



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** December 9, 2020 20XX  
**AGENDA DATE:** December 16, 2020  
**PROJECT ADDRESS:** 217 S. Voluntario Street (PLN2020-00453)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470, 4531  
 Danny Kato, Senior Planner *DYK*  
 Kelly Brodison, Associate Planner *KAB*

### I. PROJECT DESCRIPTION

The project consists of a proposal for a new multi-family development using the Average Unit Density Incentive Program (AUD). The project will include the demolition of an existing 691 square foot one story dwelling unit, 421 square foot detached garage, and 85 square foot shed, and the construction of a 2,204 square foot two-story duplex and a 2,854 square foot two-story triplex. An existing 1,072 square foot (3-bedroom) dwelling unit is proposed to remain unchanged. The proposed unit mix will include one 3-bedroom unit, four 2-bedroom units and one 1-bedroom unit. The project will result in six dwelling units totaling 6,145 square feet, with an average unit size of 1,024 square feet. The proposed density on this 12,500 square foot parcel will be 21 dwelling units per acre on a parcel with a General Plan land use designation of Medium-High Density Residential, 15-27 dwelling units per acre. There will be a total of five parking spaces provided in attached garages totaling 1,088 square feet, and one uncovered space. Two fruit trees will be removed and new landscape, hardscape, fencing, and trash enclosure is proposed. Grading will consist of 140 cubic yards of excavation and 25 cubic yards of fill. This project will address violations identified in Zoning Information Report ZIR2015-00485.

### II. REQUIRED APPLICATION

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is an Open Yard Modification to allow for open yard area that does not meet the minimum size requirements or standards and location requirements for single residential units (SBMC §30.140.140 and SBMC §30.250.030.B).

**Application Deemed Complete: November 11, 2020**

**Date Action Required: January 10, 2021**

**III. RECOMMENDATION**

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section VI of this report.

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Mark Morando	Property Owner:	Francisco Vazquez
Parcel Number:	017-260-016	Lot Area:	12,500 sq. ft.
General Plan:	Medium-High Residential	Zoning:	R-M
Existing Use:	Residential	Topography:	!11%

Adjacent Land Uses:

North:	R-M/MHP; 1210 Cacique Street	Mobile home park
East:	R-M; 221 S. Voluntario Street	Two unit residential (single-story)
South:	R-M; 220 S. Voluntario Street	Multi-unit residential (two-story)
West:	R-M; 213 S. Voluntario Street	Multi- unit residential (single-story)

**A. PROJECT STATISTICS**

Existing Structures to be demolished

691 square foot one-story 2-bedroom dwelling unit  
421 square foot detached garage  
84 square foot shed

Existing Structure to remain

1,072 square foot 3-bedroom dwelling unit

Proposed New

2,204 square foot two-story duplex  
2,854 square foot two-story triplex

**B. PROPOSED LOT AREA COVERAGE**

Building	4,957 sq. ft. (40%)
Hardscape	6,242 sq. ft. (50%)
Landscape	1,301 sq. ft. (10%)

**V. POLICY AND ZONING CONSISTENCY ANALYSIS**

**A. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/ Allowance</b>	<b>Proposed</b>
<b>AUD</b> -Units -Unit Density -Average Unit Size	8 15-27 du/ac	8 21 du/ac 1,024 sf
<b>Parking</b> -Vehicle -Bicycle	6 spaces 6 spaces	6 space 6 spaces
<b>Setbacks</b> -Front -Interior -Rear	10 feet (1 & 2 story) 6 feet (1 & 2 story) or 3 feet (interior setback for lots less than 55 feet in width)	10 feet 3' (2-story unit) 3' (garages)
<b>Building Height</b>	45', 4 stories	23', 2 stories
<b>Outdoor Living Space</b>	15% of net lot area (1,875 sq. ft.)	1,032 sq. ft.*

\*An Open Space Modification is requested to allow less than the required amount of open space. See discussion below.

**VI. DISCUSSION**

Background Information

This project previously received Project Design Approval from the Architectural Board of Review on November 21, 2016 under Title 28. (MST2016-00291)

Open space requirements under Title 28 (SBMC 28.21.081.A.2) state that, in addition to all setbacks, projects must provide on-grade open space of an area that equals no less than 10% of the net lot area. The intent of this provision was to provide relief from building volume, driveways and parking beyond that afforded by setbacks. The open space could include landscaped or hardscaped areas unobstructed from the ground upwards including, but not limited to walks, patios, planted areas, decks no more than 18 inches above grade at all points, and swimming pool areas.

The previous project provided 1,526 square feet of open yard that amounted to 12% of the lot area which exceeded the 10% requirement under Title 28.

A building permit was not issued and the project subsequently expired. Since that time, Title 30 went into effect in October 2017, and the project is now subject to the requirements of Title 30, which requires that applicants provide 15% of the net lot area (12,500 sq. ft. x 15% = 1,875 sq. ft.) with minimum dimensions of 10' x 10'. The previously approved project had only 1,118.95

square feet that met the 10' x 10' dimensions, and now requires a modification to provide less than the required amount of open space per SBMC 30.140.140.

#### Modification Request and Required Findings

The purpose of open yards is to promote desirable living conditions, a sense of openness on residential development, and minimum useful space for outdoor living and enjoyment. The Municipal Code (SBMC §30.140.140) states that on lots with three or more units the requirement is to provide 15% of the net lot area as open space with minimum dimensions of 10 feet long and 10 feet wide. Additionally each unit must provide private open yard depending on the number of bedrooms. For this project, 15% of the net lot area is 1,875 square feet. The applicant is requesting a modification to provide 1,032 square of open yard which is approximately 843 square feet less than the required amount of open yard.

The subject lot is 50 feet in width and the project proposes to retain the existing one-story residential unit, which is situated in the center of the site, and to add additional units on either side of that existing structure. These factors contribute to the constraints on the project site. The project is providing 1032 square feet of open yard that meets the zoning standards. Although the project is providing approximately 843 square feet less than 15% of the net lot area that would meet the zoning standards the project is providing a significant amount of open space on the lot through the setbacks, the private open yards for each unit, the 17'7" wide driveway and a large open yard area (17'-8" x 10'") at the rear of the lot.

Staff is supportive of the reduction in the open space because each of the new units will have their own private open yard and there will be 1,032 square feet of open space that meet the minimum dimensions in Title 30. The project is also divided into three separate buildings in lieu of one large building, which promotes a sense of openness. Additionally, the project adds 4 new rental units to the City's housing stock which is one of the goals of the City's General Plan.

To further lessen the potential impact of the new units on the surrounding neighborhood, a condition of approval has been added preventing tenants from participating in the Residential Permit Parking Program.

#### Design Review

This revised project was reviewed by the ABR on November 30, 2020. See Exhibit C for the full ABR minutes. The Board was unanimously supportive of the request for an Open Yard Modification. The applicant was asked to further study the landscaping along the front of the units and along the front walk and also to restudy locations of the trash and recycling bins. The ABR found that the project generally met the Compatibility Analysis Criteria and the Design Guidelines and continued it to the Staff Hearing Officer.

## **VII. ENVIRONMENTAL REVIEW**

The parcel is located within the Demolition Review Study Area. The City's Architectural Historian reviewed the property and determined that it does not qualify as a historic resource, nor would the proposed project impact any other historic structures in the neighborhood.

According to the City's Master Environmental Assessment Report, the project is also located in archaeological sensitivity overlay areas. A Phase I archaeological report was prepared for the project to assess the potential for prehistoric and historic resources to be impacted. Based upon archival research, site history, and field survey, the project area was determined to have a very low potential for unrecorded archaeological resources, prehistoric or historic. Consistent with City practices, a standard condition related to the unlikely discovery of archaeological artifacts is still recommended, and is included in Section VIII of this report.

The project is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. The project is consistent with the overall development density designated and analyzed by the Program EIR, and potential minor project environmental effects are addressed with existing development standards and regulations. Based on City Staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183- Projects Consistent with the General Plan). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project. A decision-maker finding that the project qualifies for the §15183 CEQA determination is required.

## **VIII. FINDINGS**

The Staff Hearing Officer finds:

1. The project qualifies for an exemption from further environmental review under the California Environmental Quality Act Guidelines Section 15183, "Projects Consistent with a Community Plan or Zoning," based on the CEQA certificate of determination on file for this project.
2. The Open Space 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 open space provides 1,032 square feet of open space that meets the minimum dimension of 10' x 10'. The project is divided into three separate buildings in lieu of one large building separating the mass and bulk of the project which promotes a sense of openness. Additionally each unit will have Private Open Yard areas and the project adds four new units to the City's overall housing stock which is one of the long term goals of the City's General Plan.

Conditions:

1. **Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

2. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated December 8, 2020
- C. ABR Minutes dated November 30, 2020

Contact/Case Planner: Kelly Brodison, Associate Planner  
(Kbrodison@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x4531



# City of Santa Barbara California

**Exhibit A:** Project Plans, is available electronically for view online at:  
[SantaBarbaraCA.gov/SHO](http://SantaBarbaraCA.gov/SHO)

December 8<sup>th</sup>, 2020

Staff Hearing Officer  
City of Santa Barbara  
Post Office Drawer 1990  
Santa Barbara, CA 93102

Re: Vasquez Property  
217 South Voluntario Street  
Santa Barbara, CA 93101

Dear Mrs. Reardon,

Enclosed please find the formal application for the project located at 217 South Voluntario Street, within the Eastside neighborhood, in the City of Santa Barbara. The parcel (017-260-016) is zoned R-M (Title 30) and has an approximate slope of 2%. The 12,500 square foot parcel is developed with an existing 691 square foot dwelling and a 421 square foot detached two-car garage that are to be demolished and the three-bedroom 1,072 square foot dwelling is to remain.

Under MST2016-00291 "Proposal for a new multi-family development using the Average Unit Density Incentive Program (AUD). The project will include the demolition of an existing 691 square foot one-story dwelling unit, 421 square foot detached garage, and 85 square foot shed, and the construction of a 2,204 square foot two-story duplex and a 2,854 square foot two-story triplex. An existing 1,072 square foot (3-bedroom) dwelling unit is proposed to remain unchanged. The proposed unit mix will include four, 2-bedroom units and one, 1-bedroom unit. The project will result in six dwelling units totaling 6,145 square feet, with an average unit size of 1,024 square feet. The proposed density on this 12,500 square foot parcel will be 21 dwelling units per acre on a parcel with a General Plan land use designation of Medium-High Density Residential, 15-27 dwelling units per acre. There will be a total of five parking spaces provided in attached garages totaling 1,088 square feet, and one uncovered space. Two fruit trees will be removed and new landscape, hardscape, fencing, and trash enclosure is proposed. Grading will consist of 140 cubic yards of excavation and 25 cubic yards of fill. This project will address violations identified in Zoning Information Report ZIR2015-00485."

The project received "Project Design Approval on November 21<sup>st</sup> 2016 at the Architectural Board of Review (ABR).

The new Title 30 Zoning Ordinance went into effect in July of 2017 and the ABR Project Design Approval expired while in Building Department plan check. The Designer was notified to apply for an open yard modification by Staff in order to bring the project into compliance with the new Zoning Ordinance.

The owner of 217 South Voluntario Street request your consideration for an open yard modification pursuant to SBMC 30.250.020.B.

It does not meet the 15% of the net lot area under the new SBMC 30.140.140.C. 2.a. Previously, the open yard under Title 28.21.081.A, required ten percent of

**EXHIBIT B**

the lot area and allowed areas to be counted outside of the required setbacks, not including areas for motor vehicles and required walkways for unit access. The project approved under MST2016-00291 had 1,501 square feet of open yard that equates to 12% of the lot area, 2% over the required 10% open yard. The new Multi-Family open yard under Title 30 requires 15% of the lot area, in areas that have a minimum dimension of ten feet by ten feet. The approved project under Title 28 had 1,118.95 square feet of lot area meeting this new minimum dimension requirement of ten feet by ten feet. In order to make the project more conforming to the new Title 30 requirements, we propose to rearrange the trash and recycling enclosure to provide another 202.3 square feet of open yard by moving three of the recycling bins to a different location that will meet Fire and Transportation Divisions requirements. This will provide 1,321.25 square feet of open yard in a ten by ten minimum. The project was reviewed by the ABR on November 30th, 2020 in order to assess the new design and obtain positive comments on the new trash enclosure design and open yard modification request. The ABR actually re-reviewed the entire project as if it was a completely new project. In the end the two of the ABR members did not like the re-design of the trash enclosure because it moved the recycling near Unit #2 and the trash a little closer to Unit #6. They praised the overall design of the project in it's entirety and just want a little more planting in front of the front building housing Units 1 & 2 and also the building comprised of Units 4,5 & 6. Therefore we decided that the best design of the trash enclosure area was to move four feet forward and provide a 10' x 10' dimension required by Title 30 that is more conforming and pleasing the ABR and Planning Staff who supports the project as it was already approved. The original trash enclosure area abutted two of the six-foot interior yard setbacks at the end of the driveway. Under the original Title 28 approval there was 856 square feet of lot area meeting the new title 30 10' x 10' dimension. We are proposing 1,032 square feet of lot area in the 10' x 10' dimension required by Title 30 in order to maintain the existing approved development footprint and become more conforming to the new Zoning Ordinance and changing design ideas of the general plan. The private outdoor living spaces for each unit meet both Title 28 and title 30 and have not changed from the originally approved design.

The owner and I believe that the proposed open yard is more appropriately designed and creates an improvement that is architecturally correct and functionally utilitarian, in that it adds an additional 176 square feet of open yard in the 10' x 10' minimum dimension required by Title 30. This area, at the end of the driveway and back of the lot is accessible to all of the units on the lot without disrupting the private outdoor living areas of the individual units.

The open yard modification for the expired PDA secures an appropriate improvement resulting in development that is consistent with the pattern of development in the neighborhood per the ABR and maintains one of the existing units and promotes a uniform improvement that provides many needed residential units and prevents unreasonable hardship to fully redesign the project and re-engineer the structural for the development.

Thank you for your consideration in this matter. Please feel free to call 805-680-2703 if you have any questions or comments regarding this request.

Sincerely,

Mark Morando  
Morando Planning & Design  
December 8th, 2020

ABR Minutes  
217 S. Voluntario

Actual time: 4:01 p.m.

Present: Mark Morando, Applicant

Public comment opened at 4:21 p.m., and as no one wished to speak, it closed.

Straw vote: How many Board Members can support the Open Yard Modification? 6/0 Passed.

**Motion: Continue indefinitely for return to Consent with comments:**

1. The Board is supportive of the applicant's Open Yard Modification request, however the site plan shall be restudied to provide additional planting along the front of the units and along the walkway in the front.
2. The Board finds that the Compatibility Analysis Criteria generally have been met.
3. The project meets the Design Guidelines.
4. Restudy the location of all trash and recycling bins.

Action: Moore/Olson, 6/0/0. (Watkins absent.) Motion carried.