



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 038-10  
960 W. MOUNTAIN DRIVE  
MODIFICATION  
JULY 14, 2010

**APPLICATION OF JEFF SHELTON, ARCHITECT FOR JAMIE AND PIKE RIEGERT, 960 W. MOUNTAIN DRIVE, 021-050-057, A-1 ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2009-00149)**

The 5.58 acre site is currently vacant. The proposed project involves the construction of a new two story 2,054 square foot single family residence with an attached 400 square foot garage. The project includes retaining walls, terraces, driveway, and 448 cubic yards of grading. The discretionary application required for this project is a Modification to permit construction of the residence and garage 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 15303 and 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, July 7, 2010.
2. Site Plans

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

- I. Approved the project 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, as described in Section V of the Staff Report dated July 7, 2010. The proposed encroachment into the front setback conforms to the building envelope given by the Planning Commission after their consideration of site constraints and environmental concerns.
- II. Said approval is subject to the condition that the project will comply with all conditions in Planning Commission Resolution No. 039-92.

This motion was passed and adopted on the 14th day of July, 2010 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

7-15-2010

\_\_\_\_\_  
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.