



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 025-07
3002 PASEO DEL REFUGIO
MODIFICATION
APRIL 11, 2007

APPLICATION OF JOAQUIN ORNELAS FOR RAUL GUTIERREZ, 3002 PASEO DEL REFUGIO, APN 053-201-008, E-3 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2005-00696)

The 7,500 square foot project site is located on the corner of Paseo del Refugio and Lugar del Consuelo. The proposed project involves demolition of all existing structures on site and the construction of a new single family residence with detached garage. The discretionary application required for the project is a Modification to make alterations to portions of the building being rebuilt within the required front yard setbacks (SBMC§28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305.

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 in favor of the application, and two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

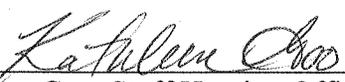
1. Staff Report with Attachments, April 4, 2007.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Bruce McGiver, Ph.D., J.D., 3018 Paseo del Refugio, Santa Barbara, CA 93105
 - b. Mark Swank, 414 Lugar Del Consuelo, Santa Barbara, CA 93105
 - c. Paul Norton, 2922 Paseo del Refugio, Santa Barbara, CA 93105
 - d. Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109.

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

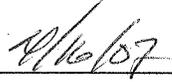
Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement on this site by relocating windows in accordance with the new floor plan, that the encroachment is being maintained as allowed by the Ordinance, no intensification of the non-conformancy is proposed, and relocation of windows should not result in any adverse impacts to adjacent neighbors.

This motion was passed and adopted on the 11 day of April, 2007 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, Staff Hearing Officer Secretary



Date

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 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.
3. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
4. **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.
5. **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 not 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.