



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 058-10  
1002 N. MILPAS STREET  
MODIFICATIONS  
DECEMBER 1, 2010

**APPLICATION OF BRIAN HOFER, ARCHITECT FOR JASSO FAMILY LIVING TRUST  
3/10/08, 1002 NORTH MILPAS STREET, APN: 029-252-013, R-3 LIMITED MULTIPLE-  
FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE  
(MST2010-00259)**

The 6,730 square foot project site is currently developed with a 1,551 square foot one-story residence and a detached 239 square foot one-car garage. The proposed project involves removal of approximately 121 linear feet of retaining walls, construction of approximately 67 linear feet of new retaining walls and fences for a combined total height of approximately 14 feet, new permeable paving to replace existing concrete, new landscaping and a new uncovered parking space. The discretionary applications required for this project are Modifications to permit the combined height of the new retaining walls and fences to exceed the maximum allowable height of eight feet within the required six-foot interior setbacks (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 and 15305.

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 23, 2010.
2. Site Plans
3. Correspondence received in opposition to the project:  
Kellam De Forest, 2651 Todos Santos Lane, Santa Barbara, CA 93105.

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

- I. Approved the subject application making the following findings and determinations:


The Staff Hearing Officer finds 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. The proposed retaining wall system will allow for an expanded flat, usable open yard area for the residence with a fence on top to provide a safety barrier and maintain the existing level of privacy in the yard. The top elevation of the proposed retaining wall will match the existing elevation of the existing retaining wall and the replacement wood fence will be the same height of the existing wood fence. The new retaining wall and fence combination will not result in a significant visual change off-site.


II. Said approval is subject to the following conditions:

- 1) Reduce the proposed width of the driveway to 10-feet maximum;
- 2) The unpermitted fence and gate on the corner of Milpas and Carrillo Streets shall be removed;
- 3) The landscape plan shall include a barrier or border between the paved driveway and landscaped area in the front yard along Carrillo Street to prevent parking in the front yard and in the existing required private outdoor living space;
- 4) The shed located in the front setback shall be removed from the property;
- 5) Stored items are to be removed from the garage and required setbacks; and
- 6) The hedge within ten feet of the driveway is to be reduced to 3½ feet in height; as the wall and hedge height in the front yards are to be reduced to the legal non-conforming height of five feet, and all other hedges determined not to be legal nonconforming must comply with Santa Barbara Municipal Code (SBMC) Section 28.87.170.

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

  
\_\_\_\_\_  
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 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.

