



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 040-10  
119 SKYLINE CIRCLE  
MODIFICATION  
JULY 28, 2010

**APPLICATION OF SHUBIN & DONALDSON ARCHITECTS FOR MARK TAPPEINER, 119 SKYLINE CIRCLE, APN 041-171-008, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2006-00522)**

The 4,776 square foot project site is currently developed with a 2,100 square foot single-family residence and garage. The proposed project involves demolition of all development on site, and the construction of a 3-story structure consisting of a 2-story residence with a 2-car garage and basement/storage area below. The discretionary applications required for this project are Modifications to permit construction within the required thirty-foot front setback (SBMC §28.15.060); for the required open yard to be provided in portions of the front yard and with dimensions less than 20 feet (SBMC §28.15.060), and for walls to exceed 3 ½' in height when located within ten-feet of a front lot line or within twenty-feet along the driveway (SBMC §28.87.170). This is a revision to a previous project that received Modification approvals for similar improvements in 2006. Those approvals have since expired.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 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 address concerns of the application, and no people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 7, 2010.
2. Site Plans
3. Seven letters received in support of the project from the applicant team:
  - a. Marc Tappeiner, 5324 Ekwil Street, Santa Barbara, Ca
4. Correspondence received in opposition to the project:
  - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

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

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

The front setback 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 encroachment of the garage meets the minimum preferred setback of twenty-feet, and allows development on a lot that would be more appropriately zoned E-3, with its smaller setback

requirements. The terrace that provides the majority of the outdoor living space for the occupants exceeds the maximum allowable height of 10" in a setback due to topography, and is necessary to secure a flat, usable area as intended by the ordinance.

The Modification of open yard within the front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The location is private and provides an outdoor area to enjoy the property's ocean view.

The Modification of wall height is necessary to secure an appropriate improvement and meets the purpose and intent of the ordinance. The proposed wall heights are necessary to secure development on the site due to slope conditions and do not create visual obstructions and safety concerns in their proposed locations.

- II. Said approval is subject to the following conditions: 1) Landscape within 10 feet of the front property line shall not exceed 3 ½ feet in height. 2) Increase the distance between the rear property and the proposed house by 2 feet as shown on the revised plans.

This motion was passed and adopted on the 28th 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

7-29-2010

\_\_\_\_\_  
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 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 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.

