RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO APPROVE FENCES, SCREENS, WALLS AND HEDGES GUIDELINES CONSISTENT WITH SANTA BARBARA MUNICIPAL CODE SECTION 28.87.170

WHEREAS, on April 8, 2014, the City of Santa Barbara adopted Municipal Code Ordinance Amendments related to the allowed location and height of fences, screens, walls and hedges on private property;

WHEREAS, maintaining fair and consistent application of regulations within the City is an important goal;

WHEREAS, one of the key tenets to adopting the amended regulations related to fences, screens, walls and hedges is to provide clarity and flexibility in their application;

WHEREAS, the Fences, Screens, Walls and Hedges Guidelines clarify certain aspects of the regulations best explained in layperson's terms, diagrams and pictures;

WHEREAS, the Fences, Screens, Walls and Hedges Guidelines describe and depict how regulations are applied in unique circumstances and provide parameters for which exceptions to the standards may be considered by staff;

WHEREAS, under the provisions of Article 19, Section 15305 of the California Environmental Quality Act (CEQA) Guidelines; the adoption of guidelines for the implementation of regulations related to fences, screens, walls and hedges has been determined by staff to qualify for a Categorical Exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

The Fences, Screens, Walls and Hedges Guidelines, attached hereto as an Exhibit, are hereby adopted.

EXHIBIT

City of Santa Barbara

Fences, Screens, Walls and Hedges Guidelines

April 2014

INTRODUCTION

Purpose of the Fences, Screens, Walls and Hedges Guidelines

The Fences, Screens, Walls and Hedges Guidelines have been developed to assist in the implementation of Santa Barbara Municipal Code Section 28.87.170. These guidelines explain, in user-friendly terms and diagrams, the application of the standards in various situations and provide criteria for circumstances that may qualify for Administrative approval of exceptions to the standards.

Relationship to Other Documents

- **Relationship to the Zoning Ordinance**. The Zoning Ordinance (Title 28 of the Municipal Code) contains standards to which development must comply. In the event of a conflict between these Guidelines and the Municipal Code, the Code requirements prevail. These Guidelines are intended to augment the Municipal Code by providing additional detail and some examples of methods available to comply with the Code.
- **Relationship to Other Guidelines**. Many other City Guidelines provide direction regarding physical development, architectural style, site design and landscaping. The Fences, Screens, Walls and Hedges Guidelines are compatible with, and are not meant to contradict or take the place of, other applicable Guidelines. For example, the Fences, Screens, Walls and Hedges Guidelines primarily address the allowed location and height of fences, screens, walls and hedges. The exact material, color, width and style of any of those elements may be subject to other guidelines (e.g., Single Family Design Board General Design Guidelines and Meeting Procedures), as applicable.

GUIDELINES

Measuring Height

Per SBMC §28.87.170.B.3, the height of a fence, screen, wall or hedge shall be measured in a vertical line from the lowest point of contact with the ground directly adjacent to either side of the fence, screen, wall or hedge to the highest point of the fence, screen, wall or hedge along said vertical line. [Figure 1]

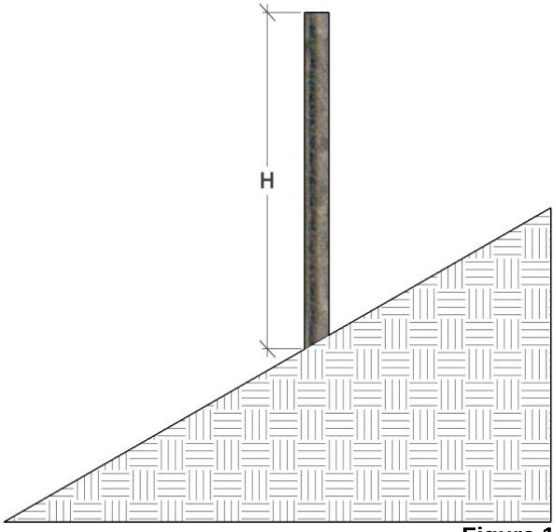

Figure 1

Horizontal Separation

Per SBMC §28.87.170.B.4, if there is a horizontal separation of **at least** five feet (5') between fences, screens, walls or hedges, the height shall be measured separately for each fence, screen, wall or hedge. The horizontal separation shall be measured from the "back" face of the lower fence, screen, wall or hedge to the "front" face of the higher fence, screen, wall or hedge. [Figure 2]

Also per SBMC§28.87.170.B.4, if there is a horizontal separation **less than** five feet (5') between fences, screens, walls or hedges, the height shall be measured as the cumulative vertical distance from the lowest point of the lowest fence, screen, wall or hedge to the highest point of other fences, screens, walls or hedges. The horizontal separation shall be measured from the "back" face of the lower fence, screen, wall or hedge to the "front" face of the higher fence, screen, wall or hedge. [Figures 3 through 5]

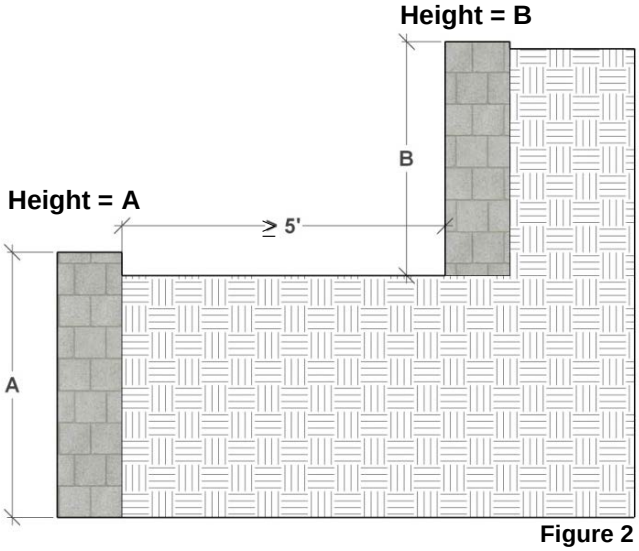

Figure 2

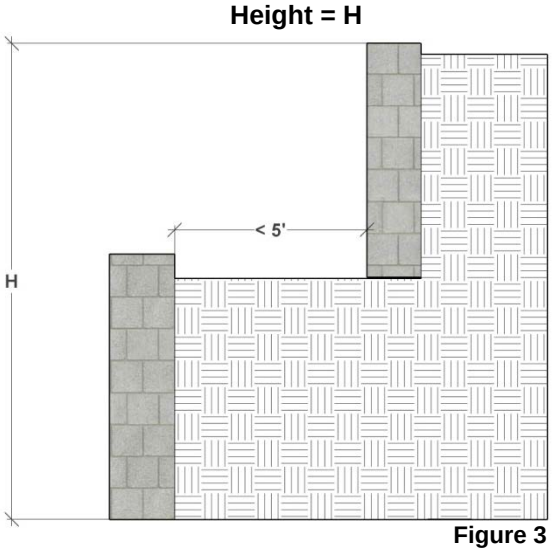

Figure 3

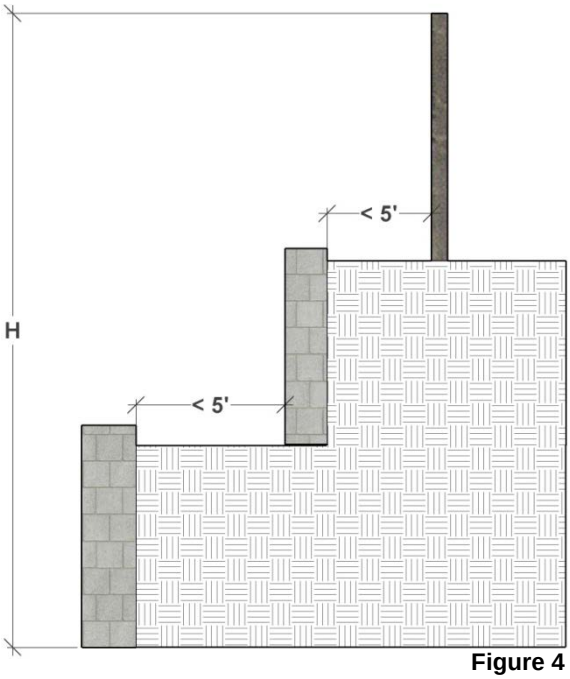

Figure 4

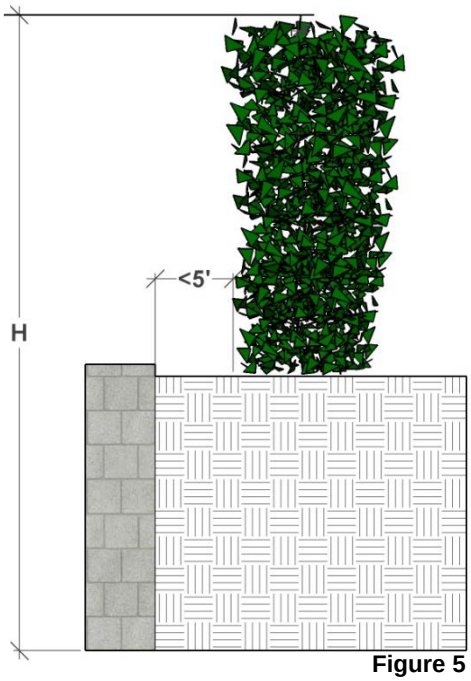

Figure 5

Retaining Walls

Where fences, screens, walls or hedges are located on retaining walls, the portion of the retaining wall above finished grade shall be considered as part of the overall height of the fence, screen, wall or hedge.

Guardrails

Per SBMC §28.87.170.C.5, a guardrail may extend above the maximum height of a fence or wall, but only to the minimum extent required for safety by the California Building Code (CBC Section 1013.2). To qualify for this exception to the height limit, safety guardrails themselves must be predominantly transparent. Some examples of guardrails that meet the intent of "predominantly transparent" are shown in Figures 6 through 8, below.

Figure 6

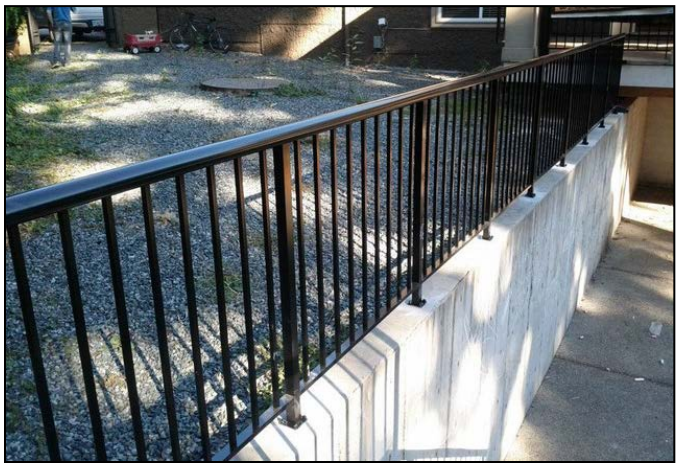

Figure 7

Guardrails or similar features proposed voluntarily to address an abrupt change in grade or perceived safety issue, and not explicitly required by the CBC, may exceed the height limit, subject to Administrative review and approval, and will be evaluated on a case-by-case basis.

Figure 8

Figure 9

Guardrails that are not predominantly transparent (Figure 9) may exceed the height limit if necessary to achieve consistency with the architectural style of the site, subject to Administrative review and approval, and will be evaluated on a case-by-case basis.

Driveways

Per SBMC §28.87.170.C.3 and D.3, no fence, screen, wall or hedge exceeding a height of three and one-half feet (3-1/2') shall be located within a triangular area (also referred to as "visibility triangle" or "sightline") on either side of a driveway, as described in the following scenarios.

When a driveway directly abuts a portion of a street improved with a sidewalk and parkway, the triangle is measured on two sides by a distance of ten feet (10') from the side of a driveway and ten feet (10') back from the front lot line [Figure 10].

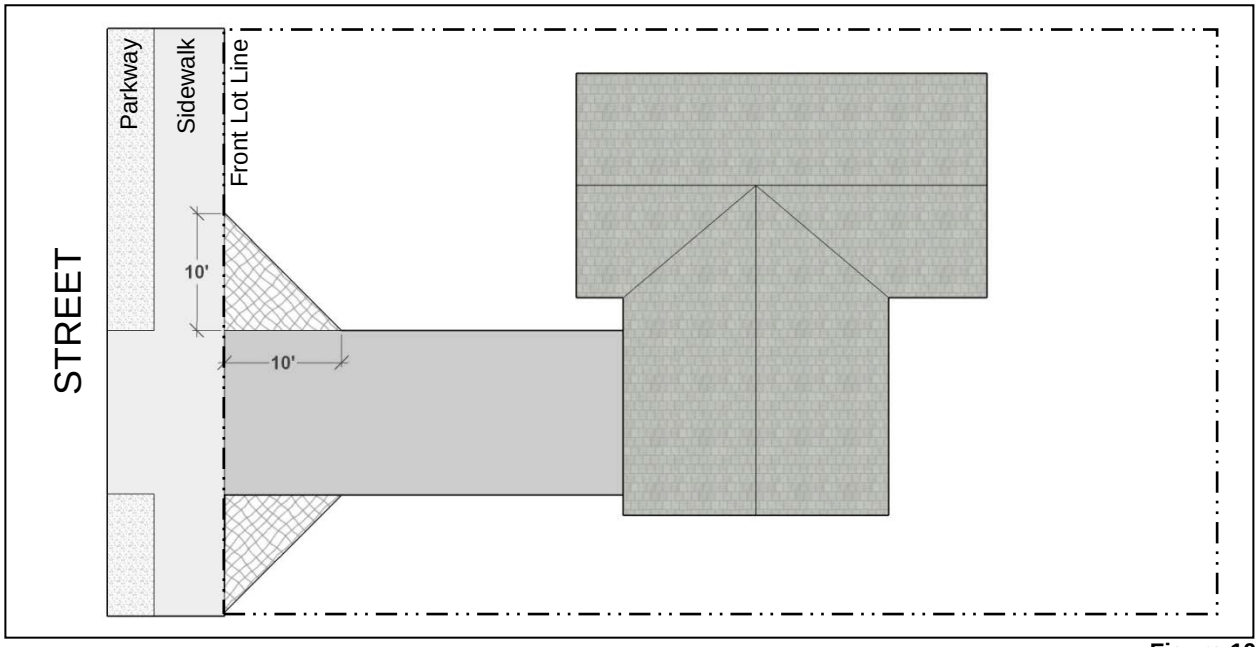

Figure 10

Figure 11 provides an example of how this provision may apply to a driveway not aligned perpendicularly to the street, which occurs in many locations throughout the community.

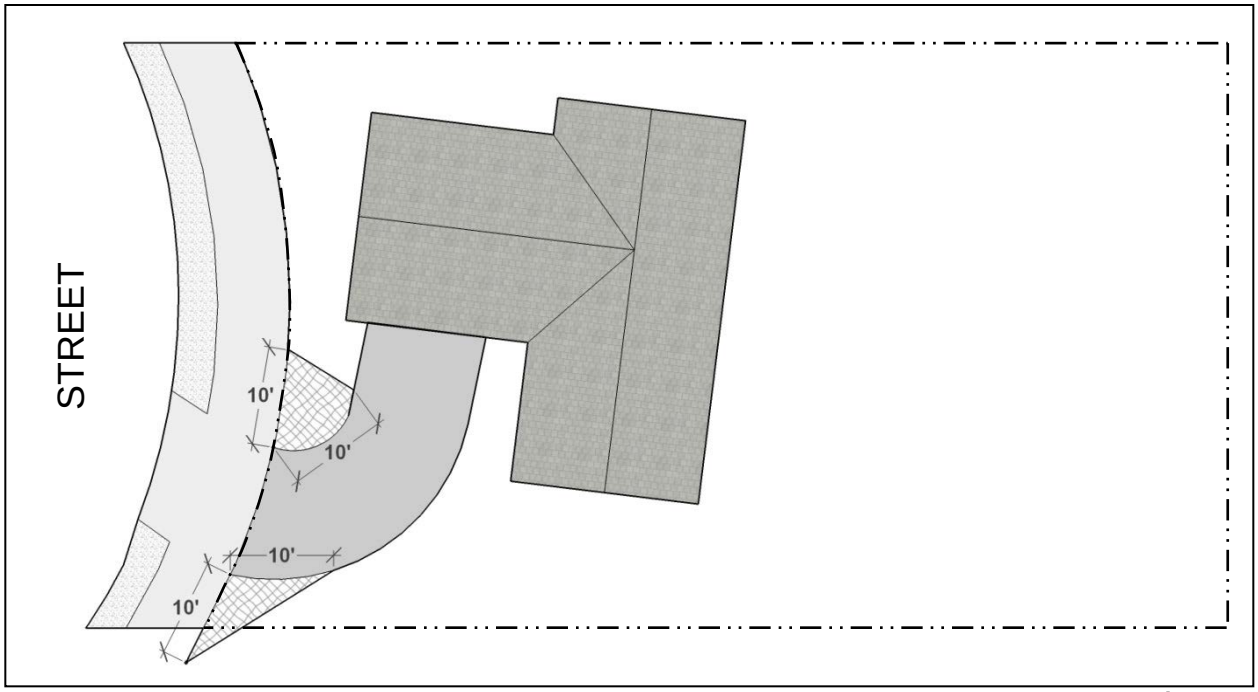

Figure 11

When a driveway directly abuts a portion of a street without a sidewalk or parkway, the triangle is measured on two sides by a distance of twenty feet (20') from the side of a driveway and ten feet (10') back from the front lot line. [Figure 12]

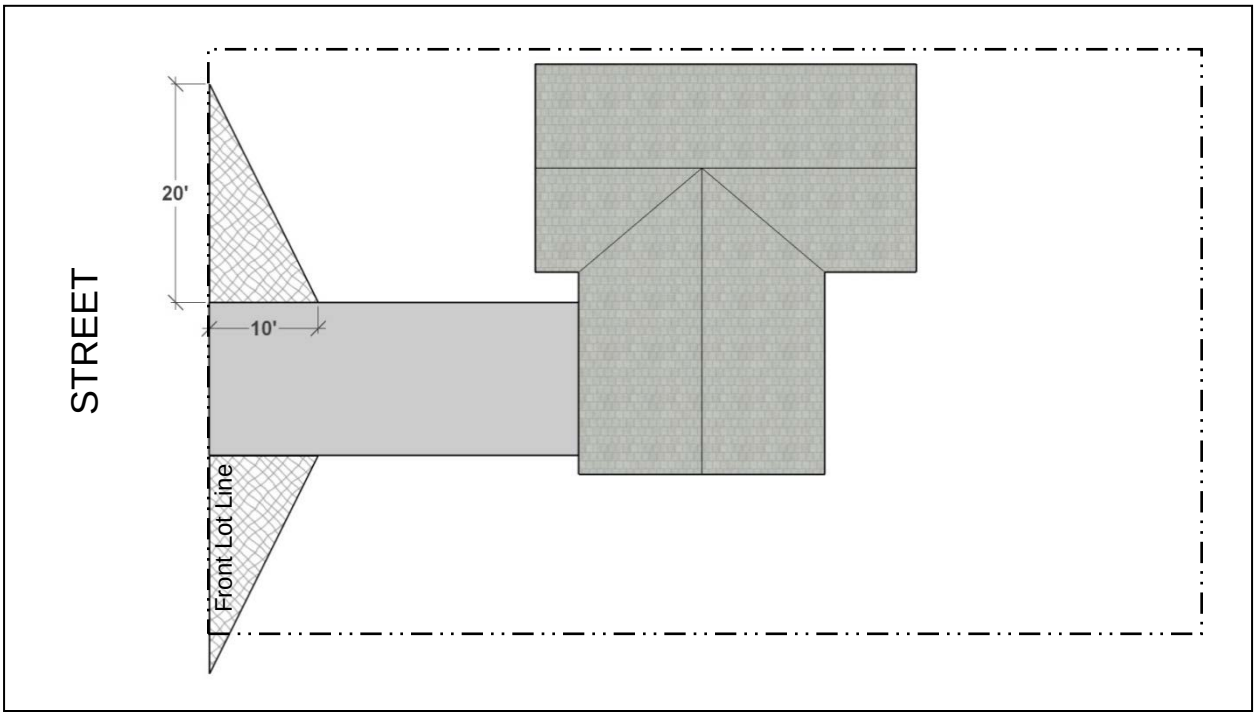

Figure 12

Corner Lots

Per SBMC §28.87.170.C.4 and D.4, the height and location of fences, screens, walls, or hedges located within the required "Intersection Sight Distance" (see Figure 13) shall be evaluated by Public Works Staff on a case-by-case basis. The required sight distance is established based on legal vehicle speed and the position of the driver's eye in relation to the intersection. Fences, screens, walls or hedges located adjacent to intersections controlled by an all-way stop are not subject to additional height restrictions pursuant to this subsection. Use of this template does not preclude the need for additional visibility due to site-specific conditions.

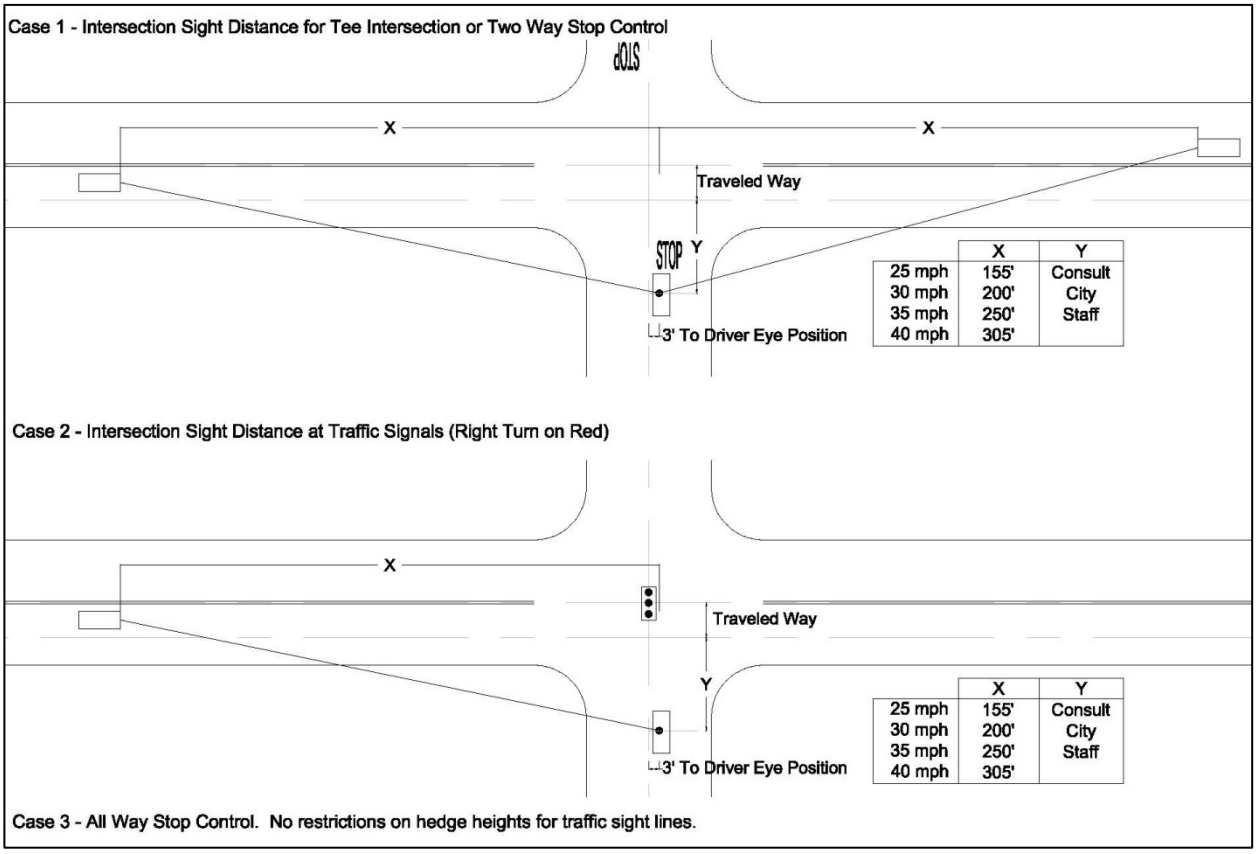

Figure 13

Entryway Arbor

An entryway arbor is intended to provide a decorative gateway to the property and define the pedestrian entrance from the street. To meet the provisions of SBMC §28.87.170.C.7, an entryway arbor must be used in combination with, and attached to, a fence or wall. A free-standing arbor or similar element is subject to the provisions of SBMC §28.87.062 (Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachment).

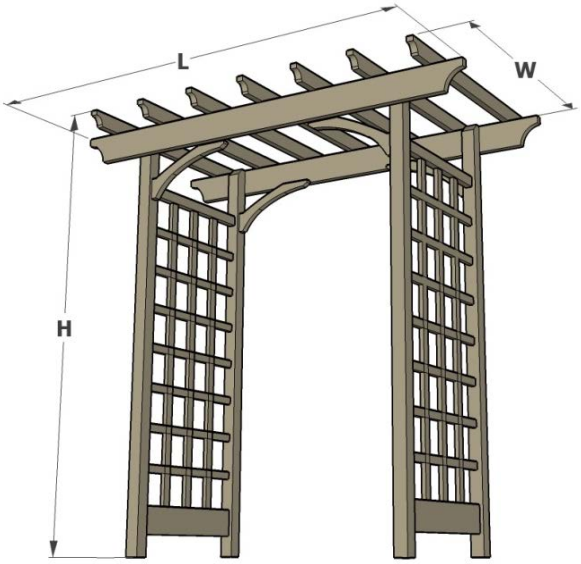

Figure 14

The square footage of the arbor shall be determined by the area located within the rectangle formed around the posts of the arbor or the roof portion of the arbor, whichever dimension is larger, as shown in Figures 14 and 15. The height is measured from the lowest point of contact with the ground directly adjacent to the arbor to the highest point of the arbor.

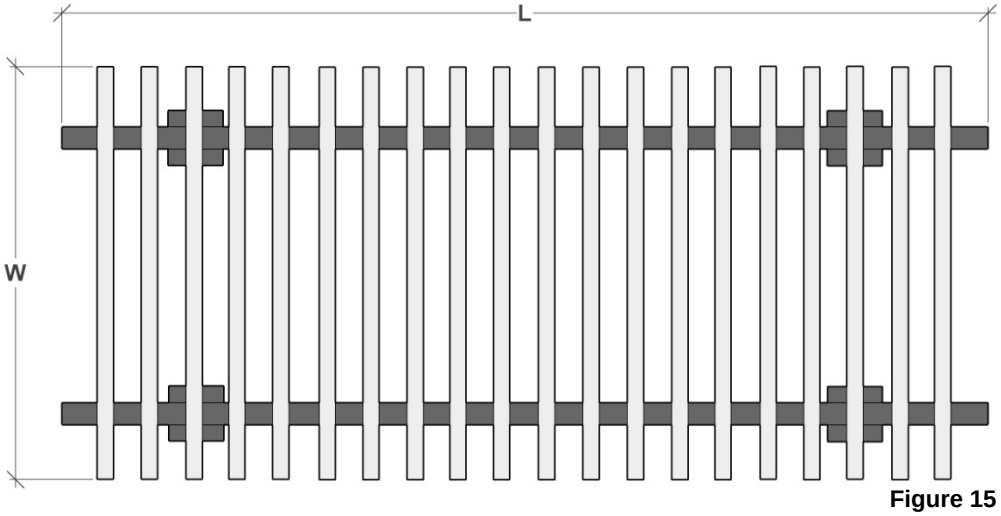

Figure 15

Consistent with SBMC §28.87.170.C.7, an entryway arbor must be substantially open, with no solid walls or roof. Exceptions to this provision may be evaluated on a case-by-case basis, subject to Administrative review and approval.

Gates or doors that meet the location and height limitations of SBMC §28.87.170 may be allowed within the frame of an entryway arbor. A gate or door may exceed the height limit, subject to Administrative review and approval, as long as the height, width, and visual transparency of the gate or door remain consistent with the intent to provide a welcoming entry feature to the property and does not obstruct sight lines for motorists, cyclists, or pedestrians.

ADMINISTRATIVE REVIEW AND APPROVAL OF MINOR EXCEPTIONS

Pursuant to SBMC §28.87.170.E, the following minor exceptions to the subject standards may be considered for approval administratively by the Community Development Director or Public Works Director (or the Directors' designee), if the necessary findings are made. If any of the required findings cannot be made, the owner/applicant has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

Exceptions to Height Limits

Due to variations in lot size, configuration, and topography (both on- and off-site), flexibility in the height of fences, screens, walls or hedges may be warranted to allow an improvement similar to that enjoyed by other properties in the neighborhood. In all cases, the necessary sightlines for driveways and street corners must be met. Some examples of where exceptions may be considered within interior and front setbacks and along front lot lines, and potential conditions for approval, are described below.

Interior Setbacks

Within interior setbacks (ranging from 5 to 15 feet in residential zones), fences, screens, walls and hedges are limited to eight feet (8') in height. Fences and walls, may, upon granting Administrative approval, exceed the height limit within interior setbacks by no more than four feet (4'). Screens and hedges, may, upon granting Administrative approval, exceed the height limit within interior setbacks by no more than six feet (6'). An owner/applicant who desires a fence or wall to extend more than 12 feet in height within an interior setback has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110. An owner/applicant who desires a screen or hedge to extend more than 14 feet in height within an interior setback has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

Factors that may typically warrant special consideration and a possible exception include, but are not limited to, the following:

- An abrupt difference in elevation on either side of the fence, screen, wall or hedge
- The presence of a retaining wall or series of retaining walls
- The need to install a code-required security fence or wall around a pool
- A desire for additional privacy or security, with the agreement of adjacent property owner(s)

Methods to mitigate the actual or apparent height of the improvement, such as the following, are desirable and may be required as a condition of Administrative approval:

- Provide adequate separation between vertical elements (e.g., retaining wall system) to allow space for plantings between the walls or fences. Refer to the Single Family Residence Design Guidelines for appropriate treatment of retaining walls.
- Use vines or trellises and other climbing plants to screen the additional height

- Incorporate visually transparent elements (e.g., wrought iron, forged steel tubing, wood pickets)
- Use color and/or materials that soften the appearance of the fence or wall
- Undulate or break up the wall or fence into sections, to minimize the overall continuous length

Front Setbacks

Within front setbacks (ranging from 10 to 35 feet in residential zones), fences, screens, walls and hedges are limited to eight feet (8') in height. A fence, screen, wall or hedge, or combination thereof, located at least ten feet back from the front lot line may, upon granting Administrative approval, exceed the height limit within front setbacks by no more than four feet (4'). An owner/applicant who desires a fence, screen, wall or hedge to extend more than 12 feet in height within a front setback has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

Factors that may typically warrant special consideration and a possible exception include, but are not limited to, the following:

- An abrupt difference in elevation on either side of the fence, screen, wall or hedge
- The presence of a retaining wall or series of retaining walls
- The need to install a code-required security fence or wall around a pool
- A desire/need to secure a secondary front yard
- A desire/need to buffer noise from a busy street

Methods to mitigate the actual or apparent height of the improvement, as outlined above, are desirable and may be required as a condition of Administrative approval.

Front Lot Lines

Within ten feet (10') of a front lot line, fences and walls are limited to three and one-half feet (3 ½') in height, and screens and hedges are limited to eight feet (8'). A fence, screen, wall or hedge, or combination thereof, may, upon granting Administrative approval, exceed this height limit by no more than four feet (4'). An owner/applicant who desires a fence or wall extend more than 7 ½ feet in height, or a screen or hedge to extend more than 12 feet, within ten feet of a front lot line has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

Elements along front lot lines are typically much more visible to the public and, therefore, require additional scrutiny and consideration beyond approval by staff. This is reinforced by the fact that the Municipal Code (SBMC §22.69.020.C.8) requires review and approval by the Single Family Design Board for walls, fences or gates greater than 3 ½' in height within front yards. Although the installation of screens or hedges may not in all cases trigger design review, as a matter of policy, Staff will refer to the appropriate design review board most applications for requests to exceed the height limit within ten feet of a front lot line.

Factors that may typically warrant special consideration and a possible exception include, but are not limited to, the following:

- An abrupt difference in elevation on either side of the fence, screen, wall or hedge, particularly if the elevation of the public right of way is above the elevation of the private property (see Figures 16 and 17 for examples).
- The presence of a retaining wall or series of retaining walls
- The need to install a code-required security fence or wall around a pool
- A desire/need to secure a secondary front yard
- A desire/need to buffer noise from a busy street

Methods to mitigate the actual or apparent height of the improvement, as outlined above, are desirable and may be required as a condition of Administrative approval.

When evaluating requests to exceed the height limit within ten feet of a front property line, the methodology for measuring the maximum height may differ from that stated in SBMC §28.87.170.B.3. In situations where no obvious public purpose would be served by measuring the height from the lowest point of contact with the ground directly adjacent to the fence, screen, wall or hedge, such improvement may instead be measured from the elevation of the nearest adjacent sidewalk or curb (Figure 16) or, where no sidewalk or curb exists, the elevation of the right-of-way surface nearest to the fence, screen, wall or hedge (Figure 17). This will typically apply in situations where the elevation of the street is above the elevation of the subject property and the most significant portion of the height is visible primarily to the property owner(s), and not the public.

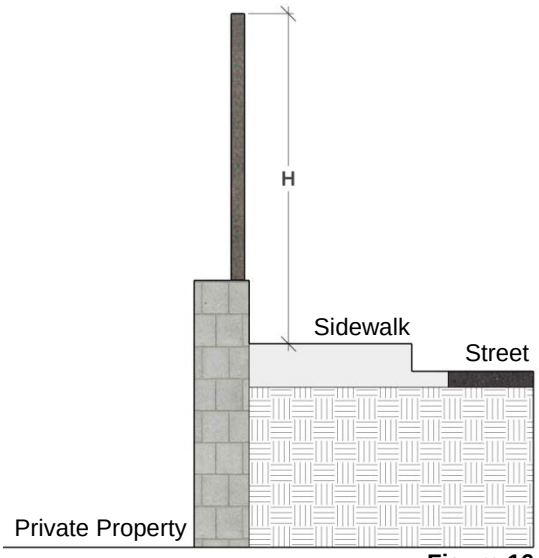

Figure 16

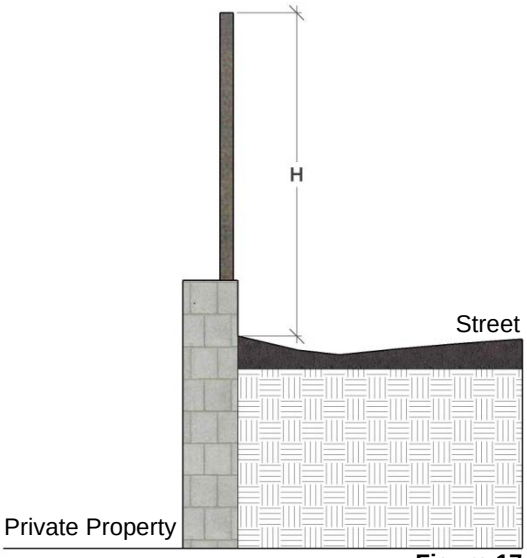

Figure 17

<u>Exceptions for Decorative Elements</u>

Decorative elements (e.g., pilaster caps, finials, posts, lighting fixtures, or similar decorative features) in excess of the size and spacing allowed by SBMC §28.87.170.C.6 may, upon granting Administrative approval, be allowed if the general amount (in terms of volume) of encroachment into the height, over the length of the fence or wall is, on average, relatively the same as allowed by the Municipal Code.

The Code allows decorative elements not wider than nine inches (9") by nine inches (9") to exceed the maximum height of any fence or wall by not more than twelve inches (12"), provided such features are spaced not less than six feet (6') apart, measured on-center. Two examples of generally equivalent exceptions include, but are not limited, to:

- Pilasters that are twelve inches (12") by twelve inches (12") wide and that exceed the height limit by six inches (6") and are spaced six feet (6') apart
- Lighting fixtures that are seven inches (7") by seven inches (7") wide and that exceed the height limit by fifteen inches (15") and are spaced five feet (5') apart

DESIGN REVIEW

The Municipal Code currently requires design review of certain applications for fences, walls or gates, as outlined below. In cases where an exception request triggers design review, staff will rely to a great extent on the appropriate advisory group to provide input on the aesthetics of an exception request prior to making a final Administrative decision on height.

Single Family Design Board

Pursuant to SBMC §22.69.020.C.7 and 22.69.020.C.8 (excerpts cited below), a building permit to construct, alter, or add to the exterior of a single family residential unit or related accessory structure (including fences and walls) on any lot shall be referred to the Single Family Design Board for design review if the permit involves the following:

7. The construction, alteration or addition of a retaining wall that is six feet (6') or greater in height, or
8. The construction, alteration or addition of a wall fence or gate in the front yard of the lot that is greater than three and one-half feet (3 ½') in height.

Historic Landmarks Commission

Pursuant to SBMC §22.22.130.A, no structure or real property in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark Districts shall be constructed, demolished, moved or altered on its exterior without the approval of the Historic Landmarks Commission (HLC). Further, SBMC §22.22.130.D states that no natural feature (including landscaping) affecting the visual qualities of private property located in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark Districts shall be placed, altered or removed without the approval of the HLC.

Architectural Board of Review

Pursuant to SBMC §22.68.020.B, a building permit to construct, alter or add to the exterior of a duplex or multi-family residential buildings and related accessory structures (including fences and walls) shall be referred to the Architectural Board of Review for design review.