



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 8, 2006
AGENDA DATE: March 15, 2006
PROJECT ADDRESS: 20 S. Voluntario Street (MST2005-00068)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Chelsey Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a one-lot subdivision for condominium purposes, to convert two existing single-family residences into two residential condominium units on a 9,350 square foot lot in the R-2 Zone. The units include one two-bedroom unit (Unit A) and one three-bedroom unit (Unit B). Four parking spaces will be provided within an attached two-car garage and attached one-car garage, and with one uncovered space.

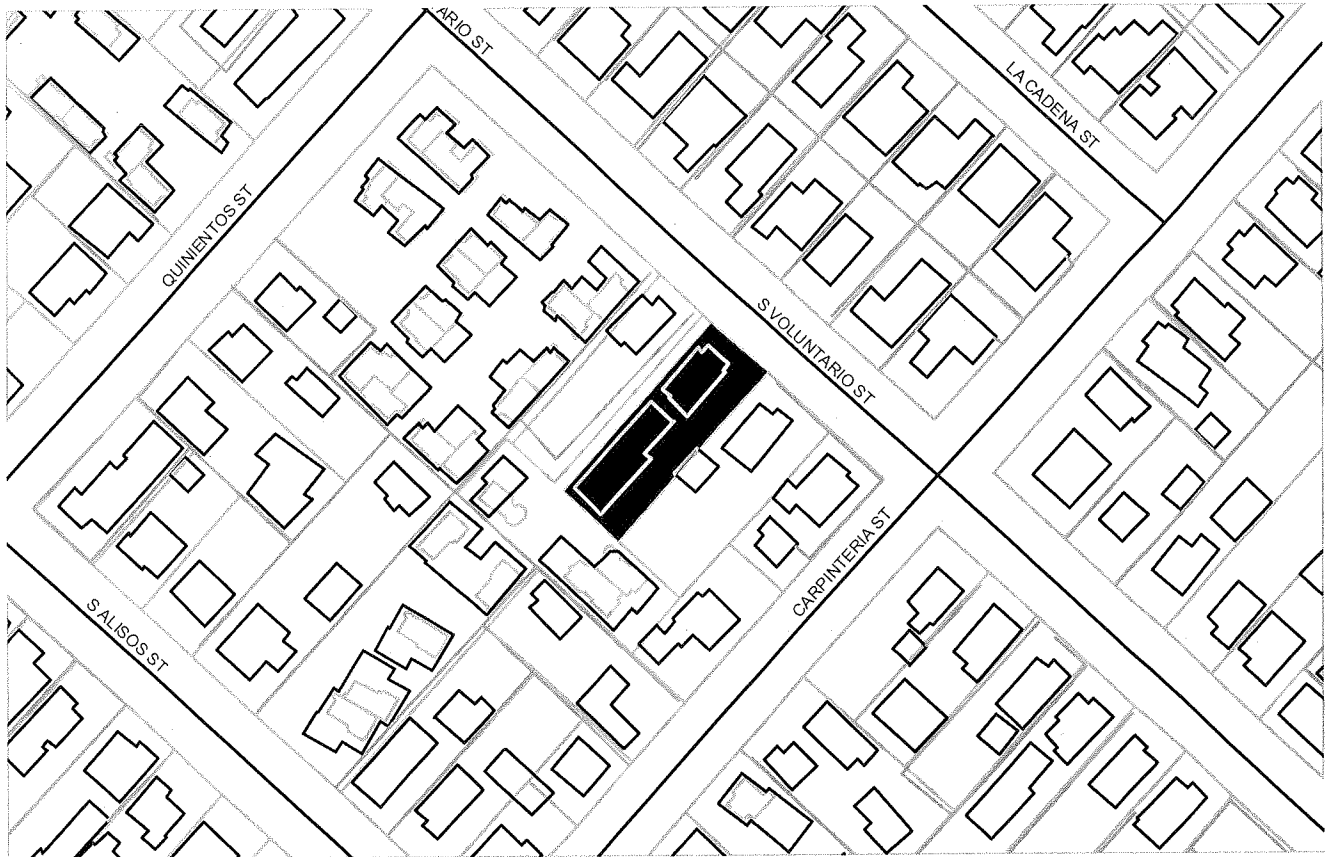
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow an encroachment into the required open yard area (SBMC §28.18.060 and §28.92.026);
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC §27.07);
3. A Condominium Conversion Permit to convert two (2) existing residential units to two (2) condominium units (SBMC §28.88).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the structures are not proposed to change with the project and will remain 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, and subject to the conditions of approval in Exhibit A.



Vicinity Map of 20 S. Voluntario Street

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

January 5, 2006
March 26, 2006

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Thomas Hashbarger	Property Owner: Thomas Hashbarger and Richard Merrill
Parcel Number: 017-172-008	Lot Area: 9,350 sq. ft.
General Plan: Residential, 12 units/acre	Zoning: R-2
Existing Use: Two-Family Residential	Topography: 1.2% slope
Adjacent Land Uses: North - Residential South - Residential East - Residential West - Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,140 sq. ft.	2,140 sq. ft.
Garage	243 sq. ft.	664 sq. ft.
Carport	421 sq. ft.	0 sq. ft.
Accessory Space	None	None

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior	15' 6'	<15 w/ legal, non-conforming front stairs 6'	No changes
Building Height	30'	15'	No change
Parking	4 spaces	4 spaces	4 spaces; 3 covered, 1 uncovered
Lot Area Required for Each Unit	3,500 sq. ft	>3,500 sq. ft	No change
Open Yard	1,250 sq. ft.	1,250 sq. ft. w/ deck	1,250 sq. ft. w/ deck and walkway
Private Outdoor Living Space	Unit A - 140 sq. ft Unit B - 160 sq. ft	N/A	Unit A - 140 sq. ft Unit B - 160 sq. ft
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	2,981 sq. ft. 31.8% 4,273 sq. ft. 45.8% 2,096 sq. ft. 22.4%	2,981 sq. ft. 31.8% 3,701 sq. ft. 39.6% 2,668 sq. ft. 28.6%

The proposed project would meet the requirements of the R-2, Two-Family Residential Zone, with the exception of the existing deck and proposed walkway located within the open yard area. The modification request with regard to these encroachments is discussed in the section below.

VI. ISSUES

A. MODIFICATION

A modification is requested to allow the encroachment of an existing deck attached to the Unit B to encroach into the open yard area and for a newly proposed walkway to encroach into the open yard area. The existing deck is approximately 20" above natural grade and is approximately 22' x 6'. The proposed new walkway will be a maximum of 14" above natural grade at the highest point. Decks and walkways are allowed to be within the open yard area without a modification if they are 10" or less above natural grade. Both the deck and walkway provide useable space within the designated 1,250 square foot open yard area. The deck provides level access from Unit B to the open yard area, as grade slightly slopes and the residence is slightly elevated above grade towards the rear of the lot. The walkway steps down with the slight change in grade in the open yard area as well. Further, a potential future amendment to the Zoning Ordinance includes allowing decks, patios, and pathways to be located an average height of 36" above natural grade. Staff is supportive of the modification to allow these encroachments into the designated open yard area and believes the required finding can be made that the project is consistent with the intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot.

B. DESIGN REVIEW

This project was reviewed by the ABR on November 7, 2005 (meeting minutes are attached as Exhibit D). On November 7, 2005, the ABR stated that the project is well conceived and meets condominium guidelines. The ABR also asked that a one-foot planter be provided along the driveway where the hedge was being removed and that they add a large canopy tree in the interior area of the motor court.

C. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The Land Use Element of the General Plan describes the project site as being located within the East Side neighborhood of the City. The General Plan calls for a density of twelve dwelling units per acre throughout most of this neighborhood, and recognizes that even though most of this neighborhood is zoned R-2, a large portion of the area is developed with single-family homes on small lots. The General Plan seeks to preserve the areas in the northeast of the neighborhood in particular, with a density of five dwelling units per acre in order to provide an area for moderate-cost, single-family housing situated within walking distance to both shopping and employment areas. The proposed project site is located in an area that is mixed

with single-family homes, duplexes and multi-family dwelling units, and the project would be consistent with development allowed by the land use designation.

Housing Element: Santa Barbara has very little vacant or available land for new infill residential development and, therefore, the City has supported build-out of housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The proposed condominium conversion would provide for homeowner opportunities in a neighborhood with close proximity to employment and commercial opportunities.

A goal of the Housing Element is to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The proposed project contains two moderately sized units that are generally consistent with the scale of detached units in the surrounding neighborhood. The proposed condominium units would not be restricted to low- or moderate-income households. The City provisions for inclusionary zoning only apply to projects that involve ten or more units.

D. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301, Existing Facilities, for the division of existing single-family residences into common interest ownership.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. MODIFICATION (SBMC §28.92.026)

The modification to allow encroachments into the open yard area is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot.

B. THE TENTATIVE MAP (SBMC §27.07.100)

The site is physically suitable for the proposed development, the project is consistent with the Zoning Ordinance, and the proposed use is consistent with the vision and density specified for this neighborhood in the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

C. CONDOMINIUM CONVERSION (SBMC §28.88.120)

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community.

2. The proposed conversion is consistent with the General Plan of the City of Santa Barbara and with the density requirement of its Land Use Element.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.
5. The units have not been "affordable rental units"; therefore, affordability restrictions do not apply to the project.
6. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than four units.
7. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.
8. The owner has made a reasonable effort to assist those tenants wishing to purchase their units for purposes of minimizing the direct effect on the rental housing market created by relocating such tenants.

Exhibits:

- A. Conditions of Approval
- B. Applicant's letter, dated September 14, 2005
- C. ABR Minutes

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

20 S. VOLUNTARIO STREET
TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION PERMIT
MARCH 15, 2006

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute (an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property") (a written instrument), which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping

EXHIBIT A

on the Real Property shall be provided and maintained in accordance with said landscape plan.

5. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 15, 2006 is limited to two residential condominiums and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

B. Design Review. The following are subject to the review and approval of the Architectural Board of Review (ABR) prior to the issuance of a building permit or public works permit (as applicable):

1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
2. **Trash Enclosure Provision.** A trash enclosure(s) with an area for recycling containers shall be provided on the Real property and screened from view from surrounding properties and the street.

C. Public Works Requirements Prior to Building Permit Issuance. The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project:

1. **Voluntario Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Voluntario Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: Uplifted or cracked sidewalk shall be removed and replaced to City standard, apply crack seal to the centerline of the street along entire subject property frontage, underground service utilities, one new City standard curb drain outlet, remove existing driveway curb cut and replace with new 10-foot wide City standard driveway curb cut modified to meet Title 24 requirements, preserve and/or reset any contractor stamps and/or survey monuments, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.

D. Building Permit Plan Requirements. The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:

1. **Design Review Requirements Included on Plans:** Plan submitted for building permits shall show all design elements, as approved by Architectural Board of Review.

2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st *
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th *
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC § 9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Parcel Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

E. Public Works Submittal Prior to Parcel Map Approval and Recordation. Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to approval of the Parcel Map:

1. **Certificate of Occupancy for Physical Standards for Condominium Conversions.** Owner shall complete all necessary work in order to comply with the Physical Standards for Condominium Conversions specified in SBMC § 28.88.040 of the Municipal Code and receive a final certification of occupancy for such work.
2. **Building Permit Required for Conversion.** Evidence that a conversion permit has been issued for the conversion of the two single-family residences to two condominiums.
3. **Water Rights Assignment.** Owners shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. The City shall record this agreement in the Office of the County Recorder concurrent with the Parcel Map.
4. **Parcel Map Preparation.** Owners shall submit a Parcel Map to the Public Works Department acceptable for recordation. The Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.

F. Prior to Certificate of Occupancy on Building Permit for Condominium Conversion. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete or provide evidence of completion of the following:

1. Recordation of Parcel Map.
2. Recordation of the Agreement Relating to Subdivision map Conditions Imposed on Real Property.

3. Recordation of the Private Covenants.
4. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
5. **Complete Public Improvements.** Public improvements as shown in the improvement/building plans.

G. Litigation Indemnification Agreement. In the event the Staff Hearing Officer approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code section 27.07.110.

September 14, 2005

City of Santa Barbara
Planning Commission
630 Garden Street
Santa Barbara, CA 93103

Re: Proposed condominium conversion at 20 S. Voluntario St.

I am seeking Planning Commission approval and condominium conversion permit of an existing duplex (consisting of two single family residences) to two residential condominium units . The conversion is consistent with the surrounding properties, allowed by zoning ordinance, and adds affordable housing units to the neighborhood. Our primary motivation for the conversion is that it creates separate ownership of the two houses for us.

EXISTING USE

There exists 2 single family dwellings (1,240 sf & 1,077 sf) on one 9,350 sf. lot, including one free standing garage and one carport. No demolition or tree removal is proposed.

SURROUNDING USES:

The proposed conversion will be consistent with the surrounding neighborhood which is a combination of single family homes, and small multi-family residential development.

DRAINAGE:

The historical drainage will remain unchanged but will be improved by the following. The paved surface of the existing driveway will be greatly reduced with the addition of planters and permeable grass strips. The roof runoff for the front house shall be directed to the street with a sub surface drain. No grading is proposed.

PARKING:

Four off street parking spaces are existing and proposed.

Rear unit: Two spaces in an attached carport.

Front unit: One car in detached garage and one parallel space (as allowed).

LIGHTING:

The project does not include exterior lighting.

SMOKE OR ODOR

The project does not create new sources of smoke or odor.

HAZARDOUS MATERIAL:

The project does not involve the use of hazardous material.

STUDIES:

No geotechnical or resource studies are required or provided for this project.

EASEMENTS:

No existing or proposed easements or trails will traverse the project.

DEMOLITION AND CONSTRUCTION ACTIVITY

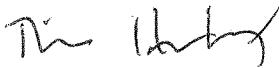
The project involves the removal of approximately 75 ft of existing driveway to be replaced by groundcover and concrete driving strips and a stamped concrete area maneuvering area. Minor improvements are proposed such as handrail, replacement of exterior steps, and the like. No structures are proposed.

NOISE:

The project does not create new noise source.

I welcome your review of the accompanying drawings and photos.

Thank you,



Thomas Hashbarger

CONCEPT REVIEW - NEW ITEM**2. 20 S VOLUNTARIO ST**

R-2 Zone

Assessor's Parcel Number: 017-172-008
 Application Number: MST2005-00068
 Owner: Thomas Hashbarger & Richard Merrill
 Architect: Thomas Hashbarger

(Proposal to convert two residential units to two condominium units and convert existing carport to garage. Project will result in one two bedroom unit and one four bedroom unit. Three covered and one uncovered parking spaces will be provided.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP.)

(5:46)

Thomas Hashbarger, Architect, present.

- A* Motion: Continued indefinitely with the following comments and conditions: 1) The project is a well conceived project. 2) The modification request has been resolved, therefore, is no longer an issue. 3) The project meets the Condominium Guidelines. 4) Maintain a one-foot planter strip along the portion of the driveway where the hedge is being removed. 5) Add one large canopy tree in the interior area of the motor court.
- Action: Manson-Hing/Wienke, 4/0/0. Bartlett stepped down.

CONCEPT REVIEW - NEW ITEM**3. 222 SANTA BARBARA ST**

OC/SD-3 Zone

Assessor's Parcel Number: 017-021-007
 Application Number: MST2005-00736
 Owner: Wright & Company
 Architect: Peikert Group Architects
 Agent: John Dohm

(This is a proposal for 16 affordable three-story rental units with 12 garage parking spaces on Site #3 of the Paseo de la Playa Development. The total size of the project is 17,169 square feet. A modification is required for reduced parking spaces.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A MODIFICATION AND A COASTAL DEVELOPMENT PERMIT.)

(6:03)

Gordon Brewer, Peikert Group Architects; Carrie Bingham, Peikert Group Architects; and John Dohm, Agent, Suzanne Elledge, Architects; present.

Mr. Dohm read a letter which was submitted by the Housing Authority, which stated their request for vehicular use and ownership restrictions, with a defined work area. In addition, reduced parking with a higher density to accommodate the needs for the work force.