Agenda Item No. 15

File Code No. 640.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 1, 2014

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Update On Municipal Code Amendments Related To Fences, Screens, Walls And Hedges

RECOMMENDATION: That Council:

A. Receive an update from staff on three items following the adoption of Municipal Code amendments related to fences, screens, walls and hedges; and

B. Adopt, by reading of title only, 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.

DISCUSSION:

Background

On March 25, 2014, City Council introduced, and subsequently adopted on April 8, 2014, Municipal Code amendments related to fences, screens, walls and hedges (see Attachment 2). Also adopted was a Resolution to approve the *Fences, Screens, Walls and Hedges Guidelines*. During deliberation of the amended regulations, three topics warranted further discussion. Staff was directed to return within 90 days of ordinance adoption with recommendations regarding: 1) “standing” for someone to file a hedge complaint; 2) administrative procedures for Zoning Information Reports and building permit plan check related to the enforcement of hedges; and 3) measuring the height of hedges separately from retaining walls.

Standing to File a Hedge Complaint

Several Councilmembers expressed a desire to manage hedge complaints in some manner, so that one could not file complaints on multiple properties that seemingly have little to no adverse effect on the reporting party. Staff explored various options to address this concern. For the reasons explained below, Staff continues to recommend that Council maintain the current practice of not requiring special standing for filing a complaint.

Staff believes that the recent increase in allowed hedge height (up to 8' in all required yards), with the option to request up to an additional 4' to 6' through the Administrative Review process, will bring a significant number of existing hedges into compliance and inherently lessen the potential for violations.

Staff considered the suggestion that a reporting party's property be investigated for the same potential hedge violation for which they file a complaint (e.g., the "glass house" rule). This practice may result in fewer complaints, but it would not necessarily deter someone who just recently abated hedge violations on their own property from filing a series of complaints on others out of spite, which was one of the primary reasons to consider altering this administrative practice.

Another idea that was considered, but is not recommended, is to charge a fee for filing a complaint or to charge a fee for filing complaints over a specified number. Staff does not support charging a fee to file a complaint, as it would unfairly burden lower income persons from enjoying the same level of regulatory protection as those who can more easily afford to file complaints, and may deter people from filing higher priority, safety-related complaints.
Staff could limit complaints to only those directly affected by a hedge; however, defining "affected" is challenging. Limiting it to those within a radius of 300 feet, for example, may capture the majority of persons most affected by a hedge, but it would not account for many people who are affected by over-height hedges as they walk, bicycle or drive more than one block from their home. Staff could prioritize complaints received according to the reporting party's physical proximity to the hedge, which would not prohibit someone from filing a complaint, but would place it lower on the priority list. In reality, this may not do much to alter enforcement practices, as a cursory analysis of hedge complaints over the last 12 years indicates that a vast majority are from people who live very near to the offending hedge.

Hedge Enforcement

The Council expressed a desire to limit the enforcement of hedges to complaints and safety issues. Staff reviewed our past practice for enforcement of hedges, and will make the changes described in this section. Staff has no intention to begin proactively enforcing hedge heights, unless deemed a safety hazard.

Staff is typically made aware of over-height hedges in one of three ways: 1) a complaint received from the public; 2) a violation noted in a Zoning Information Report (ZIR); or 3) during an application review process from a note on project plans, site visit or photos.

Up until recently, staff identified over-height hedges in ZIRs as one of many potential zoning violations on a residential property. A long-standing practice requires building code and zoning violations noted in ZIRs to be abated either along with any other code enforcement action on the property or as part of a subsequent application for a building

permit. In order to better prioritize staff resources and address concerns related to this administrative practice, staff will begin noting over-height hedges in ZIRs as an informational item only and they will not be subject to enforcement unless a complaint is filed or they are deemed a safety hazard (e.g., blocking visibility from a driveway). Ongoing collaboration with the Santa Barbara Association of Realtors will likely result in a change to the overall ZIR format to better prioritize health and safety-related violations and may include an attached list of zoning regulations that typically apply to residential properties (including fence and hedge regulations), as information only.

Similarly, since hedges do not require a building permit to install, unlike walls or fences over 3½' in height, staff recently stopped asking project applicants to identify the location and height of hedges on plans submitted for building permits. We intend to continue that practice, with the exception of hedges, walls, or fences located within ten feet of driveways, as there is a valid public safety concern in that area of a property.

With these recent administrative policy changes, most hedges currently out of compliance with the regulations could presumably remain in place until such time that a complaint is filed and enforcement action results in a lower height.

Measuring Hedges Atop Retaining Walls

Since at least 1982, the cumulative height of fences, screens, walls and hedges has been measured from the lowest point of contact with the ground to the highest point of the fence, screen, wall or hedge, unless separated horizontally by at least five feet. At the March 25 meeting, Council directed staff to consider measuring the height of hedges separately when set atop existing retaining walls, particularly those constructed prior to 1957. Although not explicitly stated, staff's understanding is that the Council was primarily referring to walls and hedges along front lot lines, as they are most visible to the public and walls in that location are likely the result of establishing the lot elevations and grade for the downtown street network and older neighborhoods, such as those near the Mission.

The recently amended regulations allow 3½' high walls or 8' high hedges (or up to a 3½' high wall with a hedge on top, for a total combined height of 8') within ten feet of a front lot line (see Attachment 1 for some examples of allowed hedge/wall combinations). With administrative approval, a wall or hedge (or combination thereof) in that location could extend an additional four feet in height. Therefore, without amending the regulations or revising the *Fences, Screens, Walls and Hedges Guidelines* (Guidelines), a 7½' high wall with a 4½' high hedge on top, for a total of 12 feet, could be allowed within ten feet of a front lot line. Along interior setbacks, up to a 12' high wall with a 2' high hedge on top, for a total of 14 feet, could be allowed with administrative approval.

Given the increased heights allowed by the recently amended regulations, flexibility provided by the administrative approval process, and the potential unintended consequences to do otherwise, Staff recommends that hedges atop retaining walls

continue to be measured cumulatively, unless separated horizontally by at least five feet.

To allow for additional flexibility for nonconforming walls specifically, staff proposes revisions to the Guidelines to allow nonconforming walls to make up a larger portion of the allowed height of a wall/hedge combination, so long as the overall height of a nonconforming wall and hedge does not exceed the maximum allowed height of a hedge alone (8' in all required yards, with the option to request up to an additional 4' in the front and 6' along interior setbacks). Through the administrative approval process, this allowance could result in a 1' high hedge atop a nonconforming 11' high wall (or some combination thereof totaling 12') within ten feet of the front lot line, or a 1' high hedge atop a nonconforming 13' high wall (or some combination thereof totaling 14') along interior setbacks (additional diagrams depicting the flexibility for nonconforming walls are shown in Attachment 1 and on pages 10 and 11 of the revised Guidelines).

ATTACHMENT:
1. Examples of Hedge/Wall Combinations
2. Ordinance No. 5650 Amending Municipal Code Relating to Fences, Walls, and Hedges

PREPARED BY: Renee Brooke, AICP, Senior Planner

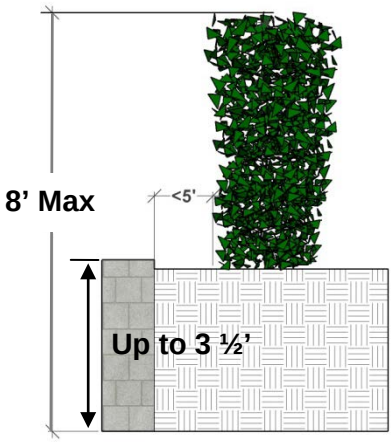
SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

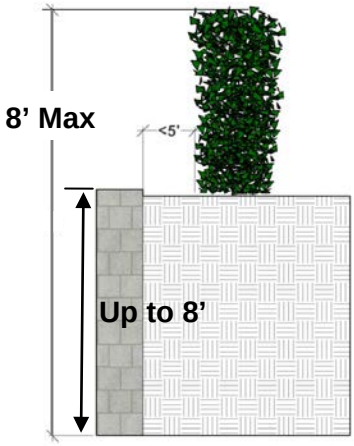
Examples of Hedge/Wall Combinations

Front Lot Line

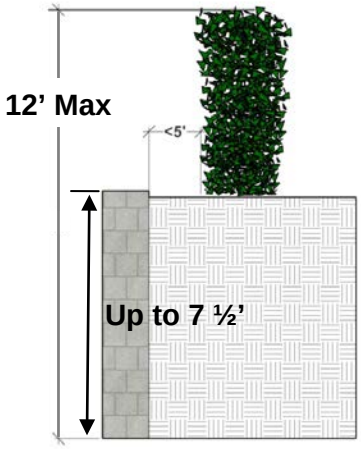


Allowed per SBMC §28.87.170

Interior Setbacks

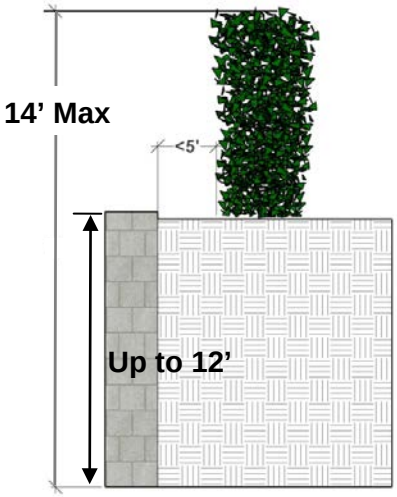


Front Lot Line



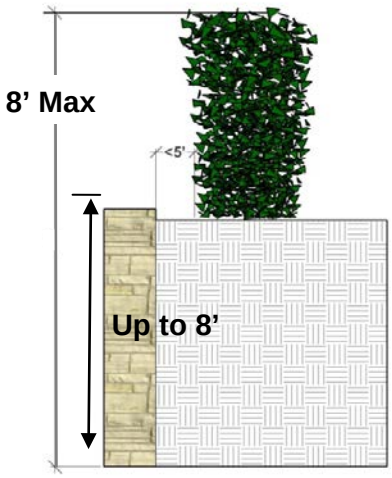
Allowed per SBMC §28.87.170, with Administrative Approval of Minor Exception

Interior Setbacks



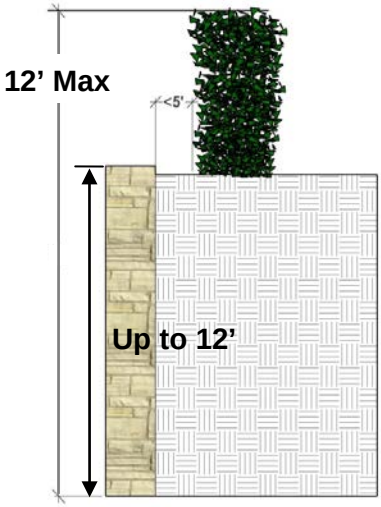
Proposed Allowance for Nonconforming Walls with Hedges

Allowed per SBMC §28.87.170

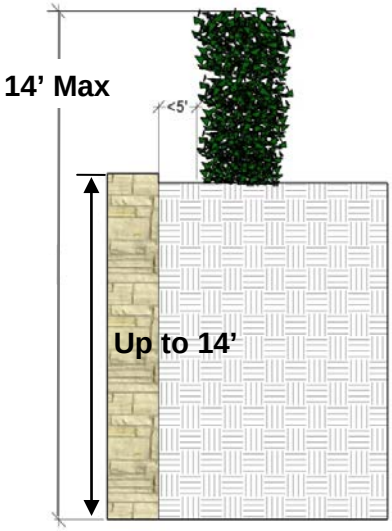


Front Lot Line and Interior Setbacks

Allowed per SBMC §28.87.170, with Admin. Approval



Front Lot Line



Interior Setbacks

ORDINANCE NO. 5650

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTIONS 28.87.170 AND 28.90.050 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO FENCES, SCREENS, WALLS AND HEDGES.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 28.87.170 of Chapter 28.87 of the Santa Barbara Municipal Code is deleted in its entirety and readopted to read as follows:

28.87.170 Fences, Screens, Walls and Hedges.

A. DEFINITIONS. As used in this Section 28.87.170, the following terms and phrases shall have the indicated meanings:

1. **Arbor.** An open structure typically constructed of latticework or metal that often provides partial shade or support for climbing plants, sometimes referred to as a trellis or pergola. An arbor is not considered an accessory building.

2. **Fence.** An upright structure serving as an enclosure, barrier, or boundary or that visually divides or conceals a parcel, usually made of posts, boards, wire, or rails.

3. **Hedge.** A row of closely planted shrubs, bushes, or any other kind of plant material that forms a boundary or substantially continuous visual barrier.

4. **Parkway.** An area between the curb and sidewalk in a fully improved right of way, typically landscaped.

5. **Screen.** Vegetation, including but not limited to trees, shrubs, bushes, and other plantings, that visually divides or conceals a parcel.

6. **Wall.** An upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area.

B. GENERAL RULES. The following guidelines and standards apply in any zone within the City:

1. **Guidelines.** The Fences, Screens, Walls and Hedges Guidelines, as adopted by resolution of the City Council, shall provide direction and guidance to decision makers and City staff in connection with applications reviewed pursuant to this Section.

2. **Required Reduction for Safety.** If the height of any fence, screen, wall or hedge obstructs the sightlines required for the safe operation of motor vehicles, the Public Works Director (or Director's designee) may declare the fence, screen, wall or hedge to be a public nuisance and require the reduction of the height of the fence, screen, wall or hedge in order to provide for the safe operation of motor vehicles.

3. **Height Measurement.** 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.

4. **Separation.** Unless there is a horizontal separation of at least five feet (5') between a fence, screen, wall or hedge, the combined height of a fence, screen, wall or hedge and any adjacent fence, screen, wall or hedge shall be measured from the lowest point of the lowest such fence, screen, wall or hedge to the highest point of other fences, screens, walls or hedges.

5. **Schools.** A chain link or open mesh type fence of any height necessary to enclose an elementary or high school site may be located and maintained in any required yard.

6. **Barbed Wire, Concertina Wire, Sharp Wire or Points.** No barbed wire or concertina wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front or interior lot lines of any lot, or within three feet (3') of said lot lines. No sharp wire or points shall project at the top of any fence or wall less than six feet (6') in height.

C. RULES APPLICABLE TO FENCES AND WALLS ON RESIDENTIALLY ZONED PARCELS. On parcels zoned A-1, A-2, A-3, E-1, E-2, E-3, R-1, R-2, R-3, or R-4, the following standards apply to fences and walls:

1. **Required Setbacks.** Except as otherwise provided in this Section, no fence or wall located in the required setbacks shall exceed a height of eight feet (8').

2. **Front Lot Lines.** Except as otherwise provided in this Section, no fence or wall located within ten feet (10') of a front lot line shall exceed a height of three and one-half feet (3-1/2').

3. **Driveways.** Except as otherwise provided in this Section, no fence or wall exceeding a height of three and one-half feet (3-1/2') shall be located within a triangular area on either side of a driveway as follows:

a. When a driveway directly abuts a portion of a street improved with a sidewalk and a 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.

b. 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.

4. **Corner Lots.** Within the required "Intersection Sight Distance", as depicted in the Fences, Screens, Walls and Hedges Guidelines, no fence or wall may obstruct the sightlines required for the safe operation of motor vehicles. This paragraph does not apply to parcels located adjacent to intersections controlled by an all-way stop.

5. **Guardrails.** A guardrail may extend above the maximum height limit for a fence or wall without requiring an exception or modification, only to the minimum extent required for safety by the California Building Code, and only if the guardrail is predominately transparent.

6. **Decorative Elements.** Notwithstanding the above provisions, decorative elements not wider than nine inches (9") by nine inches (9"), such as pilaster caps, finials, posts, lighting fixtures, or similar decorative features as determined by the Community Development Director (or the Director's designee), may 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.

7. **Entryway Arbors.** Notwithstanding the above provisions, one entryway arbor, substantially open (no solid walls or roof) and not exceeding a maximum of eighteen (18) square feet in area and eight feet (8') in height, is permitted in any front yard. 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. This exception shall only apply to an entryway arbor used in combination with and attached to a fence or wall. No arbor shall be located on a street corner in conflict with the provisions of Section 28.87.170.C.4.

D. RULES APPLICABLE TO SCREENS AND HEDGES ON RESIDENTIALLY ZONED PARCELS. On parcels zoned A-1, A-2, A-3, E-1, E-2, E-3, R-1, R-2, R-3, or R-4, the following standards apply to screens and hedges:

1. **Required Setbacks.** Except as otherwise provided in this Section, no screen or hedge located in the required setbacks shall exceed a height of eight feet (8').

2. **Front Lot Lines.** Except as otherwise provided in this Section, no screen or hedge located within ten feet (10') of a front lot line shall exceed a height of eight feet (8').

3. **Driveways.** Except as otherwise provided in this Section, no screen or hedge exceeding a height of three and one-half feet (3-1/2') shall be located within a triangular area on either side of a driveway as follows:

a. When a driveway directly abuts a portion of a street improved with a sidewalk and a 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.

b. 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.

4. **Corner Lots.** Within the required "Intersection Sight Distance", as depicted in the Fences, Screens, Walls and Hedges Guidelines, no screen or hedge may obstruct the sightlines required for the safe operation of motor vehicles. This paragraph does not apply to parcels located adjacent to intersections controlled by an all-way stop.

E. ADMINISTRATIVE REVIEW AND APPROVAL OF MINOR EXCEPTIONS.

1. **Exceptions to the Fence and Wall Standards by the Community Development Director.** The Community Development Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to Paragraphs C.1, C.2, C.5, C.6, and C.7 above, if the Community Development Director finds that:

a. If the subject fence or wall is located on, or within the required setback of, an interior property line, the adjacent property owner(s) that share a common property line nearest to the fence or wall have agreed to the requested exception;

b. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles;

c. As applicable, the subject fence or wall will be compatible with other similarly situated and approved structures in the neighborhood; and

d. The granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood.

2. **Exceptions to the Screen and Hedge Standards by the Community Development Director.** The Community Development Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to Paragraphs D.1 and D.2 above, if the Community Development Director finds that:

a. If the subject screen or hedge is located on, or within the required setback of, an interior property line, the adjacent property owner(s) that share a common property line nearest to the screen or hedge have agreed to the requested exception;

b. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles;

c. The screen or hedge will be compatible with the character of the neighborhood (the Community Development Director may seek advice from the appropriate design review body when considering this finding);

d. The proposed height of the screen or hedge will respect the height limitation applicable to structures for the protection of solar access as specified in Section 28.11.020 of this Code; and

e. The granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood.

3. **Exceptions to Corner Lot and Driveway Sightline Standards by the Public Works Director.** The Public Works Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to Paragraphs C.3, C. 4, D.3 and D.4 above, if the Public Works Director finds that:

a. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles; and

b. The granting of such exception will not be detrimental to the use and enjoyment of the other properties in the neighborhood.

F. NONCONFORMING. Any fence, screen, wall or hedge which is nonconforming to the provisions of this section and which existed lawfully on January 10, 1957 (the effective date of the ordinance adopting the provisions of this section) may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence or wall, except as permitted in other sections of this title. A hedge shall be determined to be nonconforming by the Community Development Director upon receipt of sufficient evidence indicating that the hedge existed in its present location on January 10, 1957. Notwithstanding the foregoing, no more than ten percent (10%) of the length of a nonconforming fence or wall may be replaced within any twelve-month period, unless: 1) such fence or wall is a significant structure or feature associated with a designated City Landmark or Structure of Merit and the extent of repair or maintenance occurs pursuant to Santa Barbara Municipal Code Section 22.22.070; or 2) such fence or wall is necessary to retain or support soil in a vertical or near vertical slope of earth. If a nonconforming fence, screen, wall or hedge has been determined to be a safety hazard by the Public Works Director, the Public Works Director (or Director's designee) may declare the fence, screen, wall or hedge to be a public nuisance and require the reduction of the height of the fence, screen, wall or hedge in order to provide for the safe operation of motor vehicles.

G. RELATIONSHIP WITH THE VIEW DISPUTE RESOLUTION PROCESS. The fact that a hedge or screen does not violate the standards set forth in this Section 28.87.170 or the fact that a property owner has received an administrative exception or modification from the standards set forth in this Section for a hedge or screen shall not preclude another property owner from alleging an unreasonable obstruction of a view and availing himself or herself of the protections and procedures of the City's View Dispute Resolution Process found in Chapter 22.76 of this Code.

SECTION 2. Section 28.90.050 of Chapter 28.90 of the Santa Barbara Municipal Code is amended to read as follows:

28.90.050 Landscaping and Lighting.

1. GENERAL. In an effort to encourage the development of more attractive parking lots in commercial, industrial, and multiple-family use areas, to provide for attractive and durable screening between such parking lots and adjoining areas, and to lessen the effect of commercial and industrial uses upon adjoining residential uses, the following requirements shall be met. Landscape plans shall be prepared by an architect or landscape architect registered in the State of California, unless said requirement is waived by the Architectural Board of Review, or the Historic Landmarks

Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, in projects containing fewer than twenty (20) parking spaces. The landscaping standards set forth below are required for all parking areas, parking lots, automobile service stations and automobile service stations/mini-markets except for one- or two-family dwellings.

2. FENCES AND WALLS. Where any parking area is for commercial, multiple-family residential, or industrial use and the parking area or driveway abuts property used for residential purposes, it shall be separated therefrom by an approved wall or fence at least six (6) feet in height, except no fence or wall shall exceed a height of three and one-half feet (3-1/2') within a triangular area on either side of a driveway as follows:

a. When a driveway directly abuts a portion of a street improved with a sidewalk and a 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.

b. 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. The design of the wall or fence shall be subject to approval by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, said walls or fences may be lowered or eliminated in proportion to the degree of screening provided by differences in elevation, mounding, existing planting, and other similar factors.

3. PERIMETER PLANTERS. Where such parking areas and/or driveways abut a street, a planting area at least five (5) feet in depth shall be provided and an ornamental wall or fence three-and-one-half (3-1/2) feet in height shall be provided, except if the planting area is eight (8) feet or greater in depth and suitable screen planting is provided, the ornamental fence or wall may be omitted. Where parking areas or driveways abut a neighboring building or a property line not adjoining a street, a planting area at least five (5) feet in depth shall be provided. The Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, may reduce or waive the requirement regarding the five (5) foot planting area where alternative landscaping and designs are presented that result in landscaping and designs that are equally effective.

4. INTERIOR PLANTERS. In addition to the perimeter planters, there shall be planting areas to relieve the expanse of paving. Said interior planters shall be at least four (4) feet in width, and shall be located in such a way that there will be not more than eight (8) parking spaces without an intervening planter. Said planters shall have trees and either shrubs or ground cover. The Architectural Board of Review, or Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, may reduce or waive the requirement regarding the four (4) foot interior planter where alternative landscaping and designs are presented that result in landscaping and designs that are equally effective.

5. GRADING. Grading should be utilized as much as possible to screen parking lots, by lowering or raising the parking area or by providing earth mounds or berms. If approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, mounding or berms may be substituted for an ornamental wall or fence.

6. ORNAMENTAL WALLS OR FENCES. Ornamental walls or fences shall be subject to approval by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, and shall be constructed of materials compatible with adjacent buildings and surroundings.

7. PLANTING. Planting shall consist of trees, shrubs and ground cover. The use of drought tolerant plants is encouraged, as is the use of flowering vines on fences and walls. Trees shall be planted on a minimum ratio of one (1) tree per five (5) parking spaces, with at least two-thirds of the trees fifteen (15) gallon size or larger, and the balance not less than five (5) gallon.

8. CURB PROTECTION. Planters adjoining vehicular traffic areas shall be protected by concrete curbs or the equivalent, as approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The minimum dimensions listed herein may include the protecting curb.

9. RETAINING WALLS. Retaining walls shall be set back at least three (3) feet from parking areas and driveways and the footing design shall allow for appropriate planting in such intervening spaces.

10. PARKING LOT LIGHTING. Parking lot light fixtures placement shall be subject to approval by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. Excessive glare shall not be permitted and the lights shall be arranged to reflect light away from adjoining residential property and streets.

11. IRRIGATION PLAN. A sprinkler system or drip irrigation system designed to provide complete coverage of all planted areas is required.

ORDINANCE NO. 5650

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on March 25, 2014, and was adopted by the Council of the City of Santa Barbara at a meeting held on April 8, 2014, by the following roll call vote:

AYES: Councilmembers Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Bendy White; Mayor Helene Schneider

NOES: Councilmember Randy Rowse

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on April 9, 2014.

Susan Tschech, CMC
Deputy City Clerk

I HEREBY APPROVE the foregoing ordinance on April 9, 2014.

Helene Schneider
Mayor

Fences, Screens, Walls & Hedges

City Council

July 1, 2014

Background & Purpose

- SBMC §28.87.170 amended April 2014
  - Guidelines help implement the ordinance and provide additional flexibility
- Council directed staff to follow-up on three items

Follow-Up Items

- Establish “standing” to file a hedge complaint
- Adjust policy regarding enforcement of hedges
- Consider measuring hedges separately from retaining walls

Standing to File a Complaint

Maintain current practice of allowing anyone to file a hedge complaint

- Regulations are more permissive now
- “Glass House” rule may not deter retaliation
- Filing fee is not fair
- “Affected” person is subjective

Hedge Enforcement

Limit enforcement to complaints and safety issues

- Informational item only in ZIRs, unless deemed a potential safety hazard
- Hedges not required to be identified on project plans, unless near driveway

Measuring Hedges

Continue to measure cumulative height of walls and hedges

- Recently increased allowed height
- Flexibility provided by Admin. Approval

Consider additional flexibility for nonconforming walls

Current Regulations

Fences & Walls

- Required Setbacks = 8’
  - Administrative Approval allows up to 12’
- Within 10’ of Front Lot Line = 3 ½’
  - Administrative Approval allows up to 7 ½’
- Driveways = 3 ½’
  - Administrative Approval allows up to 7 ½’

Current Regulations

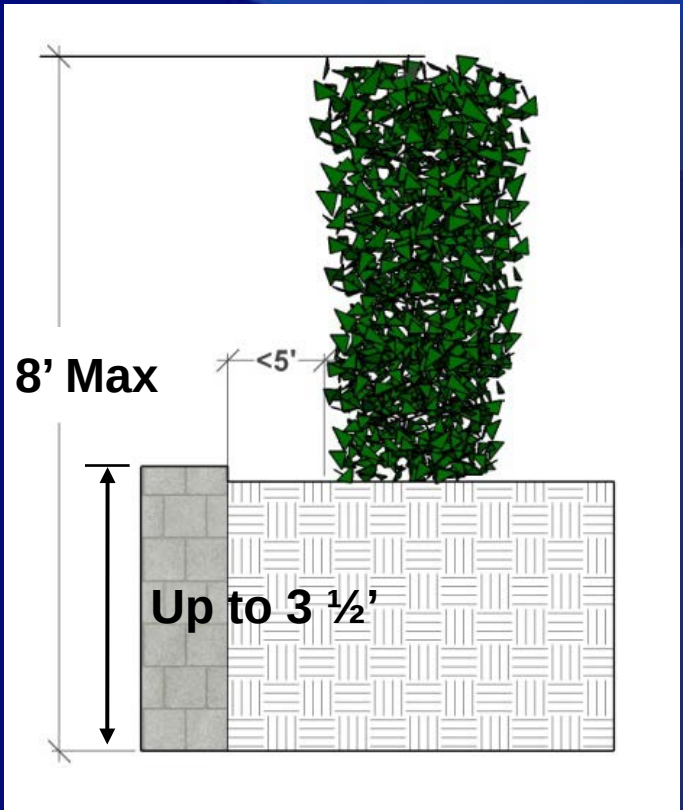
Hedges & Screens

- Required Setbacks = 8’
  - Administrative Approval allows up to 12’ or 14’
- Within 10’ of Front Lot Line = 8’
  - Administrative Approval allows up to 12’
- Driveways = 3 ½’
  - Administrative Approval allows up to 7 ½’

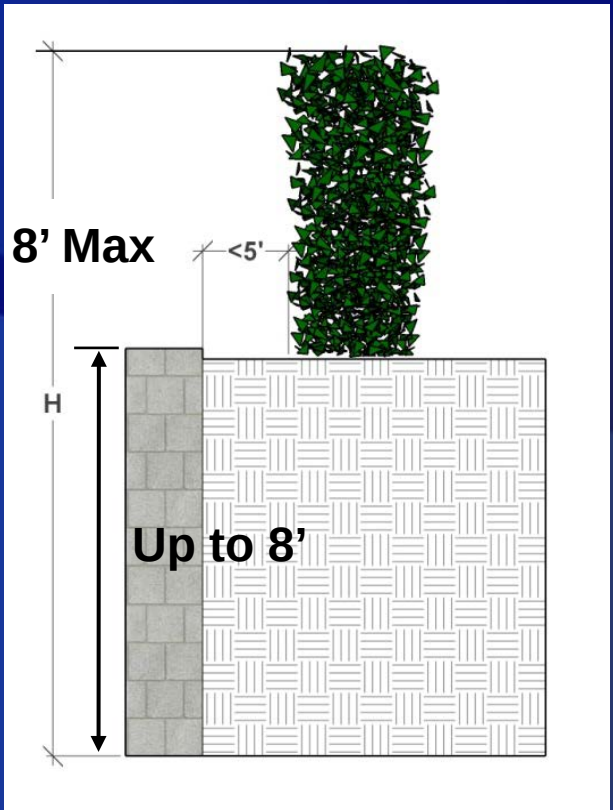
Measuring Hedges

Allowed per SBMC §28.87.170

Front Lot Line



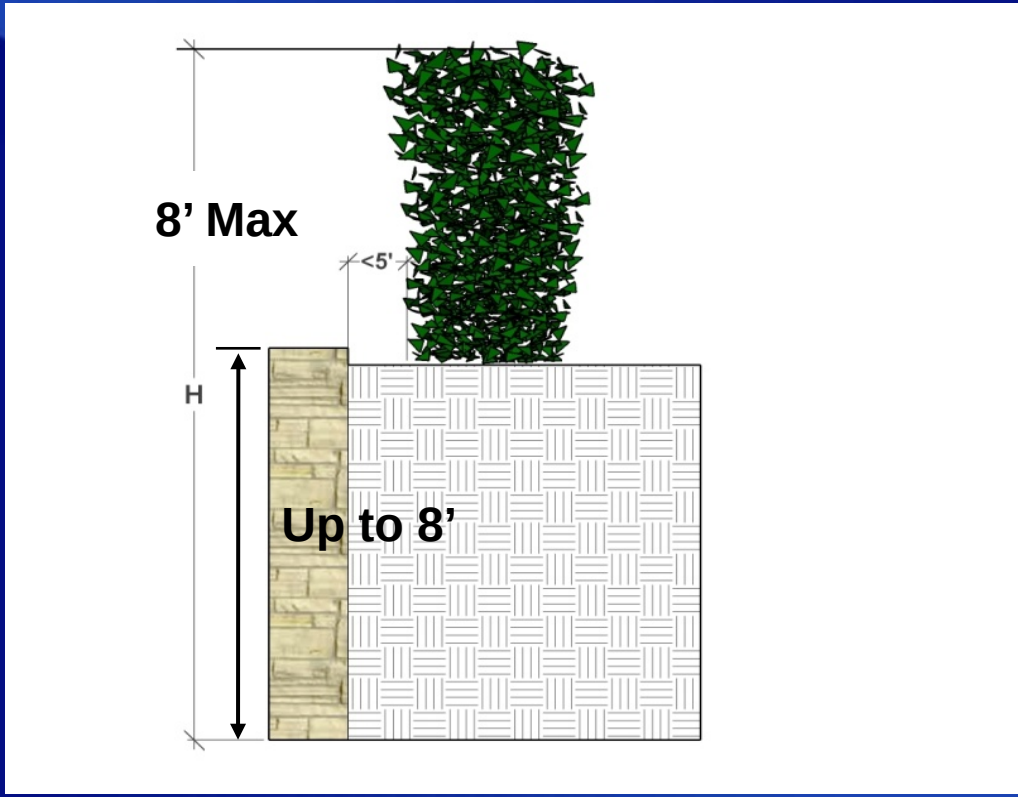
Interior Setbacks



Measuring Hedges

Proposed Flexibility for Nonconforming Walls

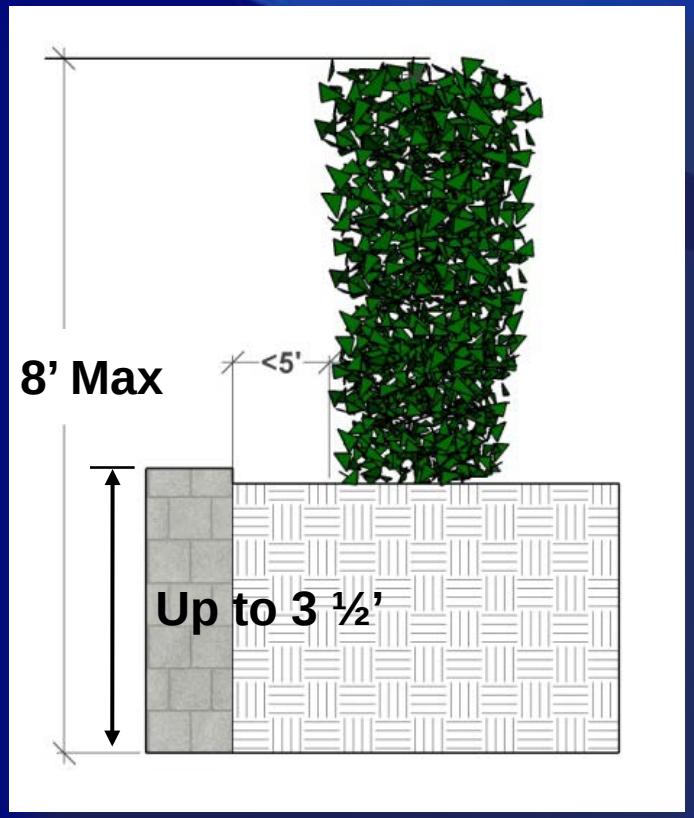
Front Lot Line & Interior Setbacks



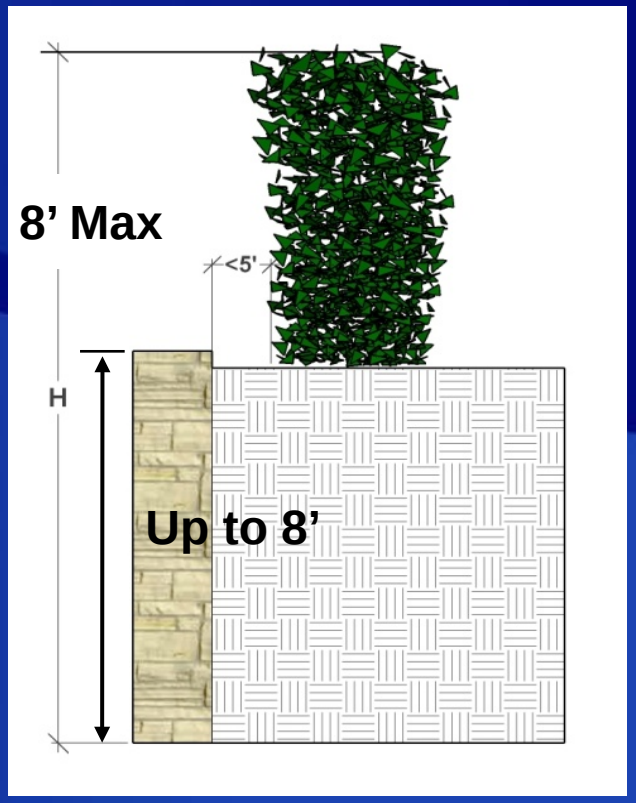
Measuring Hedges

Proposed Allowances for Walls Near Front Lot Lines

Current limit for all walls



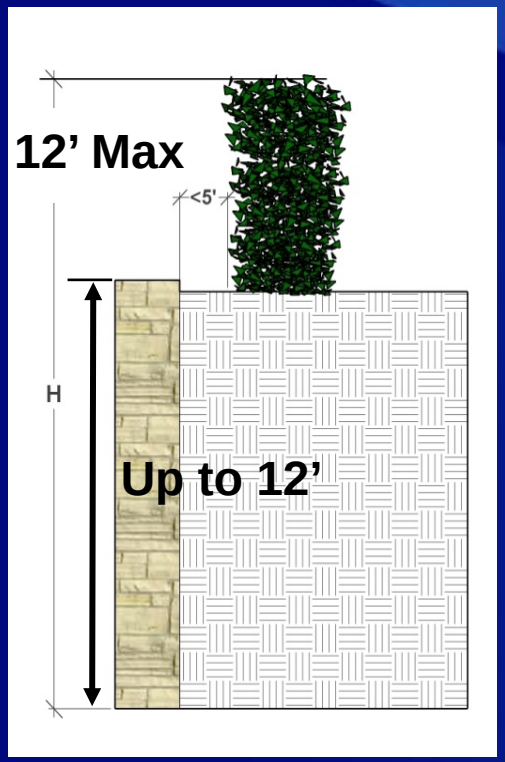
Nonconforming Walls



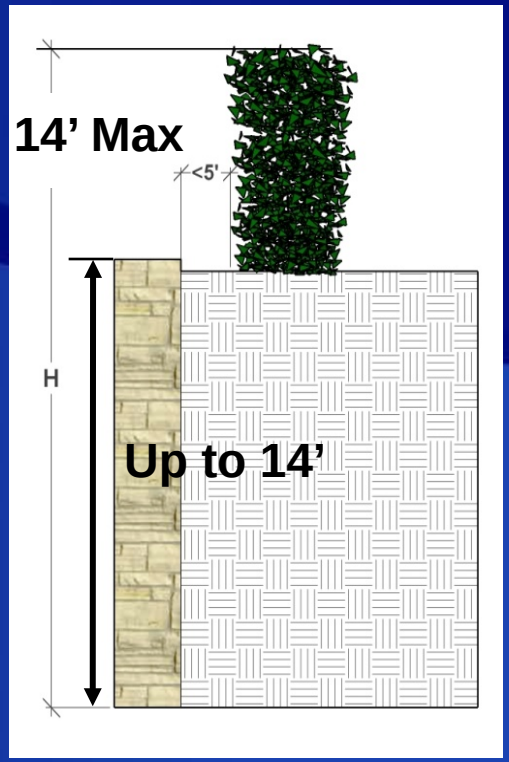
Measuring Hedges

Proposed Flexibility for Nonconforming Walls, with Administrative Approval

Front Lot Line



Interior Setbacks

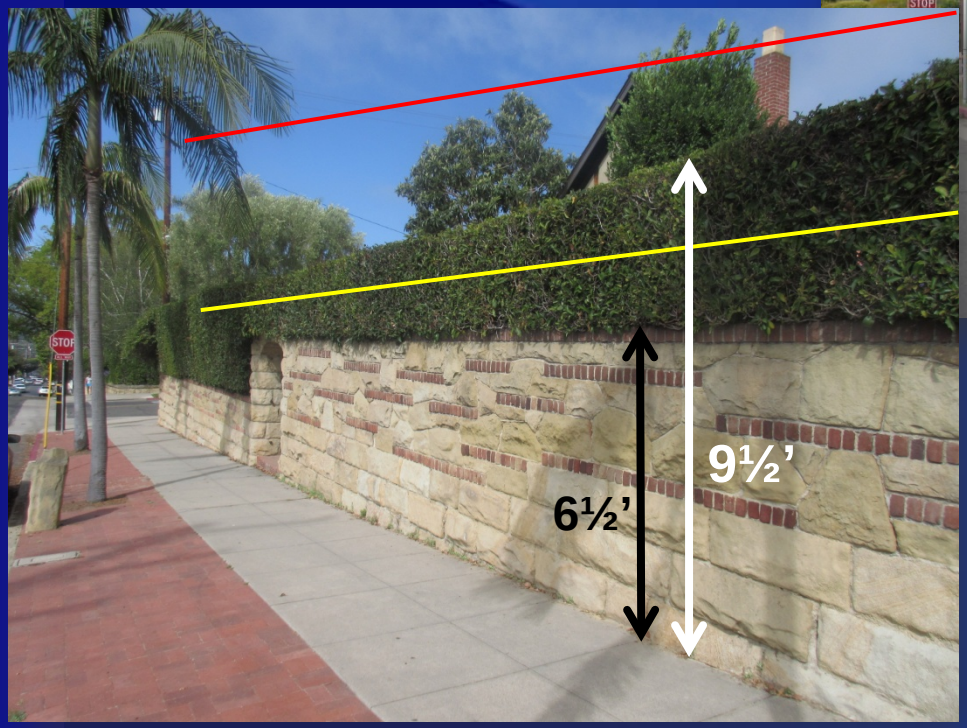


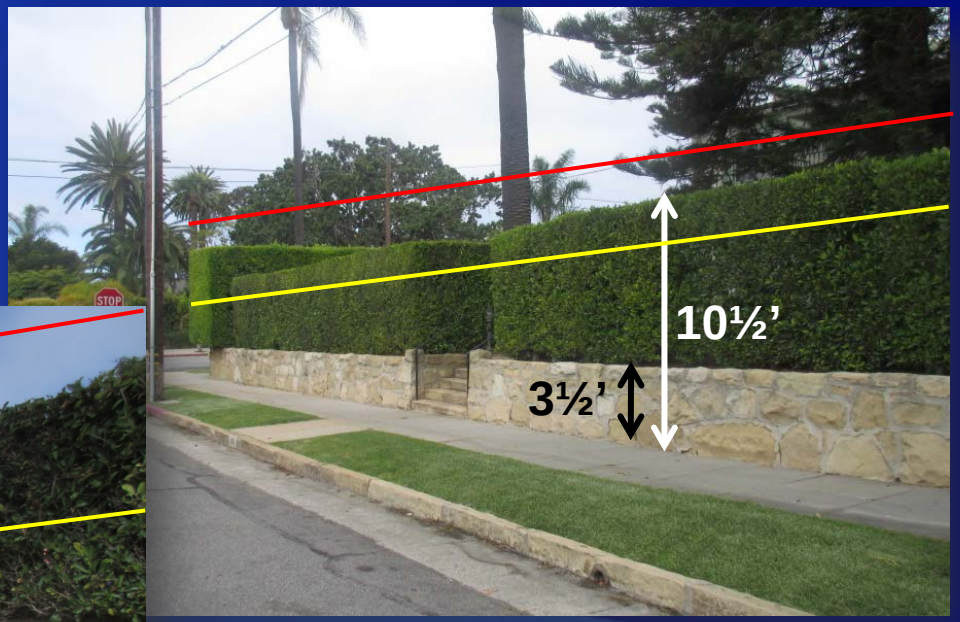
Measuring Hedges

8’ allowed per proposed Guidelines

12’ allowed per proposed Guidelines w/ Admin. Approval

Measuring Hedges





8’ allowed per proposed Guidelines

12’ allowed per proposed Guidelines w/ Admin. Approval

Staff Recommendation

- Consider Staff's recommendations regarding:
  - Standing to file a hedge complaint
  - Policy regarding enforcement of hedges
  - Measuring hedges atop retaining walls
- Adopt Resolution approving the *Fences, Screens, Walls and Hedges Guidelines*