

# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 014-06  
1289 MOUNTAIN VIEW ROAD  
MODIFICATION  
APRIL 12, 2006

**APPLICATION OF JIM BUSTER, AGENT FOR GARY PANOYAN, 1289 MOUNTAIN VIEW ROAD, APN 013-320-007, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00143)**

The existing 10,050 square foot lot is currently developed with a 2,003 s.f. residence with attached two-car garage. The proposed project involves a retaining wall/fence combination, located on the western property line.

The discretionary application required for this project is a Modification to permit the retaining wall and fence combination to exceed the 8 foot maximum fence height within the required interior yard (SBMC §28.87.170)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (MST2006-00143)

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

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

1. Staff Report with Attachments, April 12, 2006.
2. Site Plans.
3. Correspondence received with concerns with the project:
  - a. Mark Lee, adjoining neighbor.

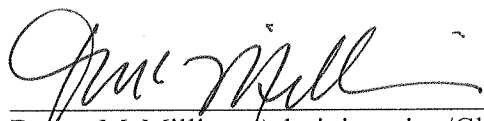
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:
  - A. The retaining wall is necessary to provide additional usable open area, the fence on top of the wall is existing and desirable for separation between properties, and that does not affect the neighbor detrimentally;
  - B. The Modification is consistent with the purposes and intent of the Zoning Ordinance; and
  - C. The Modification is necessary to secure an appropriate improvement on the lot.
- II. Said approval is subject to the following conditions:

- A. A property line survey is to be conducted to insure what improvements are being made on the applicant's property.
- B. That testing is done to ensure a 90% relative soil compaction by a licensed soil engineer.
- C. On the building plan it shall be noted that the wall height in the first 10 feet is not to exceed 4.5 feet and that the remainder of the wall not exceed 6 feet in height.

This motion was passed and adopted on the 12th day of April, 2006 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.

  
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Deana McMillion, Administrative/Clerical Supervisor,      Date 4-18-06

**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. **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.
4. **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.