



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 056-09  
819 SALSIPUEDES STREET  
MODIFICATION  
JULY 1, 2009

**APPLICATION OF RON SORGMAN, ARCHITECT FOR ELAINE WEBSTER, 819 N. SALSIPUEDES STREET, APN 031-031-008, R-3 MULTI-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00189)**

The project site is currently approved for the construction of two residential units. During site preparation it was noted that the existing retaining wall, located along the southeastern property line, needed to be demolished and replaced. The discretionary application required for replacement is a Modification to permit the wall and chain link fence above it to exceed the maximum allowable height of 3½' within the first 20' back from the front lot line when located within 10' of 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 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 people appeared to speak in favor of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 24, 2009.
2. Site Plans
3. Correspondence received in opposition to the project:  
Paula Westbury, 650 Miramonte Dr., Santa Barbara, Ca.

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

- I. Approved the subject application making the following findings and determinations:  
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 proposed retaining wall and fence will allow for construction and maintenance of the approved driveway to be installed on site, which will provide access to the required parking for the new units.
- II. Said approval is subject to the conditions of approval by the Architectural Board of Review, and that all appropriate right-of-way encroachment permits be obtained prior to building permit issuance.

This motion was passed and adopted on the 1st day of July, 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.

  
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Gloria Shafer, Staff Hearing Officer Secretary

7-2-2009  
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 Architectural Board of Review (ABR) 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.