



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** December 7, 2011  
**AGENDA DATE:** December 14, 2011  
**PROJECT ADDRESS:** 818 N. Voluntario St. (MST2011-00427)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Daniel Gullett, Associate Planner

### I. PROJECT DESCRIPTION

The proposed project involves permitting an "as-built" 18-foot-long, six-foot-tall redwood fence with a pedestrian gate located at the end of N. Voluntario Street. The discretionary application required for this project is a Modification to allow the fence to exceed 3.5 feet in height within ten feet of the front lot line.

Date Application Accepted: November 10, 2011    Date Action Required: February 8, 2012

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

### III. SITE INFORMATION

Applicant:	Greg Tice	Property Owner:	Greg Tice
Parcel Number:	031-060-044	Lot Area:	19,384 sq. ft.
General Plan:	Residential, 12 units/acre	Zoning:	R-2
Existing Use:	Two condominiums	Topography:	~20% avg. slope

#### Adjacent Land Uses:

North – Residential	East - Residential
South - Residential	West - Residential

### IV. DISCUSSION

The subject proposal to permit the as-built fence would partially abate violations identified in pending enforcement case ENF2011-00563.

The subject property is immediately adjacent to the entrance of a public trail easement connecting Voluntario and Canon Perdido Streets. Following recurrent complaints of nuisance activities and considering the difficulty of police enforcement at that location, the Police Department contacted Public Works staff requesting that adjacent property owners be allowed to construct a fence across the trail easement, at both ends, to block trail access. After pursuing alternatives to closing the trail, Public Works staff granted an encroachment permit for a six-foot-tall chain-link fence, which was subsequently erected to temporarily block trail access. For additional background on the trail easement and closure, please see the Transportation & Circulation Committee Staff Report attached as Exhibit C.

The subject six-foot-tall "as-built" redwood fence was constructed by the property owner to provide a continuous barrier at the end of the street to deter trespassing on the subject property by those seeking to bypass the adjacent chain-link fence.

The Zoning Ordinance limits fence heights within ten feet of a front lot line to 3.5 feet; however, given the adjacent historically-used trail, a 3.5-foot high fence would not provide an adequate physical limitation to prevent access to the trail on the subject property. The intent of the fence height limitation is to provide vision clearance and minimize conflicts between drivers and other users of the right-of-way, and to provide an open streetscape. Due to its location at the northern dead-end of N. Voluntario Street, the subject fence does not obstruct vision at any street intersection or driveway, and therefore, staff does not have safety concerns with the height of the as-built fence.

This project was reviewed by the Architectural Board of Review (ABR) at the November 28, 2011 Consent Hearing. ABR continued the project to the Staff Hearing Officer for consideration of the Modification, stating that the project poses no negative aesthetic impacts. ABR requested that the post next to the pedestrian gate be cut down to the height of the gate.

Due to the unreasonable hardship on the property owner to be limited to a 3.5-foot tall fence adjacent to the blocked trail easement, staff recommends approval of the "as-built" six-foot tall redwood fence.

#### **V. RECOMMENDED FINDING 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 and prevent unreasonable hardship. Given the City's decision to close public access to the trail and the allowed construction of a chain-link fence on one-half the width of the trail easement, the construction of a six-foot tall fence on the remaining half is appropriate to adequately restrict trespassing on the subject property.

Said approval is subject to the following conditions:

1. The redwood fence shall be fixed in place, and shall not be altered to allow for vehicular access into the property at this location. The pedestrian gate may remain, subject to conditions of approval by the Architectural Board of Review.

2. The unpermitted parking area on the subject property shall be re-landscaped subject to review and approval by the Architectural Board of Review.
3. The owner shall obtain an "as-built" permit for the fence and gate, and submit an accurate site plan and elevations depicting the "as-built" condition of the fence and gate.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant Letter dated November 7, 2011
- C. Transportation & Circulation Committee Staff Report dated September 23, 2011

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

Greg Tice  
818 N. Voluntario St  
Santa Barbara, CA 93103

November 7, 2011

Staff Hearing Officer  
City of Santa Barbara  
PO Box 1990  
Santa Barbara, CA 93102-1990

RECEIVED  
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CITY OF SANTA BARBARA  
PLANNING DEPARTMENT

Modification request for 818 N. Voluntario St, APN 310-060-042, R-2

There is an existing house (3200Sq ft), an attached two-car garage and a small plastic garden shed on the property. The house was permitted in 2007 with occupancy granted in 2009. Due to security issues relating to a public path running across our property, the SBPD requested and Public Works granted an encroachment permit to fence off said path. We replaced an existing chain link fence with a 6' high solid wood fence (fence is now fixed and contains a person door to access electric meter) to increase security and constructed a wooden deck (deck is not in interior yard setbacks) to place our plastic garden shed on at the same time the path was fenced off. We mistakenly believed the permit we received covered said wooden fence.

The modification being requested is to allow the 6' tall wooden fence to exceed the 3.5' height limit as this is necessary to provide maximum security and keep trespassers out. See attached letter from Daniel Gullett supporting fence modification.

The benefit of the higher fence is to provide enhanced security and keep trespassers out.

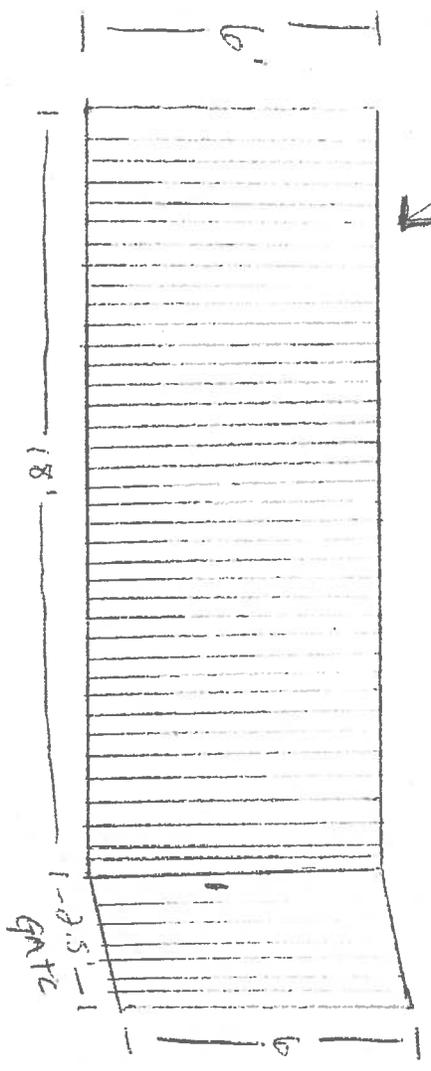
Sincerely,

Greg Tice

**EXHIBIT B**

# WEST ELEVATION

3" x 5/8"  
 RED CEDAR  
 SHAKED TO  
 MATCH WOOD  
 DETAIL ON  
 HB072



1/4" = 1'  
 ↗

Cheryl Tice  
 818 W. Volontarios  
 SAN, CA 93103  
 310-060-042  
 2-7



**City of Santa Barbara**  
**Transportation & Circulation Committee**  
*Staff Report*

**DATE:** September 23, 2011  
**TO:** Transportation & Circulation Committee (TCC)  
**FROM:** Browning Allen, Transportation Manager   
**SUBJECT:** Voluntario Street Trail Easement

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**RECOMMENDATION:**

That the Transportation and Circulation Committee hear a status report and concur with staff's pursuit of grants for improvements to the Voluntario Street Easement Trail.

**PROJECT LOCATION:**

The Voluntario Street Trail Easement is located between East De la Guerra Street and East Canon Perdido Street. It spans approximately 200 feet of the former Voluntario Street right of way (see attached vicinity map).

**PROJECT BACKGROUND:**

In 2004, the City abandoned for street purposes an approximate 200 foot long portion of the Voluntario Street right of way between East De la Guerra Street and East Canon Perdido Street, yet reserved a fifteen foot wide easement for trail purposes. The trail access is relatively steep at the Voluntario Street side, leading down to a drainage gully and then a gentler ascent to Canon Perdido Street. As part of an adjacent applicant's land development permit, an effort was made to make nominal improvements to the trail which would be maintained by the City. Though the trail is not a major circulation connector, it has been used by the surrounding neighborhood. The gully is off the street, somewhat sheltered from view and lacks lighting which has allowed it to be an attractor to loitering by individuals involved in numerous nuisance activities.

In February of 2010, due to recurrent complaints and enforcement difficulties, the Police Department (P.D.) contacted Public Works staff requesting that the adjacent neighbors be allowed to close the trail. Initially, Public Works did not support a closure, hoping that brush clearing and police attention would lesson undesirable activity. However, according to the P.D, illegal and unsafe activities continued unabated. After numerous contacts with adjacent neighbors and P.D. and with no plan or capital funds to improve the trail, Public Works agreed that the best solution was to allow a temporary closure of the trail easement. The adjacent neighbors were asked to apply for an administrative Minor Encroachment Permit to allow the closure, with fencing to be handled and paid at their expense. The neighbors moved forward and closed off the trail entrances in June of this year.

Soon after closure, some neighbors became concerned that the closure wasn't permitted and may be permanent. Public Works and P.D. staff met with members of the community at the site in July to review the history and the effect of the temporary closure. Some of the issues discussed by staff, applicants, and neighbors included the safety, fire hazards, recreation, drainage, . police

# Voluntario Trail

