

APPEAL

March 31, 2021

We request notification of when the appeal will be placed on the agenda for City Council. *Notification by mail, phone and email. (all 3)*

We request that the appeal be considered ~~only~~ when the public can actually physically attend the City Council session to represent our appeal.

Thank you.

REGARDING

Planning # 2020-00108 APN037-041-024

Appeal of project at 825 De la Vina Santa Barbara, California 93101

JV De La Vina, LLC

Ed DeVincente

Meeting Date March 22, 2021

I am the appellant on behalf of myself and the property owners, the surrounding residents and concerned citizens in objection to the waiver of several building regulations to the proposed development of 825 De la Vina.

There are building regulations on this project that are being ignored. All buildings in California are subject to national model codes adopted into Title 24. These general development standards are to assure that property in the various zones of the city will be developed in a uniform and orderly manner which will promote the public health, safety, comfort, convenience, and general welfare of the area. The completion of this project breaks several regulations that were adopted to protect existing property owners and to maintain current historic and urban character.

The city is ignoring many of these codes to allow a structure to be built that is over sized for the lot. The structure does not meet the required regulations regarding setbacks. The heights is not to scale with the surrounding dwellings, impedes views and blocks sunlight. The over sized structure does not have appropriate fire apparatus access to all four sides of the building. There was a refusal to put up story poles. A sign is posted with a picture of said development that is not accurate as to the scale of the development. Giving a false impression to the public. The impact on the structural stability of surrounding homes has not been studied. It is not keeping within the height of the surrounding buildings. And it has ignored historic guidelines.

Concerns to be addressed

- * The city has not provided a need for a four story building of this scale to be placed onto a small lot which compromises the safety, comfort and general welfare of the surrounding properties. It should be scaled down to fit with in the space. It is in a historically sensitive area where most of the buildings are single or two story dwellings built in the early 1900's.
- * Also story poles were not provided to let the public know of the scale of the project. The meeting in April someone in the ABR said they were not needed. A sign with a picture is posted in front of the lot that give a false image as to the size.
- * The building should have a reasonable setback distance to the existing dwellings (occupied homes). Building and safety regulations of setbacks were established for a reason, to protect the current residences.
- * Under California Civil Code section 832 we as adjacent property owners are concerned that the construction could damage the lateral stability of our surrounding properties. A proper study/analysis of same hasn't been done. Basically, the argument is that digging to build the new building could damage the foundation of our buildings by the vibrations or through dewatering the soil causing shifting in the foundation. A builder is strictly liable for any such damage, meaning there doesn't have to be a showing of fault.

* The project ignores urban guidelines that were questioned previously on this property, as it will tower two stories above the buildings in the neighborhood. The two houses (which the developers referred to as sheds) are occupied homes on the property line are single story.

It will be important that the building's overall apparent height be integrated with the site and adjacent structures along De La Vina Street, and also along Bath Street to the rear of the site. Staff is concerned that the project does not adequately address the guidelines outlined in Chapters 1, 2, and 3 of the Urban Design Guidelines. These include Compatibility of New Development with the Existing Environment; Human Scale Character; and The Building/Street Edge.

*In addition the city must acknowledge that the heavy construction would impede adjacent neighbors from being able to work from home over zoom during Covid and affect their livelihood.

* The project does not follow historic design guidelines also questioned previously. My house of merit will have a large apartment building framing it. And I am getting the back of the building not the most attractive part.

Historic Resource Design Guidelines. The proposed project does not appear to be compatible with or sensitive to the historic resources in the area (817 and 815 De La Vina Street). Please refer to Chapter 18 of the Historic Resource Design Guidelines, which discusses new construction on sites located near or adjacent to historic resources. The intent of these guidelines is to ensure that patterns of new infill development do not destroy the character of Santa Barbara's historic resources.

Our concerns as as residents and property owners have not been addressed. Regulations ignored. as well as the impact on the surrounding property owners. We have voiced our concerns to the ABR, City Council and Mayor. I have written a check to the city for \$745.00 as requested. I hope with payment we can address and rectify the issues. Which clearly go against our state and city codes.

 3/30/21

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I am signing this appeal for the project at 825 De la Vina regarding the building of a four story building in the historically sensitive area of downtown Santa Barbara.

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13 _____	_____	_____	_____
14 _____	_____	_____	_____

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