



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 071-08

33 RUBIO RD

MODIFICATION

SEPTEMBER 24, 2008

**APPLICATION OF BRIAN THARP FOR 33 RUBIO ROAD, APN 029-341-011,
E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER
ACRE (MST2008-00268)**

The 7,688 square foot project site is currently developed with a single family residence and detached garage. The proposed project involves an architectural remodel to the existing structures and a 712 square foot second story addition to the residence. The discretionary applications required for this project are Modifications to permit alterations to portions of the garage located within the required thirty-foot (30') front and ten-foot (10') interior setbacks (SBMC §28.15.060).

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, one person appeared to speak with concerns and the following exhibits were presented for the record:

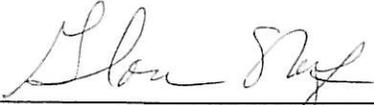
1. Staff Report with Attachments, September 17, 2008.
2. Site Plans
3. One e-mail from Susan Ward expressing concerns.

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

- I. Approved the subject application making the following findings and determinations:
 - A. The Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot.
 - B. The proposed roof alteration allows the existing garage to be maintained and remain compatible with the proposed architectural remodel, and the window alteration on the front garage wall will result in a slightly smaller opening on that façade.
- II. Said approval is subject to the condition that the unpermitted retaining walls and spa currently on site either be removed, or be included as "as-built" improvements on plans submitted in conjunction with obtaining building permits.

This motion was passed and adopted on the 24th day of September, 2008 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.



Gloria Shafer, 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 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 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.