



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 5, 2007  
**AGENDA DATE:** September 12, 2007  
**PROJECT ADDRESS:** 1724 Villa (MST2007-00086)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Zoning & Enforcement Supervisor *DJK*  
Roxanne Milazzo, Associate Planner *RM*

On August 29, 2007 the Staff Hearing Office (SHO) reviewed a Modification request for the subject property. A copy of that Staff Report is attached. It was the SHO's position that the required findings could not be made for approval of the project and offered the applicant a continuance for an opportunity to reduce the amount of encroachment being sought. This is a review of the revised project. The discretionary application required for this project is a Modification to provide less than the required 1,250 square foot open yard area (SBMC §28.18.060).

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



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** August 22, 2007  
**AGENDA DATE:** August 29, 2007  
**PROJECT ADDRESS:** 1724 Villa (MST2007-00086)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DJK*  
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### I. PROJECT DESCRIPTION

The 5,000 square foot site is currently developed with a single family residence, detached garage, and a detached "as-built" accessory structure. The proposed project involves connecting the accessory structure to the residence. Portions of the accessory structure currently located within interior yards will be removed. The discretionary application required for the project is Modification to provide less than the required 1,250 square foot open yard area ( SBMC§28.18.060).

Date Application Accepted: June 4, 2007 Date Action Required: September 4, 2007

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Catherine Dunbar	Property Owner:	David Guajardo
Parcel Number:	043-182-016	Lot Area:	5000 sf
General Plan:	12 units/acre	Zoning:	R-2
Existing Use:	Single Family Residence	Topography:	Flat

Adjacent Land Uses:

North – Single Family Residence	East – Single Family Residence
South – Single Family Residence	West – Single Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,103 sf	103sf (n) & 333sf of accessory to be attached = 436 sf of additional floor area
Garage	240 sf	No Change
Accessory Space	336sf to be connected to residence & 126 sf to be removed – All (e) accessory space is “as built”	None

**III. LOT AREA COVERAGE**

Lot Area: 5,000 sf  
Building: 1,778 sf; 35%  
Hardscape: 500 sf; 1%  
Landscape: 2,722 sf; 64%

**IV. DISCUSSION**

The subject property is currently under enforcement for illegal construction. A routine site inspection by Building Staff revealed 2 detached accessory buildings, constructed without benefit of building permits, within the require interior, rear, and open yard areas. The proposed project involves demolition of the small storage shed and legalization of the larger building with rooftop deck. The property owner will remove portions of the building located within the rear and interior yard setback and attach the structure to the residence for use as additional habitable space. The remaining backyard area will not meet the required dimensions or overall area of 1,250 square feet. It is Staff's position however, that the remaining 1,000 square foot yard plus the 333 square foot rooftop deck, will provide outdoor living space with locations and amounts as intended by the ordinance.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve the Modification by making the required findings that the reduction of the open yard meets the purpose and intent of the ordinance by still providing private outdoor area for the exclusive use of the occupants and that it is necessary to secure an appropriate improvement by utilizing existing floor area to expand the home's floor area in a single story manner which is consistent with the neighborhood pattern of development.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated 6-4-07

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([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

6-4-07

This is a request for a modification to reduce the open yard 1250 square foot requirement to 1088 square feet. This is an 8.7% reduction request. The existing 2 bedroom single family residence is 1103 s.f. The proposed addition (110 s.f.) and 'as built structure' (348 s.f.) will total 458 s.f. If zoning requires the 'as built structure' be reduced to comply with current 6' setbacks then the square footage will become 325 plus the addition for a total of 435. There is a metal stairway in the open yard area which leads to a roof deck. This roof deck will provide the additional square footage needed to comply with current open yard regulations.

**RE: 1724 Villa**

Santa Barbara, CA. 93101

Zone R-2  
APN; 043-182-016  
Lot size; 50'x100'=5,000 s.f.  
Existing SFR 1103 s.f.  
Exist. Garage 240 s.f.

This property is the subject of a zoning violation. A 348 s.f. structure was built on the rear portion of the property in 1975 without benefit of building permits or inspections by city staff. Two of the current walls sit 5' from the side and rear property lines. This was the legal setback at the time the structure was built. These side property line walls do not interfere with open yard requirements and will need major construction effort to reduce them 12" for a net loss of about 22 square feet. The owner would really like to keep the property lines walls as is but will relocate them if Staff at Santa Barbara City Zoning interprets this as worthwhile. When you stand on the roof deck and look at the all the surrounding properties not one of them meets the open yard requirement or side and rear yard setbacks. We realize that the statement 'if one person does it wrong, does that make it OK for the rest to do wrong' applies here. When City Staff does their physical inspection will all the other 'non-compliant' properties surround this property also receive zoning violation letters.

The scope of work is to obtain building permits to have the 'as built' structure and addition comply with current local ordinances and California Building Codes. This permit application is to relocate the exterior walls to the current 6' set back and to join the existing single family home to the 'as-built' structure with a 110 s.f. addition (including a 5'x8' bathroom) and some interior remodeling. The 1250 s.f. open yard requirement will be 1088 s.f.