



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 021-06
632 SANTA BARBARA STREET
MODIFICATION
APRIL 26, 2006

APPLICATION OF W. DAVID WINITZKY, AGENT FOR JILL SHALHOOB, 632 SANTA BARBARA STREET, APN 031-152-020, C-M COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: COMMERCE, GENERAL AND OFFICE; MAJOR PUBLIC AND INSTITUTIONAL (MST2006-00192)

The existing 5,647 square foot project site is legally developed with an 18 seat restaurant. Due to demand, this restaurant has expanded its number of seats to 62 without approvals. The discretionary application required for this project is a Modification for “as-built” expansion of the seating, without providing the additional required parking spaces (SBMC §28.90.100).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 26, 2006.
2. Site Plans

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

- I. Approved the subject application making the findings that:
 - A. The building is across the street from the CBD, where the number of seats would not be a factor in the restaurant; the peak parking demand is during a time when surrounding businesses are closed, the majority of the lunchtime patrons (when surrounding businesses are open) consists of people who walk to the site, and the Cota Commuter Lot is available after 6pm for general public parking.
 - B. The Modification is consistent with the purposes and intent of the Zoning Ordinance.
 - C. The Modification will not cause an increase in the demand for parking space or loading space in the immediate area.
 - D. The Modification will not cause an increase in the demand for parking space or loading space in the immediate area. And this limits the maximum seating to 62 seats.

- E. Noted for the record, the paved area with a curb cut adjacent to the north side of the building is identified as a vehicle access space.

This motion was passed and adopted on the 26th 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.

Deana McMillion, Administrative/Clerical Supervisor, Date
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 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.