



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 045-21

3888 STATE STREET

MODIFICATION

SEPTEMBER 22, 2021

**3888 STATE ST., ZONE: C-G/USS (COMMERCIAL-GENERAL/UPPER STATE STREET OVERLAY AREA), LAND USE DESIGNATION: COMMERCIAL/MEDIUM-HIGH DENSITY RESIDENTIAL, APN: 057-240-046, PLN2021-00094, APPLICANT/OWNER: JEFF GORRELL/SUMIDA FAMILY LIMITED PARTNERSHIP**

The 87,130 square-foot site is currently developed with a mixed use complex. The proposal includes permitting of an outdoor dining deck that was allowed temporarily under Emergency Economic Recovery Ordinance No. 5944 (pertaining to Covid-19 Economic Recovery) within the required Upper State Street Overlay Front Setback of the subject parcel, as well as construction of a retractable awning over the deck and glass walls surrounding the deck. An existing ground sign is proposed for removal; replacement and relocation will occur under a separate permit. Infilling the patio surface to accommodate the ground sign removal is also proposed.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is a Front Setback Modification to allow for the outdoor dining deck to remain (SBMC Table 30.25.030 and SBMC §30.250.030.B).

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 in support or opposition thereto, the following exhibits were presented for the record:

1. Staff Report with Attachments, September 15, 2021.
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer approved the subject application, making the following findings and determinations:

## **FRONT SETBACK MODIFICATION (SBMC §30.250.060.F)**

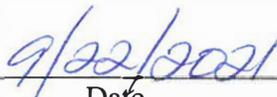
The Staff Hearing Officer finds that the Front Setback Modification is an appropriate improvement on the lot. The outdoor dining deck is a typical accessory use to the restaurant on-site, and the deck has existed on-site since April 2020 after approval of Emergency Ordinance No. 5944, and has now had the benefit of design review by the Architectural Board of Review

and an associated landscape plan to further enhance the site. The project is compliant with the purpose and intent of setbacks and the Upper State Street Overlay area by allowing open space on the site for public congregation and State Street activation.

This motion was passed and adopted on the 22<sup>nd</sup> day of September, 2021 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.

  
\_\_\_\_\_  
Kathleen Goo, 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. 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 three (3) years from the date of the approval, per SBMC §30.205.120, unless:
  - a. A building permit for the construction authorized by the approval is issued within thirty six 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.