



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

June 2, 2016

#### CALL TO ORDER:

Chair Campanella called the meeting to order at 1:02 P.M.

#### **I. ROLL CALL**

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, and Deborah L. Schwartz.

**Absent: Commissioner Addison Thompson**

#### **STAFF PRESENT:**

Beatriz Gularte, Senior Planner  
N. Scott Vincent, Assistant City Attorney  
Kelly Brodison, Assistant Planner  
Daniel Gullett, Supervising Transportation Planner  
James Austin, Fire Inspector  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Ms. Gularte announced that the Planning Commission meeting of June 9, 2016 has been cancelled and the next meeting will be on June 16, 2016.

C. Amend the following Planning Commission Minutes:

1. Minutes of March 18, 2016, approved April 7, 2016

#### **MOTION: Lodge/Schwartz**

Approve the minutes as amended.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Pujo) Absent: 1 (Thompson)

- D. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. May 5, 2016

**MOTION: Schwartz/Lodge**

Approve the minutes.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Pujo, Higgins). Absent: 1 (Thompson)

- E. Comments from members of the public pertaining to items not on this agenda.

Chair Campanella opened the public hearing at 1:04 P.M. and, with no one wishing to speak, closed the hearing.

**III. CONSENT ITEM:**

**ACTUAL TIME: 1:04 P.M.**

**APPLICATION OF BILL WOLF, ARCHITECT FOR DAVID AND MAUREEN ELLENBERG, 1401 SHORELINE DRIVE, APN 045-185-016, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION OF LOW DENSITY RESIDENTIAL MAX 5 DU/ACRE AND LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL5 DU/ACRE (MST16-00028)**

The project consists of 45 square feet of first-story and 325 square feet of second-story additions to an existing 1,776 square foot two-story single family residence with an attached 429 square foot two-car garage on a 7,332 square foot lot. The project also includes a new covered entry porch, new 711 square foot rear deck with outdoor barbecue, and 180 square feet of balconies. The proposed total of 2,578 square feet is 85% of the required floor-to-lot area ratio (FAR). The project site is located in the E-3 Zone, the Hillside Design District, and the Appealable Jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Coastal Development Permit (CDP2016-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project qualifies for an exemption from further environmental review under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which allows for small additions to existing structures.

Contact: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Phone: (805) 564-5470, extension 4531

**MOTION: Lodge/Pujo**

**Assigned Resolution No. 014-16**

Waive the Staff Report and approve the project, making the findings for the Coastal Development Permit as outlined in the Staff Report, dated May 26, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Thompson)

Chair Campanella announced the ten calendar day appeal period.

**IV. SUBSTANTIAL CONFORMANCE DETERMINATION:**

**ACTUAL TIME: 1:06 P.M.**

**APPLICATION OF JOHN CUYKENDALL OF DUDEK, AGENT FOR APPLICANT  
AXIS TREATMENT CENTERS, 1964 LAS CANOAS ROAD, 021-010-028, A-1,  
SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION:  
HILLSIDE, LOW DENSITY RESIDENTIAL (MAX 1 DU/ACRE) (MST2016-00189)**

The County of Santa Barbara approved a Conditional Use Permit for the St. Mary's Seminary in 1962. The purpose of this discussion item is to receive input from the Planning Commission for a request to use the existing St. Mary's Seminary Retreat Center as a Residential Treatment Facility within the context of a Substantial Conformance Determination (SCD). The proposal would use the existing buildings on site for a fully licensed residential treatment center with a maximum of 40 clients residing on-site at any given time and 24 full time employees. The purpose of the meeting is to receive input from the Planning Commission and the public regarding the request. The Community Development Director will make the final determination as to whether or not the proposal is in substantial conformance with the approved project; therefore, the Planning Commission will not take a formal action on this item.

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Kelly Brodison, Assistant Planner, gave the Staff presentation. James Austin, Fire Inspector; and Dan Gullett, Supervising Transportation Planner, were available to answer any of the Commission's questions.

Ms. Brodison stated that public comment letters were received from Robert Burke; Karl Hutterer, Mission Canyon Association; and Jane Woodhead.

Sam Dekin, Chief Operating Officer, Axis Treatment Centers, gave the Applicant presentation. He was joined by Karlee Dahlin, Therapist; and Megan Dahlin, Compliance Director.

Chair Campanella opened the public hearing at 1:14 P.M.

The following people spoke in opposition to the project or with concerns:

1. Paul Henderson, neighbor, was concerned that with the original Conditional Use Permit not being found, a statement of similarity was difficult to comprehend. He also

stated that addiction is a disease whereas studying to be a priest is not. Therefore, this is a change of use. It is also a for-profit, and not a non-profit use. A change of zoning is also required.

2. Raymond Smith, Chair of Mission Canyon Board of Directors, was concerned with granting a Substantial Conformance Determination (SCD) without a thorough investigation of environmental impact for a change of use. This is a high fire zone that has experienced 3 fires in the last few years. He asked that this item be continued for a more thorough investigation.
3. Michelle Snyder, 1972 Las Canoas Road owner, was concerned about 'runners' from the center and the close proximity to a forest. She has a daughter who requires the care of a treatment center and, based on first-hand experience, gave multiple examples of situations that could arise by a runaway resident and her concern for the mutual safety of neighbors and the runaway resident.
4. Jan Vanderford, Las Canoas Road neighbor, questioned how the Applicant can conform to the original Conditional Use Permit when it is a missing document. This Applicant's project represents a change of use from a non-profit seminary to a for-profit treatment center. The new use requires a new Conditional Use Permit and he asked that the Commission direct Staff to reject the Substantial Conformance Determination (SCD). Denise Frey conceded her speaking time to Mr. Vanderford.

With no one else wishing to speak, the public hearing was closed at 1:24 P.M.

Commission's comments:

Commissioner Higgins:

1. Appreciated the concerns expressed by the neighborhood on the process, in particular traffic and fire related issues, but he does not feel that the Commission has a lack of evidence or a lack of detail that is common in historic CUP's. There is a defacto CUP with a later City add-on to the CUP for the gym. He is not concerned with how we will compare this CUP to conditions of approval or performance standards that were probably not attached to the form in the 1960's.
2. This is not an intensification of use in comparison to a dormitory that can house additional residents on the property. Based on what we have before us, his concern is that we will rely on the Applicant's assurances, especially since we do not provide conditions of approval on an SCD.
3. Questioned the appropriateness of an SCD, since the Planning Commission Guidelines corral the Commission around SCD's for projects that are in between the place of discretionary approval, environmental document approval, and construction documents where something has changed. He is not sure that this warrants an SCD since it does not trigger a change of use permit because based on the Applicant's assumptions, the parking will not change. Performance agreements are not necessarily appropriate. Community group housing is a conditional use in the A1 zone district.

4. Concerned with why it is being aired at a public hearing since there is enough evidence to rely on in the City code that allows a use of this type on that property in that zone district. There is a huge need for these types of facilities with the opiate epidemic.
5. Can support the project as presented and make positive comments on the applicability of the use under the current use permit and allowances within the zone district.
6. This particular use should be State licensed so that parameters are in place to comport with licensing and should provide some assurance to the neighbors.

Commissioner Jordan:

1. Agrees with Commissioner Higgins, in particular that we are holding a public forum for what was adequately presented that could have been held at a lower SCD level of approval.
2. As the operations are described, residential care facilities substantially adhere to the existing use and intensity. If approved, the intensity will be much less than what has historically taken place over the past few decades. The existing St. Mary's has been functioning, but has not been functioning at the approved intensity that was approved in 1965. There are not 250 people in a church at one time; the parking lot is not being filled; there are not 80 people living in the dorms, or 30 people living in the guest houses.
3. While St. Mary's is doing many of those things, we are referencing what they are entitled to versus what will be proposed, not what is actually on the ground now. Understands the concern, but the frame of reference was laid out accurately that makes the case for the intensity going forward. As described by the Applicant, the intensity of use will be much less than they are entitled to.
4. We have a history of successfully adding conditions to an SCD and he would like to add a condition that restricts tour bus-like vehicles from going up and down for their operations and limit large vehicles to 12-14 passenger vans only. Would like something, perhaps other than a condition, that the Applicant can agree to that will accomplish the restriction of buses.
5. Concurs with Commissioner Higgins on making the nexus on use and the determination on less intensity and that the SCD be approved.

Commissioner Lodge:

1. Agrees with commissioners Higgins and Jordan.
2. The CUP goes with the property, whether or not the original document can be found.
3. With the State licensing requirements, the fire evacuation plan, and a less intensive use, she can make the findings for conformity.

Commissioner Schwartz:

1. A level 4 SCD public hearing process provides the public an opportunity to know what is going on by its local government, provide transparency, and allow the public to express themselves.
2. Concerned with not locating the original CUP document. It is part of the City's due diligence to obtain whatever document St. Mary's has that shows how they have actually used the property, for whom, what purposes, and statistics. We need to align

- Reverend Raymond Van Dorpe's letter (Exhibit A) with any archived documentation that St. Mary's has.
3. St. Mary's has stretched its use, and it cannot be looked at for intensity of use because of the absence of the original CUP. We owe it to the policy and process we have in place, the Applicant, and the community at large, that the approval is iron-clad.
  4. If St. Mary's was allowed to conduct 12 step programs, then that is similar to the proposed use and she can find similarity.
  5. If there was assurance from the Applicant that clients would absolutely not have cars on the premises, then that would assure the neighbors that traffic would be reduced. The fact that clients will be there for some time and not leaving daily, should also reduce traffic.
  6. Extended use of this client type does warrant attention and oversight by the Applicant. Any project description given to the Community Development should include all uses and intensity.
  7. For the societal value that is being provided, she thinks that some pieces need to be pulled together for the Community Development Director to fully substantiate a full approval of level four SCD.

Commissioner Pujo:

1. Before any adequate determination can be made by the City, a full detailed project description needs to be made that includes what the uses will be and include the verbal description and staff material that the applicant has provided, including State licensing, etc. Also include a clear definition of how many patients/visitors will be there and the maximum number of people on site at any one time. Include if the dwelling units will be kept on site and for what use. Include what the future use of the Church will be used for (e.g., deconsecration). Define the accessory uses, such as the gymnasium as an accessory and not a new use. Define temporary uses to determine frequency and type of uses. Add documentation of prior uses.
2. In terms of intensity, if the new use replaces the prior use that was approved, then yes, it is less intense.
3. Provide documentation of recent activities, uses, etc. (e.g., ledgers, advertisements, etc.) within the last year as well as earlier (e.g. use of dwellings, retreats, seminars, special events, etc.) in order to validate applicant references to these activities and in order to provide proof that the CUP has not expired due to inactivity.

Commissioner Campanella:

1. Would like to be assured that no large events will be held. Wants no public events held at the site.
2. Likes that there will be a cross check with the County.
3. State licensing is good to have and he is happy to hear that the Applicant is in compliance.
4. Whether for a seminary, marriage encounter, 12 step program or the proposed use, the facility has provided a place for reflecting about oneself and taking this with you after you leave.

5. Confirmed with Mr. Vincent and staff that the facilities actually constructed conform to the 1962 County staff letter concerning the CUP request.
6. Thanked the public for commenting since it provided the Commission with more information to deliberate and make their comments to the Community Development Director.

V. **ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 3:26 P.M.**

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report
  - a. Commissioner Jordan reported on the Staff Hearing Officer meetings of May 11 and May 26, 2016.
2. Other Committee and Liaison Reports
  - a. Commissioner Lodge reported on the Historic Landmarks Committee meeting of June 1, 2016.
  - b. Commissioner Jordan reported on the Water Commission meeting of May 19, 2016.
  - c. Chair Campanella reminded everyone that it was First Thursday and encouraged all to enjoy the events planned.

VI. **ADJOURNMENT**

Chair Campanella adjourned the meeting at 3:36 P.M.

Submitted by,

  
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Julie Rodriguez, Planning Commission Secretary

