



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: December 7, 2011
AGENDA DATE: December 14, 2011
PROJECT ADDRESS: 849 Cima Linda Lane (MST2011-00395)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Jo Anne La Conte, Assistant Planner *JAS*

I. PROJECT DESCRIPTION

The 23,700 square foot project site is currently developed with a two-story single-family residence and attached two-car garage. The proposed project involves permitting "as-built" construction of approximately 7.5' high pilaster columns with a wrought iron gate, an approximately 5.5' high pedestrian gate and adjacent wrought iron fencing.

The discretionary applications required for this project are Modifications to allow columns, gates, and fencing to exceed 3 ½' feet in height within 10' of a front lot line and within 10' of either side of a driveway for a distance of 20 feet back from the front lot (SBMC §28.87.170 & §28.92.110).

Date Application Accepted: October 25, 2011 Date Action Required: January 25, 2012

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:	Bill Wolf	Property Owner:	JTM Private Land Trust
Parcel Number:	015-202-029	Lot Area:	23,700 sq. ft
General Plan:	Residential, 2 units/acre	Zoning:	A-2
Existing Use:	Single family residence	Topography:	23% slope

Adjacent Land Uses:

North – Single family residence
 South – Single family residence

East - Single family residence
 West – Single family residence

IV. BACKGROUND:

A Zoning Information Report (ZIR2010-00430) issued for the property on September 16, 2010 identified an over height hedge at the front of the property but did not identify over height fences, columns and gates at the property. On May 18, 2011, a Modification was granted, with conditions, for an over-height wooden fence within ten feet of the front property line. The prior project (MST2011-00113) did not include Modification requests to allow the as-built over-height columns and wrought-iron gates and fence within ten feet of the driveway, as this issue was discovered later in the review process. Therefore, the conditions for the prior project included reducing the height of the pilaster columns, vehicle gate and wrought iron fencing to comply with the Zoning Ordinance.

The vehicle gate and columns were constructed with the proper permit (BLD93-00138); however, the approved plans show that the gate and columns were to be located 20' back from the front lot line. Although the gate and columns were constructed 20' back from the front lot line in some locations, the front lot line is curved and portions of the columns and gates were constructed approximately 12 to 19 feet back from the front lot line. Also, the 1993 building permit did not include the additional five-foot high wrought iron fence along the side of the driveway.

V. DISCUSSION

The project was heard at the Single Family Design Board (SFDB) on November 7, 2011 and was forwarded to the Staff Hearing Officer with comments.

Modifications are required to allow the "as-built" columns, gates and wrought iron fencing to exceed 3 ½' in height within 10' of the front lot line and within 10' of either side of a driveway for a distance of 20' back from the front lot line.

The purpose of limiting wall/fence heights in these locations is to allow for visual clearance and an open streetscape for the neighborhood. Transportation Planning staff has reviewed the project and determined that the existing height and configuration of the columns, gates, and fencing provide for adequate sight clearance consistent with the intent of the Zoning Ordinance. Typically, Transportation Planning staff requires vehicle gates to be located 20' from the right-of-way to provide enough room for a vehicle to pull off the road while waiting for the gate to open. The as-built gate location could cause a vehicle to overhang into the road right-of-way and interfere with vehicular and pedestrian users. However, Transportation Planning staff has stated that Cima Linda is a very low volume road, and anticipated conflicts would be infrequent compared to the City's main and arterial roads. For that reason, Transportation Planning staff recommends approval of the project with a condition.

VI. FINDINGS AND CONDITIONS

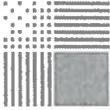
The Staff Hearing Officer finds that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. Adequate vision clearance is provided when exiting the driveway and potential conflicts between pedestrians and motorists are expected to be very infrequent on this low-volume, rural road.

Said approval is subject a condition that the existing hedge along the driveway be reduced to, and maintained at, 3 ½' in height within 10' of the driveway for a distance of 20' back from the front lot line.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letters dated October 10, 2011 and October 27, 2011 (2 letters)
- C. Property Owner's letter dated November 14, 2011
- D. SFDB Minutes of November 7, 2011
- E. Resolution No. 021-11 for MST2011-00113
- F. Copy of Zoning Information Report (ZIR2010-00430) dated September 16, 2010
- G. Letters (3) from the public

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
(jlaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x3320



Pacific Arc INC. Architects

October 10, 2011

City Of Santa Barbara- Zoning Department- Modification Request
849 Cima Linda Lane
Santa Barbara, CA. 93108

RECEIVED
OCT 19 2011

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Modification Request Letter
Project Address: 849 Cima Linda Lane, Santa Barbara, CA
APN: 015-202-029
Zone District: A1 / Single Family Residence
Lot Size: Approx 23,700 sq. ft.
Existing Residence Size: Approx 3262 sq ft

Dear Modification Hearing Officer:

There is an existing permitted auto entry gate and Pilasters with an adjacent pedestrian fence and gate located on the North-east corner of the above referenced property. They are the primary access to the existing residence. Both the auto gate and pedestrian gate are located within the 10-ft.x20 ft. clear view area on either side of the existing auto driveway. They were permitted but they all exceed the allowed 3.5 feet height limit required by the City. The existing pilaster is 6'-9" high and the pedestrian gate and adjacent wrought iron fence varies in height from 5'-3" high to approximately 48" high. The Auto gate does not exceed 7'-3" in height in its closed position.

We would like to request a modification to allow for the heights of these existing gates, pilasters and fences to remain as they have been constructed and originally permitted. We are requesting these to exceed the allowable height based on the following reasons.

This is an existing auto entry and pedestrian gate with an elaborate and distinctive architectural detailing consistent with the existing neighborhood standard. This existing pedestrian gate and fence and the auto gate are both very transparent wrought iron gates. They allow for good visibility through them from the driveway onto the street.

The Existing driveway approach is on an angle off the street. This being said the auto gate and pilasters vary in their dimension off the street and property line edge. The Gate measures approximately 16 feet at the closest point, 20 feet at center point, and 24'-6" at furthest point. This angle allows for a standard size car to fit in front of the existing gate. With the gates in the closed position a standard length car does not protrude into the roadway or impede the flow of traffic along the street. Also the City of Santa Barbara Transportation Department has review this request and the position of the existing auto gates. They feel because of the low volume of traffic that is present on Cima Linda street this reduced driveway depth is acceptable as it is in its current configuration.

Beginning at the edge of roadway at the driveway entrance and all along the front of property, there is a significant down hill slope. Because of this slope the height of the pilasters (6'-9") and gate are perceived at a lower height from the street vantage point than if they were right up at street level. This allows for sufficient viewing of cars or pedestrians moving along the street.

The auto courtyard at the garage is also set up to allow for cars to turn around below and come out the gate facing forward, not backing out onto the street. This also helps the visibility as a car exits the property. In addition there are no pedestrian sidewalks in this neighborhood.

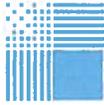
I hope this helps explain our request for the modification listed above. Please let me know if you have any other questions of if you need anything. Thank You,

Sincerely,

William S. Wolf
For Pacific Arc INC. Architects

1117 Coast Village Road • Santa Barbara, California 93108
telephone: 805.565.3640 • facsimile: 805.565.3641 • email address:
bwolf@pacificarchitectsinc.com

EXHIBIT B



27 Oct 2011
Gate Examples for 849 Cima Linda Lane-

RECEIVED
NOV 16 2011

Subject: Neighbor Gate examples
Project Site: 877 Summit Road

CITY OF SANTA BARBARA
PLANNING DIVISION

Gate description: (See attached photo)

We have researched a property that is located on Summit Road, which is a street with a similar traffic flow to Cima Linda. It is a side street that loops to and from Alston Road, the major arterial road.

It appears that there is an existing solid 5'-0" high site wall and solid 5'-0" high solid metal gate located very close to the paved edge of the street. The wall and gate both exceed the height limit of 42". The position of the gate clearly does not allow for an automobile to pull off of the street (required 20'-0") to cue up for the gate to open, or to contact the residences to open the gate. The solid aspect of the walls and gate also make it more difficult to see to the right and to the left of the driveway before pulling out. After some investigation, we discovered a letter in the City street file approving a modification, along with two other items, for a site wall and gate to be built over the allowable height within the setbacks.

City Records:
(see attached Files)

1. Modification Approval Letter – Dated July 29, 1981- from the City of Santa Barbara Community Development Department- Signed by Milton Moeschlin
2. Plot Plan- – Dated July 29, 1981. Partial copy of the site plan for the Summit Road Parcel showing the location of the gates and site walls.

Comments:

Our gate and pilasters on Cima Linda are set back far enough to allow for an automobile to pull off the road and not hinder the flow of traffic. With the auto pulled to the left of the approach drive there is actually approximately 24'-6" of length for a car on this side. Also, we are not on a blind curve. There is plenty of visibility from both directions of this driveway and at the gate.

I also measured the perceived height of the pilaster from the roadway. Because of the drop in the grade to the house, and with the gates and pilasters being set down from the roadway, the dimension from the street level at a level plane to the top of the pilasters measures 46" high. In other words it appears to be a 46" high pilaster from the roadway.

I hope this information helps. Thank You.

Sincerely,

William S. Wolf
Principal
Pacific Arc INC. Architects

cc: File



Lury

CITY OF SANTA BARBARA COMMUNITY DEVELOPMENT DEPARTMENT

P.O. DRAWER P-P • 1235 CHAPALA STREET • SANTA BARBARA • CALIFORNIA 93102 • (805) 963-1663
REDEVELOPMENT • ENVIRONMENTAL REVIEW
PLANNING • ZONING • BUILDING • HOUSING

July 29, 1981

Claude Lascabannes
877 Summit Road
Santa Barbara, Ca. 93108

Subject: 877 Summit Road

Dear Mr. Lascabannes:

At a public hearing held on July 29, 1981, the Modification Hearing Officer approved your request for a modification to 877 Summit Road, to permit a proposed two (2) car garage and storage room below to be located four (4) feet from the interior lot line instead of being set back the required ten (10) feet, and to be located three (3) feet from the main building instead of being separated the required five (5) feet; (2) A fence five (5) feet high, instead of the maximum allowable height of three and one-half (3½) feet, to be located on the front lot line instead of being set back the required ten (10) feet, also to abut a driveway instead of being set back the required twenty (20) feet, subject to the following conditions:

1. Proposed fence is to be constructed in the location as shown on the plot plan submitted with the application.
2. The temporary shed paralleling the storage wall of the existing carport is to be removed prior to the final inspection of the proposed garage.
3. Building permits are to be obtained for the proposed construction.

In taking this action, the Hearing Officer made the finding required by Municipal Code Section 28.92.026, that is, the modification is necessary to secure an appropriate improvement on a lot.

This decision may be appealed to the Planning Commission by filing an appeal with the Division of Land Use Controls not later than August 8, 1981. If not appealed within that time, the action is final and shall remain in effect thereafter unless the conditions have not been met, or unless the modification is unused, abandoned or discontinued for a period of six (6) months.

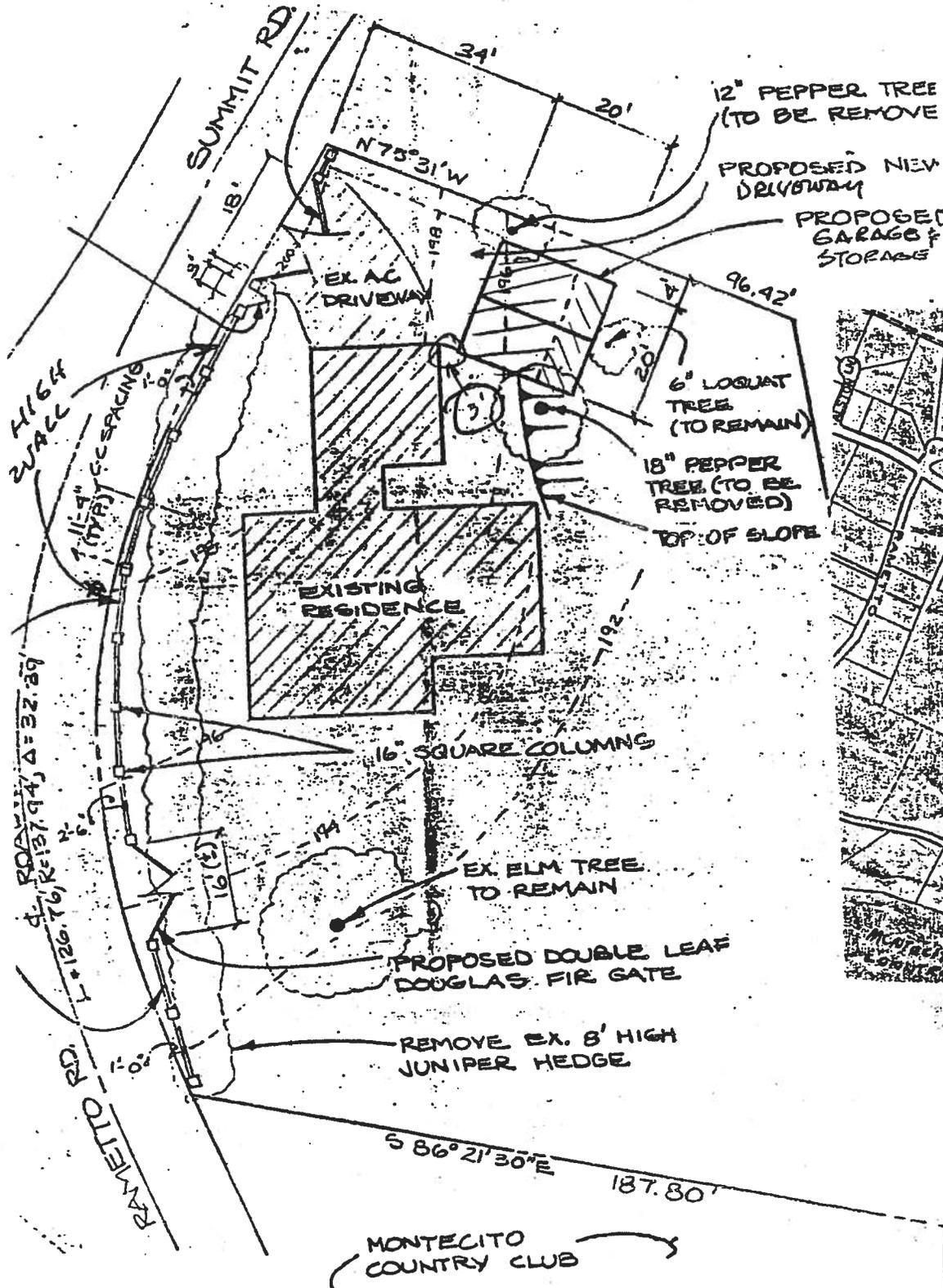
If you have any existing zoning violation on the property, it must be corrected within 30 days of this action.

Very truly yours,


Milton Moeschlin
Milton Moeschlin
Modification Hearing Officer

cc: C. Brogan

PLOT PLAN AND LOCATION



Optically
SCANNED
Document

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Modification Hearing Officer at 10:00 a.m., JULY 29, 1981 in Room 206 at 1236 Chapala Street, Santa Barbara, California, on the following application for modification of provisions of the Zoning Ordinance of the City of Santa Barbara, as provided



27 Oct 2011

RECEIVED
NOV 16 2011

Gate Examples for 849 Cima Linda Lane-

CITY OF SANTA BARBARA
PLANNING DIVISION

Subject: Neighbor Gate examples
Project Site: 937 Cima Linda Lane

Gate description: (See attached photo)

We have researched a property that is two homes away from 849 Cima Linda. Located at 937 Cima Linda. There is an existing gate and wrought iron fence located on the property line. With further investigation we discovered that the gate and fence are in fact in the road right-of-way. They are approximately 5'-0" from the paved road edge. The gate and fence both exceed the height limit of 42". The position of the gate clearly does not allow for a automobile to pull off of the street (required 20'-0") to cue up for the fence to open or to contact the residences to open the fence.

City Records:
(see attached Files)

1. ZIR: It appears that in 2007 the gate and fence we listed on the ZIR as existing nonconforming.
2. Permit Record: BLD 2007-01340 . In 2007 There was a subsequent permit application and approval for the wrought iron fence @ front property line.
3. Public works Permit - PBW 2007-00892 : In 2007 there was also a public works permit that was approved to allow the Wrought Iron Fence and automatic sliding gates to be built in the Public right-of-way.

Comments:

I believe that because this fence was in the public right-of-way the zoning department did not require a modification, design review, or zoning approval? It was left up to public works to approve this as they felt was necessary. It was approved by David Thornburg. I hope this is helpful information. Thank You

Sincerely,


William S. Wolf
Principal

Pacific Arc INC. Architects

cc: File



PLACE HOLDER FOR

**937 CIMA LINDA LANE, MST2007-00279,
MASTER APPLICATION**

(unable to post on City website)



City of Santa Barbara
 Building & Safety Division
 Permit Record

Building Permit # **BLD2007-01340**
 Site Address: **937 CIMA LINDA LN**

Issued: **8/20/2007**
 Initial Expiration: **2/16/2008**

People Associated With Project:

OWN	MONTESANO FAMILY TRUST	1482 EAST VALLEY RD. # 400 SANTA BARBARA CA 93108
APL	LENVIK AND MINOR	315 W HALEY ST SANTA BARBARA CA 93101
ENG	JOHN SPIESS	1119 GARDEN ST SANTA BARBARA CA 93101
CON	MORGAN DELUCIA CONSTRUCTION	398 MOUNTAIN DR. SANTA BARBARA CA 93103

PROJECT NAME: R/A-SITE WORK	PARCEL: 015-202-009	ZONE: A-2
PROJECT DESCRIPTION:		
Construct an 8 ft. high CMU wall, 93 ft. long, and a 6 ft. high, 1,340 foot chain link fence to replace existing wall and fence. Proposed wrought iron fence @ front of property & relocate pool equipment enclosure out of setback under separate permit.		

CLASS OF WORK :	OTH	NEW FLOOR AREA:	sf	NO. PLAN SHEETS: :	2
TYPE OF USE :	SFR	CONVERSION:	sf	GRADING.....:	cy
TYPE OF CONSTR :	5N	TENANT IMPR:	sf	VALUATION.....:	0.00
OCCUPANCY GRP :		REMOD./FINISH :	sf	FLOOD ZONE.....:	
OCCUPANT LOAD :		ACCESS. BLDG:	sf	LAND USE ZONE...:	A-2
FIRE SPRK REQD? :		GARAGE/CARPT :	sf	APPLICANT'S VALUATION:	15,000
STORIES.....:			sf		
DWELLING UNITS:	1	PAVING:	sf	CONTACT PERSON..:	BM
BEDROOMS.....:		SCHOOL FEE:	sf		

THIS PERMIT BECOMES NULL AND VOID IF work or construction authorized is not commenced within 180 days from the date of issuance, or work is suspended or abandoned for a period of 180 days any time after work is commenced.

(1a) I certify that I am licensed under the State Contractor's License Law and my contractor's license is in full force and effect: or
 (1b) I certify that I am exempt from Business and Professions Code # 7031.5 under #7044-Owner Builder #7048-Price of labor and materials is less than \$300, or Other _____

(2a) I certify that I have a certificate of worker's compensation insurance. Insurer: _____
 Policy #: _____, Expiration date: / / , or a Certificate of Consent to self insure by the Director of Industrial Relations; or,

(2b) I certify that I am exempt under Labor Code #3800 because the permit is for work of \$100 or less, that in the performance of the work for which this permit is issued, I shall not employ any person so as to become subject to the worker's compensation laws of Calif.

(3) Will building occupant need to comply with H.S.C. Section 25505, 25533 and 25534 ? yes no

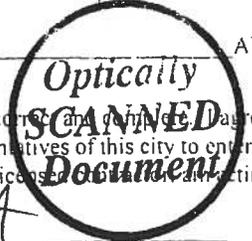
(4) Does the project involve any of the following; removal of a load bearing wall and/or demolition of a commercial building; demolition of five or more units on the same parcel? yes no (if yes, please complete the supplemental declaration for such projects)

(5) This project is funded by a construction lending agency yes no

I hereby affirm under the penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ C.)

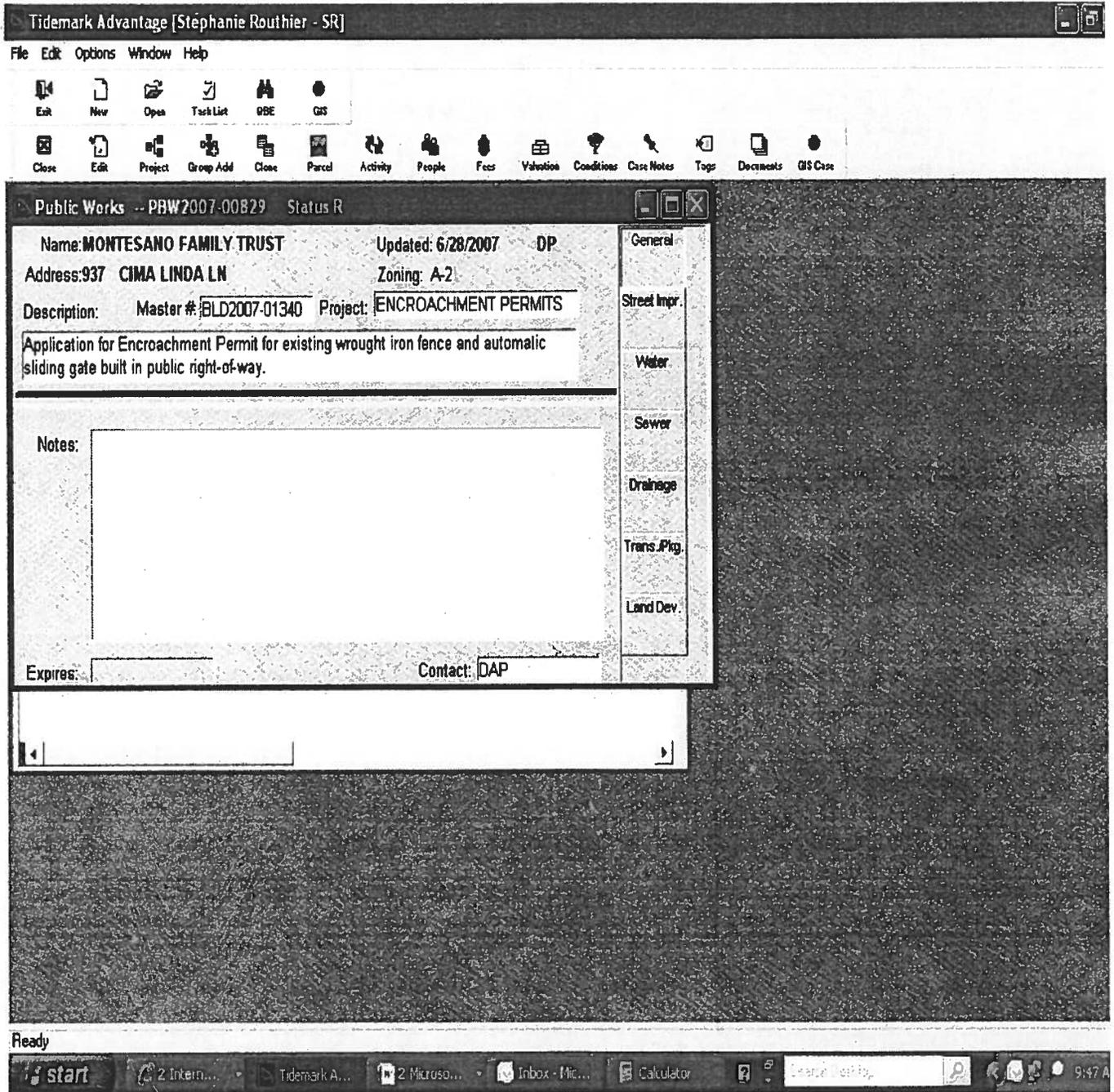
Lender's Name _____ Lender's Address _____ AND

I certify that I have read this application and declare under penalty of perjury that the information contained herein is true, correct and complete. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above mentioned property for inspection purposes. I am the owner of the structure listed on this permit or I, as a licensed contractor, am acting with the owner's full knowledge and consent.



Print Name Here M Delucia
 Sign Name Here [Signature]

Executed at City of Santa Barbara on 8/20/07



- APPROVED (RICHARD SIX)

- DAVID THORNBURGH - AT PUBLIC WORKS

-

**The Fine Print
was changed on
12/12/06. Please
read it.**



Zoning Information Report 937 CIMA LINDA LN

Date: 2/28/2007
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2007-00106

Thank you for ordering a City Zoning Information Report. The purpose of this report is to identify zoning and building violations; inform the buyer as to the nature of the violations as part of the State's full disclosure laws, and to document the violations, for immediate or future enforcement by City Staff. The contents of this report are based on a review of the City's files on the property, a physical inspection, and a review of the City's archive plans and other historical data that may be available, if necessary.

The property was inspected on February 27, 2007.
This Zoning Inspection Report expires on February 27, 2008.

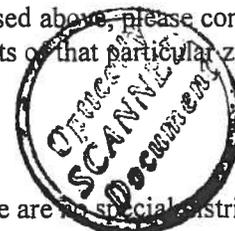
The property's City Zoning Designation is **A-2**. Requirements of the property's primary zoning designation(s) are listed below. If there are multiple zones, the standards for the more restrictive zone shall apply.

Zone:	A-2
Front Yard Setback	30 feet
Interior Yard Setback	10 feet
Rear Yard Setback	10 feet
Required Open Yard Area	1,250 s.f. + 20 foot minimum dimensions
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	2 covered
Distance Between Main Buildings	20 feet
Minimum Lot Area for Newly Created Lots	25,000 s.f. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	100 feet

If the property's zoning designation contains additional classifications that are not discussed above, please contact the Planning and Zoning Counter at (805) 564-5578 for more information on the requirements of that particular zoning designation.

PARCEL ATTRIBUTES

The following special districts or other attributes of the property are listed below. If there are no special districts or other attributes, this area will be blank.



High Fire District

Hillside Design District

Agricultural Use Allowed

Has Ag. meter. Any related bldgs. or structures w/out bldg. permits may not comply w/Zoning Ord.

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

High Fire Area - See Notes

Foothill

PROPERTY DESCRIPTION

**Three level one family dwelling with attached:
rear arbor type shade structure over the rear terrace, lower patio cover off the library and two, three car garages.
Bar sink in the kitchen.
Bar sink in the lower floor exercise room.
Laundry sink in the laundry room.
Bar sink in the maid's room.
Elevator and indoor spa in three story addition portion of the dwelling.
Swimming pool in a greenhouse type enclosure.
Detached storage building (approximately 10 feet by 12 feet).
Lot Size (From County Assessor Records): 3.08 Acres**

Unit #: **This is a legal dwelling unit.**

	Legal	Illegal
Bedrooms	5	0
Full Baths	5	0
Half Baths	1	0
Sinks	4	0
Smoke Detectors in:	All Bedrooms? Yes	All Hallways? Yes

Smoke detectors are required in each sleeping room and each hallway of each story of a dwelling unit. A fire alarm system is required in: 1) apartment houses three (3) or more stories in height or containing 16 or more dwelling units; 2) hotels three (3) or more stories in height or containing 20 or more guest rooms; and 3) congregate care residences three (3) or more stories in height or which have an occupant load of 20 or more. For more information regarding fire alarm system requirements, please call 564-5702.

The property contains **6** parking spaces in garages, **0** parking spaces in carports and **0** uncovered parking spaces.

This property has received the following discretionary land use permits, such as Conditional Use Permits, Modifications, Variances (If none, this area will be blank).

None.



The property is legally nonconforming with respect to either density, yards and/or wall, fences and hedges. Details regarding the properties nonconformity are detailed below. A property is determined to be nonconforming if it conformed to the regulations in effect when it was permitted, but because of subsequent changes in the Zoning Ordinance or the Zoning Map, the structures do not conform to today's zoning standards. Properties with nonconforming density, yards or walls, fences and hedges exist legally, and their uses may be continued; however, there are restrictions on alterations, additions, or replacement of nonconforming structures.

The property contains fences, walls or hedges that are higher than allowed by the current Zoning Ordinance. Therefore, these fences, walls or hedges are nonconforming. The nonconforming fences, walls and hedges are:
Fence and gate along the front lot line - approximately 6 feet high.

Zoning Ordinance or Building Code Violations (if none, this area will be blank):

None.

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter, located at 630 Garden Street (805) 564-5485.



November 14, 2011

Dear Modification Hearing Officer,

Please see the attached, updated letter and photographs that are to be an exhibit with our application for modification at 849 Cima Linda Lane, at the scheduled meeting of December 14, 2011. Please dispose of previously submitted letter and photographs as this updated version shows the correct ownership and photography.

If you have any questions, please do not hesitate to contact Bill Wolf at 805-886-4353.

Sincerely,



JTM Private Land Trust

November 14, 2011

*849 Cima Linda Lane
Santa Barbara, California*

Dear Modification Hearing Officer:

We are seeking a modification agreement for the existing pedestrian and vehicular gate and pilaster (hereafter called "gate") built with city approval in 1993.

We purchased the house at 849 Cima Linda Lane in October of 2010. Before proceeding with this purchase, we asked for inspection of the property by the city zoning department. The existing driveway gate was *not* noted as a violation. In fact, the property has been inspected numerous times over the years and has never been reported for a gate violation. In all fairness to prospective buyers and property owners, we respectfully request that modification for the existing gate be written at this time.

Further supporting reasons are:

- ◆ The existing driveway is laid at an angled approach to the house. Measurement from gate to center of street is 24' 6" on one side of the driveway and 16' from the other side, making average measure to center of the street 20'. Again due to the angled nature of the driveway, there is more than the standard 18' parking space available for pulling in a car in front of the gate.
- ◆ The existing gate is made of finely accentuated wrought iron that offers complete see-through visibility. The gate is set well below the street level, at an average of 20' from the center line, making the height of the gate visually nearly conform to the 3.5' requirement at street level and insuring visibility of pedestrians and cars from any vantage point.
- ◆ Design of the driveway includes a turn-around area in front of the garage so that residents of the house can pull forward out of the driveway, rather than backing out. This increases safety for both pedestrians and drivers.
- ◆ There are many instances of gates that are set closer to Cima Linda Lane than this one, and gates that are taller, even while at street grade, than this gate. The most dramatic example is a very new gate that has a 5' setback from the street and is 12' tall. Our gate condition is consistent with the character of Cima Linda Lane and, in fact, the character of this entire area of Santa Barbara.
- ◆ One of the most important considerations of Cima Linda Lane is that it is a very low-traffic street, and is laid out in a horse-shoe configuration. Obviously, zoning considerations that may work well in other parts of Santa Barbara need to have special consideration when used for Cima Linda Lane.
- ◆ Please see the attached photographs for visual clarification of the above.

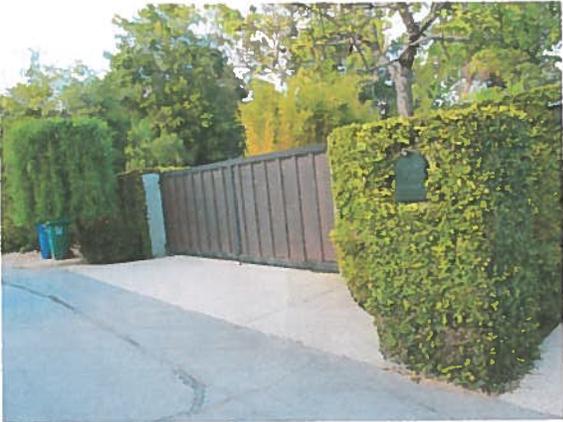
Your careful consideration is appreciated. Please contact us with any questions that you may have. Please see the enclosed Zoning Information Report for 849 Cima Linda Lane dated 9/16/2010.

Sincerely,

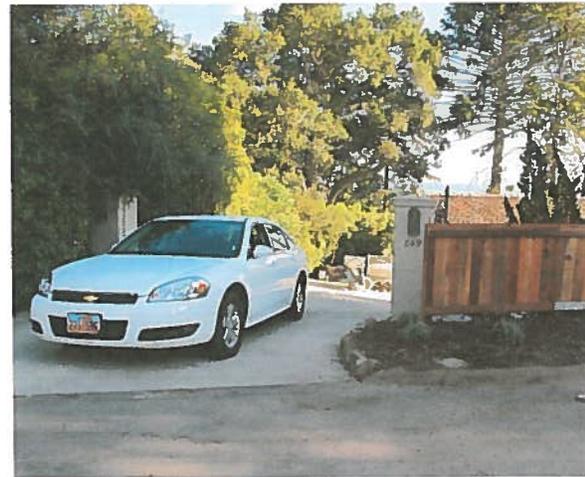


JTM Private Land Trust

Gates is the immediate neighborhood that do not conform to requirements.



The driveway at 849 Cima Linda Lane.



SINGLE FAMILY DESIGN BOARD
MINUTES

Monday, November 7, 2011

David Gebhard Public Meeting Room: 630 Garden Street

CONSENT CALENDAR (11:00 a.m.):

NEW ITEM

A. 849 CIMA LINDA LN A-2 Zone

Assessor's Parcel Number: 015-202-029

Application Number: MST2011-00395

Owner: JTM Private Land Trust

Architect: Bill Wolf

(Proposal to permit the "as-built" construction of approximately 7 foot high pilasters columns with 7.5 foot high wrought iron gate and an approximately 5.5 foot high pedestrian gate and adjacent wrought iron fencing located on a parcel developed with an existing single-family residence with an attached two-car garage. The project requires Staff Hearing Officer review for requested zoning modifications.)

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review.)

Continued indefinitely to Staff Hearing Officer to return to Consent with comments that the "as-built" pilaster columns, wrought iron gate, and fencing were acceptable as submitted. The proposed modification does not have any negative aesthetic impacts.

Items on Consent Calendar were reviewed by **Jim Zimmerman** and **Denise Woolery**.



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 021-11
849 CIMA LINDA LANE
MODIFICATION
MAY 18, 2011

**APPLICATION OF CHRIS GILLILAND, AGENT FOR JTM PRIVATE LAND TRUST,
849 CIMA LINDA LANE, APN: 015-202-029, A-2 SINGLE FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: 2 UNITS PER ACRE (MST2011-00113)**

The 23,700 square foot project site is currently developed with a two-story single-family residence and attached two-car garage. The proposed project involves exterior alterations and remodeling of the existing residence, removal of an "as-built" fence and replacement with a new five-foot high fence along the front and interior lot lines. The discretionary application required for this project is a Modification to permit the height of the fence to exceed the maximum allowable height of 3.5 feet when located within 10 feet of a front lot line (SBMC §28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301, 15303 & 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, No one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 11, 2011.
2. Site Plans.
3. Correspondence received in support of the project:
 - a. Charles Mounts, Santa Barbara, CA.
4. Correspondence received in opposition to the project:
 - a) Paula Westbury, Santa Barbara, CA.

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the finding 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 lot is constrained in that it is steeply sloped at the front of the property making it difficult to construct a fence in compliance with the standards and still adequately secure the site while maintaining privacy for the property and providing security for the existing pool.

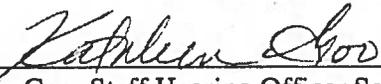
EXHIBIT E

II. Said approval is subject to the following conditions as revised at the hearing:

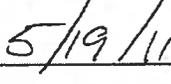
1. The hedges proposed to be located in the public right of way shall be removed from the plans and any proposed work in the public right-of-way shall be approved by the Public Works Department.
2. The existing hedge on the subject property along the east side of the driveway shall be reduced to 3½ feet in height within 10 feet of the driveway for a distance of 20 feet back from the front lot line.
3. The "as-built" wrought-iron fence and gates, and associated columns, located within 10 feet of the driveway for a distance 20 feet back from the front lot line shall either be reduced to 3½ feet in height with proper permits and approval of Transportation Staff, or the columns and vehicle gate shall be relocated to comply with the approved plans on file for BLD93-00138, and the unpermitted portion of the fence shall be removed or reduced to not exceed 3½ feet in height.
4. Explore with the Single Family Design Board the possibility of providing a 1-3 foot setback from the front property line to provide landscaping between the fence and public right-of-way on the subject site.

This motion was passed and adopted on the 18th day of May, 2011 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

**The Fine Print was
changed on 7/6/09.
Please read it.**



**Zoning Information Report
849 CIMA LINDA LN**

Date: 9/16/2010
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2010-00430

Thank you for ordering a City of Santa Barbara Zoning Information Report. The purpose of this report is to identify zoning and building violations; inform the buyer as to the nature of the violations as part of the State's full disclosure laws, and to document the violations for immediate or future enforcement by City Staff. The contents of this report are based on a review of the City's files on the property, a physical inspection, and a review of the City's archive plans and other historical data that may be available, if necessary.

The property was inspected on September 15, 2010.
This Zoning Inspection Report expires on September 16, 2011.

The property's City Zoning Designation is A-2. Requirements of the property's primary zoning designation(s) are listed below. If there are multiple zones, the standards for the more restrictive zone shall apply.

Zone:	A-2
Front Setback	30 feet
Interior Setback	10 feet
Rear Setback	10 feet
Required Open Yard Area	1,250 sq. ft. + 20 foot minimum dimensions
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	2 covered
Distance Between Main Buildings	20 feet
Minimum Lot Area for Newly Created Lots	25,000 sq. ft. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	100 feet

If the property's zoning designation contains additional classifications that are not discussed above, please contact the Planning and Zoning Counter at (805) 564-5578 for more information on the requirements of that particular zoning designation.

PARCEL ATTRIBUTES

The following special districts or other attributes of the property are listed below. If there are no special districts or other attributes, this area will be blank.

High Fire District

Hillside Design District

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

High Fire Area - See Notes

Foothill

PROPERTY DESCRIPTION

Two story one family dwelling with attached two car garage and covered rear balcony. Basement understory contains a game room, several storage rooms and a 1/2 bathroom and has no interior access. Bar sink in the kitchen and laundry sink in the laundry room. Pool and pool equipment shed. Entry gate on driveway.

Lot Size (From County Assessor Records): 0.44 Acres

Unit #: **This is a legal dwelling unit.**

	Legal	Illegal
Bedrooms	2	0
Full Baths	2	0
Half Baths	2	0
Sinks	2	0

Smoke Detectors in: All Bedrooms? **Yes** All Hallways? **Yes**

Smoke detectors are required in each sleeping room and each hallway of each story of a dwelling unit. A fire alarm system is required in: 1) apartment houses three (3) or more stories in height or containing 16 or more dwelling units; 2) hotels three (3) or more stories in height or containing 20 or more guest rooms; and 3) congregate care residences three (3) or more stories in height or which have an occupant load of 20 or more. For more information regarding fire alarm system requirements, please call the City's Fire Prevention office at (805) 564-5702.

The property contains 2 parking spaces in garages, 0 parking spaces in carports and 0 uncovered parking spaces.

This property has received the following discretionary land use permits, such as Conditional Use Permits, Modifications, Variances (if none, this area will be blank).

None.

Zoning Ordinance or Building Code Violations (if none, this area will be blank):

ZONING VIOLATIONS:

1. The hedges within 10 feet of the front lot line and within 20 feet of the driveway exceed the maximum allowable height of three and one half feet.

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485.

The Fine Print

- 1) Disclosures
 - a) The ZIR is a good faith effort at full disclosure to a potential buyer of authorized uses and occupancy, including zoning violations, and improvements constructed without City permits or approvals.
 - b) Improvements without permits are illegal. Previous plans showing these improvements as "existing", previous ZIRs describing improvements as legal, previous ZIRs that omit an improvement, or previous ZIRs that describe an improvement as nonconforming do not legalize illegal improvements, including structures. Only City approvals and permits legalize improvements constructed without permits.
 - c) The current ZIR is based on the most recent information, and supersedes previous ZIRs. Improvements that existed at the time of a previous ZIR, but which were not listed on the previous ZIR or were shown as nonconforming, but which are in fact unpermitted and therefore illegal, will be subject to current standards. For example, if a 1987 ZIR did not list an accessory building in a setback, and the current ZIR shows it as a violation, the current determination supersedes the previous determination.
 - d) The zoning inspectors are not building inspectors, and are not versed in the requirements of the Uniform Codes. Therefore, this ZIR does not document violations of the Uniform Codes (such as illegal wiring, illegal plumbing, substandard structural assemblies, etc.). ZIRs identify zoning violations and unpermitted construction.
 - e) Fences, Screens, Walls and Hedges (See SBMC §28.87.1.70)
 - i) The zoning regulations for fence, screen, wall and hedge height became effective in 1957. Fences, screens, walls and hedges permitted prior to 1957 are nonconforming as to height.
 - ii) Permits are required for fences, screens and walls over 3.5 feet tall from the ground to the highest point of the structure. If such permits do not exist in City records, they are considered illegal, and must be permitted and may require other City approvals. If such fences, screens, walls and hedges are taller than allowed by the Zoning Ordinance, they must be reduced in height when required by the City. Plans in City records that show such items as "existing" do not legalize such items.
 - iii) Permits are required for retaining walls that are more than four feet tall, measured from the bottom of the footing to the highest point on the retaining wall (permits can be required for shorter retaining walls). Contact the Building and Safety Division Counter at (805) 564-5485 for more information.
 - iv) Hedges that existed prior to 1957 are nonconforming to the height limit. Sufficient evidence must be presented to the Community Development Director in order to determine that the hedge existed in its present location in 1957 and is nonconforming.
 - f) This ZIR does not include an analysis of the Solar Access Ordinance (Santa Barbara Municipal Code Chapter 28.11) as it applies to this property. Questions concerning the impact of the Solar Access Ordinance on specific structures should be directed to the Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578.
 - g) If you are selling a home, you must disclose to the buyer any known earthquake weaknesses of your house. The State's Seismic Safety Commission has published a booklet "The Homeowner's Guide to Environmental Hazards and Earthquake Safety," which includes detailed information regarding earthquake hazard disclosure. This booklet should be available from your real estate agent/broker.
 - h) Please be advised that any alterations, additions, construction, improvements or new development may be subject to the review of the Single Family Design Board, the Architectural Board of Review, the Historic Landmarks Commission, the Staff Hearing Officer, or the Planning Commission, depending on a number of factors. If review by one of the bodies is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). Please contact the Planning and Zoning Counter at (805) 564-5578 for more information regarding the environmental review process.

- 2) The enforcement process, as of April 19, 2004.
 - a) The following major violations will be referred to enforcement staff immediately:
 - i) Illegal dwelling units.
 - ii) Illegal conversion of non-habitable space to habitable space.
 - iii) Unpermitted construction of new floor area (habitable or nonhabitable).
 - iv) Elimination of required parking.
 - b) Minor violations are kept on file and are required to be abated prior to, or simultaneously with, the first building permit that is obtained by the new property owner. HOWEVER, please be advised that all minor violations will be required to be abated in conjunction with any major violations on the property. City Staff will also require that overheight fences, walls, screens and hedges be reduced in height at this time.
- 3) Validity Period and Extensions
 - a) This ZIR is valid for a period of twelve months after the date of issuance or until a transfer of title occurs, whichever is sooner.
 - b) A ZIR may be extended for a period of one year for half the price of a current ZIR, if the application for the extension is received while the ZIR is still valid. A re-inspection is required.
- 4) Disputes regarding the content of this ZIR.

You have 30 days from receipt to dispute any items in this ZIR. If you do not dispute any items, there is a rebuttable presumption that you agree with the content of the ZIR, and any attempt to dispute such items in the future will be denied. Please contact the preparer of this Zoning Information Report.
- 5) Tenant Displacement Assistance Ordinance
Please be advised that any application to the City for a demolition, alteration, or change of use that will result in the elimination of a residential unit requires compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89). The Ordinance requires notice to the tenants about your intent to file an application 60 days prior to the actual filing, and provide monetary displacement assistance.

Zoning Information Report #ZIR2010-00430 was prepared by:

Betsy Teeter, Planning Technician II


Signature

September 16, 2010

DISTRICTED ON: 11/28/11

- STAFF HEARING SUPERVISOR (RB)
- STAFF HEARING OFFICER (SUZIE REARDON)
- ORIGINAL TO PLANNING TECH FOR FILE
- APPLICANT (AT MTNG)

Thomas L. Dent, MD
Joan K. Rosenberg-Dent
 505 Owen Rd.
 Santa Barbara, CA 93108
 805-695-8643

RECEIVED
 NOV 28 2011

CITY OF SANTA BARBARA
 PLANNING DIVISION

November 27, 2011

Staff Hearing Officer
 City Planning Department
 630 Garden Street
 Santa Barbara, CA

Re: 849 Cima Linda Lane remodel

Dear Staff Hearing Officer:

We have been notified that there is an upcoming city meeting regarding the columns and gates at 849 Cima Linda Lane, Santa Barbara. We have been neighbors to the south of this property for the last 9 years. In our many-times-a-day use of Cima Linda Lane, we never have experienced problems or interruptions in traffic as a result of the gates and columns on the driveway at 849 Cima Linda Lane. Additionally, we've never heard of any other neighbors having problems with this situation. We find the gates and columns both attractive and in complete harmony with the character of the neighborhood. Therefore, we believe that the columns and gates should be allowed to stay as they now are.

Sincerely,



Thomas L. Dent



Joan K. Rosenberg-Dent

November 28, 2011

Staff Hearing Officer
Santa Barbara City Planning Department
630 Garden Street
Santa Barbara, CA

RECEIVED
DEC 02 2011
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 849 Cima Linda Lane Modification

Dear Staff Hearing Officer,

I am in receipt of your notice regarding the gates modification request for 849 Cima Linda Lane. I am the immediate neighbor to the east of this property and have lived here for nearly 40 years. When my husband and I purchased our home in 1973 it included the property in question.

I remember when the gates were built about eighteen years ago and have always considered them attractive and fitting to the neighborhood. I understand there is a setback issue and would like to comment that there has never been a traffic issue that I am aware of due to these gates. As you may know, Cima Linda is a curved horseshoe shaped street that by it's nature causes cars to drive slowly.

I feel it would be a shame for the city to require the current residents to remove or rebuild these gates for a technical issue when the structure fits so well and does not cause traffic problems or hazards.

I strongly urge the city to approve the modification request and to allow the gates to remain as constructed.

Sincerely,



Marion Dentzel
841 Cima Linda Lane
Santa Barbara, CA 93108

November 30, 2011

RECEIVED
DEC 06 2011

Staff at the City of Santa Barbara Building Department

630 Garden Street
Santa Barbara, CA 93101

CITY OF SANTA BARBARA
PLANNING DIVISION

I am writing in support for the request for modification by the owner of the house at 849 Cima Linda Lane in Santa Barbara. I am the neighbor at 840 Cima Linda Lane, across the street from 849 Cima Linda Lane. I would like their request for a 5'0 wooden fence to be approved as it would be a favorable outcome from our point of view compared to a 3.5 foot fence. The higher fence would look more attractive, keep with the feel of the neighborhood, enhance their privacy and give us more privacy relative to their house and yard. It would not impede our view.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions or need any additional information.

Regards,



Charles Mounts
840 Cima Linda Lane
Santa Babara, CA 93108
805 455 5961
londonmounts@aol.com