



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 13, 2024

**AGENDA DATE:** March 20, 2024

**PROJECT ADDRESS:** 514 N Voluntario Street (PLN2023-00482)

**TO:** Ellen Kokinda, Senior Planner, Staff Hearing Officer

**FROM:** Planning Division  
Allison DeBusk, City Planner  
Pilar Plummer, Associate Planner, Email: PPlummer@SantaBarbaraCA.gov

### I. PROJECT DESCRIPTION

The 5,163-square-foot site is currently developed with a two-story single-unit residence and an attached two-car garage. The project consists of permitting an interior bathroom remodel at the lower level of the residence, including installation of a shower, and permitting as-built partitions and doors at the lower level, in order to address violations outlined in ENF2023-00344.

### II. REQUIRED APPLICATIONS

The discretionary application required at this hearing under the purview of the Staff Hearing Officer is:

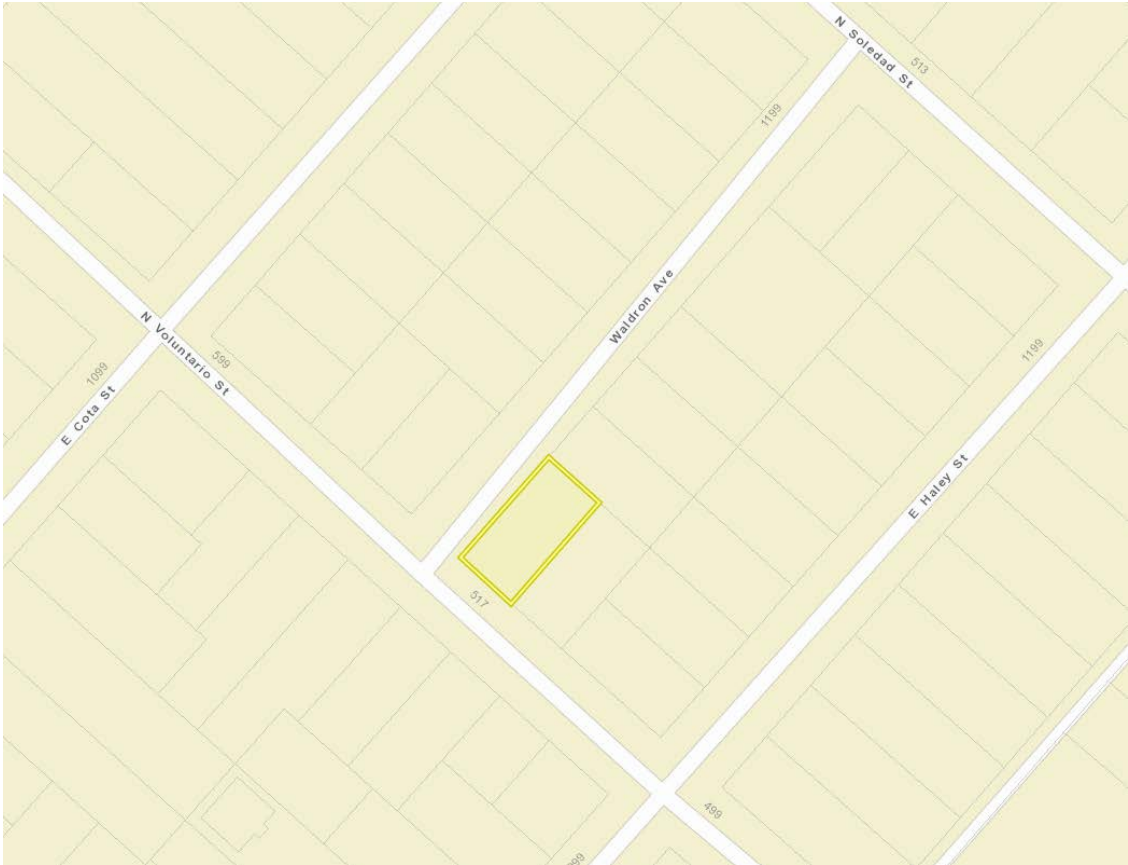
- A. A Performance Standard Permit to allow a bathroom with bathing facilities at the lower floor of the residence which does not have adequate interior access to the upper floor (SBMC § 30.140.150.D.3.b, §30.140.150.D.4 and SBMC Ch. 30.255).

**APPLICATION DEEMED COMPLETE:** February 14, 2024

**DATE ACTION REQUIRED:** May 14, 2024

### III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report.



Vicinity Map: 514 N Voluntario Street (highlighted in yellow) is located at the corner of Waldron Avenue and N Voluntario Street.

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

|   |     |   |  |
|---|-----|---|--|
| <b>Applicant:</b>                               |     | Amy Von Protz                             |  |
| <b>Property Owner:</b>                          |     | Grant De Goede                            |  |
| <b>Site Information</b>                         |     |   |  |
| <b>Parcel Number:</b> 031-251-019               |     | <b>Lot Area:</b> 0.12 acres (~5,163 s.f.) |  |
| <b>General Plan:</b> Medium Density Residential |     | <b>Zoning:</b> R-2 (Two-Unit Residential) |  |
| <b>Existing Use:</b> Residential                |     | <b>Topography:</b> 8%                     |  |
| <b>Adjacent Zoning and Land Uses</b>            |     |   |  |
| <b>North:</b>                                   | R-2 | Public Right-of-Way (Waldron Avenue)      |  |
| <b>East:</b>                                    | R-2 | Residential                               |  |
| <b>South:</b>                                   | R-2 | Residential                               |  |
| <b>West:</b>                                    | R-2 | Public Right-of-Way (N Voluntario Street) |  |

## B. PROJECT STATISTICS

|                         | Existing                                 | Proposed  |
|-------------------------|--|-----------|
| <b>Living Area</b>      | 1,960 s.f.                               | No Change |
| <b>Garage</b>           | 382 s.f.                                 | No Change |
| <b>Floor Area Ratio</b> | 0.454= 95% of Maximum<br>(Guideline) FAR | No Change |

## V. POLICY AND ZONING CONSISTENCY ANALYSIS

### A. ZONING ORDINANCE CONSISTENCY

| Standard                 | Requirement/<br>Allowance | Existing         | Proposed   |
|--------------------------|---------------------------|------------------|------------|
| <b>Setbacks</b>          |                           |                  |            |
| -Front                   | 20 feet                   | 15 feet*         | No Change* |
| -Interior                | 6 feet                    | >6 feet          | No Change  |
| -Rear                    | 6 feet                    | >6 feet          | No Change  |
| <b>Parking - Vehicle</b> | 2 covered spaces          | 2 covered spaces | No Change  |
| <b>Open Yard</b>         | 1,250 s.f.                | >1,250 s.f.      | No Change  |
| *Nonconforming           |                           |                  |            |

With approval of the Performance Standard Permit described below, the project would meet the requirements of the Zoning Ordinance.

#### 1. PERFORMANCE STANDARD PERMIT

The existing residence does not have interior access between the first and second floor of the building. Per City records, the lower floor of the residence was originally permitted with a garage and unfinished basement. Since that time, the lower level was finished, allowing for designated storage and mechanical space, along with installation of a new full bath that is requested to be permitted under this application. There are no changes to floor area from what was originally permitted. Rooms that are determined to not have adequate interior access are only allowed a half-bath and no bathing facilities, therefore, a Performance Standard Permit (PSP) is required to allow this improvement (SBMC §30.140.150.D). The purpose of the restriction to allow only a half-bath and no bathing facilities when there is not adequate access is to avoid the creation of an unpermitted dwelling unit. In this case, although the property could be developed with two units, the project is proposed to remain as a single residential unit with the bathroom on the lower floor intended to be an amenity to the existing residence.

A PSP provides a process for individual consideration and review of uses that are generally consistent with the purposes of the zoning district in which they are proposed but have unique features that make it impractical to establish their suitability other than on a case-by-case basis. Staff is supportive of the requested PSP to allow a full bath with a shower at the lower level of the existing residence. The proposed improvement is not considered to be adverse to the public health, safety, or general welfare of the community,

nor materially detrimental to surrounding properties because the use of the site is not changing, as it will remain developed with a single residential unit and installation of a full bath with a shower is considered an amenity to the dwelling, given that there is only one full bath at the upper floor. Since this is an interior improvement, there is no change to the site or character of the neighborhood that would cause a detrimental impact on surrounding properties. As summarized in the Applicant Letter (Exhibit B), the intent of the shower is to provide appropriate facilities for cleaning after outdoor activities; and a second dwelling unit is not proposed on the property.

## **VI. DESIGN REVIEW**

This project does not involve exterior changes under this application outside of an exhaust discharge vent at the exterior side wall of the property. Minor discrepancies pertaining to windows and doors as well as the configuration of the rear exterior stair have been approved administratively; the project is exempt from additional design review based on the parameters of the project.

## **VII. RECOMMENDED FINDINGS**

The Staff Hearing Officer finds the following:

### **A. ENVIRONMENTAL REVIEW (CEQA GUIDELINES AND SBMC CH. 22.100)**

The project is exempt from further environmental review under Section 15301 [Existing Facilities] of the California Environmental Quality Act (CEQA) Guidelines which allows for minor alteration of existing structures involving negligible or no expansion of existing or former use, including interior alterations.

Based on review of the project, there would be no significant project-specific or cumulative impact on the environment due to unusual circumstances, the project does not have the potential to damage scenic highways or historic resources, and the project site is not identified as a hazardous waste site. None of the exceptions to the exemption under CEQA Guidelines Section 15300.2 apply.

### **B. PERFORMANCE STANDARD PERMIT (SBMC § 30.255.060)**

There is no change of use associated with the Performance Standard Permit, although the R-2 zoning district allows for two-unit residential, the project does not propose a secondary unit and the site will remain developed with a single residential unit. The existing use, including allowance of a full-bath with bathing facilities at the lower floor, is consistent with the R-2 zoning district which is a medium density residential zone where the principal use of land is for two-unit residential, and therefore complies with the specific requirements and applicable provisions of the title. Because the use is not changing, the use and development is not considered to be adverse to the public health, safety, or general welfare of the community, nor materially detrimental to surrounding properties or improvements. The site is physically suitable for the development that is proposed, and the total area of the site and setbacks are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. This is because the lot allows for residential use and the residence is proposed to remain with no increase in size

or change to existing setbacks; the bathroom with bathing facilities allows for a modest improvement to an existing residence which historically has not had adequate connection between the upper and lower floor, and is considered an amenity to the site and existing use which currently only has one full bath at the upper floor.

Exhibits:

- A. Project Plans
- B. Applicant's letter, dated November 30, 2023

Contact/Case Planner: Pilar Plummer, Associate Planner  
(PPlummer@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x 4551







STREET VIEW - VOLUNTARIO STREET



FRONT VIEW



STREET VIEW - WALDRON STREET



REAR VIEW



STREET VIEW - WALDRON STREET



STREET VIEW - WALDRON STREET



STREET VIEW - WALDRON STREET

| Revisions: | Date: |
|------------|-------|
|            |       |
|            |       |
|            |       |
|            |       |
|            |       |

Owner/Builder:  
Grant and Georgeann de Goede  
514 N Voluntario St.  
Santa Barbara, CA 93103  
Tel.: 805-883-8214  
Email: grantdegoede@gmail.com

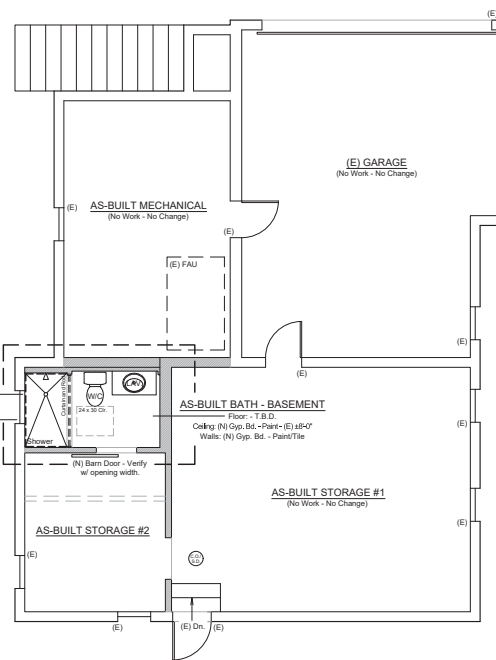
Permitting and Drafting:  
Amy Von Protz  
217 San Napoli Drive  
Goleta, Ca. 93117  
Tel: 805-722-0381  
Email: h2owill7@netscape.net

ABATEMENT OF ENFORCEMENT 2023-00344

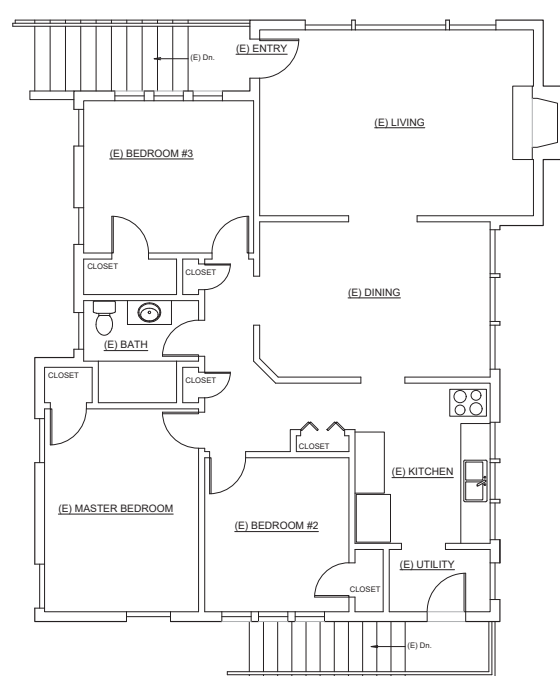
Grant and Georgeann de Goede  
514 N Voluntario St.  
Santa Barbara, CA 93103  
Tel.: 805-883-8214  
Email: grantdegoede@gmail.com

|           |          |
|-----------|----------|
| Date:     | -        |
| Scale:    | As Noted |
| Job:      | de Goede |
| Sheet No. |          |

A1.1



Floor Plan - Basement Level - Proposed



Floor Plan - Main Level - Existing

No Work - No Change

---

1/4" = 1'-0"







Legend

- As-Built interior wall partitions.

Notes:

- All Dimensions to Finish U.N.O.
  - Verify Existing and New Dimensions @ Job site
  - Do Not Scale Drawings (dimensions governs)
  - (E) Existing (N) New (F.O.S.) Face of Slabs
  - Report Structural issues during exploratory initial demolition.
- These drawings remain incomplete until such time as Owner makes all necessary Product, Equipment, Material, Finish Selections, such as those noted on the schedule "Notes" and any new information as required by the Contractor.

### ELECTRICAL SYMBOL KEY

-  4" 3000 Kelvin - H4 LED, Housing H4 561 Cat I2OD-1C Rated, Trim - Black Baffle w/ matte white trim or equal.
-  VC Vacancy Sensor
-  Wall Mount Fluorescent
-  Single Pole Switch
-  120V Duplex Receptacle - AFCI/Tamper Resistant
-  Smoke Detector/Carbon Monoxide - ceiling mount.

### ELECTRICAL NOTES

1. All lighting fixture must be high efficacy per table 150-0.0A, 2022 California Energy Code Table 150.0
3. **Lighting in Bathrooms:** All lighting shall be high efficacy and at least one fixture in each bathroom shall be controlled by a vacancy sensor. 2022 California Energy Code 15000.5
3. **Lighting in Garages, Laundry Rooms, closets and Utility Rooms:** All lighting shall be high efficacy and at least one light fixture shall be controlled by a vacancy sensor. 2022 California Energy Code 15000.5
4. **Recessed Luminaires in Insulated Ceilings:** Luminaires recessed into insulated ceilings shall not contain screw base sockets and shall be approved for zero clearance insulation contact (CIC) by UL or other testing lab approved by Building Official, and shall be labeled an light shall be at least 18 inches below 2.0 (2.0 ft) or 1.1 ft in accordance with ASTM E283, and sealed with a gasket or caulk between housing and ceiling. 2022 California Energy Code 1500X
5. **Screw Based Sockets:** Luminaires with screw based sockets shall meet the following requirements:
  - The luminaires shall not be a recessed down light in a ceiling; and
  - The luminaires shall contain a label comply with California Electrical Code Appendix JAB.1
  - And the installed lamps shall be marked with "JAB-2010" or "JAB-2016-CE" as specified in Reference Joint Appendix JAB.
6. Dimmers or vacancy sensors shall be controlled with luminaires required to have light sources compliant with Reference Joint Appendix JAB.
7. **Bathroom Exhaust Vent - ASHRAE 62.2**
  - Fan to deliver ventilation airflow at 50 or more cfm for each bathroom.
  - Ceiling mounted intermittent local exhaust fans to have a rating of three or less of the required airflow rate.
  - Vent fans must be welded securely from plumbing. 2022 California Energy Code 15000.0B
8. **Light fixtures within a shower or bathtub area shall be recessed and rated for wet locations.**
  - Light fixture: Wet Shwower/Leanin Outlet: Dropped 5.25 Ampere 5/2521 Luna 16-34"x16-34" 10 W 2 x 4"
  - 10 W 2 x 4", 10 W 2 x 4", T11 or T18 or other
9. All 125-volt, 15 and 20 ampere receptacles in a dwelling unit shall be listed tamper-resistant receptacles.
10. Overcurrent devices shall not be located in closets or bathrooms.
11. Tamper resistant outlets shall be installed at all remodeled and new areas:
12. **Bathroom receptacle and laundry receptacle outlets shall be supplied by at least one 20-ampere, dedicated branch circuit, with GFCI protection.** 2022 California Energy Code 15000.5 (Bathroom branch receptacle outlet shall be installed within 36" of the outside edge of the basin (CEC 1500.2.5.2)(b)). Receptacle outlets shall not be installed in a zero-up position in the counter-tops or work area in a bathroom basin location. CEC 1500.2.5.2)(d)
13. Ground fault circuit interrupter (GFCI) protection shall be provided for all receptacles that serve bathrooms, kitchens, garages, work areas, garages, exterior areas, and pool and spa areas and for all receptacles that serve bathrooms, kitchens

PLUMBING FIXTURE NOTES:

Non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures. Non-compliant plumbing fixtures are as follows: (1) any toilet manufactured to use more than 1.6 gallons of water per flush, (2) showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute, (3) any interior faucet that emits more than 2.2 gallons of water per minute. (CGBSC 301: California Civil Code Section 1101.1.)

Water closets, showerheads and lavatory faucets are to be water-conserving type plumbing fixtures and meet the following criteria:

- the effective flush of water closets shall not exceed 1.28 gallons per flush
  - showerheads shall have a maximum flow rate of 1.8 gallons per minute at 80 psi.
  - lavatory faucets shall have a maximum flow rate of 1.2 gallons per minute at 60 psi and shall have a minimum flow rate of 0.8 gallons per minute at 20 psi.
- Kitchen faucets shall have a maximum flow rate of 1.8 gallons per minute at 60 psi. Faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons per minutes at 60 psi, and must default to a maximum flow rate of 1.8 gallons per minute at 60 psi.

When a shower is served by more than one showerhead, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi, or the shower shall be designed to allow only one shower outlet to be operation at a time. (Note: A hand-held shower is to be considered a showerhead for purposes of this provision.) (CGBSC 4.303)

### BRANCH CIRCUIT EXTENSIONS OR MODIFICATIONS - DWELLING UNITS

In any of the areas specified in 210.12(A), where branch circuit wiring is modified, replaced or extended, the branch circuit shall be protected by one of the following:

- A listed combination - type AFCI located at the origin of the Branch circuit
- or
- A listed outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

NEC 210.12 (D) Branch Circuit Extensions or Modifications — Dwelling Units and Dormitory Units. In any of the areas specified in 210.12(A) or (B), where branch-circuit wiring is modified, replaced, or extended, the branch circuit shall be protected by one of the following:

- (1) A listed combination-type AFCI located at the origin of the branch circuit
- (2) A listed outlet branch-circuit-type AFCI located at the first receptacle outlet of the existing branch circuit

Exception: AFCI protection shall not be required where the extension of the existing conductors is not more than 1.8 m (6 ft) and does not include any additional outlets or devices.

To address potential existing wiring system obstacles to providing some level of AFCI protection, the NEC provides the option of installing a combination-type device at the point where the branch circuit originates (as required for new branch-circuit installations) or of installing an outlet branch-circuit-type AFCI at the first receptacle outlet in the branch circuit.

**NOTE:** When an addition or alteration valuation exceeds \$1,000.00, **smoke detectors** are required to be installed in existing sleeping rooms and areas providing access to sleeping areas in addition to those required for new construction (CRC R314.6). Unless the repair or remodel does not involve the removal of wall and ceiling finishes and there is no means of access by means of an attic, basement, or crawlspace, alarms are to be interconnected with battery backup such that activation of one alarm shall activate all of the alarms in that individual unit. They are to be provided:

- In each sleeping room(s).
- On the wall or ceiling outside each separate sleeping area in the immediate vicinity of the bedrooms.
- Minimum of (1) detector in each story including basements and habitable attics (with alarm audible in sleeping rooms).

**SMOKE ALARMS:**

- Shall be placed a minimum of 20 feet horizontally from a permanently installed cooking appliance unless listed for that use (Exceptions: Ionization smoke alarms with an alarm silencing switch or photoelectric smoke alarms may be installed 10 feet or greater from a permanently installed cooking appliance; photoelectric smoke alarms may be installed 6 feet or greater from a permanently installed cooking appliance where the kitchen or cooking area and adjacent spaces have no clear interior partitions and the 10 foot distance would prohibit the placement of a smoke alarm or smoke detector required by other sections of the code)

- Shall, where possible, not be placed within 3 feet horizontally of a door to a bathroom that contains a bathtub or a shower
- Where stairs lead to other occupied levels, shall be located so that smoke rising in the stairway cannot be prevented from reaching the smoke alarm or smoke detector by an intervening door or obstruction

Permitting and Drafting:  
Amy Von Protz  
217 San Napoli Drive  
Goleta, Ca. 93117  
Tel: 805-722-0381  
Email: h2owill7@netscape.net

ABATEMENT OF ENFORCEMENT 2023-00344

Grant and Georgeann de Goede  
514 N Voluntario St.  
Santa Barbara, CA 93103  
Tel.: 805-883-8214  
Email: [grantdegoede@gmail.com](mailto:grantdegoede@gmail.com)

|           |          |
|-----------|----------|
| Date:     | -        |
| Scale:    | As Noted |
| Job:      | de Goede |
| Sheet No. |          |

## A1.2



November 30, 2023

City of Santa Barbara  
Lanning And Zoning Division  
Community Development Department  
630 Garden St.  
Santa Barbara, CA 93101

SUBJECT: Permit Bathroom Remodel with Addition of Shower. 48 sq. ft.  
REFERENCE: BLD2023-02589 and ENF2023-00344

APPLICANT LETTER & JUSTIFICATION STATEMENT FOR :  
514 N VOLUNMTARIO ST., SANTA BARBARA, CA 93103

Dear Staff Hearing Officer,

As owners of 514 N. Voluntario St (APN 031-251-019) we are submitting this letter in support of a planning application specific to the permitting of a bathroom remodel with addition of shower.

The scope of work is to permit a bathroom remodel (with addition of a shower) at the lower level of the existing two story residence. The intent for the shower is to provide a cleaning facility for use after outdoor activities such as paddle boarding, bicycling, and gardening without having to enter the upper level. An existing toilet and sink already exist in the same general location.

The addition of the shower will require one new shower fixture with an associated drain. Exterior changes to the structure are solely limited to an exhaust discharge vent location on the exterior side wall of the property.

The project is suitable for the existing type of development and will not result in conditions which are adverse in any way to the public's health, safety or welfare. The project's characteristics are consistent with the findings for a PSP (Performance Standard Permit).

The proposed use and development will not be materially detrimental to surrounding properties or the community.

- There will be no increase in the number of automobiles parking on the property or parking in the neighborhood due to the presence of the shower.
- There will be no increase in the number of people who will be residing at the property due to the presence of the shower.
- There will be no increase in the number of people who make use of the bathroom due to the presence of the shower.
- There will be no increase in foot traffic on the property and no increase in the number of people who ingress or egress from the property due to the presence of the shower.

The addition of the shower will not result in separate residential occupancy. Its location, within a surrounding unfinished area, will not be configured for use as a separate residential unit or for residential purposes. The lower level area will not contain any additional residential building elements. (30.140.150 E.1.a,d,e).

Best Regards,

Grant de Goede  
Georgeann de Goede

**EXHIBIT B**