



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 048-11
1020 PLACIDO AVENUE
PERFORMANCE STANDARD PERMIT
NOVEMBER 30, 2011

APPLICATION OF CHRISTINE PIERRON, ARCHITECT, FOR THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA, 1020 PLACIDO AVENUE, APN 039-262-008, R-4 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS PER ACRE (MST2011-00252)

The 6,480 square-foot site is currently developed with a 2,271 square foot two-story single family residence. The proposed project involves a proposal to convert the existing residence into a detoxification facility run by the Council on Alcoholism and Drug Abuse (CADA). A proposed a maximum of twelve clients would be on site at one time. Construction improvements include a new deck in the rear yard, a new trash enclosure and a new ADA accessible parking space.

The discretionary application required for this project is a Performance Standard Permit to allow a community care facility for up to 12 individuals in the R-4, Hotel-Motel Multiple Residence Zone (SBMC §28.93.030.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303c (New Construction or conversion of Small Structures).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, No one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 16, 2011.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the Performance Standard Permit making the following findings and determinations:
 - A. Adequate off-street parking is provided pursuant to Section 28.90.100 or as modified pursuant to Section 28.92.110.

The project complies with the parking requirements as described in Section V.A. of the Staff Report by providing two covered spaces and one additional ADA accessible space.
 - B. The facility conforms to the extent feasible to the type, character and appearance of other residential units in the neighborhood in which it is located. This provision shall in no way restrict the installation of any special features necessary to serve disabled residents. (e.g., ramps, lifts, handrails).

The project involves the conversion of an existing single family residence to a Community Care Facility with only minimal changes to the exterior of the buildings. The SFDB has reviewed the proposed exterior improvements and found them to consistent with the surrounding neighborhood. The existing structure will continue to appear as a residential dwelling unit within the neighborhood context and will therefore be consistent with the character and appearance of other residential units in the neighborhood.
 - C. The intensity of use in terms of number of people, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

The program and facility shall be licensed and certified by the Department of Alcohol and Drug Programs of the State of California and clients shall be supervised and monitored 24 hours per day, 7 days per week and shall be medically cleared by their doctor or a neighborhood clinic to make sure that they are medically fit to participate in this program. Up to twelve clients can be served at the facility which is generally consistent with the intensity of use of an R-4, Multi-Family, zoned property. Only registered clients will be allowed to use this facility. No registered sex offenders shall be admitted to the program and a potential client's status shall be confirmed prior to admission. Clients will not be allowed to leave the premises unless escorted by a staff member. The only allowable outdoor space is the private fenced and gated yard. No alcohol or illegal drugs are allowed at any time and clients are subject to drug testing as required. The facility shall be sensitive to the surrounding neighborhood by not holding outside activities on the property. Any passive recreational activities shall only be allowed to take place within the private, fenced, rear yard, and additionally, smoking outside will be limited to only two clients at any one time . Based on these operational procedures, it can be found that the intensity of the use, in terms of number of people, hours of major activities and other operational aspects of the proposed facility is compatible with the neighboring residential uses.

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. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) for all improvements. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

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, 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 Staff Hearing Officer on November 30, 2011 is limited to approval of a Performance Standard Permit for the use of the existing 2,271 square foot two-story single family residence as a detoxification facility. A maximum of twelve clients are allowed to reside or receive treatment on site at one time with boarding style bedrooms and shared separated bathrooms for each gender and associated staff persons. Construction improvements include a new deck in the rear yard, a new trash enclosure and a new ADA accessible parking space and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted 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 Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. 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 SFDB, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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.
6. **Common Area Maintenance.** All common areas shall be kept open, available and maintained in the manner in which it was designed and permitted.
7. **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.
8. **Operational Requirements.** The detoxification facility shall be operated in accordance with the following requirements:
 - a. The program and facility shall be licensed and certified by the Department of Alcohol and Drug Programs of the State of California.
 - b. Clients shall be supervised and monitored 24 hours per day, 7 days per week by certified alcohol/drug treatment counselors.
 - c. All staff persons shall be trained and certified in CPR and first aid.
 - d. Clients shall be medically cleared by their doctor or a neighborhood clinic to make sure that they are medically fit to participate in this social-model program. Clients must present a negative TB screen upon admission.
 - e. Registered sex offenders shall not be admitted to the program. A client's status shall be confirmed prior to admission.
 - f. Recreational use of the property by clients and staff will be limited to passive enjoyment of the fenced and gated private yard.
 - g. Clients shall not be allowed to leave the premises unless escorted by a staff member.
 - h. Clients shall not bring vehicles to the site or the neighborhood.

- i. Clients shall not be permitted to have visitors.
- j. Alcohol or illegal drugs shall not be allowed at any time. Clients are subject to drug testing as required.
- k. Smoking shall be limited to areas that limit impacts to adjacent residential uses, and only two clients shall be permitted to smoke at any time.
- l. Clients shall be discharged into the care of a third party, such as family, residential care facility, transitional housing or sober living home and transportation shall be provided.
- m. **Use of the Facility.** The facility shall only be used by registered clients of this facility. No meetings shall be held on site for clients/persons not registered at this facility.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission / Staff Hearing Officer land use conditions have been satisfied.

- 1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized trees of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
- 2. **Tree Protection Measures.** The site plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved site plan shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the SFDB.
- 3. Parking shall be provided in the existing two-car garage and a new uncovered ADA accessible space.
- 4. Frosted glass will be installed on the front bay windows.
- 5. The applicant shall work with the SFDB to study and provide permeable pavers in lieu of semi-permeable pavers. Maximum permeability is the City's preferred alternative for Storm Water BMPs.
- 6. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

7. **On-site Contact Sign.** Appropriate signage, visible from Placido Avenue, shall be posted on-site that lists the contact name(s) and phone number(s) of the person/agency which should be contacted should issues arise.

D. **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. 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. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

c. **Placido Avenue Alley Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on the public alley known as Placido Avenue. Provide positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

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 B “Recorded Conditions Agreement” to the Community Development Department prior to issuance of any building permits.
- b. Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
- c. Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: 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

License No.

Architect

Date

License No.

Engineer

Date

License No.

E. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including

- 1. 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, and telephone number, construction work hours, site rules, and construction-related conditions to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24

square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

2. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. 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 public improvement plans or building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.

G. 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 / Staff Hearing Officer.
 - 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. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
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.

This motion was passed and adopted on the 30th day of November, 2011 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo _____ Date 12/1/11
Kathleen Goo, Staff Hearing Officer Secretary

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Single Family Design Board (SFDB) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer action approving the Performance Standard Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:
 - a. An extension is granted by the Community Development Director prior to the expiration of the approval; or
 - b. 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.