



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 028-05
316 W. MONTECITO STREET
CONDITIONAL USE PERMIT
APRIL 14, 2005

APPLICATION OF ISAAC ROMERO, AGENT FOR SANTA BARBARA COTTAGE HOSPITAL AND SONA STAR INC., PROPERTY OWNER, 316 W. MONTECITO STREET, APN 037-232-006, C-2/COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2004-00746)

The applicant requests approval of a conditional use permit for operation of a community care facility for residential chemical dependency treatment for up to 24 persons to be operated by Santa Barbara Cottage Hospital. The proposed facility would replace an existing facility for 14 patients located at 2838 State Street. The proposed facility would occupy an existing 23 room motel. Physical development would include interior alterations, structural improvements to meet building code requirements, parking lot reconfiguration and the addition of a security gate. Fourteen parking spaces would be provided onsite.

The discretionary approval required for the project is a Conditional Use Permit to allow the operation of a community care facility for up to 24 persons in the C-2 (General Commercial) zone district (SBMC §28.94.030.R).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301, Existing Facilities.

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

WHEREAS, 8 people appeared to speak in favor of the application, 1 person stated their concerns, and 4 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 6, 2005
2. Site Plans
3. Correspondence received in support of the project:
 - a. Daniel Bartolini, 1926 Santa Barbara Street
 - b. Barbara M. Long, no address submitted
 - c. Jacqueline Marston, 45 East Alamar
 - d. One (1) letter from neighbors of Cottage Residential Center
2838 State Street with fifteen (15) signatures

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

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

A. Conditional Use Permit Findings (SBMC §28.94.020)

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The provision of expanded facilities for the treatment of persons suffering from chemical dependency would benefit the community welfare as a whole. The project as proposed would be in harmony with the General Plan.

2. Such 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 involved.

The proposed project includes operational features, such as limiting most off-site patient travel to van pools, and limiting client's off-site unsupervised activities to two hours per afternoon. The proposed residential character of the facility would be materially the same as the existing motel use.

3. 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 proposed use would occupy existing structures that conform to the required setbacks of the C-2 zone district (with the exception of the Montecito Street 10 foot setback). The existing setbacks are adequate to prevent detriment to surrounding properties.

4. 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.

The provision of 14 parking spaces onsite would be adequate to meet parking demand given that patients would be precluded from bringing vehicles to the facility. The addition of onsite space for vehicle turn-around would be an improvement over existing conditions where exiting cars must back into Montecito Street.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly

conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The architectural style of structures is not proposed to change. Proposed exterior changes include parking lot improvements, a reduction in wall heights along the site frontage, the addition of an entry gate and landscape and hardscape improvements to the courtyard area. Proposed changes would generally upgrade the appearance of the area. The proposed entry gate would remain open during the day, and thus would not be incompatible with the character of the area.

6. Compliance with any additional specific requirements for a conditional use permit.
The additional findings required for a community care facility for more than 12 persons are addressed below.

B. Findings for a Community Care Facility for More Than 12 individuals (SBMC §28.94.030.R.2)

1. The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.

Project traffic generation would be less than that associated with the existing motel use which is a permitted use under the applicable C-2 zone. Demand for water, sewer, solid waste, and public safety services would be less than or similar to that required for the existing motel.

2. The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.

The proposed intensity of use would be compatible with neighboring residential use subject to conformance with the operational aspects of the project described in the applicant's letter dated February 18, 2005.

3. The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

The structures are proposed to be converted from an existing conforming use in the C-2 zone. Should the site return to motel use, an adequate amount of parking could be provided through reconfiguration of the parking lot.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed

on the use, possession and enjoyment of the Real Property and shall be executed by the Owner in a written instrument which shall be reviewed and approved as to form and content by the City Attorney, and recorded by the City. Said agreement(s) shall be recorded in the Office of the County Recorder:

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 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. **Voluntary Merger.** The Real Property listed as APN037-232-006 in the County Tax Assessors Office, shall be merged from two existing legal lots into one (1) legal lot, following the procedure in the Municipal Code for a "Certificate of Voluntary Merger".
3. **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 on the Real Property shall be provided and maintained in accordance with said landscape plan.
4. **Allowed Development.** The development and use of the Real Property approved by the Planning Commission on April 14, 2005 is limited to the operation of a community care facility for residential chemical dependency treatment for up to 24 persons. Clients would be transported to off-site appointments and activities by van and would not be permitted to bring vehicles to the facility. The facility is proposed to be operated by Santa Barbara Cottage Hospital (SBCH). Meals would be catered onsite. Cleaning service work, catered meal delivery, and other maintenance functions shall be scheduled outside visiting hours. Patients would be permitted off-site unsupervised for a period of up to two hours each day. Physical development would include: interior alterations to provide office and common spaces as well as 18 single and double client rooms; parking lot reconfiguration with the provision of 14 parking spaces; and the addition of a security gate across the driveway, as shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
5. **Transportation Demand Management.** Employees of this facility shall have the same benefits as Cottage Hospital employees at 320 W. Pueblo Street, with the exception of the parking cash-out provisions.
6. **Sign Review.** All signs shall comply with the Sign Ordinance of the City of Santa Barbara (SBMC Chapter 22.70).
7. **Compliance Review.** Two years after commencing operations pursuant to this permit, the operator shall provide a report to Planning Division staff that

describes compliance with the approved Conditional Use Permit. The report shall describe the overall operation of the facility, including staffing levels and client numbers, parking usage, complaints received and the operator's response to those complaints, and any other items of concern that may arise. The report shall be forwarded to the Planning Commission for review. In the event that the report identifies non-compliance or incompatibilities with the surrounding neighborhood, the Planning Commission shall have the ability to impose further conditions of approval.

B. **Design Review.** The following is 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. Lighting shall be directed toward the ground.
2. **Trash Enclosure Provision.** A trash enclosure with equal area for trash and recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers, with final location approved by ABR.
3. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.

C. **Public Works Submittal Prior to Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit or Public Works permit.

1. **Agreement Assigning Water Extraction Rights.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights *does* not include a right of surface entry on or from the Real Property.
2. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on W. Montecito Street. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: sidewalk, driveway apron modified to meet Title 24 requirements, apply crack seal to the centerline of the street along entire subject property frontage, underground service utilities, provide adequate positive drainage from site, and install bicycle parking bollards in the parkway. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.

3. **Construction Best Management Practices.** Construction activities shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.
 4. **Setback Variance Request.** The request for a Setback Variance shall be reviewed and approved by Council and the required agreement shall be recorded prior to issuance of any permits.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & 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. **Structural Engineer Report.** A structural report addressing change of use per California Building Code §3405 shall be provided. Project plans shall incorporate the recommendations of the Structural Engineer, subject to the review and approval of Building & Safety.
 2. **Noise Reduction Measures.** The recommendations of the Dudek and Associates noise study for Room 10 requiring the installation of a noise dampening window and mechanical ventilation to allow the window to be closed shall be included in project plans and implemented as part of project construction.
 3. **Archaeological Monitoring Contract.** Contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase I Archaeological Resources Report prepared for this site by Larry Carbone, dated April 1998. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected immediately and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and 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.

4. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
5. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
6. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m., Monday through Friday, 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 after 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.

8. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.

- b. On-site or off-site storage shall be provided for construction materials and equipment. Any off-site storage location for equipment or materials shall be approved by the Community Development Director.
 - c. Storage of construction materials within the public right-of-way is prohibited without an encroachment permit issued by the City.
9. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
10. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
11. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. 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:

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

- H. **Prior to Certificate of Occupancy.** Prior to issuance of a Temporary Certificate of Occupancy, or the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
- 1. **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.
 - 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, shall be completed.

3. **Check Valve / Anti-Backflow Device.** Provide an approved check valve or anti-backflow device placed on the private property side of consumer's service for dedicated fire line to serve fire sprinkler system, and one for irrigation meter, pursuant to Municipal Code Section 14.20.120 and Public Works Construction Standard Detail 5-009.0.

NOTICE OF APPROVAL TIME LIMITS:


The Planning Commission's action approving the Conditional Use Permit shall terminate one (1) year from the date of the approval, per SBMC 28.87.360, unless:

1. A building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.

This motion was passed and adopted on the 14th day of April, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (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.



Deana Rae McMillion, Admin/Clerical Supervisor

9-22-05

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.