



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 13, 2014  
**AGENDA DATE:** March 19, 2014  
**PROJECT ADDRESS:** 1419 De La Vina Street (MST2013-00085)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Suzanne Riegler, Associate Planner *SR*

### I. PROJECT DESCRIPTION

The proposed project involves the reconstruction of two non-conforming buildings that were destroyed by fire in 2011. The 24,750 square foot site is non-conforming to residential density, parking, setbacks, and building separation. The two buildings are a 2,058 square foot, two-story five-unit building, and an 804 square foot, single unit. No alterations are proposed for the potentially historic Desmond Building that is a 5,250 square foot, two-story building containing 14-residential units. The project will result in a total of 20 units including 5 single-room-occupancy units. Parking for the project is proposed on-site is provided by 3 covered parking spaces and 20 uncovered parking spaces.

The discretionary applications required for this project is a Modification of the Minimum Distance Between Buildings to allow the reconstruction of the one-unit building at a distance of less than fifteen feet (15') from the existing two-story Desmond building (SBMC § 28.21.070 and SBMC § 28.92.110).

Date Application Accepted: 2/20/14

Date Action Required: 5/21/14

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to a condition.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Gordon Brewer, Architect	Property Owner:	David Gerrity
Parcel Number:	039-061-011	Lot Area:	24,750 sf
General Plan:	Medium-High Density	Zoning:	R-4
Residential (15-27 du/Acre)		Topography:	2% est. avg. slope
Existing Use:	Residential		

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Cottage ( Unit A)	791	804
5 Unit Building (Units B-F)	2,097	2,058
Desmond Building (14 Units)	5,250 sf	No Change
Garage	580 sf	No Change
Accessory Space	81 sf	No Change
Total Development on site	8,799 sf	8,773 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 5,848 sf 24%      Hardscape: 13,240 sf 53%      Landscape: 5,662 sf 23%

**IV. DISCUSSION**

The property is the site of the 14-unit Desmond Building, also known as the Flying A Boarding House. The proposed project involves the reconstruction of two buildings that were destroyed by fire in 2011. The zoning ordinance allows the reconstruction of damaged nonconforming structures under SBMC§28.87.038, which states that damaged residential structures can be rebuilt and the occupancy and use may be continued if certain conditions are met and the permit is issued within three years of the date of destruction. The proposed project includes slight changes to the structures from what was previously permitted, and thus required review by the Architectural Board of Review (ABR).

The reconstruction project was reviewed by the ABR on March 18, and December 9, 2013, and the project was approved as submitted. During the zoning plan check for the building permit, it was discovered that the cottage building footprint was not proposed to be built per the archive plans. The net square footage of the cottage building cannot be increased per the conditions described in SBMC§28.87.038. A condition has been added that the Cottage (Unit A) shall be reduced by 13 net square feet. The archive plans show that the cottage and the Desmond Building were previously connected. Since the building is not being built per the archive plan, the required separation between the main buildings is fifteen feet (15').

The applicant is requesting a Distance Between Building Modification to allow the cottage building to be built a distance of 5' - 4" from the Desmond Building. This would allow for increased separation between the buildings, thereby eliminating the alterations to the Desmond building needed to provide the required connection, potential water intrusion created by the connection, and the potential damage to the Desmond Building due to settlement of the new construction. Staff supports the requested Modification because the reconstruction project is an appropriate improvement on the lot, and the building separation, although less than the required distance, will allow for additional protection to a potential historic resource, and is therefore not anticipated to adversely impact the potential historic resource or the adjacent neighbors.

**V. FINDINGS AND CONDITION**

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 reconstruction project is an appropriate improvement on the lot, and the building separation, although less than the required distance, will allow for additional protection to a potential historic resource and is not anticipated to adversely impact the potential historic resource or the adjacent neighbors.

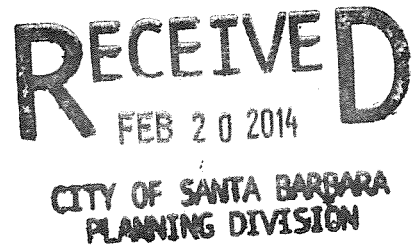
Said approval is subject to a condition that the Cottage (Unit A) shall be reduced by 13 net square feet.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated February 19, 2014
- C. ABR Minutes

Contact/Case Planner: Suzanne Riegle, Associate Planner  
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BREWER & WILLIAMS  
ARCHITECT & DESIGNER  
3615 SANTA MARIA LANE  
SANTA BARBARA, CA 9310



Applicant: David Gerrity  
P.O. Box 1107  
Summerland, CA 93067  
805-708-4662

February 19, 2014

Staff Hearing Officer  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Re: Modification Request for 1419 De La Vina Street; APN: 39-061-11; Zone: R-4

Dear Staff Hearing Officer:

Prior to a fire on July 8, 2011, there were three apartment buildings on the subject parcel. One building (Units B-F) (2208SF) was separated from the adjacent building containing Unit A (839 SF) by 3' at the closest. Unit A was attached to the historic Flying A Boarding House (5510 SF) by a segment of 7'-3"; insufficient to constitute a complying "attachment". The fire destroyed Unit A and Units B-F, but left the Flying A Boarding House intact. Plans were submitted for zoning review and ABR approval for the "like for like" reconstruction of Unit A and Units B-F showing a 4'-5" minimum separation between Units B-F and Unit A and 5'-4" separation between Unit A and the Flying A Boarding House.

On March 1, 2013, the project was presented to the ABR. Proposed minor deviations from the precise pre-fire construction were pointed out to the board; including the lack of windows on the West elevation of Units B-F due to current building code restrictions, and the 5'-4" separation between Unit A and the Flying A Boarding House. The Board asked staff for clarification of what constituted "like-for-like" construction. The minutes of that meeting reflect that "staff clarified what may, and may not be, altered for "like-for-like" replacement of non-conforming buildings". The project then received unanimous Project Design Approval with a few minor items to receive Final Project Approval on the ABR Consent Calendar. At that point we believed the project had implicitly received zoning approval and we proceeded to prepare final architectural and engineering working drawings. On December 9, 2013 the project received Final Project Approval from the ABR on the Consent Calendar. The project was submitted for a building permit on December 23, 2013. On February 6, 2014 we were notified that the plancheck process had been placed on hold and that Unit A and the Flying A Boarding House would have to be separated by 15 feet or connected exactly per the pre-fire condition in order to be considered "like-for-like" construction. This was obviously a shock, considering the project's ABR Approvals and the thorough vetting of the minor deviations proposed. The proposed replacement buildings constitute 42 square feet less than the pre-fire

construction. For building code compliance, all three buildings are considered as one building.

This request is for a zoning modification to allow the 5'- 4" separation between Unit A and the Flying A Boarding House, as approved by the ABR.

The benefits to the project, as explained to the ABR, are as follows:

Allows for better visual harmony by eliminating an awkward, non-complying (less than 8') attachment.

Provides a greater sense of entry and distinction for Unit A and Units B-F.

Enhances fire safety by providing greater than 5' separation between the historic Flying A Boarding House and Unit A.

Minimizes risk of structural damage to the historic Flying A boarding House during grading, compaction, and construction operations.

Eliminates potential for damage to the historic Flying A Boarding House from differential settlement of Unit A due to a modern, more robust foundation system For Unit A.

Eliminates potential for damage to the historic Flying A Boarding House from water intrusion at connection to Unit A due to differential settlement.

We look forward to your approval of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gordon Brewer', written in a cursive style.

Gordon Brewer AIA



## DESIGN REVIEW ACTIVITIES SUMMARY

**1419 DE LA VINA ST (MST2013-00085)**

**MULTI-RES-FIRE REBUILD**

*Proposal to rebuild two non-conforming buildings that were destroyed by fire in 2011. The 24,750 square foot site is non-conforming to residential density, parking, setbacks, and building separation, and the buildings must be replaced like-for-like. The two buildings are a 2,033 square foot two-story five-unit building, and a 900 square foot single unit. There are a total of 15 units and 5 single-room-occupancy units approved on this property in addition to 3 covered parking spaces and 20 uncovered parking spaces. No alterations are proposed for the potentially historic 14-unit Desmond Building on the site.*

**Status:** *Design Review Approved/PC Approved, No Design Review Required*

**DISP**

**Date 3**

**ABR-Concept Review (New)**

**APVD**

**03/18/13**

(Action may be taken if sufficient information is provided.)

Actual time: 4:41 p.m.

Present: Gordon Brewer and Jeanni Daniel, Architects; and David Gerrity, Owner.

Public comment opened at 4:53 p.m., and as no one wished to speak, public comment was closed.

A letter of concern from Paula Westbury was acknowledged.

Heather Widen, Project Planner, provided a landscape memo regarding replacement of burned palm trees and one other unidentified burned tree; status of "large camellias" adjacent to the palm noted on the 2006 plan; provide detailed plantings proposed for area to the east of new walkways; staff to verify with Public Works a 80% water-wise landscape requirements due to fire area and effect on plantings such as lawns; and documentation on plans on fenced private areas adjacent to staircase for existing two-story 14-unit building.

Staff clarified what may, and may not be, altered for "like-for-like" replacement of the non-conforming buildings.

Motion: Project Design Approval and continued indefinitely to Consent with conditions:

- 1) Provide a landscape plan that replaces the landscape plan originally approved in 2006. Confirm compliance or exemption from current requirements.
- 2) Provide a color board that replicates the originally approved colors in 2006.
- 3) Change the siding on the west elevation of Building A to horizontal for the original portions of the building.
- 4) Study adding windows where possible.
- 5) Provide fire prevention sprinkler backflow device details and screening, if required.
- 6) Provide separate meter details and screening from public view, if necessary.

Action: Gradin/Poole, 6/0/0. Motion carried. (Hopkins stepped down)

The ten-day appeal period was announced.

**ABR-Consent (Final Review)**

**APVD**

**12/09/13**

Final Approval as submitted.

### EXHIBIT C