



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 7, 2006  
**AGENDA DATE:** April 12, 2006  
**PROJECT ADDRESS:** 1289 Mountain View Road (MST2006-00143)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DJK*  
 Roxanne Milazzo, Associate Planner

### I. PROJECT DESCRIPTION

The project consists of a partially "as-built" retaining wall and fence whose combined height exceeds the maximum 8 feet that's allowed in the side yard setback. The project site is a 10,050 square foot lot in the E-1 Single Family Residence Zone, which contains a 2,005 s.f. residence and an attached 441 s.f. garage. Until the work was started, the side yard consisted of a 4-foot flat area next to the house, a 2.5-foot retaining wall, then the ground sloped upwards (6 feet horizontal, 3 feet vertical) to the property, and the neighbor's 6 foot high fence. The property owner dug out the entire side yard, and started to build a new 6-foot high retaining wall a distance of 2 feet from the property line, when the Building and Safety Division issued a Stop Work Order. Because the retaining wall and fence are within 5 feet of each other, their height is combined when calculating the allowable fence height. The combined height of 12 feet is greater than the 8 feet allowed by the Zoning Ordinance.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project is a Modification to allow a retaining wall/fence combination that exceed the maximum 8-foot fence height within the required yards (SBMC §28.87.170.1).

Date Application Accepted: March 21, 2006      Date Action Required: June 19, 2006

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Jim Buster	Property Owner:	Gary Panoyan
Parcel Number:	035-320-007	Lot Area:	10,050 s.f.
General Plan:	Residential: 3 Units/Ac	Zoning:	E-1 Single Family Residential
Existing Use:	Residence	Topography:	Mostly Flat, sloping at side and rear

#### Adjacent Land Uses:

North - Residence  
 South - Residence

East - Residence  
 West - Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2,003 s.f.	No Change
Garage	441 s.f.	No Change
Accessory Space	None	No Change

**IV. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/ Allowance</b>	<b>Existing</b>	<b>Proposed</b>
Setbacks	30 feet	25 feet	No Change
-Front	10 feet	7 feet (eastern)	No Change
-Interior	10 feet	10 feet (western)	No Change
-Rear		40 feet	No Change

**V. DISCUSSION**

Retaining walls with fences on top are common in the hillside areas of the City. Because of the topography retaining walls can be up to or greater than 8 feet in height. When retaining walls are near property lines, fences on top of the retaining walls are required for safety purposes, and desirable for privacy purposes. Staff is mostly concerned when an uphill neighbor proposes a retaining wall/fence combination that exceeds 8 feet in height, as the resulting wall can be aesthetically detrimental to the downhill neighbor. In this case, the downhill neighbor is proposing the extra tall wall/fence combination, in order to obtain a larger usable side yard.

**VI. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve the project, making the findings that:

- A. The retaining wall is necessary to provide additional usable open area, the fence on top of the wall is existing and desirable for separation between properties, and that does not affect the neighbor detrimentally;
- B. The Modification is consistent with the purposes and intent of the Zoning Ordinance; and
- C. The Modification is necessary to secure an appropriate improvement on the lot.

**Exhibits:**

- A. Site Plan
- B. Applicant's letter, dated March 20, 2006

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
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 Phone: (805)564-5470

JIM BUSTER, CONSULTANT  
3089 TIANA DRIVE  
SANTA YNEZ, CA 93460  
805 686 0036

March 20, 2006

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

Subject: Modification request for:  
1289 Mountain View Road; APN 35-320-07; Zone E-1

Dear Modification Hearing Officer,

There is an existing residence and attached garage with a combined area of approximately 2400 square feet. To my knowledge all of the structures on this property are permitted.

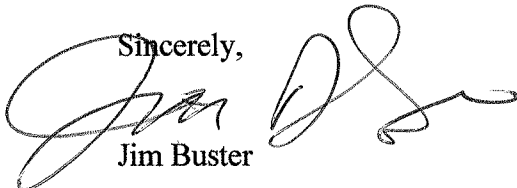
The adjacent property to the North West is approximately six feet higher in elevation. The steep slope between the properties has been a constant source of erosion and due to the sandy nature of the soil; it is difficult to maintain vegetation on a steep slope. This proposal is to allow the new six-foot high retaining wall to be adjacent (within five feet) of the neighbor's six-foot high fence resulting in a combined height of twelve feet.

The modification request is to allow a side-yard retaining wall 6' tall to be located closer than 5' from the neighbor's 6' high wood fence. The face of the retaining wall will be located approximately 24 inches from the property line.

The new retaining wall will protect the existing residence from the erosive effects of the hillside and provide better drainage and sediment control. Additionally, it will protect the up-hill property from the possibility hillside failure.

Thank you for your time,

Sincerely,



Jim Buster

cc: Mr. Gary Panoyan  
Mr. Mark Lee

EXHIBIT B

