



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 036-15

3940 STATE STREET

MODIFICATION

JUNE 24, 2015

**APPLICATION OF ALEX PUJO, ARCHITECT FOR FRANCHISE REALTY INTERSTATE CORP., 3940 STATE ST., 057-233-029, C-2/SD-2 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/AC) (MST2015-00137).**

The 26,957 square-foot parcel is currently developed with a 2,838 square foot McDonald's fast-food restaurant. The proposed project involves the removal of an existing dolphin play sculpture and the installation of a new playground structure in the front patio. Also proposed is a new three-foot tall safety fence atop an existing one and a half foot tall brick wall.

The discretionary application required for this project is a Front Setback Modification to allow the installation of the playground equipment to encroach into the required 10 foot front setback (SBMC §28.45.008 and SBMC §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 Section 15303 and 15305 (New Construction or Conversion of Small Structures and 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, June 18, 2015.
2. Site Plans

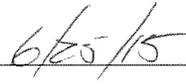
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I. Approved the requested Front Setback Modification making the findings and determinations 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 playground equipment is an appropriate improvement because it will not adversely impact adjacent neighbors or the visual openness of the streetscape.
- II. Said approval is subject to the condition that an encroachment permit shall be secured for the existing improvements and signage in the right-of-way prior to the issuance of a building permit.

This motion was passed and adopted on the 24<sup>th</sup> day of June, 2015 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 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 **Architectural Board of Review (ABR)** 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.