



# City of Santa Barbara

## California

### STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** July 25, 2007  
**AGENDA DATE:** August 1, 2007  
**PROJECT ADDRESS:** 333 West Cota Street ( MST2007 -00132 )  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DK*  
 Roxanne Milazzo, Associate Planner *RM*

#### I. PROJECT DESCRIPTION

The project site is located on the corner of Cota and Castillo Streets. Current development on site consists of a tri-plex and detached four-car garage. The proposed project involves the expansion of the upstairs studio apartment to a one-bedroom unit by converting an existing, non-habitable attic space into a bedroom, bathroom and closets. The discretionary applications required for the project are Modifications to permit one (1) parking space for the 1-bedroom unit (SBMC §28.90.100), to allow a parking space within the front yard setback (SBMC §28.21.060 & 28.28.90.001), and a hedge, located along a front lot line, to exceed the maximum allowable height of 3 ½' (SBMC §28.87.170).

Date Application Accepted: May 7, 2007 Date Action Required: August 7, 2007

#### II. SITE INFORMATION AND PROJECT STATISTICS

##### A. SITE INFORMATION

|                              |                                       |
|------------------------------|---------------------------------------|
| Applicant: Trish Allen       | Property Owner: Margaret Mead         |
| Parcel Number: 037 152 001   | Lot Area: 7,371                       |
| General Plan: 12 units/acre  | Zoning: R-4                           |
| Existing Use: Triplex        | Topography: 29%                       |
| Adjacent Land Uses:          |                                       |
| North – One-Family Residence | East – Commercial ( SB Athletic Club) |
| South – Multi-Family         | West - DMV                            |

**B. PROJECT STATISTICS**

|                 | <b>Existing</b> | <b>Proposed</b> |
|-----------------|-----------------|-----------------|
| Living Area     | 3,223 s.f.      | 3,588 s.f.      |
| Garage          | 592 s.f.        | 592 s.f.        |
| Accessory Space | None            | No Change       |

**III. LOT AREA COVERAGE**

|           |               |
|-----------|---------------|
| Building  | 2,162 sf; 29% |
| Hardscape | 2,493 sf; 34% |
| Landscape | 2,716 sf; 37% |

**IV. DISCUSSION**

This project was reviewed by the Architectural Board of Review on April 23, 2007. The Board generally supported the project, but some prefer to have the site provide even less parking than requested versus providing parking in a front yard setback.

When the current owner purchased the property in 2006, the property owner was notified that a second story studio apartment had been expanded by changing the attic space into a bedroom. This application is an effort on the property owner's part to legalize the current configuration.

In April 2001, a modification was granted to provide four parking spaces for two, 2-bedroom units and one studio unit. At that time, five parking spaces would have been required for that project. The proposed project, which involves the addition of a bedroom to the studio, provides one additional parking space that is triggered by the addition. A review by Transportation Planning Staff has indicated that five parking spaces will meet the demand and design standards for the three units.

The second Modification relates to placing the parking place in a front yard setback. Although front yard parking is prohibited by the Zoning Ordinance, Staff recognizes that this property has site constraints associated with not only the two front yards, but also with the configuration of the existing structures. Staff takes the position that this secondary front yard, which provides access to the parking, functions like an interior yard which can safely be screened from the right-of-way.

The existing hedge, which is located along both front lot lines, exceeds the maximum allowable height of 3½ feet, and is mostly located on top of a 4 foot tall retaining wall. This application requests a modification to maintain the combined wall/hedge at its current height. Staff does not support hedges in excess of 3½ feet on front lines for purposes of both aesthetics and safety. Staff recommends that the entire hedge be removed. Staff recommends that the area above the stone retaining wall be planted with low lying vegetation to provide a buffer zone between the grade changes of the lot with the sidewalk below. If a parking space is to be approved in the front yard set back, a permanent screen such as a fence or wall should be

required to screen the vehicle from the right-of-way. The design, height, and material of that screen shall be reviewed by the ABR.

V. **RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve the parking modifications for number and location, and the Modification to allow the existing over-height hedge, except for the portion of the hedge that would screen the uncovered parking space. The additional parking space is necessary to secure an appropriate improvement on the lot by allowing the expansion of the studio unit demand. The location once screened, provides parking in an area currently being used for parking. These modifications are necessary to secure an appropriate improvement on the lot and are consistent with the purposes and intent of the zoning ordinance.

Exhibits:

- A. Site Plan
- B. Applicant's letter, May 2007
- C. ABR Minutes
- D. Neighbor's Letter, July 16, 2007

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

May 2007

Staff Hearing Officer  
c/o Roxanne Milazzo  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RE: 333 West Cota; 037-152-001

Dear Staff Hearing Officer:

The proposed project at 333 West Cota Street will help clear the permit record and secure appropriate improvements at the existing triplex. There are no exterior improvements proposed to the site with the exception of an 'as-built' uncovered parking space. The information below provides an overview of the existing development on-site and justifications for our Modification requests.

### **Existing Development**

The development on the 7,371 square foot lot located at 333 West Cota consists of three legal units. There are two 2-bedroom units (Units A&B) on the ground floor and one 1-bedroom unit (Unit C) on the second floor. Unit C was previously approved as a studio and subsequently a 508 square-foot bedroom was created without permits in an existing attic space by the previous owner of the property. There are four covered parking spaces approved on the site and one additional uncovered parking space that has not been permitted.

### **Background**

In 2001, a project was approved to convert the previously existing six-unit apartment building into a three-unit apartment building. The project included significant upgrades and improvements to the Victorian style building. The applicant at that time, proposed two (2) lower floor apartment units, one (1) second floor studio unit and four parking spaces. The project required a parking modification because five parking spaces were required to meet the zoning code. A memo in the record files for the subject property states that, the parking demand for the two-bedroom and one studio apartment is four spaces. Based on this information provided by Transportation Planning staff, a Modification was granted in April 2001. Please see attached documentation obtained from City records (Attachment 1 and 2).

Between 2001 and June 2006 when the current owner, Margaret Mead, purchased the property, the studio unit was expanded by converting the existing attic into a bedroom. While this work had not been done with a permit, the attic space was built to current code and the windows in the attic space were consistent with the remaining unit seemingly in the interest of converting the attic to habitable space. Upon purchasing the property, Ms. Mead realized that there had been 'as-built' work done on the triplex. She intends to clear the property of zoning violations and has been actively working with City staff to resolve these issues since August of 2006.

### **Modification Requests**

We are requesting three Modifications in order to: 1) allow an uncovered parking space to be located in the 10' front yard setback per SBMC 28.21.060, 2) allow an existing hedge to exceed the 3'6" height limitation within 10' of the front lot line per SBMC 28.87.170.2 and 3) provide five (5) parking spaces instead of the six (6) required parking spaces required per SBMC 28.90.100.G.3.

We feel that the Modifications meet the findings as required in section 28.92.110. The 'as-built' uncovered parking space in the front yard setback would secure an appropriate improvement on the lot given the fact that it provides for the parking demand of the triplex and it also promotes uniformity on the lot. The space is located in an area that is already paved, which is contiguous with the previously approved parking area and it is adequately screened. Since this lot has two front yards, it is an unreasonable hardship to find another location on the site that could accommodate the parking space. Furthermore, an alternative conforming parking design may not be in the interest of good design since it would require a curb cut along the existing Cota project frontage. It would also require another driveway and paving surface to be located in the existing yard that currently provides ample living space and a pedestrian only entrance for the tenants and guests.

The Modification request for the hedge to exceed 3'6" in the front yard setback meets the intent of the ordinance, as specified in 28.92.110.3 because it secures an appropriate improvement by providing adequate screening to a required parking space. However, the hedge has been reduced to 3 ½ feet within 10 feet of the driveway and will be maintained at this height to ensure proper sight visibility for ingress and egress purposes. Transportation Planning staff has reviewed the site visibility and maneuverability of the parking space in its current configuration and determined that they can support it (Attachment 3).

The remaining Modification that we are requesting is to allow five parking spaces instead of the six required per SBMC 28.90.100.G.3. Transportation Planning staff has determined that five parking spaces meets the demand for the three-unit complex. Therefore, the modification finding as specified in SBMC 28.92.110.1 can be met because it will not cause an increase in the demand for parking space in the immediate area. The parking demands for the triplex will be met on site (Attachment 4).

### **Architectural Board of Review (ABR)**

The project was reviewed by the ABR on April 23, 2007 to comment on the proposed modifications. The minutes have been attached for your review but in summary, the Board was supportive of the modification requests. They concluded that the over-height hedge along Cota and Castillo, the "as built" conversion of the attic space to a bedroom, and the parking in the front yard did not pose any adverse aesthetic impact to the neighborhood.

We look forward to your comments on this project and please feel free to call me at 966-2758 x 24 with any questions that you may have.

Sincerely,



Susan McLaughlin AICP LEED AP  
*Associate Planner*

- Attachments:
- 1) Correspondence from Transportation Planning staff to the Planning Division (March 1, 2001)
  - 2) Modification approval letter (April 2001)
  - 3) Pre case from Transportation Planning
  - 3) Correspondence from Transportation Planning to Jim Buster, client representative (October 24, 2006)
  - 4) Set of current plans

Milazzo, Roxanne

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**From:** Doctors, Christina  
**Sent:** Thursday, March 01, 2001 11:16 AM  
**To:** Milazzo, Roxanne  
**Subject:** 530 Castillo Street

Rox,

I have reviewed the request for a parking modification for two 2-bedroom and one studio apartment from the 5 space requirement to 4 parking spaces. The parking demand for this proposal is 4 spaces. Looks like it is a go.

Christina

# CITY OF SANTA BARBARA

## COMMUNITY DEVELOPMENT DEPT.

Planning Division ..... 564-5470  
Housing & Redevelopment Division .. 564-5461  
Building & Safety Division ..... 564-5485  
Director's Office ..... 564-5502  
Fax Number ..... 564-5477



630 GARDEN STREET  
POST OFFICE BOX 1990  
SANTA BARBARA, CA 93102-1990

April 2, 2001

Santino and Angel Aragona  
530 Castillo Street  
Santa Barbara, CA 93101

SUBJECT: 530 Castillo St.; APN 037-152-001; A-1 Zone

Dear Mr. and Mrs. Aragona:

At a public hearing held on March 28, 2001, the Modification Hearing Officer approved your request for a modification to legalize a third unit for the property while providing only four (4) of the required five (5) parking spaces on site.

This action is subject to the condition that all plans submitted for building permits in conjunction with the approval of this modification shall show two, 2-bedroom apartments on the first floor and one studio unit upstairs.

In taking this action, the Hearing Officer made the findings required by Municipal Code Section 28.92.026, that is, that the modification of parking space or loading space requirements will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area.

This decision may be appealed to the Planning Commission by filing an appeal with the Planning Division at 630 Garden Street no later than 4:30 p.m. on April 9, 2001. If not appealed within that time, the action is final.

If you have any existing zoning violations on the property, they must be corrected within thirty (30) days of this action.

Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit. **PLEASE NOTE:** A copy of this modification letter shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

Subj: Fwd: 333 West Cota Street  
Date: 1/5/2007 8:28:20 PM Pacific Standard Time  
From: Themargaretmead  
To: Themargaretmead

 Margaret Mead

-----Original Message-----

From: jbsyv@verizon.net  
To: Themargaretmead@aol.com  
Sent: Tue, 2 Jan 2007 7:31 PM  
Subject: Fw: 333 West Cota Street

When Judy wrote this email she had the plans with all of the square footage etc. Pisses me off.

----- Forwarded Message -----

From: "Johnduff, Judith" <jjohnduff@SantaBarbaraCA.gov>  
To: JAMES BUSTER <jbsyv@verizon.net>  
Cc: "Milazzo, Roxanne" <RMilazzo@SantaBarbaraCA.gov>  
Sent: Tuesday, October 24, 2006 11:31:28 AM  
Subject: 333 West Cota Street

Hi Jim,

I reviewed the measured drawings of the proposed parking space on the plans which accompanied your October 12th letter. The maneuvering works. There are two items to keep in mind when you are preparing the final plans. The first item would be to show the pedestrian path from the garages to the house. Also, if Zoning or ABR require additional screening, that might affect the location of the parking space and we would need another review. Also, any screening should not interfere with visibility at the driveway. It does not look like that would be an issue, but it is something to keep in mind.

If you have any additional questions, please do not hesitate to call or email me at 897-2599.

Thank you,

Judy

Judith Johnduff 897-2599  
Assistant Transportation Planner  
City of Santa Barbara  
Public Works Department

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PreCase re-reviewed by Rob Dayton and Steve Foley (x2542).

Transportation Staff would be supportive of a modification to the number of parking spaces to allow 5 instead of the required 6.

After re-review of the 2001 modification case to allow 4 spaces instead of 5,

Transportation is supportive of 1 additional parking space to meet the proposed project's parking needs. The parking demand was determined at 1.5 spaces per unit rounding up to 5 total spaces ( $1.5 \times 3 = 4.5 = 5$ ). A total of 5 spaces would be provided to accommodate the proposed as-built addition to create a second story one-bedroom unit.

However, a zoning modification is required to allow the parking within the front yard setback. Transportation Staff reviewed the location of the space and finds that the location works geometrically but notes that concerns and potential aesthetics actions including landscape screening may create visual safety issues that would need further Transportation analysis.

333 West Cota Street  
ABR Comments  
April 23, 2007

Chair Wienke read into the record a letter from Steve Johnson addressing parking concerns.

Public comment closed at 4:24 p.m.

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

- 1) The modification to allow the existing Eugenia hedge at Castillo and Cota Streets poses no negative aesthetic impact to the neighborhood.
- 2) The "as-built" conversion of attic space has no adverse aesthetic impact to the neighborhood.
- 3) The hedge above existing stone retaining wall located on the property line shall be a maximum of 8 feet high above the sidewalk. In the area adjacent to the car the hedge shall be a maximum of 6 feet high.
- 4) The modification for the reduction of parking spaces from 6 spaces to 5, and the front yard parking, secures an appropriate improvement for the "as-built" condition adding habitable space in the attic. The front yard parking poses no adverse aesthetic impact. Because of the parcel orientation, the uncovered parking space appears more to be in a side yard orientation rather than a front yard.
- 5) There is concern that a precedent may be set allowing parking in the front yard and hedges higher than 42 inches. Comments 1 through 4 are related to this site and its location across the street from a large asphalt parking surface of the Department of Motor Vehicles, and its proximity to Highway 101. Some Board members prefer to have the site under-parked rather than the proposed parking in the front yard setback. Some Board members prefer to not have the proposed parking in the front yard setback; however, in this instance the Board finds it acceptable under the conditions related to this site.

Action: Manson-Hing/Sherry, 5/0/1. Motion carried. (Wienke abstained. Blakeley and Mudge absent.)

DISTRIBUTED ON: 7/20/07

SHO (4):

- STAFF HEARING SUPERVISOR (Bettie Weiss)
- ORIGINAL to STAFF HEARING OFFICER (Rox)
- PLANNING TECH FOR ITEM
- APPLICANT

Castagnola Family Trust  
331 W. Cota St., #B  
Santa Barbara, CA 93101

July 16, 2007

**RECEIVED**

JUL 19 2007

CITY OF SANTA BARBARA  
PLANNING DIVISION

Staff Hearing Officer  
c/o Roxanne Milazzo  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

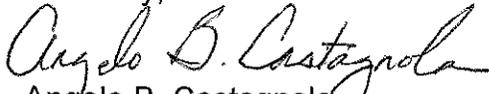
RE: 333 West Cota; 037-152-001

Dear Staff Hearing Officer:

We own the property immediate adjacent to the project site at 331 W. Cota Street and are writing you to convey our support for the requested modifications at 333 W. Cota Street .

The addition of one parking space off of Castillo Street in the existing parking area is the best solution to provide an additional parking space. The hedge will provide a natural screen for the parking space. Therefore, we are able to support the zoning modifications requested.

Sincerely,

  
Angelo B. Castagnola

  
Juliette C. Castagnola

  
Angelin M. Castagnola