



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 042-11 2521 MEDCLIFF ROAD MODIFICATIONS NOVEMBER 2, 2011

#### **APPLICATION OF THOMAS CAESAR, PROPERTY OWNER, 2521 MEDCLIFF RD., APN 041-330-034, E-3 (ONE-FAMILY RESIDENCE) AND SD-3 (COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2011-00208)**

Proposal to permit a portion of "as-built" six-foot tall wood fence located within ten feet of the front lot line along La Jolla Circle and within 50 feet of the intersection of Medcliff Road and La Jolla Circle. A separate encroachment permit from the Public Works Department has been granted to allow fences to be located within the public right-of-way. The discretionary land use applications required for the project are Modifications to allow a portion of the as-built fence to exceed three and one half feet (3 ½') in height within ten feet of the front lot line and to exceed three and one half feet (3 ½') in height within 50 feet of the street corner (SBMC §28.87.170 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 15301 (Existing Facilities) 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**, one person appeared to speak in opposition 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. Paula Westbury, Santa Barbara, CA.
  - b. Vernon Kjonggaard, Santa Barbara, CA.

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

- I. Approved the subject application with 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. The proposed "as-built" fence is appropriate because it provides privacy for the existing residence and secures an outdoor area on a corner lot while adequately providing visual clearance for motorists and pedestrians at the street corner.

- II. Said approval is subject to a condition that all previously unpermitted exterior lighting shall comply with the City's Outdoor Lighting Design Guidelines, subject to review and approval by the Single Family Design Board.

This motion was passed and adopted on the 2<sup>nd</sup> day of November, 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 11/3/11  
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.