



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 17, 2007
AGENDA DATE: October 24, 2007
PROJECT ADDRESS: 333 W. Cota Street (MST2007-00132)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor *DJK*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT HISTORY

The project site is located on the corner of Cota and Castillo Streets. Current development on site consists of a triplex 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).

On August 1, 2007 at a public hearing, The Staff Hearing Officer (SHO) approved the request for one (1) parking space and its location within the front yard setback facing Castillo Street. As a condition of that approval, the applicant was directed to screen the parking space with a 6-foot high wood fence and to clear the outstanding hedge violation which currently exists on site. The applicant pointed out that the existing hedge, which is located on top of an existing retaining wall, provides privacy to the areas currently used for outdoor living purposes. Due to the location of the existing development on site, the front yard is the only area on site with dimensions that are appropriate for those purposes. The Staff Hearing Officer felt that allowing overheight vegetation on top of the existing retaining wall would be precedence setting and continued the item to allow the applicant an opportunity to explore fencing a small area that would provide some private outdoor living space for the site.

A revised design was reviewed by the Architectural Board of Review (ABR) on September 10, 2007. The design, which consists of a 42" hedge in front of a 42" fence along both front lot lines, received favorable comments from the Board. It is Staff's position that this revised design does not follow the direction of the SHO from the previous meeting.

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II. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer deny the application as submitted by acknowledging that the revised design does not follow the direction given by the SHO, is not an appropriate improvement, and is not consistent with the purpose and intent of the ordinance.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated October 4, 2007
- C. ABR Minutes

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

S U Z A N N E  E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

4 October 2007

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

RE: Continued Modification Request 333 West Cota; 037-152-001 – MST2007-00132

Dear Staff Hearing Officer:

Thank you for the opportunity to continue the zoning modification request for the existing hedge located along the perimeter of the front yard. As the record indicates, the requested zoning modifications for the studio unit conversion to one-bedroom and related parking modification received an approval by the Staff Hearing Officer on August 1, 2007.

The Staff Hearing Officer (SHO) was not able to make the necessary findings for the existing over-height yard hedge condition, but indicated that an alternative design may be supportable. Given the discussion, a revised design was presented to the Architectural Board of Review on September 10, 2007. The design presented to the ABR included removal of the existing Eugenia hedge and installation of a 5'6" high fence in addition to a hedge with a maximum height of 5' on the outside of the fence (facing the street). This design was intended to respond to staff's concern related to hedge height enforcement. The ABR continued to support the over-height condition, indicating a preference that the hedge be trimmed and maintained at 42 inches above the stone wall (see Attachment A, ABR minutes). The ABR was also supportive of the proposed fence provided that it be hidden behind the hedge also at a 42 inch height. The proposal is in accordance with the ABR comments.

Modification Request and Justifications

We are requesting a Modification in order to allow an over-height 42" hedge (above the stone wall) and fence to be located in the front yard. We feel that the Modification can be approved and that the findings can be made such that the hedge and fence secure an appropriate improvement.

The hedge and the proposed fence are appropriate for several reasons. We are concerned that the staff recommendation from the SHO hearing on August 1, 2007 would result in a safety hazard. Staff requested that the existing hedge be removed from the yard and low growing shrubs be planted at the top of the wall to provide a barrier to the sidewalk

below. We do not believe that this condition would affectively prevent a child, for example, from falling from the edge of the yard 3 ½ feet below to the sidewalk. Further, the hedge provides a sense of privacy that facilitates use of the only outdoor area available on the property – a necessary amenity due to the commercial use (DMV) and the freeway in close proximity. Installation of a low fence would provide additional buffer for noise impacts that result from traffic noise. As demonstrated at the previous hearing, the existing hedge does not diminish line of sight visibility at the corner intersection for all users – vehicles, pedestrians, and bicyclists. The intersection is a four way stop and Castillo Street is one-way approaching the intersection from the north. The attached exhibits illustrate that vehicles at the Cota/Castillo intersection turning left onto Castillo would have visibility for a distance of at least 30 feet (Attachment B). Additionally, vehicles, pedestrians and bicyclists traveling northbound on Castillo Street have excellent visibility of the intersection at a distance of more than 60 feet (Attachments C & D).

Given the specific site conditions relative to the proximity of the DMV, Highway 101, and the property configuration (an open yard area several feet above grade from the adjacent sidewalk), we feel that the requested zoning modification can be approved with the necessary finding of an appropriate improvement.

Thank you for your consideration and we look forward to your comments on this project. Please do not hesitate to contact me at 966-2758 x 16 with any questions that you may have.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES



Trish Allen, *AICP*
Associate Planner

- Attachments: A) ABR minutes, September 10, 2007
B) Cota/Castillo intersection showing line of site
C) Vehicular view traveling north along Castillo Street
D) Pedestrian/Bicyclist view traveling north along Castillo Street

333 W. COTA ST - ABR MINUTES - SEPTEMBER 10, 2007 R-4 Zone

Presenters: Trish Allen, Agent; Katie O'Riley-Rogers, Landscape Architect.

Mr. Limón, Design Review Supervisor, reported that he served as Staff Hearing Officer for the review of this item. After considering the applicant's request, Mr. Limón's direction was removal of the perimeter hedge, due to height precedence; direction was also to limit fencing to a small area rather, than a perimeter fence around the entire site. Staff is supportive of a permanent fence enclosure for the front parking space, and prefers a fence or wall as a noise control solution rather than a hedge.

Public comment opened at 7:37 p.m. The following individual spoke in favor or opposition:

Paula Westbury: opposed.

Public comment closed at 7:40 p.m.

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

- 1) The Board supports the existing hedge above the existing stone veneer wall, as indicative of the neighborhood. It is preferred that hedge be trimmed and maintained at 42 inches above the stone wall.
- 2) The Board could support a fence, in the style presented in the drawings, at a height not greater than 42 inches high and hidden from pedestrian view by the hedge. Provide a 45 degree notch at the fence corner to enhance visibility. Locate the center rail on the interior side of the parking fence.
- 3) The Board is concerned that the area between the parking space and fence is narrow at 1 foot wide; therefore the applicant is to study using a vine attached to the fence in lieu of hedge in that location.
- 4)

Action: Mudge/Mosel, 6/0/1. Motion carried. (Aurell absent. Zink abstained.)