



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 7, 2007
AGENDA DATE: March 14, 2007
PROJECT ADDRESS: 1000 Mountain Drive (MST2004-00498)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor *DJK*
 Roxanne Milazzo, Associate Planner *R Milazzo*

I. PROJECT DESCRIPTION

The proposed project involves a 27-acre site currently developed with a single family residence. The proposed project involves entry gates, columns, and fencing. The discretionary application required for this project is a Modification to permit those items to exceed 3 ½' in height when located within ten-feet (10') of the front lot line and for twenty-feet (20') along the driveway (SBMC §28.87.170).

Date Application Accepted: February 21, 2007 Date Action Required: May 21, 2007

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	L&P Consultants	Property Owner:	Barry Semler
Parcel Number:	021-050-063	Lot Area:	27 Acres
General Plan:	Major Hillside	Zoning:	A-1
Existing Use:	One-Family Residence	Topography:	33% Slope

III. DISCUSSION

This project was reviewed and approved by the Architectural Board of Review (ABR) on July 19, 2004. Failure to pull required building permits resulted in expiration of that approval. On February 12, 2007, the project was given positive comments with direction to grant final approval on consent once the Modification is approved.

The applicant's states that the existing entry gate and pillars were built and inspected as a part of the residence's construction, but City records do not contain proof. The applicant has been instructed to permit the existing improvements as part of this request which will replace the existing chain link fencing with a combination of wrought iron fencing and a sandstone veneered wall. A Modification is being requested because portions of the installation are proposed within the first ten feet (10') of the private property and within the first twenty-feet

(20') of the driveway. The portions of the installation proposed with within the right-of-way have a secured encroachment permit (No. 16,346 recorded 2/3/92) on file.

The pavement of Mountain Drive is not contained in the right-of-way, but is located farther to the north, away from the gate and wall. The gate is located a minimum of 22 feet from the edge of pavement, and the proposed walls would be about 8 feet from the pavement. The proposed wall does not pose a safety concern, because of the distance between the gate and fence and the pavement, and because the design of the gate and walls that allows good sight visibility when exiting the gate. Staff supports the proposed Modification, which would allow completion of the subdivision improvements.

IV. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification is necessary to secure an appropriate improvement on this site, and is consistent with the purposes and intent of the Zoning Ordinance because it does not pose a safety issue.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated February 13, 2007
- C. ABR Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner
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FEB 13 2007

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**CITY OF SANTA BARBARA
PLANNING DIVISION**

[P.N. – 02-044.01]

February 13, 2007

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

Re: Modification Request for 1000 Mountain Drive, 021-050-063;
Land Use Zone A-1

Dear Staff Hearing Officer:

The subject parcel is a 27.21 acre parcel with an existing home surrounded by an avocado orchard. The property was part of a larger subdivision back in the 1990's, known as the Primavera Estates, Tract 20604. A component of this larger Tract was the future establishment of two formal entries off of Mountain Drive, one of which was to provide access to 1000 Mountain Drive.

A precursor to these entries was the City requirement to obtain a Public Works Encroachment Permit. Encroachment Permit Number 16,346 was approved by the City of Santa Barbara, and subsequently recorded on February 3, 1992. In summary, this permit allows for fencing within the right-of-way of Mountain Drive, and also specifically states in Condition 13.B that "...At the two existing entrances to the real property at Mountain Drive, Permittee may be permitted to remove a portion of the chain link fence and replace it with a stone or masonry wall and wrought iron gates..." A copy of this Permit 16,346 has been duplicated on the first sheet of the attached plans.

The project contemplates the permitting of electric iron gates, stone columns and wrought iron fencing to replace the existing chain link fence. It should be noted that the gates were included on earlier plans (1992 and 1997) for the now existing house, were built and inspected as part of the house plan, however no record of a separate permit for the gates were found in the City records. Staff has suggested that the entire gate and fence improvement be permitted together at this time. It should also be mentioned that these plans have been recently re-approved by the Architectural Board of Review (February 12, 2007). The requested modification for the application is for an over height fence, screen, wall or hedge within the required ten (10) feet of the City right-of-way, and portions within the first 20 feet of the existing private driveway (SBMC §28.92..026.A.3).

EXHIBIT B

Modification Letter (Gates and Fences)
1000 Mountain Drive
February 13, 2007
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Front property boundaries along Mountain Drive do not coincide with the center line of the existing road, and the Mountain Drive right-of-way does not coincide with the existing paved roadway. The result is an irregular city right-of-way which meanders in and out of the existing paved roadway and properties along Mountain Drive. There exists an plenty of paved roadway and line of sight visual clearance within the project area. However, due to the irregular property line configuration this "technical" modification is requested.

The major benefits of the project are to complete the frontage entry gate and fence improvements that were contemplated with the original subdivision and further anticipated in the Encroachment Permit. We appreciate your time and effort in considering this request. If you require further information please do not hesitate to contact me.

Sincerely,



Brent Daniels
Agent for Property Owner

Attachments:
Assessor Parcel Page 021-050
Color Photos of the Existing Frontage Entry
Four (4) Sets of Plans

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**CITY OF SANTA BARBARA
PLANNING DIVISION**



ALL ACTIVITIES SUMMARY

1000 W MOUNTAIN DR

MST2004-00498

R-ENTRY GATE/WALL

ABR-Consent (New)	APVD	07/19/04
(COMMENTS ONLY; PROJECT REQUIRES APPROVAL FROM PUBLIC WORKS FOR SUBSTANTIAL CONFORMANCE OF MINOR ENCROACHMENT PERMIT.)		
Final approval as submitted.		
ABR-Final Approval - Project	APVD	07/19/04
ABR-Resubmittal Received	RECD	02/06/07
reinstatement		
ABR-Consent (After Final)	CONT	02/12/07
(Request to re-instate the prior approval.)		

Continued indefinitely to the Staff Hearing Officer with the comment that gates are to be drawn to match the photos and the monument and metal address plaque is to be shown. Final Approval can be given Administratively by Staff. Approval of walls and fencing is based on the previous ABR approval of July 19, 2004.