



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** May 23, 2012  
**AGENDA DATE:** May 30, 2012  
**PROJECT ADDRESS:** 1924 Emerson Ave. (MST2012-00115)  
**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

The proposal involves permitting an "as-built," poured-in-place, concrete wall with sandstone cap along the northwest property line, a new two-foot-tall sandstone gravity wall in the front yard, and an extension of the existing stone wall with new 42-inch high guard rail in the front yard. The discretionary application required for this project is a Modification to allow the combination of walls to exceed the height limit of eight feet within the six-foot interior setback (SBMC §28.87.170 & 28.92.110). Modifications were approved by the Staff Hearing Officer in January 2010 for other elements of the overall project requiring discretionary approvals (Staff Hearing Officer Resolution 001-10).

Date Application Accepted: April 26, 2012

Date Action Required: July 25, 2012

### II. RECOMMENDATION

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

### III. SITE INFORMATION

Applicant:	Cearnal Andrulaitis, LLC	Property Owner:	Ken and Hilary Jacobsen
Parcel Number:	0258-401-014	Lot Area:	11,308 square feet
General Plan:	Medium Density Residential	Zoning:	R-2
Existing Use:	Two Residences	Topography:	15.3% slope

#### Adjacent Land Uses:

North – Single Family Residence  
 South – Single Family Residence

East - Single Family Residence  
 West - Single Family Residence

#### IV. DISCUSSION

The subject site is currently under construction with a project approved by the Staff Hearing Officer January 13, 2010. That project was for an addition to the front residence, construction of a second residence, and demolition and replacement of the garage on Emerson Avenue. Modifications were granted to allow changes to the windows, roof pitch and building height in an interior setback, change the garage footprint within the required front and interior setbacks, add a roof deck to the garage in the front setback, add uncovered parking in the front setback, construct an overheight wall adjacent to the uncovered parking, and to allow the front house to exceed the solar access height limitation.

The proposed project involves permitting an "as-built" poured-in-place, concrete wall along the northwestern property line, a new two-foot-tall sandstone gravity wall in the front yard, and an extension of the existing six-foot tall stone wall with new 42-inch high guard rail in front of the "as-built" wall. The Zoning Ordinance limits wall height to a maximum of eight feet within required setbacks. Because the three subject walls are separated horizontally by less than five feet, wall height is measured from the lowest point of the lowest wall to the highest point of the highest wall. In this case, the combined height of the walls would be approximately 13 feet, 10 inches.

The "as-built" concrete wall replaced a Eugenia hedge along the common property line and provides privacy for both properties. The neighbor immediately adjacent to the subject wall authored the applicant letter (attached as Exhibit B) and has expressed support of the project. The adjacent buildings have windows that line up with each other and the neighboring property has outdoor living space next to the wall. The grade on the adjacent property is approximately one foot lower than the subject property along the wall.

This project was reviewed by the Architectural Board of Review (ABR) on April 2, 2012 (hearing minutes attached as Exhibit C). At that hearing, the ABR stated that it would support the modification if sufficient planting was provided to fully screen the concrete wall material. The proposed lower sandstone gravity wall would provide planting area for screening vegetation, and the architect proposes to include vines to cover the concrete portion of the wall.

As constructed and proposed, staff does not believe the combination of walls is an appropriate improvement. Due to its height, location, and the topography of the area, the property line wall is a prominent structure in the Emerson Avenue streetscape and appears to be out of scale. Staff could support the requested Modification if the property line wall was reduced in height by two feet from the front end of the wall to the plane of the house behind the front porch (approximately 12 linear feet). The two foot height reduction would result in the property line wall itself being reduced to approximately eight feet maximum in this section. This section of the wall is the most visible portion of the wall from the street and provides a separation between the front porch and front yard of the subject property and the house and front yard of the neighboring property. The proposed project, with reduction of the wall height in this section, in combination with landscape screening, would provide an appropriate improvement.

**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 overheight combination of walls is appropriate because the walls provide privacy between properties with existing development and the walls would be adequately screened with vegetation. Due to the topography, walls conforming to the eight foot height limitation would not provide privacy from neighbors that other flatter properties in the area can have with conforming eight foot walls.

Said approval is subject to the following conditions:

1. The "as-built" poured-in-place concrete wall along the northwest property line shall be reduced in height by a minimum of two feet, for the section between the end of the wall closest to Emerson Avenue and the front plane of the house behind the front porch (approximately 12 linear feet).
2. Screening vegetation for the subject property line wall shall be provided subject to review and approval by the Single Family Design Board, and shall be maintained in perpetuity. A note to this effect shall be reproduced on the landscape plan
3. The proposed air conditioning unit for the main residence shall be removed from the required 1,250 square-foot Open Yard.

**Exhibits:**

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 21, 2012
- C. ABR Minutes

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

**DUDEK**

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**CITY OF SANTA BARBARA  
PLANNING DIVISION**

March 21, 2012

City of Santa Barbara  
Planning Division  
630 Garden Street  
Santa Barbara, CA 93101

Attention: Michelle Bedard

**SUBJECT:** Request for Modification of Zoning Ordinance Wall/Fence Height Limitation  
Single Family Residential Remodel, 1924 Emerson Avenue, City of Santa Barbara

Dear Michelle:

Please accept this letter on behalf of the project applicant as a formal request for a Modification of Zoning Ordinance Wall/Fence Height Limitations relative to the residential addition and remodel project currently in progress at 1924 Emerson Avenue.

Under Santa Barbara Municipal Code (SBMC) Section 28.92.110, a landowner may request a modification to seek relief from the absolute height limit for fences/walls located within a yard setback:

3. *Fences, screens, walls, and hedges. A modification of fence, screen, wall and hedge regulations where the modification is necessary to secure an appropriate improvement on a lot and is consistent with the purposes and intent of this Title.*

Unlike a variance, where unique hardship for the individual property owner must be demonstrated in order for the variance to be approved, the standard of review for a modification is simply:

- B.2. *If granted, the modification would not significantly affect persons or property owners other than those entitled to notice.*

For the record, I own the property and reside at 1930 Emerson Avenue, which is immediately adjacent to the subject property and which abuts the wall for which this modification is being sought. You should have in the project file a separate letter from me supporting the existing configuration of the wall.

**EXHIBIT B**

### Project Description

The modification request seeks approval of the site wall along the common property boundary between 1924 and 1930 Emerson Avenue, as currently constructed. Specifically, the height modification would address the portion of this wall spanning the yard level containing the primary residential structures; this wall segment varies in height from approximately 7.5 to 9 feet above the natural grade adjacent to the wall. Please refer to the architecture plan set for wall location, height call-outs of the wall, and cross-sections illustrating the wall and other site improvements.

### Property History

Both 1924 and 1930 Emerson were constructed early in the history of the Riviera neighborhood, along an early street system that provided access to the Mission. Given the rather steep topography above Emerson Avenue, the practice at the time was to construct a carriage house at the street level (as far from the house as possible), then place the house on a graded bench or terrace above the top elevation of the garage. In order to save on grading, land at the rear of the house was alternatively either left as a steep slope, or another terrace was created for the balance of the property.

The result of the original construction on these adjacent properties was a pair of neighboring homes with the same first floor elevation, separated by less than 15 feet, and with almost every window aligning with that of the neighboring home. The original solution provided to give each property owner sufficient privacy in both yard and home was the installation of a Eugenia hedge, which evidently quickly grew to a height of approximately 9 feet. Unfortunately, it also grew to a width of up to eight feet, consuming a fair portion of the adjoining side yards. The hedge had curly-leaf, periodically needed to be treated with fungicide and pesticide, and once trimmed back to recapture yard-space, contained significant gaps between trunks.

In the planning of the current property renovation, the Jacobsens consulted with both neighbors regarding the acceptability of replacing the hedge with a wall or fence, which was immediately deemed acceptable by both neighbors. As opposed to the hedge, the concrete wall provides positive drainage control, structural support for the grade change between properties (retaining function), virtually eliminates maintenance requirements, and is a completely effective barrier to migration of the resident dogs on all three properties. The concrete wall is superior in function to the hedge, and in retrospect, the hedge at the height it was maintained for at least the most recent decade technically required the same modification.

### Wall Relationship to Site Improvements

The Jacobsens have taken extraordinary care to plan and implement a comprehensive renovation that addresses the property holistically, creating a system of graceful terraces and generous open space to surround the preserved main residence and a new second residence of the same architectural vernacular. The Jacobsens have been conscientious property owners, electing a restoration route rather than pursuing a replacement multi-family structure on this large lot. A sacrifice of preserving the main house, however, is that it is located very close to the neighboring house at 1930 Emerson. The enjoyment of the main living floor for the 1924 Emerson home, and the enjoyment for the interior and exterior living area for the neighboring property at 1930 Emerson, would be severely impacted with absence of this wall; even modest lowering of the wall would reduce the privacy that has been enjoyed by both property owners from their time of purchase, as achieved by the former hedge. My professional opinion is that the wall as constructed represents *"an appropriate improvement on a lot and is consistent with the purposes and intent of this Title"*.

The wall intimately relates to both adjacent homes, as well as to the grade upon which it sits. With respect to the houses, the top of the wall elevation is level, and remains a fixed elevation above the finish floor elevation of the homes. As you walk from room to room, the wall height is a constant reference out each window. It provides a strong visual tie from indoor to outdoor environment, seemingly an extension of the structure. With respect to grade, the wall spans the entire width of the bench upon which the house is located at 1930 Emerson Avenue. The wall terminates at the back corner of the garage, which was (and remains) the original retaining structure for the house terrace. The site wall therefore simply mimics the grade on the 1930 Emerson property; the height of this wall in fact matches the top elevation for the historic stone retaining wall that separates the house level from the rear yard level at 1930 Emerson Avenue. From all perspectives on the 1930 Emerson Avenue property, the wall appears to naturally fit in with the original development concept for the property.

The Jacobsens plan to introduce some additional terracing or planters, again clad in natural sandstone that rivals the best stone work in the neighborhood, along the side of the entry stairs and landings for the main house. This will substantially reduce the effective elevation difference between the top of the wall and the area below the front of the house, which was naturally fairly sloping in nature. The reconstruction of the garage at the southwest corner of the property would block views of the wall from southerly portions of Emerson Avenue, and vegetation within the median planter area of Emerson Avenue limits the overall visibility of the property from across Emerson Avenue or from Montgomery Street.

Wall Relationship to Neighborhood Character

The Riviera, even the Lower Riviera and Mission neighborhoods, is punctuated if not defined by pronounced grade changes and prominent walls (retaining or other). Examples abound of existing walls that are at least as high as the requested modification height, and/or are more visually dominant than the wall in current condition.

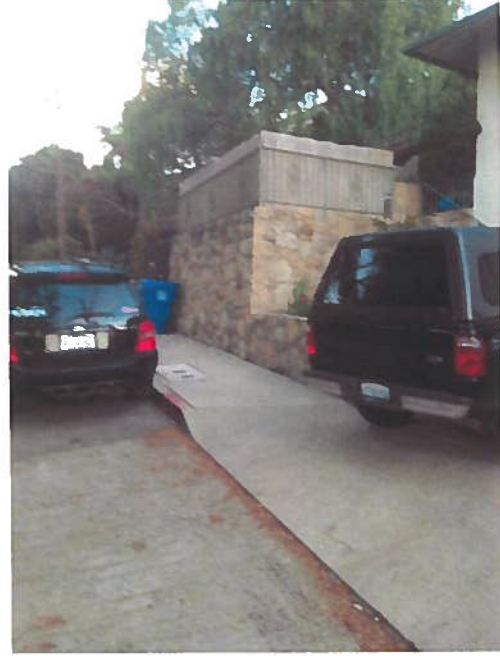
Below is a perspective including the existing wall (for which the modification is sought) in the upper middle portion of the photo, taken from the sidewalk in front of 1930 Emerson, at the property mid-point. Note the wall has an apparent or effective height less than the height of the garage wall, below.



Here are other walls in the neighborhood, each more obtrusive to the walking or driving public than the existing site wall.



Garage Wall – 1930 Emerson Avenue



Retaining wall – Emerson Avenue



Garage wall – 2018 Emerson



Carport wall & deck - Emerson





Site wall, back of sidewalk, Mission below Laguna



Site walls – New Roosevelt School

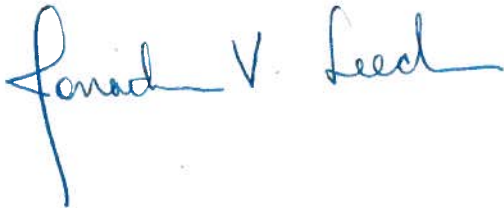
*Request for Modification of Site Wall Height Limitation  
1924 Emerson Avenue  
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Some of the neighborhood wall examples literally tower over pedestrians as they are walking on the adjacent sidewalks. The closest distance a member of the public would come to the wall for which this modification is proposed is 20 feet, and there would be at least two intervening grade changes between the sidewalk vantage point and the wall location.

From off-site perspectives, I believe the wall will not be a visually distinct element, because it repeats a vertical surface theme contained on the property itself (represented by the broad garage side walls), and is situated to relate to the two adjacent structures which are substantially taller than the wall. The present situation of the wall, without the proposed terracing, planters, and vegetation is more stark than would be the finished configuration, and therefore may have drawn the concern of one or two people in the neighborhood that are not privy to the design plans.

Should you have any questions regarding this modification request, I hope that you will not hesitate to contact me at 805-963-0651 or via email at [jleech@dudek.com](mailto:jleech@dudek.com).

Sincerely,

A handwritten signature in blue ink that reads "Jonathan V. Leech". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke extending to the right.

Jonathan V. Leech, AICP  
Senior Environmental Planner

Cc: Ken & Hillary Jacobsen, Applicants

## Architectural Board of Review Minutes

April 2, 2012

1924 EMERSON AVENUE

Assessor's Parcel Number: 025-401-014  
Application Number: MST2012-00115  
Owner: Troy & Ken Jacobsen  
Architect: Cearnal Andrulaitis

(Proposal for additional site improvements including new poured in place concrete walls with sandstone cap, changes to fences, new ground-mounted air-conditioning units, and an extension to the six-foot stone wall in the front yard. The eight-foot wood fence will remain where indicated on the plans. This project will address violations in ENF2012-00047. The property is developed with two existing dwelling units. Staff Hearing Officer review of a modification is requested for a portion of a concrete wall to exceed the height limit of eight feet.)

**(Project requires environmental assessment and Staff Hearing Officer review of a modification.)**

Actual time: 4:18

Present: Brian Cearnal, Architect; Lisa Liles, Designer; Jonathan Leech, Adjacent Property Owner

Jonathan Leech, adjacent neighbor, spoke in favor of the project.

Public comment was opened at 4:32 p.m.

Gary Atkins, neighbor, asked about air conditioning location, and associated noise.

Jan Whitland, neighbor to the north, prefers a hedge in lieu of the wall as was previous to construction.

Public comment was closed at 4:37 p.m.

**Motion: Continued indefinitely to the Staff Hearing Officer and return to the Full Board with the following comments:**

1. The Board feels the as-built fence at the rear property line should be lowered as requested by the adjacent neighbor.
2. Resolve the planting design at the rear of the property with participation of the adjacent neighbor.
3. A modification for height of the as-built wall is supported if sufficient planting is provided to fully screen the concrete material. A landscape plan is required as verification that planting is to be accomplished.
4. Provide details for screening of the as-built air conditioning locations. Provide verification that the enclosures meet acoustic requirements of the zoning ordinance.
5. Applicant is encouraged to employ an arborist to monitor site work so as not to adversely affect the existing oak trees.

Action:  
absent.)

Rivera/Poole, 5/0/1. Motion carried. (Gradin abstained. Zink