



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

March 26, 2009

### CALL TO ORDER:

Chair Thompson called the meeting to order at 1:03 P.M.

### I. PLANNING COMMISSION PRESENT:

Vice-Chair Addison S. Thompson

Commissioners Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

#### **Absent:**

Commissioners Stella Larson, and Bruce Bartlett

### STAFF PRESENT:

Paul Casey, Community Development Director

Bettie Weiss, City Planner

N. Scott Vincent, Assistant City Attorney

Sue Gray, Housing Programs Supervisor

Kelly Brodison, Assistant Planner

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. Weiss made the following announcements:

1. The Staff Hearing Officer's interpretation of the ordinance was questioned on the decision of 2105 Anacapa Street.

2. Four Staff Hearing Officer decisions have been appealed for:

a. 2140 Mission Ridge Road

b. 1415 Mission Ridge Road

c. 618 San Pascual Street

d. 436 Corona del Mar Drive

Staff will apprise the Commission of appeal hearing dates.

3. Reported that with a 4-3 vote, City Council declined to move forward with a charter amendment regarding building heights. The 'Save El Pueblo Viejo' initiative will be on the November ballot.

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

Chair Thompson opened the public hearing at 1:07 P.M. and the following people spoke:

1. Bob Hansen commented on the State's 'Housing First' model and made recommendations for providing housing for the homeless.
2. James Kahan, Friends of Outer State Street, commented on Staff Hearing Officer appeals that were filed with the Planning Commission. Gave an update on the status of the 3408-3412 State Street appeal before the Court of Appeals.

With no one wishing to speak, the hearing was closed at 1:10 P.M.

### III. NEW ITEM:

ACTUAL TIME: 1:10 P.M.

APPLICATION OF MIKE FOLEY, EXECUTIVE DIRECTOR OF CASA ESPERANZA, 816 CACIQUE STREET AND 110 SOUTH QUARANTINA STREET, APNS 017-240-021, 017-113-035 & 071-113-034, M-1, LIGHT MANUFACTURING, C-2, GENERAL COMMERCE AND S-D-3, COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST99-00432).

The proposed project involves amendments to the Conditions of Approval per Planning Commission Resolution No. 051-04. The proposed amendment involves an increase in the capacity of the Year-Round Shelter by 40 beds for a 90 day period from April 1, 2009 through June 30, 2009 (140 beds total).

Amendments to the following discretionary applications are required for this project:

Amendment to Conditional Use Permit conditions that allow a quasi-public use (§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(e).

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation along with Sue Gray, Community Development Programs Supervisor.

Staff answered the Planning Commission's questions about the duration of the Conditional Use Permit (CUP) as being in response to immediate conditions and intent to proceed with a standard amendment request at a future date; clarified the original year-round bed limit approval of 100 beds versus what is now requested as 140 beds; explained that the application was only for a one-time, one-year 2009 expansion request as well as a permanent request from the Police Department that the shelter bed limitations be exceeded by 10% upon a written determination by the Chief of Police (or his designee), in order to provide adequate and safe shelter to homeless individuals within the City due to weather related conditions or concerns related to public safety; affirmed the limited allowance for off-street parking and RV regulation of on-street parking; and confirmed that the infill categorical exemption was granted by the Planning Commission in a prior determination.

Sue Gray, Community Development Housing Programs Supervisor, responded to the Planning Commission's questions about the possible closure of the Salvation Army's adult rehabilitation center in Carpentaria by stating that the closure status was unknown at this time.

Mike Foley, Casa Esperanza Executive Director, gave the applicant presentation.

Mr. Foley answered the Planning Commission's questions about the year-round meal program that feeds approximately 200 people, some of whom are not residents at Casa Esperanza and are home-less; clarification of current residents and approximately 36-40 residents awaiting transitional housing; confirmed the media-reported status of the Salvation Army rehabilitation center building as targeted for sale; and gave clarification of the 48-hour Police Chief finding that can provide flexibility to respond to critical weather and public safety needs. He also explained the year-round criteria for the Council on Alcoholism's 12-bed detoxification program and how detoxification clients are separated from other clients; confirmed that the Fielding Institute study will be scheduled soon; and explained the criteria after April 1<sup>st</sup> for assisting year-round shelter clients.

Chair Thompson opened the public hearing at 2:00 P.M.

The following people spoke in support of the permit:

1. Maureen Earls, Clergy Laity United for Economic Justice (CLUE)
2. Laurie Gaddis, Casa Esperanza resident
3. Nancy McCradie, submitted petition with 114 signatures
4. Barbara B. Allen, Casa Esperanza Board President
5. Annmarie Cameron, Mental Health Association
6. Cath Webb
7. Alicia Cabrera
8. Nadine McFarland
9. Nancy Alexander

10. Ron Fox, Casa Esperanza Board Member
11. Oscar Silguero

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

1. Chris Kamen
2. Mark A. Romasanta, Harbor View Inn
3. Barbara Fitzgerald
4. David Burkholder, The Neighborhood Bar and Grill
5. Allen C. Ramirez
6. Bonnie Donovan
7. Bonnie Donovan read comments on behalf of John Dixon
8. Bonnie Donovan read comments on behalf of Mary Ellen Tiffany
9. Peter Neuhaus

With no one else wishing to speak, the public hearing was closed at 2:39 P.M.

Chair Thompson called for a recess at 2:39 P.M. and reconvened the meeting at 2:59 P.M.

Scott Vincent, Assistant City Attorney provided clarification of the Condition of Approval that is applicable to the Santa Barbara Police Department's recommendation stating that the Police Chief could make a referral but that the applicant was not bound to accept the referral. The intent of the proposal is to offer flexibility for the Police Department and the applicant to work together to assist individuals in a crisis situation. Recommended that Commission consider how the added flexibility would affect the neighborhood and change Casa Esperanza's operations.

Staff explained that with the closure of the Santa Barbara Armory, Casa Esperanza is now the emergency winter shelter and location of the Community Kitchen; described other like facilities within the Santa Barbara area, but stated that there are no other overnight facilities outside Santa Barbara on the South Coast.

The Commissioners made the following comments:

1. Commissioner Lodge asked if the issue becomes better or worse for the neighborhood during the period that the shelter reduces their winter bed-count; Barbara Fitzgerald, a neighbor, responded by stating that the problems remain the same; Commissioner Lodge said the problem seems to be connected with the non-resident lunch program; could not see how allowing 40 additional beds to remain in use would impact the neighborhood. Supports the permit request and would like to see what else can be done by the police department to aid neighborhood concerns. Suggested that Calle Puerto Vallarta be added to the list restricting pan handling.
2. Commissioner White found it almost impossible to make the findings for the permit, citing sections that were found to be challenging. Acknowledges the impact of the homeless population on neighboring businesses and the conundrum of balancing property rights with public assistance. Reluctantly supports the permit, but would

- prefer 30-day permit periods. Advocates regional assistance and a fair-share approach.
3. Although acknowledging all the work of Casa Esperanza, Commissioner Jostes could not make the findings for amending the CUP and could not support the permit. Needs to see the success of the 12 point program before making any changes. Concurred with Commissioner White on the need for a regional fair-share practice by other agencies.
  4. Commissioner Jacobs agreed with Commissioners White and Jostes and cannot make the findings for the CUP. Would like to see some kind of master plan or study that looks at land uses on the site, including how the Community Kitchen works and how it impacts the neighborhood. Suggested studying food distribution at other venues, not just Cacique Street.
  5. The Commission acknowledged the work Mr. Foley has done, but it is independent of the CUP which relates to land use and how it affects people.
  6. Commissioner Thompson supported the CUP request. Acknowledged the neighborhood angst and stated that this is not a long term intensification of use, just an extension of existing use for a limited time. If granted, would like to see the extension time used to come up with an analysis and long term solution beyond the requested 3 month extension.
  7. Commissioner Lodge added that the residents will be people that are already in Casa Esperanza programs. The increase in people coming to Casa Esperanza is due to the meal program. Suggested looking at spreading the meal sharing program to other locations of the city.

Ms. Gray stated that the Council Subcommittee's enforcement, intervention, and prevention strategies that address homelessness in the Milpas area, including pan handling. Spoke about the frequent offender and area enforcement programs that prosecute offenses as misdemeanors instead of infractions.

Staff and the Commission reviewed the action being asked of the Commission. Commissioner White stated that this CUP is an emergency request, but does not see keeping this CUP extension beyond 30 days without a 30-day review. Commissioner Jostes would like to see the permit conditions restructured to have land use compatibility. Commissioner Jacobs would like to see specific general plan language for land use compatibility.

Mr. Vincent explained the condition that empowers the Chief of Police to exceed the bed count for a limited period of time. He added that the Police Department's proposal is in response to changes in the homeless community that prompt a dire need for flexibility to improve public safety.

In the context of a 30 day review, Commissioner White would like to see the steps taken to start a meal program elsewhere, and improved police enforcement on Cabrillo Boulevard. Although, Chair Thompson pointed out that Cabrillo Boulevard is not in the scope of Casa Esperanza. Ms. Weiss suggested that while Staff could not expand or amend conditions regarding law enforcement issues, Staff could return in 45 days and provide a status on the

Community Kitchen program, property maintenance, neighborhood outreach, and neighborhood watch and patrol.

Mr. Foley will provide whatever reporting is desired by the Commission and stated that he is currently working on an initiated study with the Fielding Institute that compares police contact with Casa Esperanza residents who are in the evening sleeping program versus the people who use the day center program. She stated that many of the concerns voiced today come from the West Beach area; Casa Esperanza has been working actively with the immediate neighbors. He is committed to providing an update on the progress of the study within 45 days that includes the completion date of the study.

**MOTION: White/Lodge**

**Assigned Resolution No. 008-09**

Approved the changes to the Conditional Use Permit, making the findings as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the a report back to the Commission in 45 days that includes: 1) Progress report on exploration with other agencies in the community for alternative food service locations (revision of Condition A.5.a); 2). Provide an update on the Fielding Institute study that provides comparison of day and evening residents, along with a study completion date; and 3) Include report on coordination with Milpas Action Task Force in conditions A.9-12.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Jacobs, Jostes) Abstain: 0 Absent: 2 (Bartlett, Larson)

Commissioner Jacobs could not support the motion but would like to see representatives from the Milpas Action Task Force and the Police Department in the future.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 4:15 P.M.**

- A. Committee and Liaison Reports.
1. Commissioner Thompson attended the Airport Noise Committee and reported on the downward trend in airport noise.
  2. Commissioner White reported on the waterfront budget fees that will be raised, reduction in capital programs, and other measures that will be used to balance the budget.
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Commissioner White reported on the Staff Hearing Officer meeting held on March 25, 2009 and stated that the 2105 Anacapa Street decision may be appealed to the Planning Commission.

**VII. ADJOURNMENT**

Chair Thompson adjourned the meeting at 4:19 P.M.

Submitted by,

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

