



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 027-09  
428 CONEJO ROAD  
MODIFICATION  
APRIL 8, 2009

**APPLICATION OF DALE PEKAREK FOR DUNCAN & MARIA THERESA THOMAS, 428  
CONEJO ROAD, APN 019-061-011, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL  
PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00110)**

The 6,711 square foot project site is a through lot with frontage onto Conejo Road to the east and west. The lot was previously developed with a single family residence and attached one-car garage, which were destroyed in the Tea Fire. The proposed project involves the reconstruction of the previous structures and the addition of a 411 square foot second story for the residence. The discretionary application required for this project is a Modification to permit 125 square feet of the second story to be located within the required 35' foot front setback (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 15269(a).

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

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

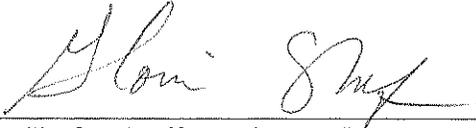
1. Staff Report with Attachments, April 1, 2009.
2. Site Plans

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

Approved the application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The lot is significantly below the required minimum lot size, is bounded on two sides by a public street, and has a slope of approximately 29 percent. The proposed second story addition will provide an expanded floor plan within the previously existing footprint on a constrained lot, with no impacts to the neighborhood.

This motion was passed and adopted on the 8th day of April, 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

4-09-2009

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 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 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.