



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 28, 2011  
**AGENDA DATE:** October 5, 2011  
**PROJECT ADDRESS:** 422 Samarkand (MST2011-00323)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RB*  
 Daniel Gullett, Associate Planner *DG*

### I. PROJECT DESCRIPTION

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).

Date Application Accepted: September 2, 2011      Date Action Required: December 1, 2011

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Doug Reeves	Property Owner:	Doug Katsev
Parcel Number:	051-112-016	Lot Area:	11,248 sq. ft.
General Plan:	Residential, 5 units/ac.	Zoning:	E-3/SD-2
Existing Use:	Single Family Residence	Topography:	7% average slope

#### Adjacent Land Uses:

North – MacKenzie Park	East - Single-Family Residence
South – Single Family Residence	West – MacKenzie Park

#### IV. DISCUSSION

The subject project would abate violations identified in an open enforcement case on the property by permitting as-built work.

This project was reviewed by the Single Family Design Board (SFDB) on consent on September 12, 2011. SFDB found no negative aesthetic impacts with regard to the "as-built" design. Although the Single Family Residential Design Guidelines state that second story decks should be set back at least 15 feet from interior lot lines, the SFDB stated that the "as-built" deck was acceptable given that the adjacent property is non-residential. The SFDB also expressed concerns regarding storage of construction materials and parking in the front yard.

The original house and garage were permitted in 1953, when a five foot interior setback was required. The original garage was sited five feet from the interior property line. The zoning standard was subsequently changed to a six foot required setback. The second story addition to the house was approved with a Modification in 1974 to allow the addition above the garage to encroach one foot into the interior setback above the garage. The subject proposal would allow additional ground level storage area to encroach into the interior setback to line up with the existing garage. The total new area in the setback would be approximately 16.5 square feet of the 218 square foot storage/workshop addition. The project includes an "as-built" 509 square foot deck over the storage area. The existing deck railing is proposed to be moved outside of the required six foot setback.

Although there are alternative areas on this site to provide additional storage, the proposed encroachment is uniform with the existing garage and staff believes ~16.5 square foot ground floor encroachment is appropriate because it is adjacent to the driveway that descends into MacKenzie Park and would not detrimentally affect any adjacent residential uses.

Due to staff concerns related to the floor plan configuration of a portion of the existing residence and its ease of potential conversion into an illegal dwelling unit, staff recommends that the project be approved with conditions to address those concerns. A Zoning Compliance Declaration shall be recorded as a notice to the current and future property owners that the development shall constitute no more than one dwelling unit and staff recommends that either the existing full bathroom above the garage be reduced to a half bath or the "as built" stairway to the deck be removed. Staff also recommends that the project be condition to provide the minimum paved area for ingress, egress and turnaround area for vehicles to access the required parking in the garage.

**V. FINDINGS AND CONDITIONS**

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 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.

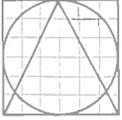
Said approval is subject to the following conditions:

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.

Exhibits:

- A. Project plans (under separate cover)
- B. Applicant's letter, dated August 3, 2011
- C. SFDB Minutes

Contact/Case Planner: Daniel Gullett, Associate Planner  
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Phone: (805) 564-5470 x4550



**D.W. REEVES & ASSOC. A.I.A.**

A R C H I T E C T S

3040 STATE STREET SANTA BARBARA CA 93105 (805) 687 1590

August 3, 2011

Staff Hearing Officer  
City of Santa Barbara  
PO Box 1990  
Santa Barbara, CA 93102-1990

Re: Modification Request for 422 Samarkand  
APN: 051-112-016, E-3 Zone

Dear Staff Hearing Officer:

Request is to allow an existing storage building and deck over within the side yard setback. The storage building is located 4.9 feet from the side yard property line(per the survey), in line with the existing garage that was constructed in 1950 under the then R1 zone with a setback of 5'-0". A Modification to allow an addition (two bedroom and a bath) over the garage was granted in 1974 per PC Resolution #167. A storage building/workshop was added to the garage with a second story deck over. The color, details, to match existing.

The new owners which to legalize the existing storage building and deck. A permit was applied for and it was discovered that a Modification was needed to allow the existing storage building and deck within the side yard setback. The total area of encroachment into the setback is 20.5 square feet. (1.1' x 18.67')

Allowing this Mod will allow the storage building to match the side face of garage.

Sincerely,

DW Reeves & Associates, AIA  
Architect

**RECEIVED**  
AUG 04 2011

CITY OF SANTA BARBARA  
PLANNING DIVISION

**EXHIBIT B**

**CONSENT CALENDAR (11:00 a.m.):****NEW ITEM****A. 422 SAMARKAND DR****E-3/SD-2 Zone**

Assessor's Parcel Number: 051-112-016

Application Number: MST2011-00323

Owner: Douglas and Nina Katsev, Revocable Trust

Architect: Doug Reeves

(Proposal to permit the construction of an "as-built" 218 square foot storage room, adjacent to the garage, and an "as-built" 509 square foot second-story deck located above the addition and cantilevered above the existing two-car garage and storage structure, on an existing two-story 2,714 square foot single-family residence. The proposed total of 2,932 square feet, on an 11,248 square foot lot, is 76% of the maximum required floor-to-lot area ratio. The project includes Staff Hearing Officer review for a requested zoning modification. The proposal will address the violations listed within the enforcement case ENF2011-00196.)

**(Comments only; project requires Environmental Assessment and Staff Hearing Officer review.)**

A support email from Alice Rundle was acknowledged.

**Continued indefinitely to Staff Hearing Officer (SHO) to return to Consent with comments:**

- 1) The Board found no negative aesthetic impacts in regards to design.
- 2) The second floor deck is acceptable given that the adjacent property is non- residential.

Board concerns:

1. The storage of construction materials and equipment on-site.
2. Parking in the front yard.