



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 24, 2012  
**AGENDA DATE:** October 31, 2012  
**PROJECT ADDRESS:** 50 Rubio Road (MST2012-00326)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Suzanne Riegler, Assistant Planner *SR*

### I. PROJECT DESCRIPTION

The 12,197 square foot lot is currently developed with an existing single-family residence to remain unaltered. This project includes permitting 100 linear feet of an "as-built" site wall varying from 3'-6" to 7'-6" in height. Approximately 32 feet of the wall is located within less than five feet of an existing retaining wall, and the cumulative height will exceed the maximum allowable of eight feet. The project will address violations identified in enforcement case ENF2012-00252. The discretionary application required for this project is a Modification to allow the combined height of the walls to exceed the maximum allowable height of eight feet within a required setback. (SBMC § 28.87.170 and SBMC § 28.92.110).

Date Application Accepted: 9/24/12

Date Action Required: 12/23/12

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project as submitted.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Architect James Zimmerman	Property Owner:	Kenneth Tompetrini & Susan Allen
Parcel Number:	029-330-009	Lot Area:	12,197 square feet
General Plan:	Low Density Residential	Zoning:	E-1
Existing Use:	Residential	Topography:	29% slope
Adjacent Land Uses:	Residential		

#### **IV. DISCUSSION**

The proposed project includes a request to permit an "as-built" site wall varying from 3'-6" to 7'-6" in height. Approximately 32 linear feet of the wall is located within four feet of the property line and within approximately two-and-one-half-feet of a permitted on-site retaining wall. The resulting wall height is calculated using the cumulative height of both walls, because the two walls are not separated by a minimum distance of five feet. The total combined height is 8'-8", which exceeds the maximum allowable of eight feet within a setback. The project will address violations identified in enforcement case ENF2012-0025.

In addition, there is a separate enforcement case on the adjacent property at 856 Ferrelo Road that sits below the subject Rubio Road property. The adjacent owner has completed "as-built" improvements including grading at the base of the permitted Rubio Road retaining wall to create a bench seat and patio. The Ferrelo Road improvements exacerbate the proposed wall height issue and will be the subject of separate modification request on a future Staff Hearing Officer agenda. Both of the affected property owners are requesting that this proposed modification be granted to allow the existing "as-built" improvements to remain.

This project was reviewed by the Single Family Design Board (SFDB) on September 10, 2012, and the Board found that the proposed project subject to the modification is aesthetically appropriate and does not pose consistency issues with the Single Family Residence Design Guidelines. If the Modification is approved, the project is set to return to the SFDB Consent Calendar for final approval with no further changes requested.

#### **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 wall will exceed the allowable height by only eight inches and is appropriate because the increase in height is negligible, there is a change in topography, and the proposed improvement is supported by the downhill neighbor which is most affected by the resulting height of the walls.

#### Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated September 24, 2012
- C. SFDB Minutes

Contact/Case Planner: Suzanne Riegle, Assistant Planner  
(SRiegle@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x 2687

JAMES J. ZIMMERMAN, A.I.A.

ARCHITECTS

MASTER PLANNING, COMMERCIAL, RESIDENTIAL & INTERIOR DESIGN

September 24, 2012

Staff Hearing Officer  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

Attention: Suzanne Riegle

Re: Request for a Modification for-  
50 Rubio Road  
Santa Barbara, CA. 93103  
APN #029-330-009, Zone E-1  
MST2012-00326

RECEIVED

SEP 24 2012

CITY OF SANTA BARBARA  
PLANNING DIVISION

Dear Suzanne,

We are currently involved with a project located at 50 Rubio Road in which our clients would like to permit an as-built fence wall. The scope of work of the project is the proposal to permit 100 linear feet of an as-built site wall varying from 6'-0" to 7'-6" in height, located on a 12,197 square foot lot in the Hillside Design District and is currently developed with an existing single-family residence. Approximately 32 feet of the wall is located within less than five feet of an existing stone wall 2 feet high, and the cumulative height will exceed the maximum allowable of 8'-0". The project will address violations identified in enforcement case ENF2012-00252.

Due to the wall height exceeding the allowable height of 8 feet into the interior yard setback, a zoning modification request is as follows:

Request #1: Request for as-built wall to remain.  
Reason: Back in July 2000, the Landscape Consultant Audrey Berlinger, provided drawings indicating fence design, and the contractor built the fence wall with the misconception that a fence did not need a building permit, indicating it as a fence.

Please see enclosed site plan for further clarification. This project has received good comments from Single Family Design Board and was supportive of keeping the wall as-is. Do not hesitate to contact us if you have any questions regarding our request.

Sincerely,



Jim Zimmerman, AIA  
Zimmerman Architects  
Encl. (Site Plan)



## DESIGN REVIEW ACTIVITIES SUMMARY

**50 RUBIO RD (MST2012-00326)**

**PRE-CONSULT**

*Proposal to permit 100 linear feet of an "as-built" site wall varying from 6'-0" to 7'-6" in height, located on a 12,197 square foot lot in the Hillside Design District is currently developed with an existing single-family residence to remain. Approximately 32 feet of the wall, is located within less than five feet of an existing retaining wall, and the cumulative height will exceed the maximum allowable of eight feet. The project includes Staff Hearing Officer review for a requested zoning modification. The project will address violations identified in enforcement case ENF2012-00252.*

**Status: Pending**

**DISP**

**Date 3**

**SFDB-Consent (New)**

**CONT**

**09/10/12**

(Comments only; project requires environmental assessment and Staff Hearing Officer review for a requested zoning modification.)

Continued indefinitely to Staff Hearing Officer and continued indefinitely to the Consent Calendar with comments:

- 1) The proposed modification is aesthetically appropriate and does not pose consistency issues with the Single Family Residence Design Guidelines.
- 2) Project is ready for final approval with no further changes requested.

**EXHIBIT C**