



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 003-09  
1435 OLIVE STREET  
MODIFICATION  
JANUARY 28, 2009

**APPLICATION OF BRIAN FRAZIER FOR 1435 OLIVE STREET, APN 029-022-006,  
R-3 MULTIPLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION:  
12 UNITS PER ACRE (MST2009-00004)**

The 6,179 square foot project site is located on the corner of Olive and E. Micheltorena Streets. Current development on site consists of a single-family residence and detached garage. The proposed project involves an "as-built" fence located along the secondary front yard of the residence. The discretionary application required for this project is a Modification to permit the fence to exceed a maximum allowable height of 3 ½' when located along a front lot line or along the first 20' of a 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 15305.

**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 or opposition of the application, and the following exhibits were presented for the record:

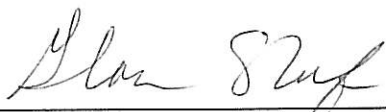
1. Staff Report with Attachments, January 21, 2009.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Matt and Christine Davis, 1431 Olive Street, Santa Barbara, CA
  - b. Robert Vior, 424 Micheltorena Street, Santa Barbara CA
  - c. Kathleen Dagg, received via e-mail.
4. Correspondence received in opposition to the project:
  - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA
  - b. Joe Rution, received via e-mail.

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

- I. Approved the subject application making the following findings and determinations :
  - A. The Modification to allow the 6 foot 10 inch high fence and retaining wall to exceed three and one-half feet (3 ½') along a portion of the secondary front yard will provide privacy and usable yard areas without safety issues for the community.
  - B. The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.
- II. Said approval is subject to the following conditions:
  - 1. Ample landscaping shall be planted between the existing retaining wall and fence to screen the fence and discourage graffiti.
  - 2. The portions of the fence within 10 feet of the corner of the driveway shall be relocated on a diagonal as shown on the approved site plan.
  - 3. The trellis covers over the side porch and rear deck cited in the most recent Zoning Information Report as a Building Violation must either be removed or a permit obtained for the "as-built" structures.

This motion was passed and adopted on the 28th day of January, 2009, 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

1-29-2009

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 SFDB Staff 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.

