



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 21, 2009
AGENDA DATE: January 28, 2009
PROJECT ADDRESS: 1435 Olive Street (MST2009-00004)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Zoning & Enforcement Supervisor *RLB*
 Betsy Teeter, Planning Technician II *Bea*

I. PROJECT DESCRIPTION

The 6,179 square foot project site is located on the corner of Olive and Micheltorena Streets. Current development on site consists of a single-family residence and garage. The proposed project involves an "as-built" fence located along a portion of the secondary front yard of the residence. The discretionary application required for this project is a Modification to permit the fence to exceed a maximum allowable height of 3 ½' when located along a front lot line or along the first 20' of a driveway (SBMC §28.87.170).

Date Application Accepted: January 4, 2009 Date Action Required: April 4, 2009

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Brian L. Frazier	Property Owner:	Brian L. Frazier
Parcel Number:	029-022-006	Lot Area:	6,179 sf
General Plan:	12 units per acre	Zoning:	R-3
Existing Use:	One-Family Residence	Topography:	9% slope
Adjacent Land Uses:			
	North - Micheltorena Street		East - Olive Street
	South - One-Family Residence		West - One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2152 sf	No Change
Garage	289 sf	No Change
Accessory Space	None Existing	No Change

IV. DISCUSSION

The proposed project is for an "as-built" over height fence on a site located on the corner of Olive and Micheltorena Streets. This project is subject to Single Family Design Board (SFDB) review as the site is located within the Lower Riviera Special Design District. The City's Urban Historian has reviewed the project and agreed to grant administrative design approval of the fence contingent on approval of the Modification and incorporation of the conditions set forth below into the project description and approval.

The project site is currently developed with a single story residence and detached garage and an over height "as-built" fence. In an effort to provide protection, security, and noise control from this busy street, the applicant is requesting a Modification to allow the fence to exceed the three and one-half foot (3 ½') maximum fence height limit along a portion of the secondary front yard on Micheltorena Street. As part of the project, the applicant has agreed to move the fence one foot (1') back from the existing retaining wall and plant landscaping to screen the fence appropriately and to place a portion of the fence on a diagonal 10 feet back at the driveway to allow for greater visibility.

Although Modification requests for overheight fences are typically difficult to support, there are circumstances that qualify this property for relief. The site's corner location and its two front yards is a recognized site constraint. A review by Transportation Staff revealed that there will be no visibility issues associated with the proposed location and height of the fence if it is cut in on a diagonal 10 feet back at the driveway. In staff's opinion, the location and height of the proposed fence secures a backyard for this property and does not adversely affect the neighborhood's safety.

V. FINDINGS & CONDITIONS

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 Modification to allow the existing fence to exceed three and one-half feet (3 ½') along the secondary front setback will provide privacy and usable yard areas without safety issues for the community.

Said approval is subject to the following conditions:

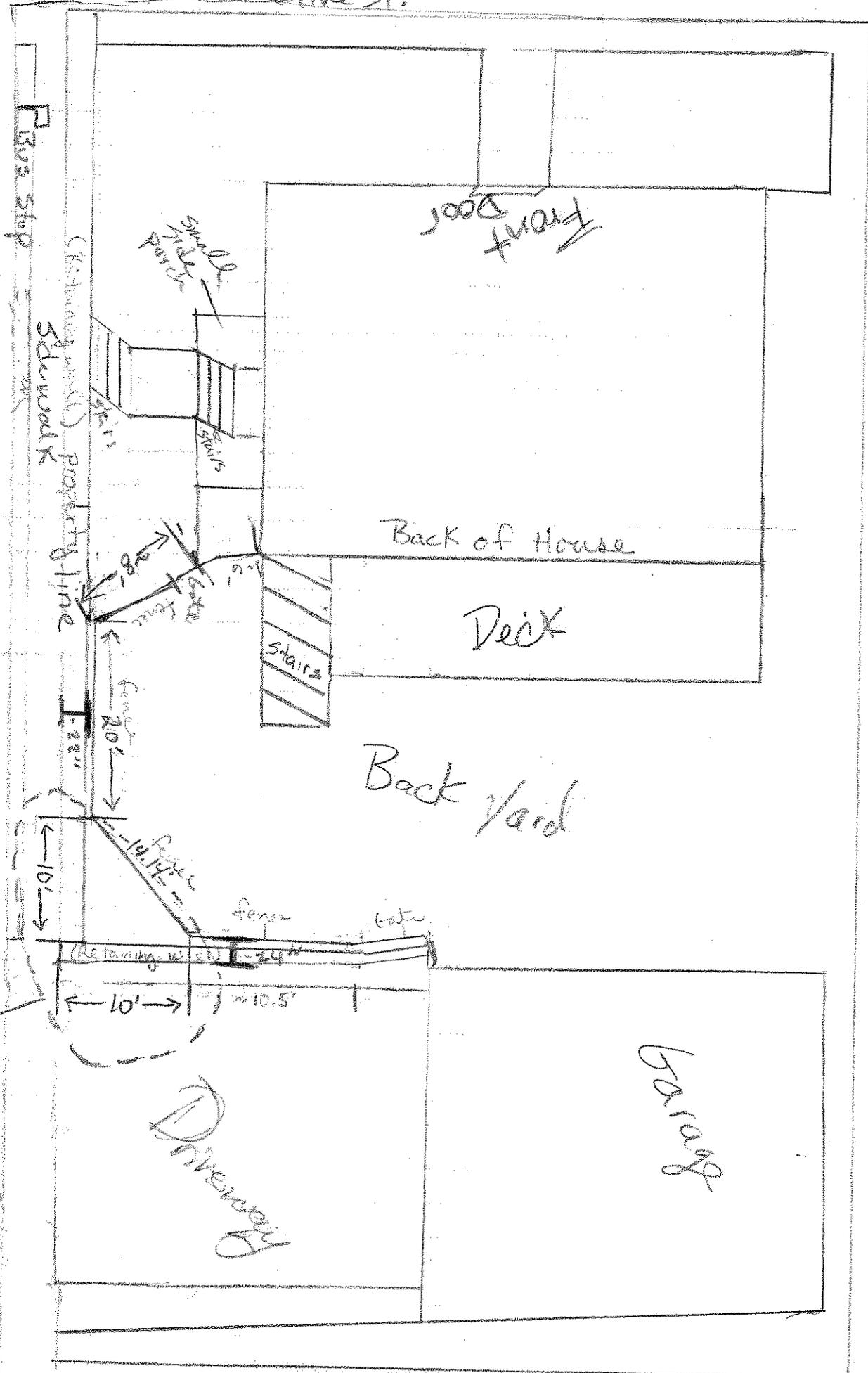
1. The fence must be moved back one foot from the existing retaining wall to accommodate landscaping to screen the fence.
2. The trellis covers over the side porch and rear deck cited in the most recent Zoning Information Report as a Building Violation must either be removed or a permit obtained for the "as-built" structures.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated January 4, 2009
Contact/Case Planner: Betsy Teeter, Planning Technician II
(bteeter@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470

Olive St.

Buildings not to scale



Street (Michael torrens)

Recommended set backs by Zoning & Transportation Dept

EXHIBIT A

Brian L. Frazier
1435 Olive Street
Santa Barbara CA 93101
(805) 689-7970

January 4, 2009

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

Re: Modification Request for 1435 Olive Street; Parcel # 29-022-06; Land Use Zone R-3

Dear Staff Hearing Officer:

As my home is located on a corner, I have two front property lines. When we purchased the house there were 7' high hedges along Olive street, and half way down my property along Micheltorena that had been there for at least 30 years according to an arborist we consulted, which I cut down to 3'5" when the city notified me that they were out of compliance with regulations. There was also a fence bordering my backyard from the rear corner of my home, running along Micheltorena and down my driveway, connecting with my garage, originally dating from 1982/3. I was also informed by the City that I would need to request an official modification to keep the fence in its original design despite the approved permits on record for the fence, also from 1982.

Therefore, the modification being requested is to maintain a fence from the corner of my house to within 22" of my property line, and to run 20' along my property line (down Micheltorena). At this 20' point, both Zoning/Modifications and Transportation staff have recommended that there be a diagonal piece of fence connecting from this point to 10' down the driveway, before continuing on to finish at my garage. As you can see in the plans, this will leave more than adequate space for anyone backing out of the driveway to see any possible pedestrians. The proposed fence will continue to keep my family, my livelihood and my property safe, while at the same time insuring public safety.

The major benefits of the proposed fence are: That it would limit my five-year-old son's exposure to any possible predators. It would also prevent him from leaving the yard, as doing so would put him in grave danger, given how busy the streets are that boarder our home. Also, extending the fence up to within 22" of my property line, instead of setting it back 10', will limit both trash and liquor bottles from being left in my backyard. (Three properties down from my home is a liquor store that is open late, seven days a week, whose customers regularly leave trash and bottles around my property.) In addition, this fence will limit space available to local partygoers, vagrants and bus riders from using my property as a park or bedroom, thereby exposing my us to possible lawsuits (should they hurt themselves while trespassing) and forcing us to bother the police with such situations more than we already have had to. Lastly, the fence also insures us privacy and respite from the ever-increasing traffic noise, which all other homeowners who do not live on a corner already enjoy, without limiting our use of the yard, thereby improving the property value while keeping the public safe.

Thank you for your time and consideration in this matter.

Sincerely,

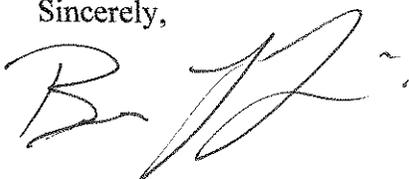


EXHIBIT B