



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 2, 2009  
**AGENDA DATE:** September 9, 2009  
**PROJECT ADDRESS:** 1532 Eucalyptus Hill Road (MST2009-00351)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Roxanne Milazzo, Associate Planner *Rmf*

### I. PROJECT DESCRIPTION

The 6,547 square foot project site is currently developed with a single family residence and detached two-car garage. The proposed project involves demolition of a failing retaining wall, and the construction of new retaining walls and entry stairs to the residence. The discretionary application required for this project is a Modification to permit walls to exceed 3 ½' in height when located within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line (SBMC §28.87.170).

Date Application Accepted: July 28, 2009

Date Action Required: October 28, 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:	Brian Bergakker	Property Owner:	Same
Parcel Number:	015-232-005	Lot Area:	6,547 sf
General Plan:	12 Units Per Acre	Zoning:	E-1
Existing Use:	One-Family Residence	Topography:	17% slope

#### Adjacent Land Uses:

North - One-Family Residence  
 South - Eucalyptus Hill Road

East - One-Family Residence  
 West - One-Family Residence

**IV. DISCUSSION**

The project site is currently developed with a single family residence and detached garage. Currently, access to the residence and garage is provided via a driveway along the west side of the property. Due to the overall slope of the site, the driveway is separated from the residence by a 3 ½' high retaining wall, which is in need of replacement. The proposed wall has been designed to include landscape planters and pedestrian access stairs to the front door. The proposed design results in a cumulative wall height in excess of the maximum of 3 ½' when located within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line (SBMC §28.87.170).

It is Staff's position that the proposed wall and stairs are an improvement over what currently exists. Besides replacing the failing wall, staff considered that the current situation requires that pedestrians walk the traveled portion of the steep driveway to access the front door. The new pedestrian access, with its planter design and handrails, will provide both safety and aesthetic improvements over what currently exists. Because of a large unimproved road right-of-way, the height of the improvements will not hinder visibility (from a vehicle) when exiting the site into the traveled right-of-way. This project is subject to review by the Single Family Design Board due to the overall slope of the site and is scheduled for consent review on September 8, 2009. Final approval of the design is required prior to submitting for building permits.

**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 secure a safety improvement for both the grade of the site as well as pedestrian access to the residence in a design approved by the Single Family Design Board. Said approval is subject to a condition that all work within the public right-of-way secures necessary encroachment permits.

**Exhibits:**

- A. Site Plan (under separate cover)
- B. Applicant's letter dated 7/28/09
- C. SBMC §28.87.170

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Brian Bergakker / Tricia Homan

7.28.09

1. There is an existing retaining wall that borders driveway on either side. Walls are failing and need to be replaced. Current entry requires person to travel in the way of traffic. Proposed entry will <sup>be</sup> safe and aesthetically pleasing.
2. Modifications are for new retaining walls and access stairs in ~~front yard set back~~ 7' 3 1/2' in lot w/in 1st 20' of driveway

1532 Eucalyptus Hill rd.

SB Ca 93103

(805) 705-3026

**28.87.170 Fences, Screens, Walls and Hedges.**

A. Required setbacks. Except as hereinafter provided, in the A, E, R, C-O and C-X Zones, no fence, screen, wall or hedge located in the required setbacks shall exceed a height of eight feet (8').

B. Front Lot Line, Side of Driveway. In the A, E, R, C-O and C-X Zones, no fence screen, wall or hedge exceeding a height of three and one-half feet (3-1/2') shall be located:

1. Within ten feet (10') of a front lot line.
2. Within ten feet (10') of either side of a driveway for a distance of twenty feet (20') back from the front lot line.

C. Corner. In the A, E, R, C-O and C-X Zones, no fence, screen, wall or hedge located within fifty feet (50') of a street corner measured from the edge of the vehicular travelled way as determined by the Traffic Engineer and within the required front yard shall exceed a height of three and one-half feet (3-1/2'); provided that where any fence, screen, wall or hedge within fifty feet (50') of any corner impairs the vision of drivers of vehicles approaching on the intersecting street, the Chief of Building and Zoning may further limit the height of construction by the terms of the permit issued to the applicant so as to prevent such impairment of vision.

D. Alleys. In the A, E, R, C-O, and C-X zones, the City Traffic Engineer may require the height of a fence, screen, wall or hedge to be reduced if the improvement is determined to be a safety hazard.

E. Separation. Unless there is a horizontal separation of at least five feet (5') between fences, screens, walls or hedges, the height shall be measured from the lowest point of such fence, screen, wall or hedge to the highest point of either fence, screen, wall or hedge.

F. Barbed Wire, Sharp Wire or Points. In any zone, no barbed wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front or interior lines of any lot, or within three feet (3') of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet (6') in height.

G. Schools. Any open mesh type fence to enclose an elementary or high school site may be located and maintained in any required yard.

H. Nonconforming. Any fence, screen, wall or hedge which is nonconforming to the provisions of this section and which existed lawfully on January 10, 1957 (the effective date of the ordinance adopting the provisions of this section) may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall or hedge, except as permitted in other sections of this title. Notwithstanding the foregoing, no more than ten percent (10%) of the length of a nonconforming fence, screen, or wall may be replaced within any twelve-month period. A hedge shall be determined to be nonconforming by the Community Development Director upon receipt of sufficient evidence indicating that the hedge existed in its present location on January 10, 1957. If a nonconforming fence, screen, wall or hedge has been determined to be a safety hazard by the City Traffic Engineer, the City may require the removal or reduction of the height of the nonconforming fence, screen, wall or hedge. (Ord. 5459, 2008; Ord. 4162, 1982; Ord. 3513, 1972; Ord. 3234, 1967; Ord. 2585, 1957; Ord. 2346, 1951.)