



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 032-16

535 E. YANONALI STREET

PARKING MODIFICATION, COASTAL DEVELOPMENT PERMIT AMENDMENT,  
AND CONDITIONAL USE PERMIT AMENDMENT

NOVEMBER 10, 2016

**APPLICATION OF LAUREL PEREZ, SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, AGENT FOR SANTA BARBARA RESCUE MISSION, 535 E. YANONALI STREET, APN 017-540-004, OM-1/ SD-3 (OCEAN-ORIENTED LIGHT MANUFACTURING / COASTAL OVERLAY) ZONES, GENERAL PLAN DESIGNATION: INSTITUTIONAL, LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2016-00410)**

The proposed project consists of a reduction in vehicle parking from 34 spaces to 19 spaces for the Santa Barbara Rescue Mission located at 535 E. Yanonali Street due to the elimination of previously approved off-site parking located at 525 E. Yanonali Street. Also included in the project would be the addition of 50 bicycle parking spaces at the project site. The Rescue Mission provides food, shelter, and other services to Santa Barbara's homeless population. The operation of the Rescue Mission is not proposed to change as part of the project, and there would be no physical changes to the site other than the addition of bicycle parking.

The discretionary applications required for this project are:

1. A Modification to allow fewer than the required number of parking spaces (SBMC §28.92.110.A.1);
2. An Amendment to the Coastal Development Permit Amendment to allow the proposed reduction in parking for the Rescue Mission in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.240); and
3. An Amendment to the Conditional Use Permit Amendment to allow the proposed reduction in parking for the existing Rescue Mission, a quasi-public facility (SBMC §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 (Existing Facilities) and 15305 (Minor Alteration in Land Use Limitations).

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

**WHEREAS**, one person appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 3, 2016
2. Site Plan
3. Correspondence received in support of the project:
  - a. Karl Willig, Santa Barbara Rescue Mission Board Chair, via email
  - b. Sharon Donohoe, PhD, COO, Turbine Technology Partners, LLC, via email

- c. Jonathan Ludwick, Calvary Chapel of Santa Barbara, via email
- d. Michael Holliday, DMHA, via email

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

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

**A. PARKING MODIFICATION**

The modification will not be inconsistent with the purpose and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area. The Rescue Mission's overnight users generally do not own vehicles and persons enrolled in the resident recovery program are not permitted to bring vehicles to the site. As discussed in Section VI.A.1 of the Staff Report, the 19 existing parking spaces on site, in conjunction with the 50 proposed bicycle parking spaces, are adequate to satisfy the demand generated by the Rescue Mission's staff, volunteers, visitors and vendors.

**B. CONDITIONAL USE PERMIT AMENDMENT (SBMC §28.94.020)**

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements and objectives of the General Plan, as described in Section VI.B of the Staff Report. The Santa Barbara Rescue Mission provides important services to Santa Barbara's homeless population and the proposed project would allow the Mission to continue to serve individuals in need of its services.
2. The use 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 Rescue Mission is an existing facility and use in an existing developed industrial area. No changes to the operation of the facility are proposed.
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 project remains consistent with the requirements of the OM-1 Zone, and parking for the facility has been determined to be adequate.
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 Rescue Mission's overnight users generally do not own vehicles and persons enrolled in the resident recovery program are not permitted to bring vehicles to the site. The project site will provide 19 vehicle parking spaces and 50 bicycle parking spaces, which, as discussed in Section VI.A.1 of the Staff Report, would be adequate to meet the needs of the development.
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 only change to the existing on-site development associated with this project would be the addition of bike racks at the rear of the property. Staff has determined that these racks would not be visible from surrounding development and would be compatible with the character of the area.

C. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because the project is located in an existing urban area and all public services are available to serve the development.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Section VI.C of the Staff Report.

II. Said approval is subject to the following conditions:

- A. **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, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 10, 2016 is limited to an amendment to the approved Rescue Mission in order to eliminate off-site parking. The Rescue Mission will continue to provide 19 parking spaces on-site. The only physical improvement to the site associated with the project is the addition of parking for 50 bicycles 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. **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.
  3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan 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, 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.
  5. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
  6. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- B. **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. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- b. **Bicycle Parking.** Fifty (50) bicycle parking spaces shall be provided. The rack type and site locations shall be approved by the Public Works Director.

2. **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 A "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

C. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 42-86 and 064-96, as approved by the City Council.
2. **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.
3. **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.
4. **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. NOTICE OF CONDITIONAL USE PERMIT AMENDMENT AND MODIFICATION APPROVAL TIME LIMITS:**

The Planning Commission action approving the Conditional Use Permit Amendment and Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, 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.

**IV. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**V. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 10<sup>th</sup> day of November, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Higgins)

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

12/1/16  
\_\_\_\_\_  
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.**