



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

*Revised*

**RESOLUTION NO. 003-08**

**1406 GRAND AVENUE**

**MODIFICATION**

**HEARING HELD: JANUARY 16, 2008**

**DECISION ISSUED: JANUARY 30, 2008**

**APPLICATION OF JILL KENT, 1406 GRAND AVENUE, APN 029-042-014, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2007-00606)**

The 9,800 square foot project site is currently developed with a single-family residence and garage. The proposed project involves an enforcement case for over height vegetation. The discretionary application required for this application is a Modification to permit existing hedges located within ten-feet (10') of the front lot line to exceed the maximum allowed height of 3 ½' and other existing hedges within required yards to exceed the maximum allowed height of eight feet (8') (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 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 two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 8, 2008.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Ms. Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109.
  - b. Mr. Eric C. Kitchen, 610 Anacapa Street, Ste. B-3, Santa Barbara, CA 93101
4. Correspondence received in opposition to the project:
  - a. Mr. & Mrs. Jim and Sharon Westby, 822 Jimeno Road, Santa Barbara, CA 93103
  - b. Mr. David M. Grokenberger, Grokenberger & Smith, 1004 Santa Barbara Street, Santa Barbara, CA 93101.
  - c. Ms. Betsy Ingalls, 836 Jimeno Road, Santa Barbara, CA 93103.
  - d. Mr. Patrick Corrigan, 836 Jimeno Road, Santa Barbara, CA 93103.

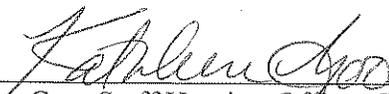
**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

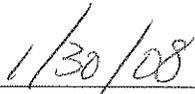
1. Denies the request for a modification to allow the existing over-height hedge within the required interior yard on the northern portion of the lot to be maintained to a height of twelve feet (12') because the Staff Hearing Officer does not find the request to be consistent with the purpose or intent of the Zoning Ordinance.
  
2. Approves the request for a modification to allow the existing over-height hedge within the portion of the front yard to the west of the garage and along the western property line to be maintained in the following fashion:
  - a. Within 10 feet (10') of the front lot line, the hedge may be maintained to a maximum height of three and a half feet (3½') above the existing retaining wall.
  - b. Any portion of the hedge that is at least ten feet (10') from the front lot line may be maintained to a maximum height of eight feet (8').
  
3. Approves the request for a modification to allow the existing over-height hedge along the front lot line east of the garage to be maintained to a maximum height of eight feet (8').

The Staff Hearing Officer is aware of Santa Barbara County Superior Court Case No. 1189394 concerning alleged violations of the City's View Ordinance, Chapter 22.76 of the Santa Barbara Municipal Code. Nothing in this decision should be interpreted to allow the maintenance of hedges on the property located at 1406 Grand Avenue in a manner that violates or is inconsistent with any final order or judgment in that case.

This Resolution is adopted on the 30th day of January, 2008, 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 concerning the referenced application.

  
\_\_\_\_\_  
Kathleen Goo, Staff Hearing Officer 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 written decision is issued.
2. **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.
3. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the 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 not 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.