



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 14, 2009
AGENDA DATE: October 21, 2009
PROJECT ADDRESS: 1429 Clearview Road (MST2008-00194)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RB*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 5,000 square foot project site is currently developed with a two-story single family residence above a two-car garage. The proposed project involves "as-built" open yard improvements including planters, a deck, terraces, and landscaping installations. The discretionary application required for this project is a Modification to permit the installations to exceed the maximum allowable height of 36 inches above grade (SBMC §28.15.060.C).

Date Application Accepted: September 14, 2009 Date Action Required: December 14, 2009

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Amy Sachs	Property Owner:	Amy Sachs
Parcel Number:	041-102-009	Lot Area:	5,000 sf
General Plan:	5 Units Per Acre	Zoning:	R-1
Existing Use:	One-Family Residence	Topography:	32% slope

Adjacent Land Uses:

North – Clearview Road	East - One-Family Residence
South – One-Family Residence	West – One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,800 sf	1,800 sf
Garage	400 sf	400 sf
Attached Accessory	200 sf	200 sf

C. PROPOSED LOT AREA COVERAGE

Building: 900 sf 18% Hardscape: 1,955 sf 40% Landscape: 2,145 sf 42%

IV. DISCUSSION

The Zoning Ordinance requires an area of 1,250 square feet of open yard area for single family residential lots. The Ordinance allows for the open yard area to be improved with decks, patios, and terraces, as long as the improvement do not exceed 36 inches in height above finished or natural grade, whichever is lower. The proposed project involves “as-built” improvements completed by the property owners for purposes of making their steeply sloped rear yard area usable. The existing construction contains walls, terraces, and a wooden deck in excess of the 36 inches above finished grade.

Although Staff discourages the use of the Modification process for legalization of illegal construction, the site visit revealed that the existing improvements have provided outdoor living areas for this property as intended by the Ordinance. The property owners have planted the perimeter of the property per direction from the Single Family Design Board (SFDB) and are proposing to remove the portion of the deck located within the required five-foot setback to provide the separation as required by the Ordinance.

V. FINDINGS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The Modification to permit walls, terraces, and a wooden deck in excess of 36” within the open yard area allows for three separate levels of outdoor living space for a lot that previously had none. Because of the vegetation that has been installed and the proposed removal of the portion of the deck within the interior setback, no impacts to the adjacent neighbors are expected.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated September 14, 2009
- C. SFDB Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)

Amy Sachs and Mitchell Sjerven
1429 Clearview Road
Santa Barbara, CA 93101

September 14, 2009

City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93101

RE. Modification request for 1429 Clearview Road; APN 041-102-009; R-1

Dear Ms. Millazo,

Our current rear yard has a slope of approximately 32% and does not provide any practical or usable level areas. The current steepness of our lot effectively prohibits us from enjoying the benefits of having a usable rear yard. The lot is rather small, only 5000 square feet.

Creating a series of terraces and a deck has allowed us to enjoy the benefits that most of our neighbors currently have- a usable rear yard. The upper deck provides a level area of approximately 330 SF with the lower terraces providing an additional 915 SF level area. Some of the improvements are greater than 36 inches above the finished grade.

The modification we are requesting is to allow for the wall height and deck height to remain so that extensive grading is not needed. It is also not feasible to have used equipment and all work was done manually.

Respectfully,



1429 CLEARVIEW ROAD – SINGLE FAMILY DESIGN BOARD REVIEW

June 9, 2008

Jenny Marshall, opposed to loss of privacy and views (submitted photos).

Jason Bryan, concerned about loss of privacy, loss of views, and loss of resale value (submitted photos).

Public comment closed at 7:28 p.m.

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

- 1) The retaining wall encroachment into the open yard is supportable.
- 2) Study the deck layout, its relationship to property lines, and privacy issues to the neighboring property.
- 3) Consider lowering the deck, or providing mature landscaping to provide privacy.
- 4) Indicate existing perimeter wall heights on the plans.
- 5) Address the under-story of the deck above the retaining wall.

Action: Bernstein/Woolery, 6/0/0. Motion carried. (Mahan absent.)