. & Mrs. Arroyo, I find their existing western wall aesthetically pleasing, tastefully landscaped, and compatible with surrounding neighbors without restricting passage or views. I see no cause for this wall to be relocated.

I have no objection with regard to the proposed retaining walls on the eastern section of their property. The sloping topography in our neighborhood is a consistent problem which warrants retaining walls for soil retention. I consider the proposed walls a benefit to the city as they will not have to clean up the run-off onto Meigs Rd. after heavy rains.

I appreciate the work that Mr. & Mrs. Arroyo have done to their property and feel that they have enhanced the aesthetics of our neighborhood.

Sincerely,

A handwritten signature in cursive script, appearing to read "Becky Pintard".

Becky Pintard

In reference to application number MST2005-00,  
owner - Arroyo, Jose Antonio 672 Surf View Dr.

As a next door neighbor I approve the  
as-built retaining wall in the western part  
of the property.

I also approve the retaining wall to  
stabilize the hillside on the eastern portion  
of the property.

Mrs. Gladys Diaz  
636 Surf View Drive

Brian E. Campbell

648 Surf View Dr, Santa Barbara, CA 93109, (805) 683-7351

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February 25, 2006

City Of Santa Barbara  
Santa Barbara, CA 93101

Re: 642 Surf View Dr

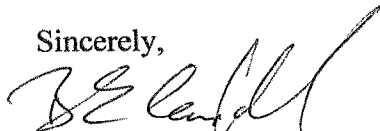
Dear Sir/Madam:

I am writing you in regards to the wall in front of 642 Surf View Drive. I own the house next door and absolutely love the wall that Tony & Maria Arroyo built. It compliments the house and beautifies the neighborhood.

If the wall were moved or lowered it would not compliment their house and yard as much and in my opinion decrease the curb appeal of their home. In turn, that would decrease the appeal of the neighborhood.

In short, please allow the Arroyos to leave the wall as is.

Sincerely,



Brian E. Campbell



February 25, 2006

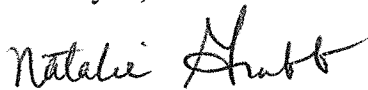
City of Santa Barbara Zoning  
630 Garden St  
Santa Barbara, CA 93101

To Whom It May Concern:

I own and live in 633 Surf View Drive across the street from 642 Surf View Drive. I think the wall in front of 642 Surf View Dr is perfect. It fits the house and neighborhood really well and it would be a terrible shame if the wall was altered.

Please allow the wall to remain.

Thank you,

A handwritten signature in black ink that reads "Natalie Grubb". The signature is written in a cursive style with a large, stylized initial "N".

Natalie Grubb

**MICHAEL DOMINGUEZ**  
709 Island View Drive  
Santa Barbara, CA 93109

To whom it may concern,

My neighbors the Arroyo's at 642 Surf View Drive 93109 are applying for a modification for their front walls. As a long time resident of the neighborhood, I find their front wall a lovely addition to our neighborhood, and appreciate the fact that they have taken the time, effort and expense to improve their home.

Sincerely,

A handwritten signature in black ink, consisting of the letters 'M' and 'D' followed by a horizontal flourish.

Michael Dominguez

ABR MINUTES FOR 642 SURF VIEW ON JANUARY 17, 2006

- Motion: Continued indefinitely to the Modification Hearing Officer with the following comments: 1) The Board supports the modification request for the front yard encroachment as it is minor and technical in nature, the materials used for the walls are high quality materials, and the mature landscaping helps to screen the walls. 2) As to the proposed rear yard walls, most of the Board is uncomfortable with the proposed layout for the following reason: the walls sit above the existing grade, do not appear to offer stabilization. 3) The rear yard will appear steeper by adding the fill. 4) There is concern with slippage and/or erosion of the hillside. 5) A low sloped wall along the public side walk would help prevent slippage and erosion. 6) It is preferred to see the proposed retaining walls follow the contour lines in a more natural manner with the hillside. 7) Applicant should follow Hillside Design technique number four. 8) The Board looks for high quality materials to emulate the front yard condition. 9) Provide a revised landscape plan to conform to the revised wall layout.
- Action: Mudge/LeCron, 8/0/0.