



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-24 621 CHAPALA STREET CONDITIONAL USE PERMIT APRIL 4, 2024

Assessor's Parcel Number: 037-123-016
Zoning Designation: C-G (Commercial General)
Application Number: PLN2023-00513
Owner: 621 Partners LLC; Ken Marshall, Managing Member
Applicant: Barbara Andersen, City of Santa Barbara

The 4,969-square-foot site is currently developed with a 6,376-square-foot, two-story, commercial office building. The proposed project involves a request for a Conditional Use Permit (CUP) to allow a social services facility for a new Daytime Workforce Development and Navigation Center (Center) to serve people experiencing homelessness and housing insecurity. The Center would operate Monday through Friday, from 9:00 am – 3:00 pm, with the explicit goal of helping individuals become document-ready (e.g. acquiring a birth certificate, driver's license, Social Security card) and obtain housing. The services would include documentation readiness, case management, workforce development and life skill building, job search assistance, housing referrals, health care, and mental health support. Additional client meetings would also be offered outside of regular hours, on weekdays no later than 5:00 pm. Establishment of the Center seeks to improve access to support and services to people experiencing homelessness or housing insecurity by operating out of a single central location, eliminating the need for clients to navigate multiple different sites, on different days and times of the week, to reach service providers.

The discretionary application under the jurisdiction of the Planning Commission at this hearing is:

A. A Conditional Use Permit to allow for social services facility use in a C-G (Commercial General) zone (SBMC Chapter 30.215; and §30.25.020).

Confirm the Environmental Analyst's determination that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 [New Construction or Conversion of Small Structures] of the California Environmental Quality Act (CEQA) Guidelines.

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

WHEREAS, 26 people appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 28, 2024
2. Project Plans
3. Correspondence received:
 - a. Rolf Geyling

- b. Jeff Shaffer
- c. Professor Jim Wright
- d. Chuck Flacks
- e. DJ Johnsen
- f. Pam Goetz
- g. Elise Hyde
- h. Esperanza Osuna
- i. Amber Caldwell
- j. R.W. Beaver
- k. Rich Block
- l. Cecilia Harris
- m. Ken Marshall
- n. Jacqueline Robinson
- o. Randy Goetz
- p. Margaret Crocco
- q. Casey Caldwell
- r. Odin A. Dalio
- s. Lindsey Black
- t. Beverly Grossman Palmer
- u. Bradley
- v. Kristen Miller
- w. Joyce Berg
- x. Kimberlee Albers
- y. Kim Lieberman
- z. Santa Barabra Foundation
- aa. Robin Elander

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

I. Approved the subject application, making the following findings and determinations:

A. ENVIRONMENTAL REVIEW (SBMC §22.100.160.C; CEQA GUIDELINES)

The project qualifies for an exemption from further environmental review under Section 15303 [New Construction or Conversion of Small Structures] of the California Environmental Quality Act (CEQA) Guidelines. Section 15303 allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. 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. CONDITIONAL USE PERMIT (SBMC §30.215.070)

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zone district and complies with all specific requirements for the Conditional Use Permit, as well as all other applicable provisions of this title and all other titles of the municipal code;*

The proposed use is allowed with a CUP within the C-G zone and complies with all specific requirements for the CUP, as well as all other applicable provisions of this title and all other titles of the municipal code as described in Section V of the Staff Report dated March 28, 2024. The proposal complies with all applicable zoning standards and conforms to applicable General Plan policies.

A Social Service Facility is allowed in the C-G zone with a CUP because it is located a minimum of 300 feet from any other Social Service Facility or Emergency Shelter. There are no Social Service Facility or Emergency Shelters located within 300 feet of the subject site, as shown on City's Recommended Homeless Shelter Zones and Current Shelter Facilities Map. The closest Social Services Facility is the Salvation Army Hospitality House at 425 Chapala Street, which is approximately 920 feet southeast of the subject site.

2. *The proposed use and development is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan and any applicable specific plan;*

The proposed use and development is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan because the Center would provide services and support for homeless and housing insecure individuals, to become document-ready (e.g. acquiring a birth certificate, driver's license, Social Security card) and obtain housing, in an area of the City that is easily accessible to its clients. The Center will allow the City to support other agencies and nonprofit organizations to provide shelter and services for people experiencing homelessness or those on the verge of homelessness, as prescribed by the General Plan Housing Element Policy 3.1. There is no specific plan that applies to the site.

3. *The proposed use and development will not be adverse to the public health, safety, or general welfare of the community, nor materially detrimental to surrounding properties or improvements;*

The proposed use and development will not be adverse to the public health, safety, and general welfare of the community, nor will the project have a detrimental effect on surrounding properties or improvements, as described in Section V of the Staff Report dated March 28, 2024.

The Center would be staffed by trained professionals with extensive experience in housing navigation, health care, and job search assistance. The staffing structure also includes roles and responsibilities related to community outreach and site monitoring.

4. *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 that significant detrimental impact on surrounding properties is avoided;*

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 that significant detrimental impact on surrounding properties is to be avoided because no changes to the existing site or building are proposed as part of the project.

As discussed in the Background section of the Staff Report dated March 28, 2024, the existing building has operated with commercial uses since 1979. The proposed use is considered a Public or Semi-Public Use, which has the same site area and setback requirements as a Commercial Use.

5. *The design and operation of the project and its components, including hours or manner of operation, outdoor lighting and noise generating equipment, will not be a nuisance to the use of property in the area, particularly residential use;*

The design and operation of the project and its components, including hours or manner of operation, outdoor lighting and noise generating equipment, will not be a nuisance to the use of property in the area, as described in Section V of the Staff Report dated March 28, 2024. No physical change to the existing site or building is proposed as part of this project.

Operation of the Center will include cultivation and maintenance of a positive relationship with the surrounding community, timely responsiveness to neighborhood concerns, and timely mitigation of any detrimental impact on surrounding properties. The Center will operate on weekdays only, with private security conducting nightly exterior patrol during the evening and overnight hours. The ongoing neighborhood outreach effort, which includes proactive steps to minimize impacts to the surrounding neighborhood, will continue for the life of the project.

6. *Adequate access and off-street parking including parking for guests 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 at any time; and*

Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demand of the development for such facilities are adequately met without altering the character of the public streets in the area at any time because no change to existing parking is proposed, with the exception of three new long-term bicycle parking spaces. Ten automobile parking spaces, including one accessible space, currently exist on site. Four short-term bicycle parking currently exist on site, and the project will be conditioned to provide 3 long-term spaces, which means covered and secured, at the time of building permit submittal.

The site is subject to AB-2097 which prohibits public agencies from imposing or enforcing a minimum automobile parking requirement on a project that is within one-half mile of public transit. The Santa Barbara MTD Transit Center is located approximately a third of a mile up (north) Chapala Street, and various MTD bus stops are located even closer. The site is also within walking and biking distance of State Street. Most clients are not anticipated to require parking.

7. *The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the structures, location of parking areas, landscaping, open space and other features is compatible with the character of the area.*

The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the structures, location of parking areas, landscaping, open space and other features is compatible with the character of the area because no physical changes to the existing site or building are proposed as part of this project. As discussed in the Background section of the Staff

Report dated March 28, 2024, the existing building was constructed in 1979 along with its parking lot, irrigation, and landscaping. Interior tenant improvements, and the covering of the open second floor walkway, were permitted in 1994.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Submit an application for and obtain a Building Permit (BLD) for the change of use to social service facility.
2. Record any required documents (see Recorded Conditions Agreement section).
3. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney and Community Development Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Use.** The use of the Real Property approved by the Planning Commission on April 4, 2024 is limited to a Conditional Use Permit for social service facility for a Workforce Development and Navigation Center located within a 6,376-square-foot building, as described in the Applicant Letter dated December 19, 2023 and as shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Use Limitations.** Due to potential traffic and parking impacts, uses other than social service facilities are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.
3. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan, as shown on the Site Plan, approved by the Architectural Board of Review (ABR) on October 17, 1977. 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, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. 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.
7. **Common Area Maintenance.** All common and/ or shared areas and facilities shall be kept open, available and maintained in the manner in which they were designed and permitted.
8. **Availability of Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
9. **Long Term Bicycle Parking Space.** A bicycle parking plan shall be required with a building permit submittal that identifies three required long-term bicycle parking space, and shows compliance with the City's Access and Parking Design Standards.
10. **Hours of Operation.** Support services shall be provided to clients Monday through Friday, between the hours of 9:00 a.m. to 3:00 p.m., with additional client meetings offered by appointment outside of these hours (until no later than 5:00 p.m.). Evening events for fundraising and networking shall occur no more three times per month.
11. **Capacity.** The number of persons on the premises shall be limited to that of occupancy limits set by the Fire Marshall.
12. **Food Service.** No exterior queuing for food distribution shall occur. Food distribution shall be available to service participants only. Where food is being provided, and near the exits of the facilities, trash cans shall be provided onsite.
13. **Smoking.** Smoking shall be prohibited on the premises.
14. **Lighting.** All outdoor lighting shall comply with the City's Outdoor Lighting Ordinance.
15. **Outdoor Activities.** All outdoor activities (e.g. clients entering and exiting the building) shall be regulated and monitored by staff.
16. **Storage.** Large client items (e.g. carts and backpacks) shall be temporarily and securely stored in a designated locked room in the building and/ or fenced outdoor area to prevent any visual impacts to the exterior of the building.
17. **Block Walks.** The operator shall conduct "block walks" an hour before opening and an hour after closing to pick up any neighborhood litter, report vandalism, and address any illegal dumping on public property.

- 18. **Call Record.** All calls to the dedicated hotline described in the Applicant Letter (Exhibit C of the Staff Report) shall be logged into a written record, with responses also logged when appropriate. The hotline number shall be prominently posted for community access.
- 19. **Mandatory Security.** A private security firm shall be hired to conduct nightly exterior patrol of the premises during the evening and overnight hours; patrols shall occur from one half hour after sunset to one half hour before sunrise.
- 20. **Second Floor and Rear Entrance Access.** Access to the second floor, and to building from the rear entrance at Bradbury Avenue, shall be limited to the second floor tenants and their guests.

C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B “Recorded Conditions Agreement” to the Community Development Department prior to issuance of any building permits.
- b. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. The following statement shall be signed prior to issuance of and permits: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

D. **General Conditions.**

- 1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species

Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission 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 being notified of a lawsuit regarding 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.

III. Said approval is subject to the following time Limits:

- A. The Planning Commission action approving the Conditional Use Permit shall terminate three (3) years from the effective date of the approval, per Santa Barbara Municipal Code §30.205.120, unless:
 1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
 2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

This motion was passed and adopted on the 4th day of April, 2024 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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.

Mariah Johnson, Commission Secretary

Date

PLEASE BE ADVISED:

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

DRAFT