



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 23, 2007
AGENDA DATE: July 30, 2007
PROJECT ADDRESS: 1401 Kenwood Road (MST2008-00207)
TO: Bettie Weiss, City Planner. Staff Hearing Officer
Susan Reardon, Senior Planner
FROM: Planning Division, (805) 564-5470
Danny Kato, Zoning & Enforcement Supervisor *DK*
Roxanne Milazzo, Associate Planner

I. PROJECT DESCRIPTION

The 9,000 square foot project site is currently developed with a single-family residence and attached garage. The proposed project involves a remodel, "as-built" exterior changes, and site improvements. The discretionary applications required for this project are Modifications to permit alterations to portions of the residence located within the front setback (SBMC §28.15.060) and to permit walls to exceed 3 ½' in height when located within ten feet of a driveway for the first twenty feet back from the front lot line (SBMC §28.87.170) and retaining walls to be located within the required open yard area (SBMC §28.15.060).

Date Application Accepted: June 17, 2008 Date Action Required: September 17, 2008

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Morando Planning & Design	Property Owner: Howard & Aaron Melamed
Parcel Number: 041-132-009	Lot Area: 8,968 sf
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: One-Family Residence	Topography: 12% slope
Adjacent Land Uses:	
North - One-Family Residence	East - One-Family Residence
South - One-Family Residence	West - One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,531 sf	No Change
Garage	199 sf	No change
Accessory Space	80 sf	No Change

III. LOT AREA COVERAGE

Lot Area:	8,968 sf
Building:	1,894 sf; 21%
Hardscape:	2,435 sf; 27%
Landscape:	4,609 sf; 52%

IV. DISCUSSION

Due to the overall slope of this site and its location within the Hillside Design District, this project required review by the Single Family Design Board (SFDB). On May 27, 2008 the Board reviewed the proposed improvements and gave favorable comments.

The current property owner, who acquired this property through a foreclosure, inherited a series of alterations that had been completed without benefit of permits. Portions of the residence, located within the required front setback, have been altered. The alterations, which consist of new windows and relocation of the front door, do not result in new floor area or intensification of use within the setback. The second part of this Modification is related to illegal and poorly constructed retaining walls located along the Northwesterly side of the property. The new design will remove the existing construction and create a wall that is property engineered to prevent future slope failure and damage to the property. Due to the topography of the site, the accumulative height of the walls along the first 20' off the right-of-way will exceed the maximum allowable height of 3½'. The wall height Modification is necessary to provide a design that will be attractive, effective, and increase visibility when exiting the site. This project will also result in removal of portions of the existing retaining system currently located within the right-of-way. Lastly, the rear yard has slope issues that result in unusable area for outdoor enjoyment. The proposed plan, which results in retaining walls within the open yard area, will provide flat, private, usable space for the occupants, and complies with the proposed Zoning Ordinance amendments that are scheduled to be heard by City Council on July 29, 2008.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modifications being requested are necessary to secure appropriate improvements of aesthetic value, usable open space, and safety from slope failure for the property, and that they are consistent with the purpose and intent of the Ordinance by not adding additional floor area in required setbacks or creating safety issues for the community.

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Exhibits:

- A. Site Plan
- B. Applicant's letter dated June 16, 2008
- C. SFDB Minutes

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



1401 Kenwood

June 16, 2008

City of Santa Barbara Staff Hearing Officer
630 garden Street
Santa Barbara, CA 93101

RE: 1401 Kenwood Road, APN 041-132-009, Request for modifications.

The new owner request your consideration for three modifications: 1) Openings within the front yard thirty foot setback. 2) A wall to exceed three and one-half feet within ten feet of a driveway for a distance of twenty feet from the front lot line. 3) Retaining walls within the required open yard.

The 8,968 square foot parcel is developed with a 1,531 square foot dwelling with an attached 200 square foot garage and 80 square feet of storage. The dwelling was built in 1979 and burned down in 1981. A modification was approved to allow the living room to be 17 feet from the front property line in 1979. The previous owner did a complete remodel without permits including: new windows and doors, exterior stucco, roof, site privacy and retaining walls. The present owner bought the property in foreclosure and inherited the zoning and building violations of the remodel.

The remodel did not add any new height or floor area to the dwelling, as all the work was within the existing footprint. The remodel included a new 3'0" w x 2'6" h window in the storage room next to the garage. A new 6'0 w x 6'8" h metal clad slider on the side of the house at the location of the original front door and a recessed front door surround within the existing northern wall facing the street.

These three opening are within the required 30 foot front yard setback of the E-1 zone. The new entry recess and the storage window are appropriate architecturally and functionally, as they provide relief and a pedestrian friendly charm to the barren front façade. Originally, there was no way to approach the front door without traveling behind a six-foot grape stake fence and going along the side of the house.

The west side of the dwelling was originally built into the slope of the hill. The foundation is cement block for the first 4'6" along the west wall and it had wood railroad ties shoring up the slope. The same walls are seen at the rear of the dwelling today. In 1995 the west walls failed during El Nino and were replaced by a contractor without permit. Unfortunately, the wall was not extended far enough to contain the hillside along a portion of the house and the garage. The new owner is proposing to extend the retaining wall along the house and garage, almost to the street, which is within the front yard setback. Portions of the existing wood retaining walls are within the City right-of-way and will be removed with the proposal. A curved three and one-half foot wall will be installed in front of the extended eight-foot wall, to allow for planting to screen the larger wall. The new retaining wall secures not only an appropriate improvement, but also a necessary improvement to prevent future slope failure and damage to the dwelling and inhabitants. Although, the driveway slopes down to the dwelling and the car backs up the hill to Kenwood Drive, driver visibility is not currently obstructed. The new

retaining wall system will allow for slightly better visibility by removing vegetation and walls within the right-of-way.

The rear retaining walls are wood and failing. The owner proposes to install an eight-foot retaining wall to retain the rear slope. The rear of the property has 3,226 square feet that legally qualifies as open yard. The hatched area indicated denotes 1,269 square feet of open yard. The existing stairs on grade will remain and the existing portion will be within the 1,269 square foot area, will have a wall with a guardrail shoring up the northern side of the stairs. This technically may not require a modification, but we will leave it up to staff to make the determination. The definition of open yard is currently being rewritten to remove the clause that one in five cut and fill areas do not constitute an open yard area. At project completion the open yard will have 306 additional level square feet of area and an upper level of 1,651 square feet.

The owner believes that the projects front and rear retaining walls are appropriately designed to create uniform improvements to the failing and non-existent walls. The walls are minimally designed for function and aesthetics. The Single Family Design Board (SFDB) provided positive comments on May 27, 2008, regarding the design of the retaining systems and the front façade changes. The openings within the front setback are architecturally and functionally appropriate and their approval will prevent an economic hardship to the owner who purchased a distressed property.

Sincerely,

A handwritten signature in cursive script that reads "Mark Morando".

Mark Morando
Morando Planning & Design

1401 KENWOOD ROAD SINGLE FAMILY DESIGN BOARD REVIEW – MAY 27, 2008

Continued indefinitely to the Staff Hearing Officer with the following comments: 1) The arch changes and skylight are supportable; 2) retaining walls are an improvement; 3) study light fixtures to meet outdoor lighting guidelines and ordinance; 4) remove light fixtures as shield from neighbors along east property line; 5) return for Staff approval.