



Public Comment Received for:

Item E: 469 Scenic Dr

(PLN2021-00517)

Name of Sender	Distributed prior to hearing	Distributed after the hearing
1. Chris & Kathy Morgan	x	

From: [Kathy Meeder Morgan](#)
To: [Community Development, SFDB Secretary](#)
Subject: Public Comment for March 14 Consent Agenda Item 469 Scenic Drive
Date: Wednesday, March 9, 2022 5:50:34 PM

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EXTERNAL

Dear Single Family Design Board Members,

We live at 473 Scenic Drive which is the property adjacent to 469 Scenic Drive to the east. We have owned our home for nearly 20 years, and the property at 469 has been in a state of disrepair and neglect this whole time. We are thrilled that the site is being improved and we support the majority of what the new owners are doing regarding the bedroom addition, carport and deck, pergola, site walls, shed, etc.

However, a non-conforming patio exists on the east side of the property which needs review. It is original to the house, built in 1954. This patio extends a full 5 feet 3 inches into the side setback and is over 25 feet long. The base of the patio is a retaining wall just inside the property line which is 5' 6" above grade at the southern end. Because it is built in the setback, above grade, this non-conforming patio area at 469 allows a direct line of sight into two bedrooms of 473 Scenic. It is essentially like having a second-story deck in a side yard that extends to the property line. The new owners have submitted plans to remove the concrete surface of the patio, to be replaced with gravel. The apparent use remains the same: a patio area built above grade, in the setback, out to the property line. No acknowledgment of the non-conformance or resulting privacy issue exists in the plans and no landscape or other strategies to mitigate privacy issues are addressed in the design.

This structure/patio area violates Good Neighbor Guidelines in several ways. Importantly, it is difficult to mitigate privacy issues because of how the structure is built. Because there is no setback as-built, there is no room for landscaping between the properties. The area provides an elevated gathering space 6 feet from our bedrooms. (photos below)

We have talked to the owners about ways to mitigate the privacy issue but have been unable to agree on a solution. They proposed a "green wall" on top of the existing 3-foot wood railing which sits on top of the retaining wall, allowing them to maintain the patio space in the setback. However, this would create a "canyon effect" between our houses, employing a wall nearly 13 feet high from grade at the southern end. They have also talked about adding lighting and a water feature which raises concerns. We proposed using the space in the setback as a large planter, with trees and landscaping planted to provide privacy and prevent the space from being used as a gathering area.

Considering the scope of the work being performed at 469 Scenic, including work specifically on the patio in question, we request that the property be brought into compliance with City Code

regarding side yard setbacks. This project is not simple property maintenance or a basic addition- it is a top to bottom remodel and re-grading of the entire parcel. Not only is the house being completely remodeled including an ADU downstairs and a 225 sq ft addition, but substantial grading and terracing work has been done front and back. Street utilities were replaced. The roof was replaced. Major waterproofing and drainage work was completed. New retaining walls along the sides and rear yard were added. Every tree and plant on the parcel (except one) was removed. New gathering spaces compatible with Good Neighbor Guidelines are already part of this project, there is no need to maintain this one in the setback. Most notably, a significant amount of work has already been done to the non-conforming patio area, including demolition of the original concrete surface, excavation of the foundation to do waterproofing and drainage, addition of a new retaining wall, and new subsurface drains. (photos below) Certainly now is the time to bring the property into compliance.

If the SFDB cannot recommend compliance regarding the side yard setback, we would like the owners to provide specific and detailed plans for this area and how they intend to address Good Neighbor Guidelines with regard to privacy, noise and lighting concerns. Please see photos below that support our comments.

Thank you for your time and consideration.

Chris and Kathy Morgan
473 Scenic Drive
Santa Barbara, CA 93103

Photo of patio looking east toward 473 Scenic (taken when 469 was up for sale)



From street showing area between elevated patio at 469 and our house at 473



Closer views of the area between the houses (retaining wall is 5' 6" high at front corner):



Photo of wood railing and posts 6 ft from our bedroom windows:



Photos of significant work being done on patio area after removal of concrete surface:



