



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 091-06  
1555 MARQUARD TERRACE  
MODIFICATION  
DECEMBER 20, 2006

**APPLICATION OF ARTHUR BIANCONE, 1555 MARQUARD TERRACE, APN 041-032-003,  
R-1 ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2006-00053)**

The project site is currently developed with a 2,180 square foot 2-story residence with attached garage in its final stages of a remodel. When construction plans were processed, the front yard setback was mistakenly measured from the curb, not the front lot line which is seven-feet behind the curb. The proposed project involves legalization of main and lower level additions to the residence, and site walls located in the front yard and along the driveway. Modifications are required to permit additions and alterations with the required twenty-foot (20') front yard (SBMC §28.15.060) and walls exceeding 3½' in height when located within 10' of the front lot line or the first 20' along the driveway (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 15301.

**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 no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

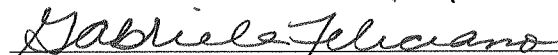
1. Staff Report with Attachments, December 13, 2006.
2. Site Plans

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

- I. Approved the project, making the findings that the encroachments and wall heights are necessary to secure appropriate improvements on this property.
- II. Said approval is subject to the condition that an encroachment permit shall be obtained for the walls existing within the public right-of-way.

This motion was passed and adopted on the 20<sup>th</sup> day of December, 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.

  
\_\_\_\_\_  
Gabriela Feliciano, Commission 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.