



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 050-09  
50 RINCON VISTA ROAD  
MODIFICATION  
JUNE 17, 2009

**APPLICATION OF EDWARD H. JR. AND MARJORIE KIRSHBAUM TRUST FOR 50 RINCON VISTA ROAD, APN 019-282-019, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: THREE (3) UNITS PER ACRE (MST2009-00260)**

The 0.48 acre site was previously developed with a single-family residence and a detached two-car garage, which were destroyed in the Tea Fire. The proposed project consists of reconstruction of a 3,345 square foot two-story residence and deck with a detached, approximately 458 square foot, garage. The discretionary application required for this project is a Modification to permit alterations to the detached garage within the required 30 foot (30') 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 15303 & 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 of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 10, 2009.
2. Site Plans
3. Correspondence received in support of the project:
4. a. David Resnick, 19 Alisal Road  
b. Carol Pike and Darlene Levay, 444 Las Alturas Road
5. Correspondence received in opposition to the project:  
Laurie Thrower, Attorney, 314 E Carrillo St Ste 6

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

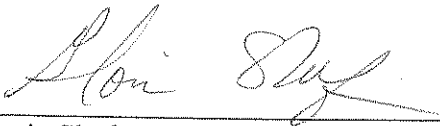
- I. Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on this lot. The proposed alterations to the garage in the required front setback will allow for a rebuild of the previous garage with a minor expansion of the garage height by approximately 30 inches, no further ground disturbance over what existed prior to the Tea Fire, and no anticipated impacts to adjacent neighbors.

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- II. Said approval is subject to the following conditions: 1) the reference to future work will be removed from the plans; 2) the removal of one kitchen; 3) a zoning compliance declaration to be recorded indicating only one single family residence; 4) The Single Family Design Board will review site drainage.

This motion was passed and adopted on the 17th day of June, 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

6-24-2009

\_\_\_\_\_  
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.

