



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 008-09

816 CACIQUE & 110 S. QUARANTINA STREETS

AMENDMENTS TO CONDITIONS OF APPROVAL FOR PRIOR RESOLUTION 051-04

MARCH 26, 2009

**APPLICATION OF MIKE FOLEY, EXECUTIVE DIRECTOR OF CASA ESPERANZA, 816 CACIQUE STREET AND 110 SOUTH QUARANTINA STREET, APNS 017-240-021, 017-113-035 & 071-113-034, M-1, LIGHT MANUFACTURING, C-2, GENERAL COMMERCE AND S-D-3, COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL(MST99-00432).**

The proposed project involves amendments to the Conditions of Approval per Planning Commission Resolution No. 051-04. The proposed amendment involves an increase in the capacity of the Year-Round Shelter by 40 beds for a 90 day period from April 1, 2009 through June 30, 2009 (140 beds total).

Amendments to the following discretionary applications are required for this project:

Amendment to Conditional Use Permit conditions that allow a quasi-public use (§28.94.030.W).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(e).

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 11 people appeared to speak in favor of the application, and 9 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 19, 2009
2. Site Plans
3. Correspondence received in support of the permit:
  - a. Bonnie Raisin, via email
  - b. Glen Mowe, via email
  - c. Randy Sunday, Sarah House, via email
  - d. Maureen Earls, CLUE, via email
  - e. Nancy Rowan, CLUE, via email
  - f. Sara Miller McCune, via email
  - g. Sharon Brownnett, via email

- h. Cath Webb, via email
  - i. Roger E. Heroux, via email
  - j. Ellen M. Goodstein, Esq., via email
  - k. Roslyn Scheuerman, via email
  - l. Alex Lambrous, Esq., via email
  - m. Robert Pearson, Housing Authority of Santa Barbara, via email
  - n. Petra Lowen, via email
  - o. Bette Farrell, via email
  - p. Kathleen Baushke, Transition House, via email
  - q. Bernadette Murphy, submitted at hearing
  - r. Neighborhood petition submitted at hearing with 114 signatures
4. Correspondence received in opposition to the permit or with concerns:
- a. Peter Neuhaus, via email
  - b. Mike, via email
  - c. Melinda Werner, via email
  - d. John Dixon, Tri-County Produce, via email
  - e. Chris Kamen, via email
  - f. Holly Walters, via email
  - g. Jim Neuman, via email
  - h. Mark Romasanta, Harbor View Inn, via email
  - i. Sylvie Loebach Monsivais, Harbor View Inn, via email
  - j. David Burkholder, Neighborhood Corner Bar & Grill, via email
  - k. Harry Kazali, Days Inn, via email
  - l. Paula Westbury, Santa Barbara, CA
  - m. Paul Bullock, The Eagle Inn, Santa Barbara, CA
  - n. Rolland and Barbara Fitzgerald, Santa Barbara, CA
  - o. Mary Ellen Tiffany, submitted at hearing

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:
  - A. The use is deemed essential and desirable to the public convenience and welfare and is in harmony with the various elements and objectives of the Comprehensive General Plan. The Day Center and Shelter will expand its important services to Santa Barbara's homeless population in a permanent location. The temporary expansion of 40 beds to the Year-Round Shelter is in response to the worsening economic crisis, and keeping the vulnerable homeless population off the streets is essential and desirable to the public welfare, as it will reduce the suffering of this homeless population. Further, the expansion of the existing use would be in harmony with the General Plan Land Use Designations of Industrial and Commercial.
  - B. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood because the project will provide a place where the homeless can sleep without loitering in the neighborhood. Casa Esperanza staff and volunteers will continue to work with the homeless and neighboring businesses, through the Milpas Action Task Force, the Step Up clean up crew and the Streets Outreach program, to reduce neighborhood impacts caused by the homeless populations.
  - C. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development and use. Significant detrimental impacts on surrounding properties are avoided because the project meets the requirements of the M-1 and C-2 zones, and the area where facility users gather is set back and screened from the surrounding properties.
  - D. Adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area. Most of the facility users will not drive. The parking demand for all current activities at Casa Esperanza, including the Year-Round shelter, Emergency Winter Shelter (330 beds total) and Day Center was previously calculated to be met with a total of thirty-three (33) spaces (twenty (20) spaces provided off-site). The temporary increase in the year round capacity, through June 30<sup>th</sup>, to 140 beds will not exceed the parking demand of the overall approved project.
  - E. The appearance of the developed site in terms of the arrangement, height, scale and architecture of the building, location of parking areas, landscaping and other features is compatible with the area since the building and provision of landscaping have improved its appearance and made it more consistent with recent buildings in the area, such as the Fire Station, and with the overall character of the industrial and commercial area.
- II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be documented in a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director. Owner shall record the approved document with the Office of the County Recorder.
1. **Uninterrupted Water Flow.** The Owner shall provide for the flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
  2. **Recreational Vehicle Storage.** No recreational vehicles, boats or trailers shall be stored on the Real Property (although recreational vehicles that belong to shelter occupants may be parked on-site overnight or during the day).
  3. **Landscape Plan Compliance.** 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 on the Real Property shall be provided and maintained in accordance with said landscape plan.
  4. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property.
  5. **Allowed Development.** The development of the Real Property is limited to 25,392 sq. ft. of building area.
    - a. **Day Center Operations/Community Kitchen.** Owner may operate a day center on a daily basis. Day center operations shall be limited to a maximum of eighteen (18) staff and volunteers. A noon-time meal may be served daily to up to 200 clients. All meals served from the real property shall be consumed on the real property. The applicant shall report back to the Planning Commission, in 45 days of approval (3-26-09), the progress on exploration with other agencies in the community for alternative food service locations.
    - b. **Emergency Shelter.** From December 1 through March ~~15~~31, Owner may operate an emergency shelter on the real property with up to 230 beds, with a monthly average of no more than 200 beds. At the request of the shelter operator, the Community Development Director may extend the duration of the emergency shelter operation due to cold and/or rainy weather. Notice shall be given to the neighborhood by means of the Milpas Action Task Force no later than 48 hours prior to a change in schedule.

- c. **Shelter Operations.** From ~~March 16~~ April 1 through November 30 of each year, Owner may operate a shelter on the real property with up to 100 beds. From April 1, 2009, through June 30, 2009, Owner may operate a shelter on the real property with up to 140 beds.
  - d. **Detoxification Program.** Owner may operate a residential non-medical based detoxification program for up to 12 clients with a maximum stay of 14 days.
  - e. **Parking/Bicycle Storage and Access.** At all times, Owner shall provide a total of 33 parking spaces for use by staff, volunteers and clients. Thirteen spaces shall be provided on-site at 816 Cacique Street and twenty spaces shall be provided off-site at 110 S. Quarantina Street. The off-site parking lot shall be reserved for use by staff and volunteers and, secondarily, clients. If this off-site lot is needed at night, it shall be used for overnight staff parking. Signs shall be provided at the on-site parking entrances directing users to the off-site parking lot when on-site parking is full, subject to review and approval under the Sign Ordinance. Secure bicycle storage for sixty (60) bicycles shall be provided, subject to review and approval by the Transportation Planning Manager. Include a door that provides access to the rear of the building that does not exit through the kitchen for the purpose of providing access to bicycle storage.
  - f. **Increases to Meet Critical Need.** Upon a written determination by the Chief of Police (or his designee) that the shelter bed limitations contained herein need to be exceeded in order to provide adequate and safe shelter to homeless individuals within the City due to weather related conditions or concerns related to public safety, the bed limitations contained herein may be exceeded by an amount not to exceed ten percent (10%); provided, the determination of the Chief of Police is provided to Owner and to the Milpas Action Task Force within 48 hours of its issuance and each such determination shall be valid only for a period of seven (7) days.
  - g. **Fielding Institute Study.** The applicant shall provide an update within 45 days (of March 26, 2009) to the Planning Commission on the status of a Fielding Institute Study being done in cooperation with the City Police Department examining the frequency and nature of police contacts and problems in the vicinity of the shelter with the different populations served at the shelter (i.e. clients in the evening program versus clients in the day program). The update shall include the study's expected completion date.
6. **Lighting.** Exterior lighting shall be provided on both properties and shall be consistent with the City's lighting ordinance. No floodlights shall be allowed. All lighting shall be directed toward the ground.

7. **Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
8. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Such provisions shall be included in the lease/rental agreements of future tenants as a required "Transportation Management Plan." A copy of the clause in the lease/rental agreement needed to comply with this condition shall be provided to the Community Development Director and Transportation and Parking Manager.
  - a. **Bus Passes.** Owner or all employers shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for their employees and clients. These passes or tokens shall be provided free of charge to employees and clients who request them for travel to and from the facility. Notice of the free passes shall be provided to existing employees and new employees when they are hired and clients by posting signs in the facility. A copy of the contract with MTD shall be provided to the Transportation Planning Manager.
  - b. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees and clients.
  - c. **Ride-Sharing Program.** Employees shall be made aware of the Ride-Sharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
9. **Neighborhood Communication.** Casa Esperanza shall regularly meet with neighborhood representatives in order to handle issues and concerns regarding its operations. The Milpas Action Task Force (MATF) shall be the forum for these meetings, and shall include representatives from area property owners, businesses, and residents, the City of Santa Barbara, and Casa Esperanza. Meetings may be called by the Owner or the MATF, when determined necessary. The applicant will provide the Planning Commission with an update within 45 days of approval (3-26-09).
10. **Neighborhood Outreach.** Staff of Casa Esperanza shall conduct daily patrols through the neighborhood. This Outreach Program currently includes both sides of Milpas from the beach to Mason Street, and the area between the railroad tracks and US 101, and the Cacique/Quarantina/US101 triangle. This area may be revised by the Milpas Action Task Force in response to local conditions. Because of the area's scope, each segment may not be visited daily, but shall be visited more than once a week. Outreach involves contacting businesses and

residents to hear what is going on. The name and telephone number of a contact person will be distributed along with information regarding where complaints about facility operations may be directed. Any complaints received and the staff response will be logged and made available to the public upon request. The Outreach Program shall also refer businesses and residents to the Police Department for crime prevention assessment. The applicant will provide the Planning Commission with an update within 45 days of approval (3-26-09).

11. **Neighborhood Watch/Patrol.** In addition, the operator shall conduct a neighborhood watch and clean-up patrol within the patrol area defined above by the Milpas Action Task Force. In addition to litter clean-up, the purpose of the patrols is to observe homeless activities in the area, and to enforce the facility's Code of Conduct. The applicant will provide the Planning Commission with an update within 45 days of approval (3-26-09).
12. **Property Maintenance.** The properties shall be maintained in accordance with the approved plans. The applicant will provide the Planning Commission with an update within 45 days of approval (3-26-09).

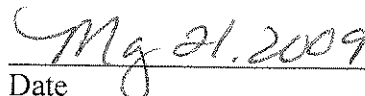
B. **Report to Planning Commission.** Casa Esperanza shall provide progress reports to the Planning Commission every two years, with the next report due in September 2010. Compliance with the conditions of approval and progress in meeting the corrective action objectives in the September 14, 2004 Milpas Action Task Force Report shall be addressed. Discussion of overall operations, statistical information of the numbers of persons served, complaints received and the response to those complaints, and parking demand and utilization should also be included. The Planning Commission reserves the right to further condition the project as necessary to sustain operation.

This motion was passed and adopted on the 26th day of March, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Jacobs, Jostes) ABSTAIN: 0 ABSENT: 2 (Bartlett, Larson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

