



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 28, 2011
AGENDA DATE: October 5, 2011
PROJECT ADDRESS: 2521 Medcliff Road (MST2011-00208)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Daniel Gullett, Associate Planner *DPG*

I. PROJECT DESCRIPTION

Proposal to permit a portion of an "as-built" six-foot tall wood fence located within ten feet of the front lot line along La Jolla Circle and within 50 feet of the intersection of Medcliff Road and La Jolla Circle. A separate encroachment permit from the Public Works Department has been granted to allow fences to be located within the public right-of-way. The discretionary land use applications required for the project are Modifications to allow a portion of the as-built fence to exceed three and one half feet (3 ½') in height within ten feet of the front lot line and to exceed three and one half feet (3 ½') in height within 50 feet of the street corner (SBMC §28.87.170 and §28.92.110).

Date Application Accepted: September 7, 2011 Date Action Required: December 6, 2011

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project.

III. SITE INFORMATION

Applicant:	Tom Caesar	Property Owner:	Caesar Family Trust
Parcel Number:	041-330-034	Lot Area:	8,719 sq. ft.
General Plan:	Residential, 5 units/ac.	Zoning:	E-3/SD-3
Existing Use:	Single Family Residence	Topography:	Flat

Adjacent Land Uses:

North – Single-family Residence
 South - Single-family Residence

East - Single-family Residence
 West - Single-family Residence

IV. BACKGROUND

This project, in conjunction with the recorded Public Works encroachment permit, would abate violations identified in an open Zoning Enforcement case. The encroachment permit allows for the existing six foot tall fence to remain within the right-of-way, six feet from the curb on La Jolla Circle. Prior to construction of the new fence, the La Jolla right of way was so overgrown with vegetation that the City asked the property owner, Mr. Caesar, to reduce the vegetation to provide for visual clearance around the corner. Mr. Caesar asserts that a fence was located behind the removed vegetation and that he replaced the fence.

The encroachment permit also allows for the as-built concrete block posts to remain and for a 3.5 foot tall fence to be constructed in the Medcliff Road right-of-way. The as-built 3.5 foot tall fence along Medcliff and La Jolla is required to be relocated further from the street; it is currently three feet from the Medcliff curb and six feet from the La Jolla curb and would need to be moved to be 7.5 feet from the curb on Medcliff and approximately nine feet from the curb on La Jolla. A copy of the encroachment permit is attached at Exhibit C.

V. DISCUSSION

The subject request is to allow the "as-built" gate and section of the six-foot tall fence that returns to the house from the fence along La Jolla to exceed 3.5 feet within ten feet of the property line and within 50 feet of a street corner. The purposes of the limitations of fence height in these locations are to allow for visual clearance and an open streetscape for the neighborhood. Transportation Operations staff visited the site and concluded that the existing six-foot tall fencing provides for adequate visual clearance at that street corner.

Staff supports the requested Modification because this is a corner lot with two front yards, the overheight fence is not near a driveway, and the 15 foot section of fence and gate that is the subject of this Modification provide privacy for residents both inside and outside since there is a sliding glass door on the west elevation of the house near the "as-built" fence return.

The project was reviewed by the Single Family Design Board (SFDB) on consent on July 18, 2011. SFDB stated that the height and materials of the six foot fence were acceptable and expressed a preference that the fence be relocated to the property line. SFDB also stated that all flood lights were to be removed and replaced with standard light fixtures with minimal wattage and opaque glass.

A Coastal Exemption was granted on July 6, 2011 for the project.

VI. 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 proposed "as-built" fence is appropriate because it provides privacy for the existing residence and secures an outdoor area on a corner lot while adequately providing visual clearance for motorists and pedestrians at the street corner.

Said approval is subject to a condition that all previously unpermitted exterior lighting shall comply with the City's Outdoor Lighting Design Guidelines, subject to review and approval by the Single Family Design Board.

Exhibits:

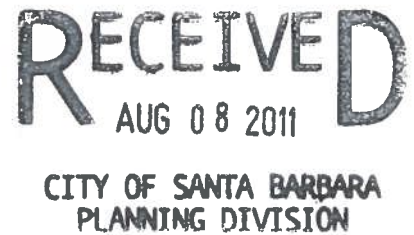
- A. Project plans (under separate cover)
- B. Applicant's letter, dated August 8, 2011
- C. Encroachment Permit
- D. SFDB Minutes

Contact/Case Planner: Daniel Gullett, Associate Planner
(dgullett@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4550

*Thomas E. & Janice Caesar
2521 Medcliff Road
Santa Barbara, CA. 93109*

August 8, 2011

Staff Hearing Officer
City of Santa Barbara
Community Development Dept. – Planning Commission
630 Garden Street
Santa Barbara, CA. 93102



RE: Modification Request for Fencing at 2521 Medcliff Rd,
"APN"- 041-330034, "LUZ" – E-3 / SD3

Dear Staff Hearing Officer:

1. This is an existing single family residence that required 6 ft. height replacement fencing to repair the old fence of the same height and in the same location. We decided to also erect a small portion of the new fence returning to the residence to enable some privacy. Previously, the view was obstructed due to large overgrown foliage that we removed at the neighbors request. While the fence facing La Jolla Dr. is a replacement, this small section is new to the property. I simply did not know nor understand that because it faces Medcliff Rd. that it exceeded the 42" height requirement.
2. The modification is: a). the acceptance of the La Jolla Dr. fence "return" to remain as built.
3. The major benefits are that with approval, it will still present an open and visually attractive yard front to passersby, and provide the privacy to our living area which otherwise would be exposed to public view.

Thank you for your consideration

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas E. & Janice Caesar". The signature is fluid and cursive.

Tom & Janice Caesar

EXHIBIT B

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
City of Santa Barbara)
Public Works Director)
P.O. Box 1990)
Santa Barbara, CA 93102-1990)

10
cew



2011-0042937

Recorded	REC FEE	42.00
Official Records		
County of	CONFORMED COPY	2.00
Santa Barbara		
Joseph E. Holland		
County Clerk Recorder		
04:24PM 28-Jul-2011	HH	Page 1 of 10

Location: 2521 Medcliff Road Space above line for Recorder's Use
APN: 041-330-034
Description: New 42" high wood fence in portion of public right of way.

MINOR ENCROACHMENT PERMIT

Pursuant to Chapter 10.55 (authorizing Minor Encroachment Permits) of the Municipal Code of the City of Santa Barbara, and subject to the terms, conditions and limitations therein, the Public Works Director of the City of Santa Barbara does hereby approve and authorize a MINOR ENCROACHMENT PERMIT according to the application and agreement of Owner(s), described herein.

The Owner(s) own the parcel of real property in the City of Santa Barbara, known as 2521 Medcliff Road, Santa Barbara County Assessor's APN 041-330-034 , as described in attached Exhibit A, in the City of Santa Barbara, County of Santa Barbara, State of California, in the office of the County Recorder of said County, hereinafter referred to as the "Real Property," which is undergoing onsite zoning enforcement abatement as described in ENF 2011-00086, and development improvements per MST2011-00208, BLD2011-00548, and related plans.

Owner(s) require a Minor Encroachment Permit pursuant to Chapter 10.55 of the Santa Barbara Municipal Code, for the following Encroachment: new 42" tall wood fence encroaching into the public right of way known as Medcliff Road and new 72" wood fence encroaching into the public right of way known as La Jolla Drive as generally shown on attached Exhibit B through B-3.

THE MINOR ENCROACHMENT as defined and graphically described herein IS HEREBY PERMITTED under the following terms, conditions and limitations:

1. Owner(s) shall construct only those improvements that are described and shown herein on attached Exhibit B through B-3, hereinafter "Encroachment", and subject to the conditions of this permit, said Chapter 10.55, and all applicable laws.
2. Owner(s) and all executors, administrators, assigns and successors in interest of Owner(s) in the Real Property shall assume, pay and hold all public agencies (and neighboring properties) harmless from any and all cost and expense for the construction, repair, condition and maintenance of the Encroachment.
3. All work relating to the Encroachment shall conform to recognized standards of construction and the Encroachment shall be maintained in a clean and safe manner. The maintenance of the Encroachment shall at all times comply with all applicable City, County, State and Federal laws and regulations. All required fees shall be paid and all required approvals and permits obtained prior to any construction work.

4. This Encroachment Permit may be revoked by City for failure of Owner(s) of the Real Property to comply with any term or condition hereof by written notice to the Owner of the Real Property (mailed to the address given on the available County Tax Assessor's records), given at least 30 days prior to the date of termination and identifying the reason for the revocation. Said Owner may reinstate the permit by taking appropriate action to fully restore compliance with the terms of the permit within such 30 day period. Upon any failure to fully restore compliance with the terms of the permit within such 30 day period, this Minor Encroachment Permit shall terminate. In such event, the Owner of the Real Property shall, at such Owner's sole expense, remove all improvements placed pursuant to this permit and any Encroachment or part thereof and restore the area as shall be required by the City Public Works Director.

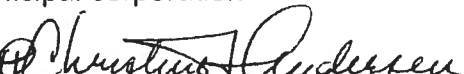
5. City may revoke this Minor Encroachment Permit or any part thereof with or without cause by written notice to the Owner of the Real Property (mailed to the address given on the available County Tax Assessor's records), given at least 180 days prior to the effective date of termination. In such event, the Owner of the Real Property shall, at such Owner's sole expense, remove all improvements placed pursuant to this permit and any Encroachment or part thereof and restore the area as shall be required by the City Public Works Director. This Minor Encroachment Permit shall terminate automatically at any time such Owner abandons or removes the Encroachment. If such Owner abandons or removes a portion of the Encroachment, this Encroachment Permit shall terminate as to the portion that is abandoned or removed.

6. If Owner(s) do not remove all improvements and any Encroachment and/or do not restore the area where the Encroachment was located upon termination or revocation of the permit, City shall be entitled to take possession of and remove the Encroachment, and restore said area at the expense of said Owner, charge said Owner for all such costs of removal and restoration, and may place a lien upon the Real Property to secure recovery of all such costs.

7. In the event City is required to perform additional work because of the Encroachment during the maintenance, repair, installation or reconstruction of any public facilities, the Owner(s) of the Real Property shall pay all such additional costs incurred in connection with said extra work within thirty (30) days of receiving a written, itemized statement of charges from City. In such event, such Owner(s) shall, at the Owner's sole expense, restore any portion of the Encroachment disturbed by City's operations when the City's work is completed.

8. The Owner(s) of the Real Property shall indemnify City, its officers, agents and employees against, and shall hold them harmless from any loss, costs, damage, expense (including all costs of investigation, defense and attorneys' fees), or liability by reason of injury or death of any person, or damage to or destruction of any property arising out of, or in connection with this Minor Encroachment Permit or the improvements permitted hereunder.

CITY OF SANTA BARBARA, a
municipal corporation

By: 
Christine F. Andersen
Public Works Director

Date: 26 July 2011

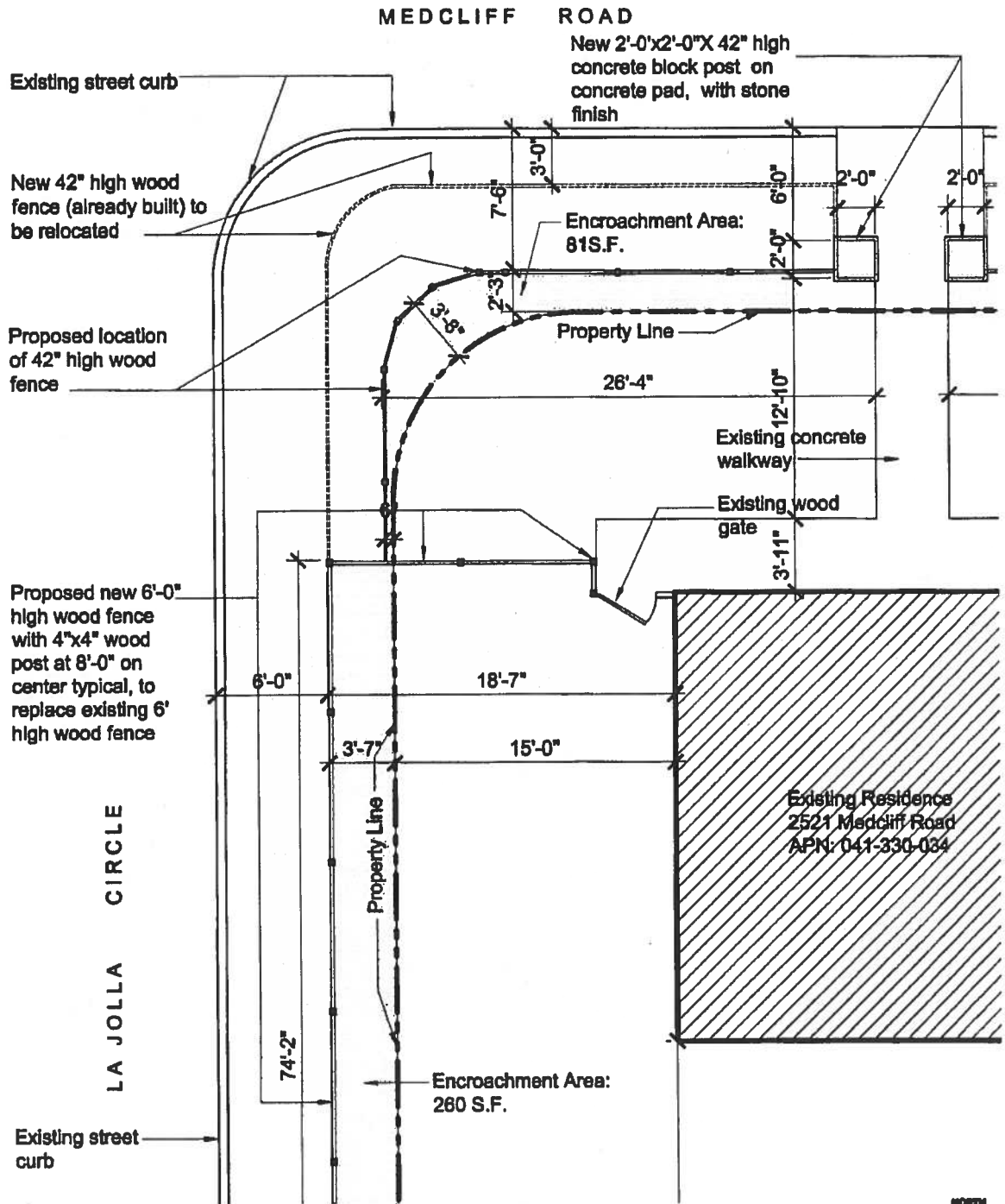


Exhibit B1 - Partial Site Plan

SCALE: 1/8" = 1'-0"



**TOM CAESAR RESIDENCE
ENCROACHMENT PERMIT
FENCING REPLACEMENT**

2521 MEDCLIFF ROAD
SANTA BARBARA, CA. 93109

DRAWN: M.V.
CHECKED: M.V.

JOB. NO: 1102
DATE: 6/31/2011

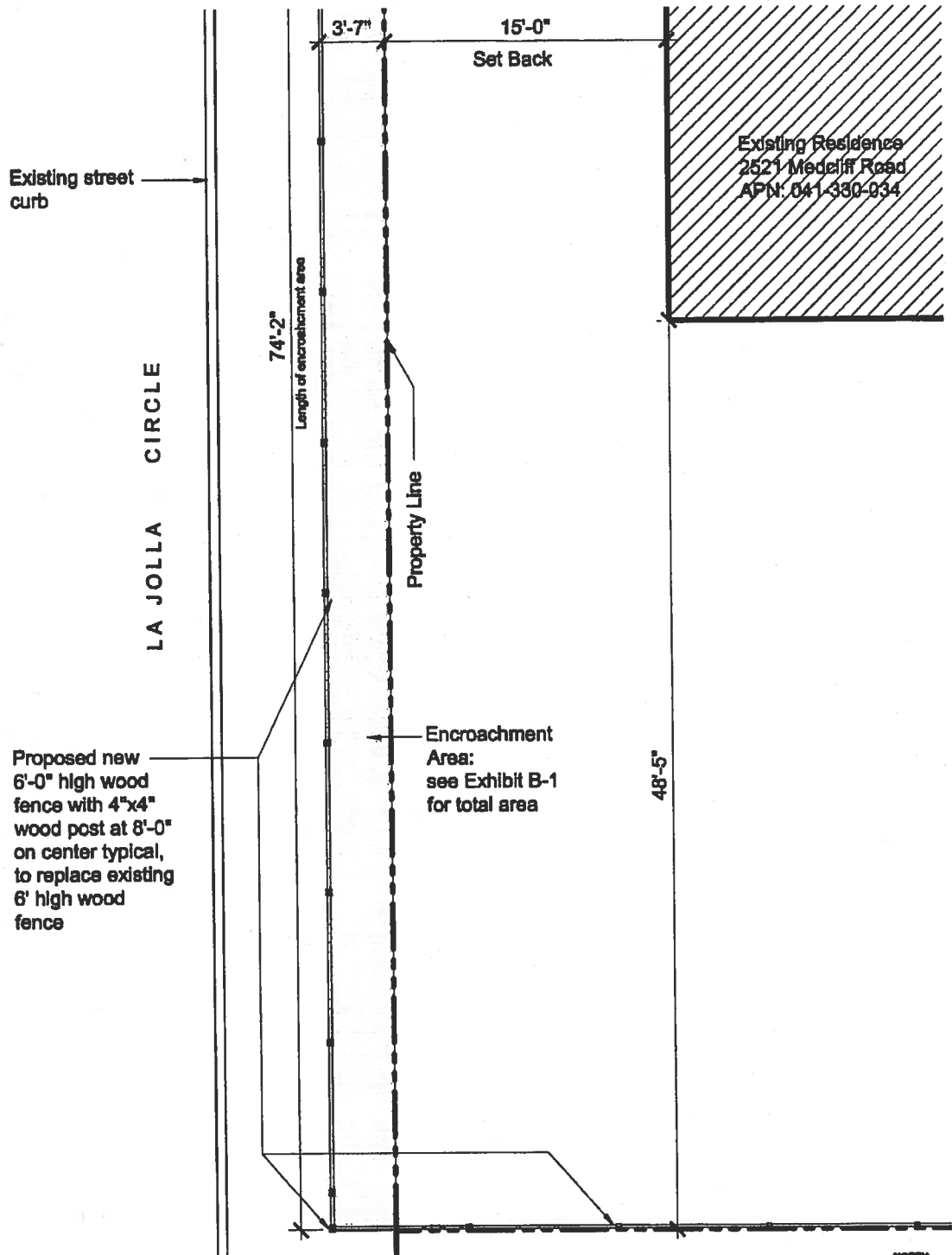



Exhibit B2 - Partial Site Plan

SCALE: 1/8" = 1'-0" 

**TOM CAESAR RESIDENCE
ENCROACHMENT PERMIT
FENCING REPLACEMENT**

2521 MEDCLIFF ROAD
SANTA BARBARA, CA. 93109

DRAWN: M.V.
CHECKED: M.V.

JOB. NO: 1102
DATE: 8/31/2011

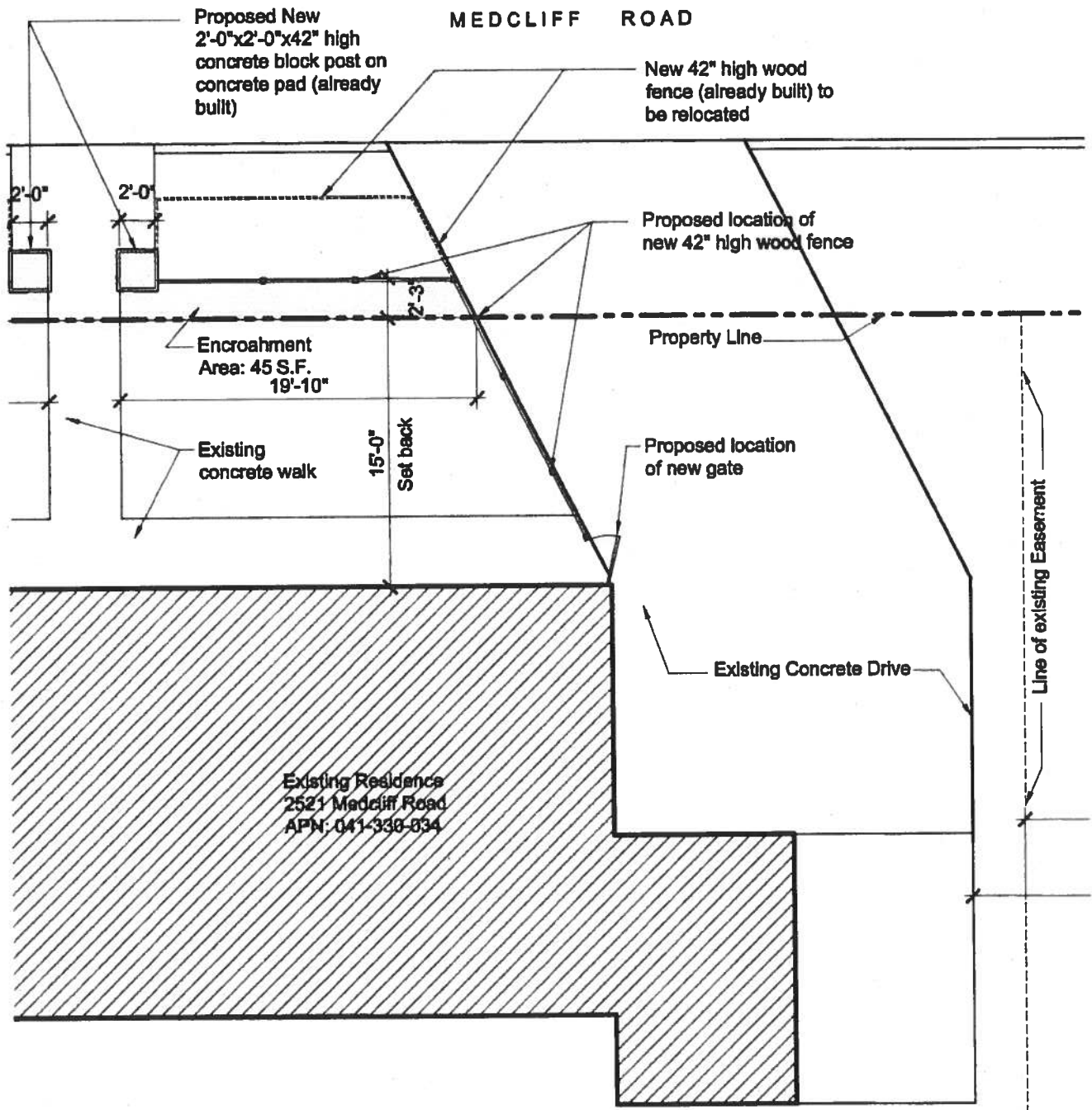


Exhibit B3 - Partial Site Plan

SCALE: 1/8" = 1'-0"



**TOM CAESAR RESIDENCE
ENCROACHMENT PERMIT
FENCING REPLACEMENT**

2521 MEDCLIFF ROAD
SANTA BARBARA, CA. 93109

DRAWN: M.V.
CHECKED: M.V.

JOB. NO: 1102
DATE: 6/3/2011

NEW ITEM**E. 2521 MEDCLIFF RD****E-3/SD-3 Zone**

Assessor's Parcel Number: 041-330-034
Application Number: MST2011-00208
Owner: Thomas Caesar Family Trust
Designer: Marcia Vail

(Proposal to permit the "as-built" replacement of an existing 74 linear foot six-foot tall wood fence located within required front setback and the right-of-way along La Jolla Circle, and to relocate an "as-built" 64 linear foot 3.5-foot tall wood fence located in the right-of-way along Medcliff Road. The parcel is currently developed with an existing one-story single-family residence. The improvements will address the enforcement issues identified in ENF2011-00086. The project requires Staff Hearing Officer review for a requested zoning modification to allow a portion of the existing "as-built" fence to exceed 3.5 feet in height within the required setback. This proposal also requires an encroachment permit from the Public Works Department to allow the construction of the fences to be located within the public right-of-way.)

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for a requested zoning modification.)

David Vanhoy, neighbor, expressed concerns regarding the proposed trees, their quantities, and location with regard to protecting his private views.

Emails and Letters expressing concerns from Susan Belloni, and Patricia and Anthony Craddock were acknowledged.

Continued indefinitely to Staff Hearing Officer (SHO) and return to Full Board with comments:

- 1) The Board would prefer the location of the proposed fence be located on the property line, and not in the public right-of-way.
- 2) The proposed height (maximum 6-feet) and materials are acceptable.
- 3) All flood lights are to be removed and replaced with the standard light fixtures with minimal wattage and use of opaque glass to comply with the Outdoor Lighting Design Guidelines.