



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 6, 2011
AGENDA DATE: July 13, 2011
PROJECT ADDRESS: 530 W. Cota St. (MST2011-00124)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *Rye for*
 Daniel Gullett, Associate Planner *DFG*

I. PROJECT DESCRIPTION

Proposal for a new 4'-8" high, four-foot wide section of retaining wall adjacent to the sidewalk on the San Pascual St. property frontage and a new five-foot high wood fence along a portion of the northern property line.

The discretionary land use applications required for this project are:

1. A Modification to allow a new wall to exceed 3.5 feet in height within ten feet of the front lot line (SBMC Sections 28.87.170 & 28.92.110);
2. A Modification to allow a new fence and existing wall to exceed eight feet in cumulative height within an interior setback (SBMC Sections 28.87.170 & 28.92.110); and
3. A Modification to allow a new fence and existing wall to exceed eight feet in cumulative height within an interior setback (SBMC Sections 28.87.170 & 28.92.110).

Date Application Accepted: June 27, 2011

Date Action Required: September 26, 2011

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project.

III. SITE INFORMATION

Applicant:	Mark Morando	Property Owner:	Terri Trevillian
Parcel Number:	037-102-024	Lot Area:	26,165 sf
General Plan:	Residential, 12 units/acre	Zoning:	R-3
Existing Use:	26 Apartments	Topography:	22% est. slope

Adjacent Land Uses:

North – Multi-family residential (Habitat for Humanity) South – Apartments
East - Single & multi-family residential West – Single and multi-family residential

IV. DISCUSSION

This project was conceptually reviewed by the Architectural Board of Review (ABR) on April 18 and May 16, 2011. The project reviewed at the April 18th hearing included an overheight wall along the shared property line with the Habitat for Humanity development. That wall was removed from the proposal. The ABR continued the design review of the project to the Staff Hearing Officer for consideration of the subject modifications with no negative aesthetic comments. ABR requested a landscape plan to review at the time the project returns for consideration of design review approvals.

The three modifications are associated with an earthen berm located between the subject property and the adjacent Habitat for Humanity development at 618 San Pascual. The requested modification for the proposed over-height wall within ten feet of the front lot line would abate the building violation identified in ENF2010-00185 of the hazardous embankment adjacent to the sidewalk. The proposal is add a four-foot section of 4'-8" high retaining wall to retain the embankment between the existing 4'-8" high retaining wall on the subject property and the new retaining wall on the Habitat for Humanity property.

The two other modifications are associated with a proposed 15 foot section of 5 foot high wood fence located within two interior setbacks adjacent to two separate properties along a northern property line. The proposed fence would match the height of the 44 inch guard rail on the Habitat for Humanity property line, which was approved with a Modification in 2009 for safety purposes due to the topography. The proposed 5 foot fence would enhance safety on the subject property.

Staff supports the proposed modifications since they serve to abate existing hazardous conditions.

V. RECOMMENDED FINDINGS

The Staff Hearing Officer finds that the requested Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The requested improvements are appropriate because they abate existing hazardous conditions resulting from steep topography and development onsite and immediately adjacent to the subject property, and the Modifications are necessary because the existing site topography necessitates the overheight retaining wall and the fence on the property lines.

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Exhibits:

- A. Site Plan, Elevations, Sections (under separate cover)
- B. Applicant's letter, dated May 4, 2011
- C. ABR Minutes of April 18 and May 16, 2011

Contact/Case Planner: Daniel Gullett, Associate Planner

(dgullett@SantaBarbaraCA.gov)

630 Garden Street, Santa Barbara, CA 93101

Phone: (805) 564-5470 ext. 4550

May 4, 2011

Staff Hearing Officer
City of Santa Barbara
Post Office Drawer 1990
Santa Barbara, CA 93102

RECEIVED
MAY 05 2011

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Carla Apartments
530 W. Cota Street
Santa Barbara, CA 93101

Dear Mrs. Reardon,

Enclosed please find the formal application for the project located at 530 W. Cota Street within the Lower Westside neighborhood in the City of Santa Barbara. The parcel (037-102-024) is zoned R-3 and has an approximate slope of 22%. The 26,165 square foot parcel is developed with a twenty-six unit, two-story apartment complex. The proposal is for a 48" wide by 4'8" high section of retaining wall on the front of the property abutting San Pascual Street. The project went before the Architectural Board of Review on April 18th, 2011 for architectural and aesthetic comments. It will also be reviewed again before the SHO hearing for the fence modification. The owner's of 530 W. Cota Street request your consideration for required front yard and interior yard modifications.

(I) A front required yard modification

When the Carla Apartments were built in 1968, the sidewalks along San Pascual Street were along the curb. The construction of the Carla Apartments placed a standard City curb and gutter with a parkway and a sidewalk along the property line. The parkway abuts the curb. In 2006 the house to the north, at 618 San Pascual burned to the ground and the property was sold to the Redevelopment Agency who in turn sold it to Habitat for Humanity. When the Habitat for Humanity project was approved the old sidewalks along the curb were removed and a standard City curb and gutter with parkway and sidewalks were installed. It revealed that the sidewalk and front retaining wall of the Carla Apartments did not go all the way to the property line, but stopped 48" short. This 48" wide missing section of wall along the San Pascual frontage will be replaced and match the height of the existing concrete block retaining wall at 4'8". Since, the existing wall height exceeds 3'6" within ten feet of the front property line it requires a front yard modification.

Due to the steep slope behind the retaining wall (1:1), the added 14" above the allowed 3'6" makes a big difference, not only engineering wise, to keep the slope at 1:1 or less, but limiting the amount of cut and export. Additionally, it makes for a more aesthetic line along the street frontage. The area of ground

EXHIBIT B

disturbance on the slope and the section of land north of the Carla Apartments and south of 618 San Pascual's building will be landscaped.

Also, part of the proposal is to replace the railroad ties along the San Pascual Street and Cota Street frontages to match the existing retaining walls on site. These walls are all less than 30" and do not require a modification, nor a guardrail. In addition a section of five foot fencing is proposed, that does not impact the neighbor's, but requires an interior yard modification for the height to exceed eight feet in height when measured within five feet away. The drop at the property line over the shotcrete wall at 618 San Pascual is approximately 5'9" and there is a 44" guardrail atop the wall. The new five foot wood fence would be about the same height as the existing guardrail.

The owner and I believe that the proposed solutions are appropriately designed and create improvements that are architecturally correct and functionally utilitarian.

The front yard modification will match the height of the existing wall at the property line and in-fill to meet the higher front wall at 618 San Pascual.

The interior yard modification for the fence is in an unusable area of all adjoining lot lines and the height of the wall will not affect either, visibility nor sunlight of the tenants at 618 San Pascual. The fence will secure 530 W. Cota's property line and prevent anyone from falling off the grade change of the neighbor along that property line.

Thank you for your consideration in this matter.

Sincerely

A handwritten signature in black ink that reads "Mark Morando". The signature is written in a cursive, flowing style.

Mark Morando

Morando Planning & Design

ABR Minutes

April 18, 2011

530 W COTA ST

Assessor's Parcel Number: 037-102-024
Application Number: MST2011-00124
Owner: Terri Trevillian
Agent: Mark Morando

(Proposal to replace a 48 inch tall section of CMU wall along San Pascual Street, replace railroad ties with a CMU wall not to exceed 36 inches in height along Cota and San Pascual Streets, install a new 8 foot wood fence 14.5 feet in length at the northeast property line, and a new 6 foot wood fence 121 feet in length at the north property line. Zoning modifications are required for the CMU wall at San Pascual Street to exceed 42 inches in height at the front property line and for the 6 foot wood fence to exceed 8 feet in height when its height is combined with an existing wall and guardrail on the adjoining property. The project will address violations in ENF2010-00315.)

(Comments only; project requires environmental assessment and Staff Hearing Officer review of zoning modifications.)

Actual time: 5:13

Present: Mark Morando, Agent.

Public comment was opened at 5:25 p.m.

Joyce McCullough, Habitat for Humanity, opposed: appreciates the 4 foot CMU wall, however opposed to the proposed 6 foot fence because it blocks light and air to the Habitat property.

Detliv Peikert, Architect, opposed: modification would be inappropriate and loss of air and light would be deleterious to the quality of life of the residents.

Teri Trevillian, property owner: in support of the project.

Will Rivera, Board member Habitat for Humanity, opposed: removal of trees is unfortunate however concerned that the fence would be a detriment.

Public comment was closed at 5:39 p.m.

Public comment was reopened at 5:45.

Ms. McCullough explained that Ms. Trevillian was informed in writing that the applicant's intent to excavate, lower the ground floor, and offered to provide and maintain landscape screening on Trevillian's property.

Terri Trevillian, owner: expressed concern that she is being deprived of a six foot privacy wall due to lowing of the grade on the adjacent property; refused to grant

an easement on her property for landscaping for the Habitat property.

Mr. Peikert explained that grade on Trevillian's property was lowered after construction of the high retaining wall and caissons that are now exposed; offered to remove the excessive height of the walls and caissons.

Public comment was closed.

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

- 1) The 36 inch retaining walls at the sidewalk along San Pascual and Cota Streets are supportable.
- 2) The 4'8" CMU wall closing the gap between existing wall and adjacent parcels to is an appropriate modification to complete the retaining wall along San Pasqual Street.
- 3) The over-height fence along the property line is not supportable. Applicant is encouraged to use landscaping for privacy screening.
- 4) Return with a landscape plan addressing areas that have been disturbed.

Action: Zink/Sherry, 4/0/0. Motion carried. (Mosel stepped down. Aurell and Rivera absent)

May 16, 2011

530 W COTA ST

Assessor's Parcel Number: 037-102-024
Application Number: MST2011-00124
Owner: Terri Trevillian
Agent: Mark Morando

(Proposal to replace a 48-inch tall section of CMU wall along San Pascual Street, replace railroad ties with a CMU wall not to exceed 36 inches in height along Cota and San Pascual Streets, install a new 5-foot wood fence 14.5 feet in length at the northeast property line. Zoning modifications are required for the CMU wall at San Pascual Street to exceed 42 inches in height at the front property line and for the new 5-foot wood fence to exceed 8 feet in height when its height is combined with existing retaining walls at the property lines. The project will address violations in ENF2010-00315.)

(Comments only; project requires environmental assessment and Staff Hearing Officer review of modifications. Project was last reviewed on May 2, 2011.)

Actual time: 6:36

Present: Mark Morando, Agent.

Public comment was opened at 6:43 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to the Staff Hearing Officer and return to Consent Calendar with the following comments:

- 1) The modification poses no aesthetic impacts, and is technical in nature.
- 2) Provide a landscape plan.

Action: Rivera/Gilliland, 5/0/1. Motion carried. (Aurell abstained, Manson-Hing absent)