



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 24, 2014  
**AGENDA DATE:** April 30, 2014  
**PROJECT ADDRESS:** 2911 De La Vina Street (MST2013-00107)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Jo Anne La Conte, Assistant Planner *JAS*

### I. PROJECT DESCRIPTION

The 7,500 square foot lot is developed with a 2,258 square foot non-residential building. The proposed project involves reducing the square footage of the building by 76 square feet by recessing the storefront of the restaurant to be in line with the front door recess, and exterior alterations including replacement of the front windows with bi-fold doors, a new front door, replacement of the existing front concrete patio with a new outdoor dining area, with perimeter bollards and chains, a new wood fence, a new trash enclosure, and alterations to the existing parking lot. The discretionary application required for this project is a Front Setback Modification to allow alterations to the existing building within the required twenty-foot front setback (SBMC §28.45.008 and 28.92.110):

Date Application Accepted: April 1, 2014

Date Action Required: June 30, 2014

### 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:	Ed De Vicente	Property Owner:	2911 De La Vina, LLC
Parcel Number:	051-202-008	Lot Area:	7,500 sq. ft.
General Plan:	Commercial	Zoning:	C-2/SD-2
Existing Use:	Restaurant	Topography:	8% slope

#### B. PROPOSED LOT AREA COVERAGE

Building: 2,208 sf 33%      Hardscape: 2,144 sf 30%      Landscape: 2,262 sf 31%

**IV. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/Allowance</b>	<b>Existing</b>	<b>Proposed</b>
SD-2 Setbacks			
- Front	20' – Bdgs that are >15' tall	10'	No Change*
- Interior	None	0	No Change
- Rear	None	Approx. 79'	No Change
Building Height	45'	16'6"	No Change

\*Modification Requested

**V. BACKGROUND**

The original project consisted of the majority of the improvements listed above. That project was approved by the Architectural Board of Review (ABR) on April 2, 1013. During building permit plan check, it was discovered that the existing building is non-conforming to the required 20' front setback, and that the alterations to the front of the building did not comply with the setback. In addition, it was discovered that the eight “as-built” parking spaces were not approved, and that the parking at the property is legal non-conforming with six spaces. The revised proposal includes reducing the non-conforming parking to five spaces to allow for an accessible path of travel and an accessible parking space, which are allowed by Code.

**VI. DISCUSSION**

The project is located in the C-2 and SD-2 Zones. The C-2 Zone does not require setbacks for non-residential buildings. The SD-2 Overlay Zone was established to control density and related traffic in the Upper State Street Area, and requires that any proposed new buildings have a 10-foot or 20-foot front setback, depending on the height of the building. As the existing building on site exceeds fifteen feet in height, a 20-foot front setback is required. However, the current development on site is legally non-conforming, with a front setback of 10 feet.

Staff supports the requested Front Setback Modification, as the changes will result in a reduction of floor area, a reduction to the size of the front door, and will allow for minor alterations to change two existing windows to bi-fold doors in the same location with a minor increase in height and within the required setback. The alterations are not anticipated to adversely impact the adjacent properties or the visual openness of the public street frontage. In addition, the proposed alterations are consistent with the intent of the SD-2 Zone, as the improvements will not increase the existing square footage of the building, density or traffic.

Transportation Division Staff has reviewed the plans for the alterations to the parking lot, and have requested that a condition be included that the proposed fence at the rear of the building, next to the driveway, shall not exceed 10 feet in length due to visibility concerns when entering and exiting the parking lot.

**VII. FINDINGS AND CONDITIONS**

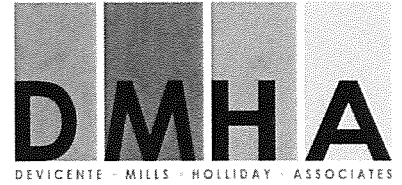
The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed alterations are appropriate improvements to the existing commercial building because they will reduce the floor area in the setback, reduce the size of the front door, and are not anticipated to adversely affect the adjacent neighbors or the visual openness of the streetscape.

Said approval is subject to condition that the proposed fence at the rear of the building, next to the driveway, shall not exceed 10 feet in length.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 24, 2014
- C. ABR Minutes dated April 2, 2013

Contact/Case Planner: Jo Anne La Conte, Assistant Planner  
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630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x3320



11N CALLE CESAR CHAVEZ  
SUITE 102  
SANTA BARBARA, CA 93103

Applicant: Edward deVicente, AIA for DMHA  
Applicant phone: 805.252.0340

March 24, 2014

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

**RECEIVED**  
MAR 24 2014  
CITY OF SANTA BARBARA  
PLANNING DIVISION

**Re: Modification request for 2911 De La Vina, APN:051-202-008, Zone C-2/SD-2**

Dear Staff Hearing Officer,

1. Existing Situation and Proposed project

The existing approximately 2,258 SF building is a single story commercial building (with current and previous restaurant use). The Building is situated along the southern property line and 10 feet back from the front property line on a 7,155 sf. lot. There is an outdoor dining patio in the front setback and a driveway along the northern property line to an existing non-conforming surface parking lot (insufficient spaces per current zoning). The front of the existing building has a red tile mansard roof that extends to about 16'-6" above adjacent grade. The proposed project is to make improvements to the front dining patio and front storefront windows and push them back into the façade to increase the effective patio area. The entry will also be reconfigured to meet accessibility standards. These changes will result in a net zoning reduction of square footage of approximately 76 sf to 2,182 net sf. Additional improvements at the rear of the property will address non-conforming trash enclosure and parking lot layout and accessibility issues triggered by the front improvements.

2. Modification requested and justification

The modification being requested is due to the Sd-2 zoning overlay. Properties with greater than 15'-0" height require 20 foot front setbacks. The front of the existing building is located at a 10 foot setback and has a mansard roof that extends to 16'-6" requiring a front setback of 20'-0". The justification for the

**EXHIBIT B**

request is that this is an existing non-conforming condition that is original to the building and no changes are proposed at that mansard roof.

### 3. Project Benefits

The benefits of the proposed project will enhance the front and rear yards of the existing restaurant building, thus repositioning the building to an active commercial business. The project will also improve numerous front and rear non-conforming issues related to accessibility and transportation concerns. Approving the modification request will allow the project to make the proposed improvements rather than rectifying an original non-conforming setback issue.

Sincerely,

A handwritten signature in black ink, reading "Edward de Vicente". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward de Vicente, AIA  
Principal Architect  
805.965.7777  
ed@dmhaa.com  
DMHA Architecture and Interiors

**ABR - NEW ITEM**

**D. 2911 DE LA VINA ST**

**C-2/SD-2 Zone**

Assessor's Parcel Number: 051-202-008  
Application Number: MST2013-00107  
Owner: 2911 De La Vina, LLC  
Architect: Henry Lenny  
Applicant: Ed DeVicente

(Proposal for a tenant improvement for a new restaurant. The project would recess the storefront windows to be in line with the front door recess, reducing the commercial square footage by 76 square feet, replace the existing concrete patio in front for a new outdoor dining area with perimeter bollards and chains.)

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

**Project Design Approval and Final Approval with the condition to provide stone veneer details on the plans.**

**EXHIBIT C**