



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 20, 2011
AGENDA DATE: July 27, 2011
PROJECT ADDRESS: 33 E. Micheltorena Street (MST2011-00180)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RB*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The 2.73-acre site is currently developed with a school and seminary building. The proposed project involves permitting an existing 12-foot high hedge on an existing 6-foot high fence within 10 feet of the front lot line and within 50 feet of the corner at Arrellaga and Anacapa Streets. Also proposed are permitting an existing 12 foot high hedge on an existing 6-foot high fence along Anacapa Street, construction of new portions of the fence ranging from 6 to 9-foot high within 10 feet of the front lot line at Anacapa Street, construction of a new 8 foot high fence along Micheltorena Street and replacement of asphalt paving with a new planting area.

The discretionary application required for this project are Modifications to allow a fence and hedge to exceed three and one half feet in height within 10 feet of the front lot lines and to exceed three and one half feet in height within 50 feet of a street corner (SBMC §28.87.170 and §28.92.110).

Date Application Accepted: June 14, 2011

Date Action Required: September 14, 2011

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: | Gary Jensen | Property Owner: | Archdiocese of Los Angeles |
| Parcel Number: | 027-232-014 | Lot Area: | 2.73 acres |
| General Plan: | Offices & Residential, 12 Units per Acre | Zoning: | R-O |

Existing Use: School & Seminary Topography: 4% average slope
Adjacent Land Uses:
 North - Commercial East - Commercial/Residential
 South - Commercial West - Commercial/Residential

IV. BACKGROUND

The City has determined that existing fences on the site that are six feet in height or lower are legal and non-conforming to current zoning standards and that the existing over-height hedges and existing fences that exceed six feet in height are not legal.

The applicant's letter states that the grounds have been fenced and hedged since the 1950's based on testimonials from alumni and the age of the existing foliage. In addition, the applicant states that the proposed project is necessary due to repeated instances of entrance onto the campus by unauthorized persons and to the importance of securing the school grounds to protect students. The applicant also asserts that the hedge is necessary to confine balls and other sports equipment to the campus and states that the hedge has been trimmed to include six-foot radius arches between the ten-inch trunks to allow vision ports through the hedge.

V. DISCUSSION

The project was conceptually reviewed by the Historic Landmarks Commission (HLC) on May 11, 2011 and was forwarded to the Staff Hearing Officer with comments (see Exhibit C). The HLC stated that the requested modifications for overheight fences and hedges were supportable.

The intent of the fence and hedge height limitation of 3 ½ feet within 50 feet of a street corner is to provide vision clearance for drivers approaching intersections. Transportation Planning staff reviewed the project and determined that since Anacapa is a one-way street to the south, the hedge and fence will not impede driver's views of approaching vehicles and that pedestrian and vehicle conflicts are not a concern because site visibility is adequate due to the slower speed interface between pedestrians traveling up Anacapa Street and the stopped vehicles on Arrellaga Street. Staff can support the requested modifications to allow the fence and hedge height to exceed 3 ½ feet in height near the street corner, subject to a condition, because adequate vision clearance is provided at the corner of Arrellaga and Anacapa Streets, consistent with the intent of the Zoning Ordinance.

The intent of the 3½ foot height limitation on hedges and fences within ten feet of a front lot line is to provide for an visually open streetscape and front yard area in the residential, C-O and C-X Zones. Because the hedges are trimmed with large arches to provide visual access to the site while providing visual relief from the expanse of playground area, and considering the use as a school playground, staff supports the requested modifications for overheight hedges and fences within ten feet of Arrellaga and Anacapa Streets, subject to the condition requiring the arches in the hedges be maintained.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The fences and hedges are appropriate because they provide for safety and security of the school site, some visual screening of the playground and visual access through the arches, and adequate vision clearance at the corner of Arrellaga and Anacapa Streets.

Said approval is subject to a condition that the hedge(s) shall be trimmed and maintained to include the six-foot radius arches between the ten-inch trunks to allow vision ports through the hedge.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated June 14, 2011
- C. HLC Minutes dated May 11, 2011

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
(jlaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470



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June 14, 2011

City of Santa Barbara
Planning Department
Attn: Staff Hearing Officer
630 Garden St.
Santa Barbara, CA 93101

RECEIVED
JUN 14 2011

CITY OF SANTA BARBARA
PLANNING DIVISION

RE: Modifications for 33 E. Micheltorena Street A.P.N.: 027-232-014

Dear Staff Hearing Officer,

1. The existing property description and project proposal:

This 2.73 acre site has been a school since 1926 under various names such as Dolores Grammar School, Santa Barbara Catholic High School and Notre Dame School. The present three story building was opened in 1927. There is also a seminary building on the southwest side of the main school building. The grounds have been fenced and hedged since the 1950's based on testimonials from alumni and age dating of the existing foliage. The main school building faces Micheltorena Street. Between the main school building and Anacapa is an asphalt play yard. From the main school building to Arrellaga Street is an asphalt and lawn play yard. The campus is fenced on three sides: Anacapa Street, Arrellaga Street and the interior lot property line along the southwest side. There is no fence on each side of the main building facing Micheltorena Street.

The following project was proposed because of repeated instances of entrance onto the campus by unauthorized persons, some of which were in an apparent state of intoxication. It is prudent that children who attend this school be protected and that entry by the public be regulated by the staff.

This project proposes to add a new fence on each side of the main school building. On the southwest side the fence will extend from near the front corner of the building (which is setback from the property line on Micheltorena Street about 20 feet) to the southwest about 14 feet and then turn northwest about 37 feet to an existing concrete block garden wall. On the northeast side the fence will extend from near the corner of the building northwest about 40 feet to the property line along Anacapa Street, then turn northwest to a point where the existing property line hedge begins. The fence on each side of the main building will include a pedestrian gate. The fence along Anacapa will include a replacement pedestrian gate as well as a replacement sliding gate located about mid-block. The proposed fence on each side of the main building is proposed to be 8 feet tall and constructed of steel with vertical pickets. The proposed steel fence along Anacapa will be placed just behind an existing 24 inch tall sandstone wall that parallels the sidewalk.

There is an existing legal non-conforming 6 foot chain link fence along the northwesterly half of the frontage along Anacapa as well as all along the frontage of Arrellaga. A twelve foot tall hedge that was planted in the 1950's or before is growing integral to and above the existing 6 foot chain link fence on Anacapa Street and

EXHIBIT B



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along about 50% of the existing 6 foot chain link fence on Arrellaga Street. The hedge is trimmed with periodic 6 foot radius arches off the ground to provide visual holes through the hedge. The hedge surrounds the grass sports field and is an integral part of keeping balls and other play implements confined to campus and not bouncing into the street.

2. The modification request and justification:

Since this site is zoned R-O, Restricted Office, any fences or hedges within 10 feet of the front property line are limited to 42 inches in height, including any retaining walls within 4 feet. The proposed fence facing Anacapa Street is 8 feet tall and sits on top of an existing 24" tall sandstone wall at the sidewalk. This fence and the right angle section back 10 feet from the property line will require a modification. The replacement of the existing fence along Anacapa will be a visual upgrade from chain link to a steel fence with vertical pickets at 5 1/4" on center. The hedge at the new steel fence will also be replaced. The 8 foot high fence is necessary to protect the children who play in this area, but also to keep balls and other play implements confined to campus. A 6 foot fence will not do an adequate job.

The existing 12 foot high hedge above the 6 foot chain link fence next to the grass sport field on Anacapa Street will also need a modification. This hedge is necessary to confine balls and other sports implements to the campus. The hedge has been creatively trimmed to include 6 foot radius arches between the 10 inch trunks to allow vision ports through the hedge. These ports are effective for security plus they allow lateral views across the corner from Arrellaga Street to Anacapa Street.

3. The modification request and justification:

The existing 12 foot high hedge above the 6 foot chain link fence next to the grass sport field on Arrellaga Street will also need a modification. This hedge is necessary to confine balls and other sports implements to the campus. The hedge has been creatively trimmed to include 6 foot radius arches between the 10 inch trunks to allow vision ports through the hedge. These ports are effective for security plus they allow lateral views across the corner from Arrellaga Street to Anacapa Street.

4. The benefits:

The new fence facing Micheltorena is set back about 20 feet from the front property line. This area includes a flag pole surrounded by asphalt. There is a 3 foot high fence behind a sandstone wall next to the sidewalk. The asphalt and fence will all be removed and replaced with new landscaping, a gift to the beauty of the corner of Micheltorena Street and Anacapa Street.

The modification allows a tall fence to confine balls and other play implements to the campus which will enhance the safety of pedestrians and automobiles. Also it is beneficial to the students who will not have to venture into traffic to retrieve their play equipment.

The upgrade of the fence material will enhance the beauty of the campus for passing motorists and pedestrians.

The fence will also increase the security and safety of the children who attend Notre Dame School.



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5. Conclusion:

City Staff has instructed the school to apply for a modification for the current 12 ft. hedge and 8 ft. fence on Anacapa Street, and the 12 ft. hedge along Arrellaga Street. These modifications are vital for the safety of the vehicles traveling on these streets. Notre Dame Schools' playground is alive with Kindergartners through 8th graders. The hedge and fence protect playground balls from traveling into the street. With the current hedge height of twelve (12) feet, ninety percent (90%) of the balls remain on the field of play. The school has experienced near miss accidents with playground balls and equipment landing on vehicles traveling 30 to 40 m.p.h. down Anacapa Street.

The approval of this modification will legalize the existing fences and hedges that have been in this configuration since the 1950's, and likely before the zoning ordinance was adopted. The existing configuration, which we are asking to maintain, has not caused harm to the community in that period of time, other than the hazard of stray balls. Please approve this reasonable request to allow the taller fences and hedges to surround the play areas and sports fields.

Thank you for your attention to this matter.

Sincerely,



Joe Chenoweth
Notre Dame School
805-965-1033 x 203



DESIGN REVIEW ACTIVITIES SUMMARY

33 E MICHELTORENA ST (MST2011-00180)

NR ALTS

This is a revised project description: This is on the City's List of Potential Historic Resources: "Notre Dame School." Proposal to permit an existing 12 foot high hedge on a 6 foot high wall within 10 feet of the front lot line at the corner of Arrellega and Anacapa Streets, and for an existing 12 foot high hedge on an existing 6 foot high wall, with a replacement of a fence ranging from 6 to 9 feet high with a 12 foot high hedge within 10 feet of the front lot line at Anacapa Street. Also included in the proposal is to remove a portion of the existing asphalt paving at the corner of Anacapa and Micheltorena Streets for a new planting area. Staff Hearing Officer approval is requested for zoning modifications to allow the fence and hedge to exceed 3 1/2 feet in height at the front lot lines and to exceed 3 1/2 feet in height within 50 feet of a street corner. Other work previously requested under this application will be reviewed separately under MST2011-00286 and does not require a zoning modification.

Status: Pending

DISP

Date 3

HLC-Concept Review (New) - PH

CONT

05/11/11

(Project requires Environmental Assessment and Staff Hearing Officer review of Zoning Modifications.)

(3:38)

Present: Joe Chenoweth, Applicant

Public comment opened at 3:42 p.m.

Kellam de Forest, local resident, commented on the history of the fencing and its importance with respect to security.

Public comment closed at 3:44 p.m.

Motion: Continued indefinitely with the following comments:

1. Staff should refer this property to the HLC Designations Subcommittee for possibly designating the building as a Structure of Merit.
2. The modification for the 12 foot hedge and the eight foot fence within the front yard setback is supportable.
3. Provide a detail of the fence at half inch or greater scale.
4. Eliminate the scroll work on the pickets.
5. Extend the posts of the fence above the top rail and perhaps add a finial.
6. Demonstrate emergency access hardware.
7. Retain the scroll work on the handrail on the Micheltorena Street stair.
8. Seek determination from the Transportation Division on location of the vehicular gate on Anacapa Street.
9. The planting on the corner of Micheltorena and Anapaca Streets should be low in nature for visibility.

Action: La Voie/Boucher, 7/0/0. (Drury/Shallanberger absent.) Motion carried.

EXHIBIT C