



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 041-11
422 SAMARKAND DRIVE
MODIFICATION
OCTOBER 5, 2011

APPLICATION OF DOUG REEVES, ARCHITECT FOR DOUGLAS KATSEV, PROPERTY OWNER, 422 SAMARKAND DRIVE, APN 051-112-016, E-3 (ONE-FAMILY RESIDENCE) AND SD-2 (SPECIAL DISTRICT OVERLAY) ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2011-00323)

Proposal to permit construction of an "as-built" 218 square foot storage room adjacent to the existing two-car garage, and an "as-built" 509 square foot second-story deck located above the storage room, on an existing permitted two-story, 2,714 square foot single-family residence.

The discretionary application required for this project is a Modification to allow the "as-built" improvements to encroach into the required six-foot interior setback (SBMC §28.15.060 and §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 28, 2011.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paul Westbury, Santa Barbara, CA.

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the finding 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 and promote uniformity of improvement. The proposed enclosed storage area within the interior setback is appropriate because it is modest in size and adjacent to the access driveway into Mackenzie Park and, therefore, would not detrimentally affect adjacent residential uses.

II. Said approval is subject to the following conditions:

1. The "as built" stairway to the second story deck shall be removed or the full bathroom be remodeled into a half bath, resulting in a floor plan consistent with Zoning standards.
2. A Zoning Compliance Declaration shall be recorded for the property.
3. The "as built" driveway and paved area shall be altered such that minimal paving shall be provided for ingress, egress, and turnaround area to the satisfaction of Transportation Planning staff.
4. The deck railing shall be relocated outside of the interior setback.

This motion was passed and adopted on the 5th day of October, 2011 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo _____ Date 10/6/11
Kathleen Goo, Staff Hearing Officer Secretary

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Single Family Design Board (SFDB) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
- a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.

