ATTACHMENT

City of Santa Barbara
Mayor and Council Office

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CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

Memorandum

DATE: October 1, 2008

TO: Jim Armstrong, City Administrator

FROM: Councilmember Dale Francisco
Councilmember Helene Schneider

SUBJECT: Interim Suspension of Hedge Ordinance

Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda regarding an interim suspension of Section 28.87.170 of the municipal code as it relates to hedges and vegetative screens.

- Summary of information to be presented:
  A proposal to temporarily suspend zoning code enforcement of Municipal Code Section 28.87.170 (Fences, Screens, Walls, and Hedges) as it relates to hedges and vegetative screens, until this code section is updated. This would not affect code enforcement for traffic safety. Please see the attached copy of the municipal code for additional details.

- Statement of Specific Action:
  Councilmembers Francisco and Schneider request the following topics to be discussed by the full Council at the earliest convenient time:

  - Should the Council temporarily suspend Municipal Code Section 28.87.170 as it relates to hedges and vegetative screens (except for complaints regarding traffic safety), in order to reduce neighborhood discord and to allow for orderly community discussion and review?

  - Should the Council advise the Community Development Director that this code section should be reviewed and possibly revised?

- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action:
  Community Development staff has identified this section of the zoning ordinance, originally adopted in 1957, as needing review and possible revision. They've identified it as a priority work item, one requiring both community outreach, and review by appropriate City boards and commissions, particularly Ordinance Committee and City Council.

  Zoning enforcement complaints regarding hedges have resulted in significant discord among neighbors. Temporarily suspending enforcement will enable community outreach and dialogue as part of the code update process, and will allow time for a thorough, deliberative process.

cc: Mayor and Council
City Attorney
Community Development Director

3. **EXCEPTION FOR AFFORDABLE EFFICIENCY DWELLING UNITS.** For projects constructed or operated by a nonprofit or governmental agency providing housing as an "Affordable Housing Cost" to "Lower Income Households" (as those terms are defined in sections 50052.5 and 50079.5 of the state Health and Safety Code), the City may permit efficiency dwelling units (as defined in Section 310.7 of the California Building Code as adopted and amended by this Code) for occupancy by no more than two persons who qualify as either very low or low income households at the time of their initial occupancy under circumstances where the unit will have a minimum useable floor area (excluding floor area in the kitchen, bathroom and closet) of not less than 150 square feet. In all other respects, such efficiency dwelling units shall conform to the minimum standards specified in the California Building Code (2001 Edition) and other applicable provisions of this Code. (Ord. 5336, 2004; Ord. 4912, 1995; Ord. 4225, 1983; Ord. 4152, 1982; Ord. 3710, 1974; Ord. 3680, 1974.)

28.87.160 Accessory Buildings.

The following regulations shall apply to the size and location of accessory buildings unless otherwise provided in this title.

1. No detached accessory buildings in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3 or R-4 Zones may exceed two (2) stories or thirty feet (30') in height.
2. Yard requirements contained in this title shall apply to all accessory buildings and structures as well as main buildings and structures, except that no accessory buildings, except garages, shall be located in a front yard.
3. Accessory buildings, excluding garages, shall not have a total aggregate floor area in excess of 500 square feet.
4. Garages in the A-1 and A-2 Zones shall not have a total aggregate floor area in excess of 750 square feet. Garages in the E-1, E-2, E-3, and R-1 Zones shall not have a total aggregate floor area in excess of 500 square feet, except that garages on lots in excess of 20,000 square feet shall not have a total aggregate floor area in excess of 750 square feet. (Ord. 4780, 1992; Ord. 3788, 1975; Ord. 3710, 1974; Ord. 2585, 1957.)

28.87.170 Fences, Screens, Walls and Hedges.

1. Required yard. Except as hereinafter provided, in the A, E, R, C-O and C-X Zones, no fence, screen, wall or hedge located in the required yards shall exceed a height of eight feet (8').
2. Front Lot Line, Side of Driveway. In the A, E, R, C-O and C-X Zones, no fence screen, wall or hedge exceeding a height of three and one-half feet (3-1/2') shall be located:
   a. Within ten feet (10') of a front lot line.
   b. Within ten feet (10') of either side of a driveway for a distance of twenty feet (20') back from the front lot line.
3. Corner. In the A, E, R, C-O and C-X Zones, no fence, screen, wall or hedge located within fifty feet (50') of a street corner measured from the edge of the vehicular travelled way as determined by the Traffic Engineer and within the required front yard shall exceed a height of three and one-half feet (3-1/2'); provided that where any fence, screen, wall or hedge within fifty feet (50') of any corner impairs the vision of drivers of vehicles approaching on the intersecting street, the Chief of Building and Zoning may further limit the height of construction by the terms of the permit issued to the applicant so as to prevent such impairment of vision.
4. Separation. Unless there is a horizontal separation of at least five feet (5') between fences, screens, walls or hedges, the height shall be measured from the lowest point of such fence, screen, wall or hedge to the highest point of either fence, screen, wall or hedge.
5. Barbed Wire, Sharp Wire or Points. In any zone, no barbed wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front or interior lines of any lot, or within three feet (3') of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet (6') in height.
6. Schools. Any open mesh type fence to enclose an elementary or high school site may be located and maintained in any required yard.
7. Nonconforming. Any fence, screen, wall or hedge which is nonconforming to the provisions of this section and which is legally existing on 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, screen, wall or hedge except as permitted in other sections of this title. (Ord. 4162, 1982; Ord. 3513, 1972; Ord. 3234, 1967; Ord. 2585, 1957; Ord. 2346, 1951.)

28.87.180 Recreational Vehicles, Mobilehomes and Modular Units.

A. **RESIDENTIAL USE OF RECREATIONAL VEHICLES AND MOBILEHOMES.** No recreational vehicle shall be used or occupied for living or sleeping purposes unless it is located in a recreational vehicle park and complies with all provisions of any ordinance of the City of Santa Barbara regulating such park.

B. **TEMPORARY OVERNIGHT USE.** Notwithstanding subsection (A) above or any other provision of this Code, the overnight use of a paved parking area by the registered owner of a recreational vehicle (as defined in Section 18010 of the state Health & Safety Code) is allowed under the following expressly limited circumstances: