



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** August 18, 2010  
**AGENDA DATE:** August 25, 2010  
**PROJECT ADDRESS:** 333 Piedmont Road (MST2010-00232)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RUB*  
 Roxanne Milazzo, Associate Planner *Rut*

### I. PROJECT DESCRIPTION

The 20,908 square foot project site is currently developed with a single family residence, attached two-car garage, pool cabana, and swimming pool. The proposed project involves permitting an existing privacy wall, located along the Piedmont and Ontare Road frontages. The discretionary application required for this project is a Modification to permit the height of the "as-built" wall to exceed the maximum allowable height of 3 ½' when located within 10' of a front lot line (SBMC §28.87.170).

Date Application Accepted: August 2, 2010

Date Action Required: November 2, 2010

### 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:	James Mayo Macari	Property Owner:	Kevin Roache
Parcel Number:	055-153-027	Lot Area:	20,908
General Plan:	1 Unit Per Acre	Zoning:	E-1
Existing Use:	One-Family Residence	Topography:	13% Slope

#### Adjacent Land Uses:

North – Piedmont Road

East - One-Family Residence

South – On-Family Residence

West – Ontare Road

**IV. DISCUSSION**

The subject property is located on the corner of Piedmont and N. Ontare Roads. Due to the corner location, the property has front lot lines off of both street frontages. Pursuant to SBMC §28.87.170, fences, walls, screens and hedges are limited to a height of 3½' when located within ten-feet of a front lot line.

In April 2010, the Staff Hearing Officer (SHO) approved a request to permit a roof change for the existing pool cabana. During that review, it was noted that an existing vegetation covered privacy wall, approximately 160 feet in length, exceeds the maximum height limitation of 3 ½' for its location, which varies between one and six feet back from the front lot lines. The height of the subject wall varies between 5 ½ and 6 feet tall. The SHO conditioned the April 2010 approval requiring the overheight wall to be reduced, removed, or relocated as part of any plan submitted in conjunction with the Modification approval.

The location of the wall varies between 5 and 16' from the edge of the paved road. Because the area between the wall and the paved road has been landscaped, it appears as though the wall observes the required ten-foot setback. Staff understands that fence and wall height limitations are related to both aesthetics and public safety. Transportation Planning Staff has determined that the existing location and height does not impede vehicle or pedestrian sight lines. The Single Family Design Board will have an opportunity to review and comment on the appearance of the existing wall on August 23, 2010.

**V. FINDINGS AND CONDITION**

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 Modification will allow a 5 ½ to 6' privacy wall on a corner lot, in a location that does not create a safety issue for the neighborhood.

Said approval is subject to a condition that the required design review process is followed and necessary building permit be obtained.

**Exhibits:**

- A. Site Plan (under separate cover)
- B. Applicant's letter dated July 11, 2010

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

July 11, 2010

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

RE: Modification Request for 333 Piedmont Rd, Santa Barbara, CA  
APN: 055-153-027: Land Use Zone: E-1

1. This is a corner lot residence with an existing Ivy Covered stone wall setback from the property line from minimum of 1' to 6'. From the right of way from a min of 8' to 20'+ . This wall has a variable height of 4.5' to 6' as it turns with the existing finish grade. This grade is sloping from the right of way and property line from 3% to over 30% + in some areas.

2. The modification requested is the approval of a fence/hedge in the front yard setback over the height of 3.5'.

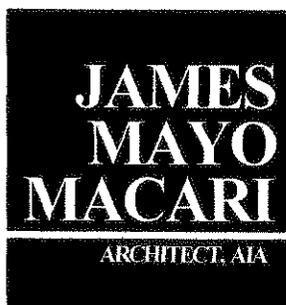
3. The new owner had purchased this property with the understanding from a current ZIR that the only infraction was a storage shed was erected in the front yard setback and was to be relocated or removed. The infraction of the front yard setback wall was not noted or cited.

A previous request for investigation several years before had concluded all ways and fences were permitted and approved by the Dept of Building and Safety.

Having completed a Modification and Single Family Design Review it was noted for this oversight but with no objection from these board previous to the final review and acceptance.

4. The obvious acceptance of this wall and its character within the neighborhood has been exhibited by the public hearings and neighborhood support of the already approved Modification to the existing building site.

The wall is so in character in the neighborhood with its privacy element of a large undeveloped lot with equally manicured landscaping within the walls.



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The location and grading of the roadway will allow for unobstructed views for motorists encountering the intersection of Piedmont Rd and Ontare Road. Whereas the opposite property and its landscaping creates more of a sight line problem than the subject wall and its location and encroachment.

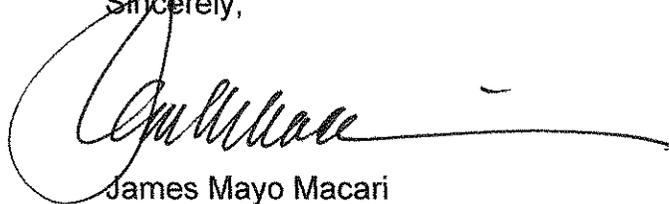
There are several conditions within the neighborhood that have equal or greater infractions. The neighboring residence to the east is actually built within the 30' front yard setback.

There are many neighboring properties exhibiting this same infraction with walls, fencing, landscaping in the front yard setbacks.

Driver visibility at intersections and sightlines are the utmost importance with relationship to walls, and landscaping. This wall and its conditions have no impact on this condition.

This encroachment has gone without objection for many, many years. The landscape attention to the wall and its style has added a pleasant feel and homogeneous character.

Sincerely,

A handwritten signature in cursive script, appearing to read 'James Mayo Macari', with a long horizontal flourish extending to the right.

James Mayo Macari  
Architect

