



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 10, 2009
AGENDA DATE: June 17, 2009
PROJECT ADDRESS: 2506 Calle Andalucia (MST2009-00223)
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 project site is located on the corner of Calle Andalucia and Calle Galicia and is developed with a single family residence and attached garage. The proposed project involves an "as-built" fence located along the Calle Andalucia frontage. The discretionary application required for this project is a Modification to permit the fence to exceed the maximum allowable height of 3 ½' when located along a front lot line (SBMC §28.87.170).

Date Application Accepted: May 4, 2009

Date Action Required: August 4, 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:	Karin Aggeler	Property Owner:	Same
Parcel Number:	041-421-001	Lot Area:	10,566 sf
General Plan:	3 Units Per Acre	Zoning:	E-1
Existing Use:	One-Family Residence	Topography:	19% Slope

Adjacent Land Uses:

North – Elings Park

East - One-Family Residence

South – One-Family residence

West – One-Family Residence

IV. DISCUSSION

The project site is located on a corner lot and is the last house on Calle Andalucia where the street dead-ends with a pedestrian access to Elings Park. In an effort to secure privacy for her

backyard area, the property owner constructed a fence along portions of the property where fence height is limited to 3 ½'. A Modification is being requested to maintain the 75 linear feet of 6' high fence in its current height and location along Calle Andalucia.

It is Staff's position that the existing fence provides this property with private outdoor living space that, without benefit of the Modification, would not be possible due to the slope of the sidewalk, and drop in grade between the right-of-way and the yard. Also considered were the high foot traffic levels associated with the access to Elings Park and the added site constraint associated with two front yards. Staff understands that the intent of the fence height regulations is both safety and aesthetic in nature and that the existing fence does not violate either. This project is subject to review by the Single Family Design Board due to its location within the Hillside Design District and the overall slope of the site. If the Modification is approved, SFDB approval will be required prior to submitting plans for a building permit.

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 "as-built" fence secures privacy to the rear yard of this corner property without safety impacts to the neighborhood. Said approval is subject to a condition that the fence be approved by the Single Family Design Board and issued a building permit.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated May 3, 2009

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

Karin Aggeler

2506 Calle Andalucia, Santa Barbara CA 93109 • (805) 962-7245

May 3, 2009

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

Re: Modification Request for 2506 Calle Andalucia; Assessor's Parcel 041-421-001
Zone E-1

Dear Staff Hearing Officer:

1. My property is the last house on Calle Andalucia. The street dead-ends at the entrance into Elings Park. The existing fence is located along the path into the Park.
2. The modification requested is to allow the fence to stay as is, 6ft high. This fence has been there for 40 years. Nobody told me when I bought the house in 1985 that it was against any zoning laws. We have people coming to the Park at all hours, day and night. This fence is very important because it provides us with privacy and more importantly, security and protection. If my 6ft. fence would be only 3 1/2ft. tall, my backyard would be an invitation to vandals and I would fear for our safety whenever groups of people were present at the entrance at night. When we are not at home, anyone could jump the fence and enter our home from the backyard. To clarify, this is not a front/side yard, this is the fence for the backyard. It is not located on the corner, but alongside the end of a dead-end street and therefore it does not block any views to other streets and presents no traffic hazard. In addition, the neighbors have all told me that they believe the fence adds to the charm of the neighborhood. I am asking you to please, allow me to keep the current height of the fence for our own protection and safety.
3. The major benefit of keeping the fence at it's present height is for our family to be protected from the public as they park their cars and walk along our fence, to give us privacy and security. Our neighbors and we had to call the police at several occasions because of trouble from undesirable people entering the Park at night. The fence has a planter box built in, so it also looks decorative.
4. Enforcing this zoning law would be of no benefit to anyone. There must be provisions for exceptions when those regulations don't have good reason to be enforced. This is a hardship financially and emotionally to be singled out without good reason.

Sincerely,

Karin Aggeler



Exhibit B