



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 038-19  
2515 MURRELL ROAD  
MODIFICATION  
SEPTEMBER 25, 2019

**APPLICATION OF MIKE OBER, APPLICANT FOR PAUL STERNE, 2515 MURRELL ROAD, APN 041-292-003, E-3/S-D-3 ZONE (RESIDENTIAL SINGLE UNIT/COASTAL OVERLAY), LOCAL COASTAL PLAN: (5 DU/ACRE) (PLN2019-00351)**

The 8,929 square foot site is currently developed with a single family residence with an attached two-car garage. A permit has been issued for an attached Accessory Dwelling Unit (ADU) located at the southeast (rear) of the primary dwelling unit under building permit BLD2018-01118. The proposed project involves the permitting of two "as-built" windows.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is an Interior Setback Modification to allow new windows to be located within the required 6' interior setback (SBMC §28.87.030.D.1.b and §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

**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, and the following exhibits were presented for the record:

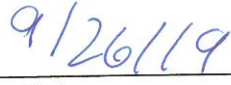
1. Staff Report with Attachments, September 19, 2019
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer approved the subject application, making the findings and determination that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot as the proposed windows are modest in size and provide egress to a bedroom and additional ventilation to an Accessory Dwelling Unit bathroom. Privacy is maintained between the subject property and the neighbor to the east as the proposed bedroom window is offset in height from the neighboring window, and provides little opportunity for direct visual access based on the height discrepancies. No significant privacy or nuisance issues are anticipated with the ADU bathroom window as it is modest in size and faces the perimeter fencing between the two properties.

This motion was passed and adopted on the 25th day of September, 2019 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.

  
\_\_\_\_\_  
Mary Ternovskaya, Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission 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. **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.
5. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Modification 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.