



STATE HISTORICAL BUILDING SAFETY BOARD

**Decision of the
State Historical Building Safety Board
In the matter of
SHBSB Case #071001
Flores Casita
1809 Stanwood Drive, Santa Barbara, CA**

State Historical Building Safety Board Meeting
Napa
April 23, 2008

Jurisdiction: City of Santa Barbara, Building Department
Appellant: Ms. Linda Dye, property owner

Issue

Appeal of a decision by the City of Santa Barbara to deny a request for the repair of the Flores Casita. The City of Santa Barbara maintains that the work committed to by the appellant is reconstruction and not routine repair, rehabilitation and restoration.

Findings

Qualified Historical Building

Finding: The Santa Barbara Historic Landmarks Commission added the Flores Casita, 1809 Stanwood Drive, to the City's inventory of potential Structures of Merit.

Health & Safety Code Section 18955 defines a qualified historical building or structure as follows:

For the purposes of this part, ". . . a qualified historical building or structure is any structure or property, collection of structures, and their related sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include historical buildings or structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks." (Emphasis added.)

The California Historical Building Code further defines qualified historical building or property:

QUALIFIED HISTORICAL BUILDING OR PROPERTY. As defined in Health and Safety Code §18955 as Qualified Historical Building or Property. Any building, site, property, object, place, location, district or collection of structures, and their associated sites,

deemed of importance to the history, architecture, or culture of an area by an appropriate local, state or federal governmental jurisdiction. This shall include historical buildings or properties on, or determined eligible for, . . . city or county registers, inventories, or surveys of qualified historical or architecturally significant sites, places or landmarks.

Finding: A motion was made by Joe Hall, seconded by Gloria Scott, that the Flores Casita is a “qualified historic building or property” and eligible for use of the California Historical Building Code. **The motion passed unanimously.**

Additional Findings Concerning the Issues of the Case

The appeal presented addressed five issues:

- A request to: Grant the appeal overturning the building official's determination that the work depicted in the plans and calculations prepared and signed by Charles Grant, PE, is “reconstruction” and is not routine repair, additions less than 150 square feet or interior remodeling as allowed by the City of Santa Barbara M.C. Section 22.90.030 (Appellant Request #2).

Finding: A Qualified Historical Building or Property may be repaired using the provisions of the CHBC. Extant building components and materials (historic fabric) may be utilized to their fullest extent. New construction elements, such as the new foundation construction, must comply with new code requirements.

A motion was made by Gloria Scott, seconded by Loring Wyllie, that the work proposed is a repair (as opposed to new construction), to a Qualified Historic Building or Property. **The motion passed unanimously.**

- A request to: Grant the appeal overturning the building official's determination that the building is abandoned, without necessary utilities and has no access or parking (Appellant Request #3).

Finding: The board determined that CHBC Section 8-102.1.4 (Continued Use) and Section 8-302 (Existing Use) apply to the Flores Casita. The property owner is allowed to repair the Qualified Historic Building or Property using the provisions of the CHBC.

- A request to: Grant the appeal overturning the building official's determination that the building is not eligible to use the provisions of the State Historical Building Code because the building has not been formally designated as a local historic building (Appellant Request #4).

Finding: The structure at 1809 Stanwood Drive was placed on the Santa Barbara List of Potential Historic Resources on July 25, 2007 by the Santa Barbara Historic Landmarks Commission. The State Historical Building Safety Board finds the Flores Casita, 1809 Stanwood Drive, Santa Barbara, is a Qualified Historic Building or Property.

- A request to: Review and affirm the SHBSB's Executive's letter dated October 29, 2007 (Appellant Request #5).

Finding: See Attachment A; the letter was reviewed and affirmed by the Board.

- A request to: Appeal of the building official's order to demolish or move the building at 1809 Stanwood Drive (Flores Casita) (Appellant Request #1).

Finding: The Board determined (given the above rulings) that they would need additional information before being able to rule on the necessity of moving or demolishing the building.

Statewide Significance of the Appeal

Finding: The issue of application of the California Historical Building Code (CHBC) to the repair of a qualified historical building or property by a local jurisdiction is found in CHBC section 8-102.1 Application. Pursuant to section 8-104.3, the Board may accept an appeal only if it determines that issues involved are of statewide significance. A motion was made by Dan Chudy, seconded by Cheryl Kasai that the issues considered in the appeal are of statewide significance: Similar issues can be expected to occur in the future. **The motion passed unanimously.**

Original Signed by Alan Dreyfuss

Alan R Dreyfuss, AIA, Chair

May 16, 2008

ATTACHMENT A

Flores Casita Appeal

Questions and responses contained in October 29, 2007, letter from Executive Director Conrad to Roy Harthorn.

1. Based upon the copy of the Minutes of the City of Santa Barbara Landmarks Commission and the copy of the Historic Structures Report provided, would you and/or the SHBSB consider the Flores Casita a "Qualified Historic Building" as defined by the State Historic Building Code (SHBC) and would the owner be eligible to use the SHBC?

Yes. The action of the City Landmarks Commission determining the building eligible for a local designation is the only action necessary to be considered a "Qualified Historic Building" as defined by the SHBC and the building owner is thereby allowed the use of the SHBC.

See the response to Appeal Request Item No. 4.

2. Would the City of Santa Barbara, a charter city, who has adopted the 2001 California Building Code (without amendment of CBC Chapter 34, containing the SHBC), be obligated to allow the owner of the Flores Casita the use of the SHBC?

Yes. The SHBC and the enabling statute require all local and state agencies to afford an owner the opportunity to use the SHBC once the building or property has been determined to be a qualified historic building.

3. Would the City of Santa Barbara be obliged to utilize the alternative "unsafe building" provisions of the SHBC and the attendant "Imminent Threat" and "Distinct Hazard" standards in their enforcement of unsafe or dangerous building determinations using the City or State Uniform Housing Code, Uniform Code for Abatement Dangerous Buildings and any other local building or life safety regulation such as the "Conejo Road Landslide" ordinance (attached)?

Yes. The unsafe building definition of the SHBC takes precedence over regular building codes, ordinances and regulations. This is a subset of Question No. 2. See the response to Appeal Item No. 4.

4. Would the SHBC be applicable as it relates to the "continued use," proposed "repairs" and the identification and mitigation of any unsafe conditions in the administration of the routine repairs, interior remodeling and additions up to 150 square feet as allowed for in the City's "Conejo Road Landslide" ordinance?

Yes. The enabling statutes and application of the SHBC are intended to result in both reasonable safety and the preservation of historic resources when other codes, statutes and ordinances have "trigger" mechanisms that may cause any review, analysis, and/or enforcement action to be taken. This is a subset of Item No. 2. See the response to Appeal Item No. 4.

5. Would the SHBC consider the replacement of a post and pier foundation and board and bat wood skirting with a continuous perimeter concrete foundation within the same foot print of the original structure also using replacement board and bat skirting to be "new construction" prohibited by the Conejo Road Slide ordinance?

No. The mitigation of a structural deficiency resulting in improved seismic resistance without negatively affecting the historic fabric or character of a qualified historic building is precisely what the State Legislature intended in establishing the SHBC. Such work is common place and would be considered by the SHBC as a routine repair.

6. Where in conflict, does the SHBC take precedence over other State and local building safety regulations?

Yes. The SHBC works in conjunction with “regular” codes and ordinances but takes precedence where the regular code would result in a deleterious effect upon a qualified historic building.

7. Would the State Historic Building Safety Board consider an appeal of an unfavorable local decision of such a case?

Yes. The SHBSB would consider such a case of state wide interest and would be able to hear an appeal of a local decision. The SHBSB did in fact accept, and rule on, the appeal of the owner of the Flores Casita, 1809 Stanwood Drive, Santa Barbara.

8. Would the decision of the SHBSB be binding on the local agency?

Yes.

9. Would the statute immunities to liability of local jurisdiction be affected by use of the SHBC?

No. Local agencies are statutorily immune from liability in the exercise of their normal regulatory enforcement duties. The use of the SHBC has no effect on such statutory immunities.