



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: April 1, 2009
AGENDA DATE: April 8, 2009
PROJECT ADDRESS: 1041 Mission Ridge (MST2008-00072)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 2.15 acre site is currently developed with a single family residence, attached garage, swimming pool and cabana. The proposed project involves the replacement of a pedestrian entry gate and fence. The discretionary application required for this project is a Modification to permit the gate and fence to exceed 3 ½' in height when located within ten-feet of a front lot line (SBMC §28.87.170).

Date Application Accepted: April 8, 2009

Date Action Required: July 9, 2009

II. RECOMMENDATION

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

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Ensberg Jacobs Design	Property Owner:	Alan & Kathy Van Vliet
Parcel Number:	019-031-015	Lot Area:	2.15 Acres
General Plan:	3 Units Per Acre	Zoning:	A-1
Existing Use:	One-Family Residence	Topography:	18% Slope

Adjacent Land Uses:

North – One-Family Residence
 South – One-Family Residence

East - One-Family Residence
 West – One-Family Residence

IV. DISCUSSION

Due to this property's eligibility for Structure of Merit status, the project is subject to review by the Historic Landmarks Commission (HLC). On March 4, 2009 the HLC reviewed the proposed changes to the service and pedestrian gates and existing wrought-iron fence, and gave positive comments to the Staff Hearing Officer regarding the modification request.

Pursuant to Santa Barbara Municipal Code Section 28.87.170, no fence, screen, wall or hedge exceeding a height of three and one-half feet (3-1/2') shall be located within ten feet (10') of a front lot line or within ten feet of either side of a driveway for a distance of twenty feet (20') back.

During a recent plan check for proposed work at the subject property, a discrepancy was found with respect to the existing fence and entry gates. Although permitted in 1985, the plans on file with the City show the required 10' setback for the improvements measured from edge of paving, not the edge of right-of-way. The majority of the existing fencing, as well as the entry gates and one of the pedestrian gates, are located within the public right-of-way and require an encroachment permit. The other pedestrian gate, which leads to the front door, is located on the private property but exceeds the maximum allowable height of 3 1/2' within the first 10 feet of the front lot line. Thus, the Modification request is intended to recognize the permitted fence and pedestrian gate in their "as-built" location within 10 feet of the front lot line.

It is Staff's position that due to the extent of the unimproved right of way in this area, the intended setback is being provided and allowing the gate to remain in its current location will continue its use without safety, visibility, or aesthetic issues.

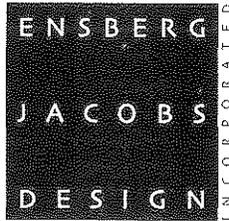
V. FINDINGS AND CONDITIONS

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 proposed location of the fence and gate is appropriate because it does not create safety issues and allows the continued use without impacts to the neighborhood. Said approval is subject to the condition that any plan submitted in conjunction with this Modification approval includes proof that the fence and gates located within the public right of way have obtained all necessary permits and approvals.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated March 5, 2009

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



3.5.2009

Modification Hearing Officer
City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

**RE: Modification Request:
Replace (E) Pedestrian Entry Gate in Front Yard Setback; Legalize status of (E)
previously permitted fence in FYS
1041 Mission Ridge, APN 019-031-015, A-1 Zone
MST2008-00572, ENF2008-00406**

ATTN: Roxanne Durbiano

Dear Roxanne:

EXISTING CONDITIONS, PROPOSED PROJECT

Existing structures on this **Hillside** lot include the following:

- 1.) 6,145 s.f. Single Family Residence;
- 2.) Attached 383 s.f. 2-car Garage and 126 s.f. Accessory Building;
- 3.) Detached 454 s.f. Pool Cabana;
- 4.) 643.5 s.f. Uncovered Deck.
- 5.) 6' high iron Fence & Pedestrian Entry Gate (permitted in 1986) portions in front yard setback (and ROW).

SPECIFIC MODIFICATION REQUEST

- 1.0 To allow the existing 6'-0" wrought iron Pedestrian Entry Gate to be replaced in the (e) location with a different wrought iron gate design.
- 2.0 To allow the existing (1985 permitted) 6'-0" wrought iron & wood fence in Front Yard Setback to remain.

PROJECT BENEFITS

- 1.) The existing fencing was permitted in 1985 in good faith and would be a hardship to relocate.
- 2.) The project has no impact-the proposal is to replace an existing structure almost like for like, in the same location.
- 3.) The (e) Pedestrian Entry Gate has no safety issues and does not obstruct any views or impede visibility from any part of the road or ROW.
- 4.) Both Transportation (Steve Foley) and Real Property (Dave Thornburgh) have reviewed the scope of work in the ROW associated with the work in the setback and are in support of the project. An application to Public Works for the Encroachment Permit is in process.
- 5.) The Historic Landmarks Committee (HLC) reviewed the project on 3.4.09 and offered positive comments and support for the requested modification

Your consideration and support of these requests is greatly appreciated.

Sincerely,


Tom Jacobs, AIA
ENSBERG JACOBS DESIGN

Alan and Kathryn Van Vliet
HOMEOWNERS