

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

May 26, 2010

ATTACHMENT 1
RECEIVED

MAY 27 2010
4:35pm
CITY CLERK'S OFFICE
SANTA BARBARA, CA

VIA HAND DELIVERY

City Clerk
City of Santa Barbara
735 Anacapa Street
Santa Barbara, California 93101

RE: Appeal of ABR Approval - BevMo! Project

Dear Clerk:

This office represents Breathe Easy Santa Barbara who hereby appeals the City ABR Final Approval of the BevMo! Project. Breathe Easy Santa Barbara includes neighbors, parents and community members that are concerned that the site is ill-suited for a liquor superstore and that the City's review process has failed to fully consider BevMo!'s likely impact to traffic conditions and its compatibility with surrounding land uses. We ask that the City Council reverse ABR's approval and direct the preparation of an environmental impact analysis to apprise decisionmakers and the public of the environmental consequences of this proposal.

The basis for this appeal is that the findings for approval may not and should not be made, and that the City's review and project modification process employed by the City for this Project have and continue to involve the exercise of discretion, subjecting the Project to CEQA. We ask that the City Council, after conducting a de novo review, uphold this appeal and deny the Project. In the alternative, we ask that the processing of the application be suspended to allow preparation of an environmental review documents as required by CEQA.

Background

BevMo!'s website describes itself as follows:

Welcome to BevMo.com!

Beverages & more! (BevMo!) was founded in January 1994 and opened six stores in the San Francisco Bay Area during that year.

We are the the **leading alcoholic beverage-lifestyle superstore retailer** in the western United States and among the largest in the country. With 101 stores, typically 10,000 square feet, in **well-trafficked retail areas** in major metropolitan markets throughout California and Arizona, BevMo! provides a uniquely friendly and welcoming environment for competitively priced alcoholic and non-alcoholic

MARC CHYTILO
P.O. Box 92233 • Santa Barbara, California 93190
Phone: (805) 682-0585 • Fax: (805) 682-2379
Email: airlaw5@cox.net

beverages and “goes with” products such as specialty foods and snacks, cigars, glassware and related bar and wine accessories. Our friendly and product-knowledgeable sales associates assist both enthusiasts and first-time buyers of wine, spirits and beer. BevMo.com, the #1 bricks and clicks beverage-lifestyle website, enables customers to purchase items for home or office delivery or for pickup within an hour from their local store.

The BevMo! Experience

BevMo! stores provide an inviting and entertaining environment. Friendly, product-knowledgeable salespeople offer customers individual service and advice as they explore the store’s vast product offering. There is a strong element of fun and discovery as **customers sample wines, beers and specialty foods, often in tandem with personal appearances by noted winemakers.**

Stores are organized by product category and are well sign-posted and color-coded, making it easy for customers to find the sections they are interested in. For example, one section of each store is dedicated to wine, which is organized into sections by grape varietal for domestic wines and other sections by country for imported wines. Another section with different colored shelving has a vast selection of microbrews, imports and domestic beers. All products are accompanied by descriptive signage and, where appropriate, ratings. Signs are fun, easy to read and informative.

Source, Welcome to BevMo! Website,
<http://www.bevmo.com/misc/contentpage.aspx?contentpageid=5> (emphasis added). Exhibit 1.

Appellants have been unable to review project plans and the Project application, but it is evidence that the Project involves far more than a garden-variety retail store. This project entails an ‘alcoholic beverage-lifestyle superstore retailer’ providing entertainment, including free tastings and food. It presumably involves a high level of staffing, and approximately 8 truck deliveries per day. It is intentionally oriented towards high traffic retail areas, but local experience has shown the high traffic enjoyed by Trader Joes far exceeds the parking capacity and circulation capability of that nearby venue, posing considerable pedestrian risk when delivery trucks arrive and back in. Breathe Easy is gravely concerned BevMo! will become another under-parked, highly popular Santa Barbara shopping destination, where customers will come in large numbers during events, trucks compete with pedestrians, and high amounts of diesel exhaust and particulate matter will blow into adjacent downwind residential areas. The proposed site is highly constrained, and is simply ill-suited for a high volume discount retailer.

The preliminary issues in this appeal are as follows:

Issue # 1: ABR Findings of Compatibility

This appeal seeks de novo review of the ABR's findings of Project compatibility pursuant to SBMC §22.68.045. In particular, the project is not compatible with the intent and requirements of the S-D-2 zone district in light of evidence of the inability of C-2 zoning standards to properly protect residents from inappropriate land uses and activities. SBMC § 28.45.005. The project proposes to increase noise and air pollution emissions to communities that are, under prevailing local winds, downwind from the Project. Additionally, the Project adds considerable traffic to an area severely impacted by excessive traffic from Trader Joe's and at an intersection that is highly irregular. The circulation patterns are expected to lead to substantially increased vehicular traffic in the alley north of the Project, exposing residential uses to substantially increased noise and air pollution, light and glare, and other impacts that are incompatible with the adjacent residential land uses. Goals and purposes articulated at SBMC § 28.45.008 B trigger the need for a Development Plan and complete review of the Project's impacts. Id. As noted infra, CEQA applies, and EIR may be required, and as such the Development Plan exemption does not apply. Further, the Project violates standards at SBMC §28.45.008 D.4. as it does not meet the required 20 foot setbacks required of buildings in excess of 15 feet. As such the findings required at SBMC § 22.68.045 B.1., including a finding that "the project **fully complies** with applicable Municipal Code requirements" cannot be made.

The Project is not compatible with the Architectural Character of the City and Neighborhood since it adds a retail superstore that is out of character with the surrounding commercial and the particular residential neighborhood adjacent to the Project. SBMC §22.68.045 B.2. The intensity of use is incompatible with the neighborhood scale and not appropriate for its location adjacent to a residential neighborhood. A retail superstore seeking to provide shoppers with an entertaining environment, designed to host unlimited numbers of customers conflicts with the neighboring location and will add parking to residential streets. SBMC §22.68.045 B.3. Finally, the design interferes with potential scenic vistas of the mountains - since the project includes modification of the buildings on site, changes that reopen and expand upon public vistas should be considered and incorporated. SBMC §22.68.045 B.5.

The Project conflicts with City Charter § Section 1507, whereby the policy of the City provides that "its land development shall not exceed its public services and physical and natural resources. These include, but are not limited to, water, air quality, wastewater treatment capacity, and traffic and transportation capacity. All land use policies shall provide for a level and balance of residential and commercial development which will effectively utilize, but will not exhaust, the City's resources in the foreseeable future." As proposed, BevMo! will cause the physical capacity of the site to be exceeded and emit toxic and carcinogenic air pollution into surrounding downwind residential areas. As such, it is not and does not promote "a level balance of residential and commercial development"

ABR made no specific findings regarding Project compatibility and thus failed to apprise appellant and the public as to its analysis and treatment of these important compatibility issues. SBMC § 22.68.100 A. As a result, appellants request that the City Council make affirmative findings that the Project is not compatible with surrounding scenic and neighborhood development and activities.

Issue # 2: Zoning Ordinance Incompatibility

As noted throughout this appeal, the Project is inconsistent with the purpose of the applicable zoning designations.

Issue # 3: Incomplete Project Description and City Regulation of Events

Project Description: The Project Description is incomplete and vague, and does not include important operational aspects of the Project. BevMo! routinely stages tasting events at its establishments where alcohol and food is served without charge. Exhibit 2, <http://www.bevmo.com/Misc/EventDetail.aspx?eventID=1493&storeID=4>. The C-2/S-D-2 zoning designations do not expressly allow events. Since BevMo! events appear to typically be conducted among all superstores in a coordinated manner, the timing is set by the corporate offices. Exhibit 2. As an example, BevMo!'s June event, set from 4-7 on a Friday afternoon and offering free beer and food, would likely cause a peak usage and traffic coinciding with Santa Barbara's afternoon peak traffic period. It is improbable that a 34 space parking lot can adequately serve events of this nature. The City has experienced difficulties with overpopulation of facilities serving alcohol in the tasting format. See Exhibit 3. The zoning ordinance does not sanction events of this nature in this zoning designation and such uses and activities are inconsistency with the purpose of the applicable zoning which specifically includes "preserving and protecting surrounding residential land uses in terms of light, air, and existing visual amenities." SBMC §28.66.001.

ISSUE # 4: The City Has Exercised Discretion and the Approval is Subject to CEQA

Staff, the Police Department and ABR have each exercised discretion in their review and conditioning of this Project. Transportation Staff "expects increased activity and will monitor the intersection operation to determine if operational changes are required." Exhibit 4. All Activities Summary, MST 2010-00016, p.4. Police Chief Cam Sanchez reportedly has issued a "conditional protest" to the California Department of Alcohol Beverage Control (ABC) for the stated purpose of conditioning the project. Exhibit 6. The ABR directed the applicant to return with restrictions on delivery times "to mitigate neighborhood noise concerns." Exhibit 5, ABR Minutes, April 5, 2010.

Although the City may ordinarily consider the issuance of ABR approval and a building permit a ministerial action and thereby potentially exempt from CEQA, appellants contend that the

project is still subject to CEQA in light of the discretionary determinations and actions necessary for project approval. There are many examples of land use actions labeled ministerial that are in fact discretionary in nature, and it is well-established that in those instances, CEQA's environmental review process applies with full force. This is one such case.

Reflecting the central nature of the ministerial/discretionary action issue, the CEQA Guidelines define the characteristics of a ministerial action as follows:

“Ministerial' describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out.” Cal. Code Regs., tit. 14, § 15369 (hereafter CEQA “Guidelines” § 15369).

Courts look to the nature of the action, not its label. The City's classification is not conclusive. *Friends of Westwood v. City of Los Angeles* (1987) 191 Cal.App.3d 259, *** (at hn. 4). “The applicability of CEQA cannot be made to depend upon the unfettered discretion of local agencies, for local agencies must act in accordance with state guidelines and the objectives of CEQA.” *Day v. City of Glendale* (1975) 51 Cal.App.3d 817, 822. CEQA's objectives include the identification, avoidance and mitigation of adverse impacts so that “major consideration is given to preventing environmental damage.” Pub. Res. Code § 21000(d); 21001.1. Projects that have both ministerial and discretionary elements are deemed by CEQA to be discretionary subject to CEQA environmental review process. Guidelines § 15268(d).

In this case, there is substantial evidence in the record of the discretion properly exercised by the City over this project. The project has been modified after adverse comment by various members of the public, officials and decisionmakers, a hallmark of discretionary action. “[T]he touchstone is whether the approval process involved allows the government to shape the project in any way which could respond to any of the concerns which might be identified in an environmental impact report.” *Friends of Westwood v. City of Los Angeles, supra*, 191 Cal.App.3d 259, *** (at hn. 2) (emphasis added). The City's processes embody a discretionary process in fitting this “square peg into a round hole” in attempting to find the project and its uses conform to the surrounding neighborhood. This is the type of discretion that CEQA demands be preceded by an investigation and disclosure of potential adverse effects.

Although the exercise of discretion may not be dramatic, they are terribly important to surrounding communities. The CEQA process allows the City to gain additional information about the project and its attendant activities through preparation of an environmental review document. The land use incompatibility is a basis for finding a potentially significant impact. CEQA Guidelines Appendix G (IX)(b); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.

App. 4th 903, 934, 936. A determination by Council that the sensitive nature of the downwind neighbors, combined with the cumulative effect of traffic, development and commercial operations on State Street, warrants examination of the environmental impact issue. This does not foreclose approval, of course, but will ensure that these issues are not simply swept under the rug until they surface at insurmountable levels, at which time it is too late.

Thus we request the Council vacate ABR's approval and direct preparation of an environmental review document.

Conclusion

Breathe Easy Santa Barbara turns to members of its City Council to ensure that incompatible land uses will not be added to their neighborhoods. We ask that this appeal be granted and the findings of incompatibility be accepted and the Project be rejected. Alternatively, we request that a full environmental review process be initiated for this important Project.

Housekeeping

Right to Supplement and Expand. The abbreviated appeal period mandates that appeals be filed before all information can be gathered from the City. We reserve the right to supplement this appeal letter through additional writings, documents, and issue identification.

Timing. Counsel has summer vacation plans that cannot be modified. We respectfully request that the Clerk confer with the appellant and their attorney regarding potential dates for the hearing prior to setting the hearing on this matter.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO



Marc Chytilo
For Breathe Easy Santa Barbara

Exhibits

- Exhibit 1: Welcome to BevMo! Website,
<http://www.bevmo.com/misc/contentpage.aspx?contentpageid=5>.
- Exhibit 2: BevMo! Value Brand Brews! Event, June 4, 2010
<http://www.bevmo.com/Misc/EventDetail.aspx?eventID=1493&storeID=4>.
- Exhibit 3: Santa Barbara Independent, May 18, 2010, Fire Department Cracks Down on Winery Events
- Exhibit 4: All Activities Summary, MST 2010-00016
- Exhibit 5: ABR Minutes, compiled
- Exhibit 6: Santa Barbara Independent, April 15, 2010, Early Nights in San Roque Neighborhood



[Shopping Basket](#) [Checkout](#) [Customer Service](#) [My ClubBev!](#) [Sign In](#)

[Home](#) [Wine](#) [Spirits](#) [Beer](#) [&More!](#) [Gifts](#) [Tastings](#) [Stores](#) [Wilfred's Blog](#)

Welcome **Customer**. You have **0** item(s) in your Shopping Basket [Checkout](#) [Track an Order](#) [FAQ](#)

Search
EARN A 5% REWARD!
CLICK FOR DETAILS
 Pick Up Your Order in 1 Hour!
My current choices
Select at

Welcome to BevMo.com!

Beverages & more! (BevMo!) was founded in January 1994 and opened six stores in the San Francisco Bay Area during that year.

We are the the leading alcoholic beverage-lifestyle superstore retailer in the western United States and among the largest in the country. With 101 stores, typically 10,000 square feet, in well-trafficked retail areas in major metropolitan markets throughout California and Arizona, BevMo! provides a uniquely friendly and welcoming environment for competitively priced alcoholic and non-alcoholic beverages and "goes with" products such as specialty foods and snacks, cigars, glassware and related bar and wine accessories. Our friendly and product-knowledgeable sales associates assist both enthusiasts and first-time buyers of wine, spirits and beer. BevMo.com, the #1 bricks and clicks beverage-lifestyle website, enables customers to purchase items for home or office delivery or for pickup within an hour from their local store.

The BevMo! Experience

BevMo! stores provide an inviting and entertaining environment. Friendly, product-knowledgeable salespeople offer customers individual service and advice as they explore the store's vast product offering. There is a strong element of fun and discovery as customers sample wines, beers and specialty foods, often in tandem with personal appearances by noted winemakers.

Stores are organized by product category and are well sign-posted and color-coded, making it easy for customers to find the sections they are interested in. For example, one section of each store is dedicated to wine, which is organized into sections by grape varietal for domestic wines and other sections by country for imported wines. Another section with different colored shelving has a vast selection of microbrews, imports and domestic beers. All products are accompanied by descriptive signage and, where appropriate, ratings. Signs are fun, easy to read and informative.

Wilfred Wong, BevMo! Cellarmaster

Wilfred Wong, our BevMo! Cellarmaster, and one of the most prolific and experienced wine judges in the U.S., describes and rates most of the wines offered in the stores in printed signs posted by their respective bottles, guiding customers in their selection process. He currently tastes over 8,000 wines annually and judges in over a dozen major wine competitions each year. As Cellarmaster, his responsibilities include keeping current on over 3,100 wines, 1,600 spirits, and 1,000 beers. In addition to this role, Wong works closely with the wine-merchandising department and travels frequently to France, Italy, Spain, Australia, South America and other key wine-producing countries in search of new and exciting wine discoveries. In his spare time, he is a regular columnist for *Vineyard & Winery Management* magazine and *Beverage Industry News*.

Retail Stores

As of March 2010, BevMo! operates 101 superstores: 48 in Northern California, 43 in Southern California and 10 in Arizona. Locations are based in and around the major metropolitan markets of San Francisco, Sacramento, Los Angeles and San Diego.

Recognition/Awards

BevMo! is the proud recipient of the [2008 Lifetime Achievement Award](#) from The Tasting Panel Magazine. BevMo! was recognized and commended for its impressive past, growing present and bright future.

[2006 Wine Enthusiast Retailer of the Year Award](#)

[Employment](#) [Customer Service](#) [My ClubBev!](#) [About Us](#) [Terms of Use](#) [Privacy Statement](#) [FAQ's](#)

EXHIBIT |



Shopping Basket Checkout Customer Service My ClubBev! Sign In

Home Wine Spirits Beer ~~More!~~ Gifts Tastings Stores Willfred's Blog

Welcome **Customer**. You have **0** item(s) in your Shopping Basket Checkout Track an Order FAQ

Search



EARN A 5% REWARD!
CLICK FOR DETAILS



Pick Up Your Order in 1 Hour!

My current choice is

Pick Up at

Featuring Value Brand Brews!

Start Date: 6/4/2010 4:00PM

End Date: 6/4/2010 7:00PM

Event Name: Featuring Value Brand Brews!

Event

Description: Come down and taste Value Brand Brews at BevMo! Featuring Hook & Ladders Backdraft Brown Ale 6-pk and Golden Ale 6-pk, Cable Car's Amber 6-pk & Lager 6-pk, and Coastal Fogs Amer 12-pk, Pale Ale 12-pk and IPA 12-pk.

Enjoy a snack of Apple Smoked Cheddar, Apple Smoked Gouda, and Apple Smoked Mozzarella.

This event is at:

San Francisco

SF - Bayshore
Colma
SF - Geary
SF - Van Ness

Sacramento

SAC - Arden Way
Citrus Heights
Elk Grove
Roseville - Fairway
Folsom
SAC - Natomas
Roseville - Rocky Ridge
Auburn

Central Valley/Central Coast

Fresno
Modesto
Stockton
San Luis Obispo
Turlock

East Bay

Walnut Creek - N. Main
Pleasanton
Danville
Orinda
Albany
Oakland
Antioch
Pinole
Livermore
Walnut Creek - Oak Grove
Emeryville

San Diego

Encinitas
San Diego - Carmel Mtn.
La Mesa
San Diego - Mission Valley
La Jolla
Oceanside
Solana Beach
Escondido
San Diego - Mira Mesa

Los Angeles Area

Canoga Park
West Hollywood
Pasadena
Valencia
Torrance - Hawthorne
Northridge
Palmdale
Glendora
Burbank
Manhattan Beach
Torrance - Rolling Hills

North Bay

San Rafael
Santa Rosa
Novato
Vacaville
Greenbrae

Orange County

Brea
Irvine
Orange
Huntington Beach
Laguna Niguel
Costa Mesa
Cypress
Lake Forest
Long Beach
Ladera Ranch

Peninsula

Capitola
Burlingame

EXHIBIT 2

South Bay

San Jose - Camden
Santa Clara
Mountain View
San Mateo
Redwood City
Milpitas
Gilroy
Fremont
Sunnyvale
San Jose - Willow Glen
San Bruno
San Jose - Blossom Hill
Salinas
Fairfield

Ventura

Thousand Oaks
Simi Valley

Inland Empire

Chino Hills
Rancho Cucamonga
Redlands
Temecula
Mira Loma
Corona
La Quinta
Menifee
Murrieta

Back

[Employment](#) [Customer Service](#) [My ClubBev!](#) [About Us](#) [Terms of Use](#) [Privacy Statement](#) [FAQ's](#)



ABOUT SSL CERTIFICATES

Copyright © 2000-2010 BevMo.com. All rights reserved. See our [Privacy Statement](#)
Website design and hosting by [VisionOne, Inc.](#)

morgan03



Fire Department Cracks Down on Winery Events

Safety Measures and Occupancy Limits Not Abided By at Downtown Locations

Tuesday, May 18, 2010

On May 13, friends and club members of Carr Vineyards and Winery received an email announcing the 414 N. Salsipuedes St. location's new hours will no longer include the popular "Late Nights in the Barrel Room" events held every Thursday, Friday, and Saturday evening. The winery is well-known for the weekend events, which featured live music and wine-by-the-glass up until midnight for sometimes over 100 visitors at a time.

Carr's new hours are one result of the Santa Barbara Fire Department's recent crackdown on downtown wineries to ensure occupancy limits and safety measures are being properly met. After fire chief Andrew DiMizio heard about Carr's "Nights," the city's fire department recently dispatched an inspector to Carr, Santa Barbara Winery, and Oreana Winery to enforce occupancy rules. Designated as M-1 Light Manufacturing Zones, the wineries' occupancy limits cannot exceed 49 people, no matter what the square-footage is of each building.

In order to exceed the 49-person occupancy, wineries may file for temporary assembly use permits, which put specific safety measures in place on a one-time basis. However, according to fire marshal Joe Poire [battalion chief Pat McElroy was initially identified incorrectly as the source], these permits are only appropriate for a business to acquire a few times per year.

"It's really just a de facto change of use," he said of Carr hosting large gatherings multiple times per week. "When you open a nightclub, we have very specific things you need to put in for the safety of a larger crowd."

In order to host large events on a frequent basis, Poire said, the wineries must apply for a permanent change of use. While the permits themselves are insignificant in cost, ensuring the safety of larger crowds often entails expensive construction. Oreana winemaker Christian Garvin said that abiding by the rules will make the charity events he regularly hosts "smaller and less profitable," and added that hosting larger events significantly helped local winemakers, especially in shaky economic times.

"They're trying to pigeon-hole us into the [safety requirements of a nightclub]," Garvin argued. "The nightclub feel was never the case at Carr or here at Oreana."

Jamie Heer, manager at Carr winery, admitted their new hours will affect employees. "We haven't let anyone go, but hours have absolutely been cut," she said. She also mentioned that a few local bands have lost their favorite venue. Meanwhile, Santa Barbara Winery manager Suzanne Fitzgerald, who received a visit from city officials despite never hosting large events, said she would be willing to go through the trouble of getting a permit for special occasions, but would have to transfer the related costs over to customers.

Even with the disappointment and big readjustments the wineries must make, all parties involved understand and respect the rules. Garvin suggested the fire department was "helpful" in rearranging an upcoming event, and Fitzgerald admitted, "I completely understand — we do have a large area but we don't really have proper safety measures in place... I think all of us want to be on the same page [when hosting larger parties]."

Meanwhile, Carr remains upbeat about the future and has avoided pointing any fingers, choosing to leave out the details when announcing their new hours.

"We're kind of looking at it as a positive thing," says Heer. "We can focus more on making and selling wine rather than on being a club." The winery will still remain open until 8 p.m. on weekends — later than most wineries — and will offer other promotions to stay in touch with fans.

EXHIBIT 3

“We think it will be a good thing,” Heer confirms. “They’re just doing their job.”



ALL ACTIVITIES SUMMARY

MST2010-00016

COMM ALTERATIONS

Proposal for an exterior facade remodel to include the demolition of a 1,288 square foot detached warehouse, demolition of 1,758 square feet of an existing 10,757 square foot building, to result in one 8,999 square foot commercial building with a 3,046 credit of Measure E square footage. The proposal includes site alterations to include 12 new parking spaces for a total of 34 on-site parking spaces, and revised parking lot and site landscaping to include the removal of two existing trees, the addition of nine new trees, and new site lighting. The proposal will abate the violations of ENF2009-00505.

Activities:

	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
<i>Proposal for an exterior facade remodel to include the demolition of a 1,288 square foot detached warehouse, demolition of 1,758 square feet of an existing 10,757 square foot building, to result in one 8,999 square foot commercial building with a 3,046 credit of Measure E square footage. The proposal includes site alterations to include 12 new parking spaces for a total of 34 on-site parking spaces, and revised parking lot and site landscaping to include the removal of two existing trees, the addition of nine new trees, and new site lighting. The proposal will abate the violations of ENF2009-00505.</i>				

Status: Design Review Approved/PC Approved, No Design Review Required

	<u>DISP</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
Application Received				01/20/10
Prelim Plan Check - Zoning	DONE	01/21/10		01/26/10

Preliminary Plan Check by Michelle Bedard, 805-564-5470

1. ABR required - Alteration to a commercial building.
2. Allowed Use - Ok.
3. Project Data - NEEDS.

3.1. Prior to the first ABR meeting, please provide the following additional information: a complete project scope of work, project statistics, a complete site plan showing the required SD-2 setbacks. Please review the following references for additional information.

Please review the DATA and Site Plan paragraphs below, the Design Review Submittal Checklist, available online at the following website,

<http://www.santabarbaraca.gov/NR/rdonlyres/44801621-851F-471E-A6F4-66FB61B7B611/0/DesignReviewApplicantSubmittalChecklists040209.pdf>, and the project statistics form also available online at the following website,

<http://www.santabarbaraca.gov/Resident/Home/Forms/planning.htm>, under "Project Statistics" forms.

Please complete and submit the four page Design Review submittal checklist (above link) with the plans.

The project statistics form (link above) is an optional form for your convenience; it is not required that you use this particular form, however, the data is required so therefore please provide the required project statistics in some form on the cover sheet. For this commercial project the applicable tabs are: (B) Commercial, (C) General, and (E) Site percentages.

DATA:

The following project data must be included on the first page of the plans: Call out the Net and Gross square footage for all existing and proposed structures, call out the APN, property address, slope, zone, FAR, property owner's name and contact information, lot size, number of existing tenant spaces on the parcel, number of existing and proposed parking spaces, and a complete and accurate scope of work statement. NET floor area is the area within the surrounding exterior walls. GROSS floor area is measured from the outside line of a building including the area occupied by the surrounding walls. A Basic Zoning Compliance Checklist is available at the Planning and Zoning counter to assist you in providing all required information. Include a vicinity map, a simple site plan calling out property lines, setbacks and all adjacent streets. If the

MST2010-00016

COMM ALTERATIONS

Activities:DispDate 1Date 2Date 3

parcel has multiple buildings and/or tenants, please include in the project statistics the net and gross square footage of each building and each existing tenant space, and the proposed net and gross of each tenant space, also clearly indicate the net and gross square footage of the area proposed for demolition. If multiple buildings and/or tenants exist please refer to each building/tenant space as A, B, C, etc...

SITE PLAN

Please provide a COMPLETE site plan and a separate complete (not partial) floor plan of the proposed project. The preferred scale for the site plan is 1/8". The site plan should include the following information: vicinity map, north arrow, scale, all streets shown, labeled and dimensioned, property lines, all building footprints, adjacent parcels and building footprints, required setbacks, and parking. Call out the location and width of the driveway, all paved areas, parkway, sidewalks, curb, and gutter and show the exact location of the city right of way with accurate dimensions. Call out the front yard setback from the edge of the city right-of-way. Call out all setbacks, distance between buildings and the distance from the buildings to the property line. Provide an outline of the second story superimposed on the first story building footprint. Show an outline of the roof eaves. The roof eaves may encroach into the setbacks a maximum of 2'. Show the location and dimensions of all fences, hedges, walls and trees. Call out the required open yard. Show the topography and grade levels.

3.2. Please complete the owner, architect, applicant, and tenant information on the master application.

3.3. Please label the photographs.

4. FAR/Green Building - N/A

5. Grading - N/A; none proposed.

6. Residential Density - N/A; commercial use.

7. Tenant Displacement - N/A

8. Measure E Floor Area - Net loss of commercial square footage resulting in a Measure E credit. Please include the net and gross square footage for both the existing building and the proposed building, including the area proposed for demolition.

The existing commercial floor area that is demolished and not rebuilt is eligible for transfer, via the Transfer of Existing Development Rights Program (SBMC Section 28.95). Please contact planning staff for further information.

9. Setbacks - Needs.

This parcel is in the SD-2 zone and involves additional required setbacks. Please indicate the required setbacks, per SBMC 28.45.008.D, on the plans.

10. Parking - Needs.

10.1. Please include the parking calculation on the plans for the required number of parking spaces. Please include under project data a simple table calling out the existing, proposed, and required parking spaces.

10.2. The new parking lot must conform to the current parking lot standards for planters and fencing. If the new commercial parking lot abuts a residential use then a 6' wall or fence must separate the lots. Indicate the adjacent property uses on the site plan. Where parking areas abut a street, a min. 5' deep perimeter planter and 3'-6" ornamental wall is required, if over 8' in depth the wall may be eliminated. When abutting a building or property line not adjoining a street, a planting area 5' in depth is required. ABR/HLC may waive this requirement. There shall be interior planters of no less than 4' in width between every 8 parking spaces. ABR/HLC may waive this requirement. One tree per every five parking spaces is required with at least two-thirds at 15 gallons and the rest at 5 gallon size. Show any proposed curb protection, retaining walls, irrigation plans, and parking lot lighting. SEE SBMC 28.90.050.

10.3. Please note as the scope of work involves new parking these plans have been routed to the Transportation Dept. for a preliminary transportation plan check.

11. Building Height - Ok.

12. Solar Height - N/A

13. Open Yard - N/A

14. Building Separation - Ok.

15. Fences, Walls, Screens, Hedges and TREES - Needs.

15.1. Please clearly indicate in the project scope of work the number of trees proposed to for removal (and/or relocation).

15.2. Please note that a complete site landscape plan is required prior to submittal for preliminary review. All commercial projects require a landscape plan. Per Santa Barbara Municipal Code § 22.80.020 "Water Wise" plants are required for 100% or more of commercial project landscaped areas, unless an exemption is granted for recreational use. High water plants include "turf" or "mowed grass" plants and other plants not considered appropriate for Santa Barbara's "semi-arid" Mediterranean climate. The Landscape Compliance Statement is required to be reproduced on the Landscape plans.

Please see additional landscape compliance materials available at the Planning & Zoning Counter and also available online at <http://www.santabarbaraca.gov/Resident/Home/Forms/planning.htm>

16. Trash Enclosure - Ok; existing to remain. Located at the rear of the building off the alley. SD-2 Setbacks require front setbacks from the State Street; the SD-2 Setbacks do not apply to the alley.

MST2010-00016

COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
17. Coastal Review - N/A				
18. Public Easements - Projects that expand building footprints or propose new square footage should review the proposal with the Public Works Department to check for city easements for sewer lines, water lines and storm drains.				
19. High Fire - N/A				
20. Storm Water Management Program (SWMP) - Needs. Tier 3 Storm Water Management Program (SWMP). All commercial projects require Tier 3 SWMP. Projects subject to Tier 3 of the SWMP are required to capture and treat runoff calculated for a one-inch storm event over a 24-hour. Capture and treatment methods must be achieved through best management practices listed in the Storm Water BMP Guidance Manual. Appropriate BMPs must be chosen and incorporated in plans subject to Tier 3 prior to final approval. The Storm Water BMP Guidance Manual is located at www.sbcreeks.org/SWMP (choose "Storm Water BMP Guidance Manual" link). The City recommends redirecting roof runoff to landscaping and implementing natural filtration devices, such as swale-like landscaping, rain gardens, other bioretention designs or other permeable paving that allows infiltration of storm water into the soil for water quality treatment. These types of passive/natural capture and filtration design options are recommended as opposed to mechanical/underground options, which pose maintenance problems and often times do not treat runoff as efficiently. Tier 3 SWMP requirements, treatment methods and calculations, are due prior to submittal for final design review.				
21. Lighting - please clearly indicate in the project scope of work whether any new outdoor lighting is proposed. Please note any change of or addition to the outdoor lighting of any building or property shall comply with the City's Outdoor Lighting & Streetlight Design Guidelines. Lighting should be designed to control glare and direct view of illumination sources, and to confine illumination to the property on which the fixtures are located. If any new lighting is proposed, please explain how the proposed project complies with Lighting Design Guidelines. Please show a lighting detail on the plans.				
(F) Print Prelim Plan Check	PRIN			01/26/10
ENV-MEA Not Required	DONE			01/26/10
existing commercial developed site with previous ground disturbance; reducing building footprint.				
ABR-Resubmittal Received	RECD			02/22/10
Resubmittal received to address preliminary plan check comments.				
ABR-Concept Review (New)	CONT			03/08/10
(Action may be taken if sufficient information is provided.)				
(7:40)				
Present: Eric Marquart and Tom Beranek, of Terra Nova Industries; Don Inaba, Hayashida Architects.; Roger Deutschman, Landscape Architect.				
Public comment opened at 7:56 p.m.				
The following public comment spoke either in support or in opposition of the proposed project:				
1) Jerry Vigil, in opposition.				
2) Katie Turner, in opposition.				
A letter of concern from Paula Westbury was acknowledged by the Board.				
Email correspondences received from				
1) Natalia Bliss, in support.				
2) Nick Koonce, in support.				
Public comment closed at 8:00 p.m.				
Motion: Continued indefinitely to Full Board with comments:				

MST2010-00016

COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
1) Provide a revised landscape plan to accurately indicate existing material to remain, existing material to be removed, and proposed landscaping.				
2) Return with any proposal for additional parking lot lighting, including fixture cut sheets, and photometrics.				
3) Study incorporating a pedestrian presence and entry from State Street.				
4) Study the parking configuration to be in compliance with City requirements for the number of tree wells, and study additional opportunities to introduce or retain additional landscaping materials.				
5) Study the configuration of the molding and tile details on the rear of the building to be consistent with the architecture.				
6) Study methods to screen the open trash enclosure from public view.				
7) Provide a color and materials board for any proposed changes.				
Action: Rivera/Mosel, 6/0/0. Motion carried. (Gilliland/Gross abscent).				

ABR-Resubmittal Received	RECD			03/16/10
Prelim Plan Check - Transp	READ	03/25/10		03/25/10

3052 State Street - MST2010-00016 Pre-Plan Check

Plans reviewed by Steve Foley 897-2542

Corrections/Conditions

1. A pedestrian path of travel from State Street is proposed. Wheel stops must be placed in the parking stalls so that the face of the stop is 1.25 feet from the sidewalk. This will maintain the minimum 4 foot pedestrian travel-way even with a parked city standard vehicle's overhang. Contact Building and Safety Division staff pedestrian path of travel requirements.
2. A minimum of 5 bicycle parking spaces are required (1 space per 7 vehicles) to accommodate both employees and patrons. Employee spaces should be covered and secure (covered and lockable; may be located indoors). Patron spaces should be near the store entrance. Vehicle parking appears to be over-parked by 1 space and may be reduced if necessary to provide bike parking area.
3. Landscaping in planters in front of vehicles shall be ground cover so that maneuvering bay depth is not compromised.
4. Landscaping at entrance shall also be low growing so that it does not impair exiting site distance.
5. Access to the alley shall remain open during business hours.

Notes:

1. Transportation Planning and Operations Staff reviewed the offset driveway/ curb cut at the State Street entrance and the operational expectations of the intersection. While a driveway at the center of the frontage is preferable, the required traffic signal's location immediately adjacent to the existing driveway restricts the driveway location to one side or the other. The 24-25 foot curb cut and driveway is wider than a standard commercial entrance and the State Street lane width is also oversized wider which mitigates potential the driveway offset.
2. The vehicular counts are anticipated to be higher with a Bev Mo store than the previous furniture store. However, no traffic environmental impacts are anticipated at the intersection because the intersection currently operates at Level of Service (LOS) "A" and site traffic generation will not cause the intersection to remotely approach the city's threshold of LOS "C". Transportation Operations Division expects increased activity and will monitor the intersection operations to determine if operational changes are required.

ABR-Resubmittal Received	RECD			04/01/10
--------------------------	------	--	--	----------

Plan substitution with response to transportation comments received at Counter.

ABR-Concept Review (Continued)	CONT			04/05/10
--------------------------------	------	--	--	----------

(Action may be taken if sufficient information is provided.)

(5:00)

Present: Eric Marquart and Tom Beranek, of Terra Nova Industries; Don Inaba, Hayashida Architects; Roger Deutschman, Landscape Architect.

MST2010-00016

COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
--------------------	-------------	---------------	---------------	---------------

Public comment opened at 5:04 p.m.

The following public comment spoke in opposition to the proposed project with mostly concerns regarding traffic and safety in the rear alley:

- 1) Erik Scott.
- 2) Camille Scott.
- 3) John Reynolds.

A letter of concern from Paula Westbury and were acknowledged by the Board.

Public comment closed at 5:13 p.m.

Staff reminded the Board about the aesthetic focus for the proposed project, and that no other review board or commission will be reviewing the project.

Staff read a Transportation Division memo clarifying transportation requirements for the proposed pedestrian path of travel, minimum bicycle parking requirements, parking and landscaping.

Motion: Preliminary Approval and continued indefinitely to Full Board with comments:

- 1) Provide a more appropriate color for the exterior of the building, preferably a lighter solid color instead of the proposed faux finish.
- 2) Preliminary Approval of the proposed project is contingent upon confirmation of adequate sidewalk width and turn around space; including ADA requirements per Building and Safety staff recommendations.
- 3) Provide appropriate awning color and details.
- 4) Provide trash enclosure details.
- 5) Return with more appropriate light fixture(s) to match the existing architecture.
- 6) Confirm and indicate the height of the wainscot on all elevations; consider a taller wainscot.
- 7) Return with a proposal for restricted delivery time frame for review by the Board, with input from Transportation Division staff, to mitigate neighborhood noise concerns.
- 8) Show the existing window to remain on the south elevation (facing State Street).
- 9) Additional landscaping review deferred to consent for review by the landscape architect.
- 10) Study an appropriate location for the required bicycle parking spaces.
- 11) Provide accurate color renderings

Action: Sherry/Zink, 4/2/0. Motion carried. (Mosel/Rivera opposed, Gilliland/Gross absent).

ABR-Prelim Approval - Project	APVD	04/05/10
ABR-FYI/Research	FYI	04/07/10

Preliminary approval motion on 4/5/10 granted preliminary approval of architecture. Referred to Consent review (4/12/10) for preliminary review of landscaping only. The project will be continued to the full board for final approval of the project (both arch & landscaping).

ABR-Consent (Referred by FB)	CONT	04/12/10
-------------------------------------	-------------	-----------------

(Preliminary Approval of architecture was granted 4/5/2010. Preliminary Approval of landscaping is requested.)

A letter of concern from Paula Westbury was acknowledged.

Continued one week to Full Board with comments:

- 1) Substitute the proposed koelreuteria trees for a more appropriate parking lot tree.
- 2) Consider the use of double and/or triple king palms in the landscape planters along State Street, instead of the jacaranda.
- 3) Replace the existing landscaping at the planter at the southeast entrance at State Street to compliment the proposed landscaping in the central planter (southwest) at State Street.
- 4) Revise, to simplify, the landscape planters at State Street to screen parking year round.
- 5) Study extending the planter at the southeast State Street entrance to allow for adequate planting to provide parking screening.
- 6) Indicate the ground cover landscaping in all existing and proposed planters.

MST2010-00016

COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
ABR-Resubmittal Received 3 sets rec'd for FB review.	RECD			04/12/10
ABR-Final Review Hearing (Preliminary Approval granted 4/5/2010. Final Approval is requested.) (7:24) Present: Eric Marquart, of Terra Nova Industries; Don Inaba, Hayashida Architects; Roger Deutschman, Landscape Architect. Public comment opened at 7:39 p.m. Ms. Mary Chang spoke of her concerns regarding loading/unloading zones as defined, hours of operation, and land-use and traffic noise issues. A letter of concern from Paula Westbury was acknowledged by the Board. Public comment closed at 7:41 p.m. Mr. Limón clarified the analysis of consistency with the Upper State Street Design Guidelines and requested the Board's comments regarding specific topic areas, including the entrance location, front façade improvements, bicycle parking, landscaping and view preservation (prevent obstruction of mountain views), luminaire and lighting fixture issues, and shopping cart and trash enclosure location issues. Motion: Continued two weeks to Full Board with comments: 1) Provide location and heights of all mechanical equipment, and provide appropriate screening per the Upper State Street Design Guidelines. 2) Provide a high quality pedestrian experience for the State Street entrance per the Upper State Street Design Guidelines. 3) Provide locations and details of all pedestrian and other lighting locations, and remove the existing gooseneck fixture lighting on the front façade. 4) Study lowering the parapet height at the rear of the warehouse area. 5) Suggest a different material for the trash enclosure doors to match Spanish architecture. 6) Provide a less contrasting color for the wainscot and the awning. 7) Return with more traditional awning structure design with open sides and wrought iron. 8) Provide a more suitable location for the proposed bicycle parking. 9) Indicate on the plans the specific locations of opaque and clear window glass with reference to the interior display heights near the windows. 10) The proposed 7:00 a.m. deliver time is to be changed to a more appropriate 8:00 a.m. delivery time. LANDSCAPING: 1) Create a new planting area along the front south-facing façade and indicate planting species type. 2) Landscaping to be reviewed by the Board's Landscape Architect to study an appropriate replacement for the queen palm tree taking into consideration the preservation of view per the Upper State Street Design Guidelines, and providing as much privacy as possible to the neighboring property to the north. Action: Sherry/Zink, 4/1/0. Motion carried. (Rivera opposed, Aurell/Gross/Gilliland absent).	CONT			04/19/10

- 1) Provide location and heights of all mechanical equipment, and provide appropriate screening per the Upper State Street Design Guidelines.
- 2) Provide a high quality pedestrian experience for the State Street entrance per the Upper State Street Design Guidelines.
- 3) Provide locations and details of all pedestrian and other lighting locations, and remove the existing gooseneck fixture lighting on the front façade.
- 4) Study lowering the parapet height at the rear of the warehouse area.
- 5) Suggest a different material for the trash enclosure doors to match Spanish architecture.
- 6) Provide a less contrasting color for the wainscot and the awning.
- 7) Return with more traditional awning structure design with open sides and wrought iron.
- 8) Provide a more suitable location for the proposed bicycle parking.
- 9) Indicate on the plans the specific locations of opaque and clear window glass with reference to the interior display heights near the windows.
- 10) The proposed 7:00 a.m. deliver time is to be changed to a more appropriate 8:00 a.m. delivery time.

LANDSCAPING:

- 1) Create a new planting area along the front south-facing façade and indicate planting species type.
- 2) Landscaping to be reviewed by the Board's Landscape Architect to study an appropriate replacement for the queen palm tree taking into consideration the preservation of view per the Upper State Street Design Guidelines, and providing as much privacy as possible to the neighboring property to the north.

Action: Sherry/Zink, 4/1/0. Motion carried. (Rivera opposed, Aurell/Gross/Gilliland absent).

Prelim Plan Check - Transp

READ

04/19/10

04/19/10

1. The area for the bike rack at the front entry appears less than shown in the City's Standards for Parking Design. The applicant should contact the City's Mobility Coordinator at 564-5385 to discuss the design specs and approvability of the proposed inverted bike rack.
2. Bike parking at the entry appears to interfere with pedestrian circulation. A bike parking area may be available between the entry and planter. Work with the Mobility Coordinator.
3. The parking spaces in the back corner of the warehouse are too isolated and should be easier to access. It seems that space is available in the utility room across from the lockers. Work with the Mobility Coordinator to find an acceptable

MST2010-00016

COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
<p>solution.</p> <p>4. Parking spaces 22 through 28 are all compact spaces which is too many for the main drive aisle. The compact spaces should not be in the main aisle but interspersed toward the rear. As long as the landscaping is not affected this may be rectified at building plan check.</p> <p>5. If carts are anticipated, indicate the location on the floor and or site plan. If carts are inside, indicate cart return location or how cart pick-up will function.</p> <p>6. Please rectify the parking count inconsistencies for standard and compact spaces between the Parking Tabulations on page T1.1 (10 compact spaces) and the site plan (9 compact spaces).</p>				
ABR-Final Review Hearing	CONT			05/03/10
<p>(Project requires compliance with the Upper State Street Design Guidelines. Preliminary Approval was granted 4/5/2010. Final Approval is requested.)</p> <p>(4:31)</p> <p>Present: Eric Marquart, Agent for Beverages & More, Inc.; Don Inaba, Hayashida Architects; and Tom Boranick, Project Manager of Terra Nova Industries; and Roger Deutschman, for Mike Lombardi Landscape Architects.</p> <p>Public comment opened at 4:47 p.m. As no one wished to speak, public comment was closed.</p> <p>The following public comment spoke with concerns regarding the proposed project:</p> <p>1) Camille Scott (submitted alleyway photo), expressed concerns regarding the use of the alley and increased deliveries. 2) John Reynolds, concerns regarding deliveries, alley use, and safe fire department access.</p> <p>A letter of concern from Paula Westbury was acknowledged by the Board.</p> <p>Public comment closed at 4:53 p.m.</p> <p>Motion: Continued two weeks to Full Board with comments:</p> <p>1) Provide a different color instead of the proposed "peach" wainscoting and provide color samples. 2) Change the green window trim to a bronze color to match the existing store front windows that are to remain. 3) Provide a stain for the wood lintel detail, and provide a color for the wood roof overhang. 4) Indicate on the plans where the truncated domes of contrasting color will be located. 5) Study removing two pole-mounted lighting fixtures adjacent to the building and replace with one wall-mounted light fixture. 6) Study the block wall cart storage; the Board suggests the applicant return with an open air solution. 7) Study removing the proposed trellises along the building (including those to the rear and along the walkway) and replace with an organic clinging vine where vines would be necessary. 8) Study the front planter, at ground level directly behind the existing sidewalk, making it larger in size. 9) On Sheet A5.1, show the opaque window material not to exceed the underside of the first mullion. 10) Indicate the height of signage on the south and east elevations to be of the same height. 11) Modify the existing awning detail to remove the horizontal frame. 12) Study the height of the wainscoting for the rear portion of the building, and consider lowering to the height of the proposed doors.</p> <p>Action: Zink/Sherry, 5/1/10. Motion carried. (Mosel opposed, Gilliland/Gross absent).</p>				
ABR-Correspondence/Contact	READ			05/04/10
<p>Ok to sub it for Building permit plan check per P. Casey. No permit issuance until final ABR approvals.</p>				
ABR-Consent (Referred by FB)	APVD			05/10/10
<p>(Preliminary Approval of landscaping is requested. Preliminary Approval of architecture was granted on 4/5/2010.)</p> <p>A letter of concern from Paula Westbury was acknowledged.</p> <p>Preliminary Approval of landscaping with conditions:</p> <p>1) Substitute Strelitzia (bird of paradise) with pittosporum tobira variegata.</p>				

MST2010-00016

COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
2) Add 1-gallon Phormium Tom Thumb plantings.				
ABR-Prelim Approval - Details	APVD			05/10/10
(F) Print A B R Activities				05/13/10
ABR-Final Review Hearing	APVD			05/17/10
(Final Approval is requested. Preliminary Approval was granted on 4/5/2010.)				
These are DRAFT Minutes ONLY, pending approval TUESDAY 06/01/10:				
(5:30)				
Present: Eric Marquart, Agent for Beverages & More, Inc.; Don Inaba, Hayashida Architects; and Roger Deutschman, for Mike Lombardi Landscape Architects.				
Public comment opened at 5:38 p.m.				
A letter of concern from the neighborhood was acknowledged by the Board.				
Public comment closed at 5:39 p.m.				
Motion: Final Approval as submitted.				
Action: Sherry/Aurell, 5/1/0. Motion carried. (Mosel opposed, Gilliland/Zink absent).				
ABR-Final Approval - Project	APVD			05/17/10
(F) Print ALL Actions of Case				05/25/10

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

Monday, March 8, 2010 David Gebhard Public Meeting Room: 630 Garden Street 3:00 P.M.

BOARD MEMBERS: CHRISTOPHER MANSON-HING, Chair - PRESENT

DAWN SHERRY, Vice-Chair - PRESENT

CLAY AURELL - PRESENT

CAROL GROSS – PRESENT @ 3:07 P.M. UNTIL 6:08 P.M.

GARY MOSEL - PRESENT

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

KEITH RIVERA – PRESENT @ 3:31 P.M.

CITY COUNCIL LIAISON: DALE FRANCISCO - ABSENT GRANT HOUSE (ALTERNATE) - ABSENT

PLANNING COMMISSION LIAISON: BRUCE BARTLETT – PRESENT @ 4:24 P.M. STELLA LARSON (ALT.) - ABSENT

STAFF: JAIME LIMÓN, Design Review Supervisor – PRESENT UNTIL 3:20 P.M.

MICHELLE BEDARD, Planning Technician - PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

CONCEPT REVIEW - NEW ITEM

9. 3052 STATE ST C-2/SD-2 Zone

Assessor's Parcel Number: 053-342-033

Application Number: MST2010-00016

Owner: Timothy and Claudia Garrett

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

Architect: Hayashida Architects

(Proposal to demolish 1,758 square feet of an existing 10,757 square foot building, demolish a 1,288 square foot detached warehouse, provide 12 new parking spaces for a total of 35 on-site parking spaces, and revised parking lot and site landscaping to include the removal of four existing trees and addition of eight new trees. The proposal will result in one 8,999 square foot commercial building and a 3,046 credit of Measure E square footage. The proposal will abate the violations of ENF2009-00505.)

(Action may be taken if sufficient information is provided.)

(7:40)

Present: Eric Marquart and Tom Beranek, of Terra Nova Industries; Don Inaba, Hayashida Architects; Roger Deutschman, Landscape Architect.

Public comment opened at 7:56 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Jerry Vigil, in opposition.
- 2) Katie Turner, in opposition.

A letter of concern from Paula Westbury was acknowledged by the Board.

Email correspondences received from

EXHIBIT 5

- 1) Natalia Bliss, in support.
- 2) Nick Koonce, in support.

Public comment closed at 8:00 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Provide a revised landscape plan to accurately indicate existing material to remain, existing material to be removed, and proposed landscaping.
- 2) Return with any proposal for additional parking lot lighting, including fixture cut sheets, and photometrics.
- 3) Study incorporating a pedestrian presence and entry from State Street.
- 4) Study the parking configuration to be in compliance with City requirements for the number of tree wells, and study additional opportunities to introduce or retain additional landscaping materials.
- 5) Study the configuration of the molding and tile details on the rear of the building to be consistent with the architecture.
- 6) Study methods to screen the open trash enclosure from public view.
- 7) Provide a color and materials board for any proposed changes.

Action: Rivera/Mosel, 6/0/0. Motion carried. (Gilliland/Gross absent).

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

Monday, April 5, 2010 David Gebhard Public Meeting Room: 630 Garden Street 3:00 P.M.

BOARD MEMBERS: CHRISTOPHER MANSON-HING, Chair – PRESENT @ 3:08 P.M.

DAWN SHERRY, Vice-Chair - PRESENT

CLAY AURELL - PRESENT

CAROL GROSS – ASSENT

GARY MOSEL – PRESENT @ 3:04 P.M.

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

KEITH RIVERA - PRESENT

CITY COUNCIL LIAISON: DALE FRANCISCO - ABSENT GRANT HOUSE (ALTERNATE) - ABSENT

PLANNING COMMISSION LIAISON: BRUCE BARTLETT – ABSENT STELLA LARSON (ALTERNATE) -
ABSENT

STAFF: JAIME LIMÓN, Design Review Supervisor – PRESENT @ 3:15 P.M. UNTIL 3:17 P.M.

Michelle Bedard, Planning Technician – PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

ARCHITECTURAL BOARD OF REVIEW MINUTES April 5, 2010 Page 6

CONCEPT REVIEW - CONTINUED ITEM

2. 3052 STATE ST C-2/SD-2 Zone

Assessor's Parcel Number: 053-342-033 Application Number: MST2010-00016

Owner: Timothy D. Garrett and Claudia K. Joint

Architect: Hayashida Architects

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

(Proposal to demolish 1,758 square feet of an existing 10,757 square foot building, demolish a 1,288 square foot detached warehouse, provide 12 new parking spaces for a total of 35 on-site parking spaces, and revised parking lot and site landscaping to include the removal of four existing trees and addition of eight new trees. The proposal will result in one 8,999 square foot commercial building and a 3,046 credit of Measure E square footage. The proposal will abate the violations of ENF2009-00505.)

(Action may be taken if sufficient information is provided.)

(5:00)

Present: Eric Marquart and Tom Beranek, of Terra Nova Industries; Don Inaba, Hayashida Architects; Roger Deutschman, Landscape Architect.

Public comment opened at 5:04 p.m.

The following public comment spoke in opposition to the proposed project with mostly concerns regarding traffic and safety in the rear alley:

- 1) Erik Scott.
- 2) Camille Scott.
- 3) John Reynolds.

A letter of concern from Paula Westbury and were acknowledged by the Board.

Public comment closed at 5:13 p.m.

Staff reminded the Board about the aesthetic focus for the proposed project, and that no other review board or commission will be reviewing the project.

Staff read a Transportation Division memo clarifying transportation requirements for the proposed pedestrian path of travel, minimum bicycle parking requirements, parking and landscaping.

Motion: Preliminary Approval and continued indefinitely to Full Board with comments:

- 1) Provide a more appropriate color for the exterior of the building, preferably a lighter solid color instead of the proposed faux finish.
- 2) Preliminary Approval of the proposed project is contingent upon confirmation of adequate sidewalk width and turn around space; including ADA requirements per Building and Safety staff recommendations.
- 3) Provide appropriate awning color and details.
- 4) Provide trash enclosure details.
- 5) Return with more appropriate light fixture(s) to match the existing architecture.
- 6) Confirm and indicate the height of the wainscot on all elevations; consider a taller wainscot.
- 7) Return with a proposal for restricted delivery time frame for review by the Board, with input from Transportation Division staff, to mitigate neighborhood noise concerns.
- 8) Show the existing window to remain on the south elevation (facing State Street).
- 9) Additional landscaping review deferred to consent for review by the landscape architect.
- 10) Study an appropriate location for the required bicycle parking spaces.
- 11) Provide accurate color renderings

Action: Sherry/Zink, 4/2/0. Motion carried. (Mosel/Rivera opposed, Gilliland/Gross absent).

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

Monday, April 19, 2010 David Gebhard Public Meeting Room: 630 Garden Street 3:03 P.M.

BOARD MEMBERS: CHRISTOPHER MANSON-HING, Chair - PRESENT

DAWN SHERRY, Vice-Chair - PRESENT

CLAY AURELL – PRESENT @ 3:08 P.M. UNTIL 8:30 P.M.

CAROL GROSS – PRESENT UNTIL 5:13 P.M.

GARY MOSEL - PRESENT

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

KEITH RIVERA – PRESENT UNTIL 8:30 P.M.

CITY COUNCIL LIAISON: DALE FRANCISCO - ABSENT GRANT HOUSE (ALTERNATE) - ABSENT

PLANNING COMMISSION LIAISON: BRUCE BARTLETT – PRESENT STELLA LARSON (ALTERNATE)
- ABSENT

STAFF: JAIME LIMÓN, Design Review Supervisor – PRESENT UNTIL 3:37 P.M.

MICHELLE BEDARD, Planning Technician - PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

FINAL REVIEW

4. 3052 STATE ST C-2/SD-2 Zone

Assessor's Parcel Number: 053-342-033

Application Number: MST2010-00016

Owner: Timothy D. and Claudia K. Garrett

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

Architect: Hayashida Architects

(Proposal to demolish 1,758 square feet of an existing 10,757 square foot building, demolish a 1,288 square foot detached warehouse, provide 12 new parking spaces for a total of 34 on-site parking spaces, and revised parking lot and site landscaping to include the removal of two existing trees and addition of nine new trees. The proposal will result in one 8,999 square foot commercial building and a 3,046 credit of Measure E square footage. The proposal will abate the violations of ENF2009-00505.)

(Preliminary Approval granted 4/5/2010. Final Approval is requested.)

(7:24)

Present: Eric Marquart, of Terra Nova Industries; Don Inaba, Hayashida Architects;
Roger Deutschman, Landscape Architect.

Public comment opened at 7:39 p.m.

Ms. Mary Chang spoke of her concerns regarding loading/unloading zones as defined, hours of operation, and land-use and traffic noise issues.

A letter of concern from Paula Westbury was acknowledged by the Board.

Public comment closed at 7:41 p.m.

Mr. Limón clarified the analysis of consistency with the Upper State Street Design Guidelines and requested the Board's comments regarding specific topic areas, including the entrance location, front façade improvements, bicycle parking, landscaping and view preservation (prevent obstruction of mountain views), luminaire and lighting fixture issues, and shopping cart and trash enclosure location issues.

Motion: Continued two weeks to Full Board with comments:

- 1) Provide location and heights of all mechanical equipment, and provide appropriate screening per the Upper State Street Design Guidelines.
- 2) Provide a high quality pedestrian experience for the State Street entrance per the Upper State Street Design Guidelines.
- 3) Provide locations and details of all pedestrian and other lighting locations, and remove the existing gooseneck fixture lighting on the front façade.
- 4) Study lowering the parapet height at the rear of the warehouse area.
- 5) Suggest a different material for the trash enclosure doors to match Spanish architecture.
- 6) Provide a less contrasting color for the wainscot and the awning.
- 7) Return with more traditional awning structure design with open sides and wrought iron.
- 8) Provide a more suitable location for the proposed bicycle parking.

ARCHITECTURAL BOARD OF REVIEW MINUTES April 19, 2010 Page 10

- 9) Indicate on the plans the specific locations of opaque and clear window glass with reference to the interior display heights near the windows.
- 10) The proposed 7:00 a.m. deliver time is to be changed to a more appropriate 8:00 a.m. delivery time.

LANDSCAPING:

- 1) Create a new planting area along the front south-facing façade and indicate planting species type.
- 2) Landscaping to be reviewed by the Board's Landscape Architect to study an appropriate replacement for the queen palm tree taking into consideration the preservation of view per the Upper State Street Design Guidelines, and providing as much privacy as possible to the neighboring property to the north.

Action: Sherry/Zink, 4/1/0. Motion carried. (Rivera opposed, Aurell/Gross/Gilliland absent).

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

Monday, May 3, 2010 David Gebhard Public Meeting Room: 630 Garden Street 3:00 P.M.

BOARD MEMBERS: CHRISTOPHER MANSON-HING, Chair - PRESENT

DAWN SHERRY, Vice-Chair – PRESENT @ 4:24 P.M.

CLAY AURELL – PRESENT @ 3:15 P.M.

CAROL GROSS – ABSENT

GARY MOSEL - PRESENT

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

KEITH RIVERA - PRESENT

CITY COUNCIL LIAISON: DALE FRANCISCO - ABSENT GRANT HOUSE (ALTERNATE) - ABSENT

PLANNING COMMISSION LIAISON: BRUCE BARTLETT – ABSENT STELLA LARSON (ALTERNATE) - ABSENT

STAFF: JAIME LIMÓN, Design Review Supervisor – PRESENT UNTIL 5:35 P.M.

MICHELLE BEDARD, Planning Technician - PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

FINAL REVIEW

2. 3052 STATE ST C-2/SD-2 Zone

Assessor's Parcel Number: 053-342-033

Application Number: MST2010-00016

Owner: Timothy and Claudia Garrett

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

Architect: Hayashida Architects

(Proposal for an exterior facade remodel to include the demolition of a 1,288 square foot detached warehouse, demolition of 1,758 square feet of an existing 10,757 square foot building, to result in one 8,999 square foot commercial building with a 3,046 credit of Measure E square footage. The proposal includes site alterations to include 12 new parking spaces for a total of 34 on-site parking spaces, and revised parking lot and site landscaping to include the removal of two existing trees and the addition of nine new trees. The proposal will abate the violations of ENF2009-00505.)

(Project requires compliance with the Upper State Street Design Guidelines. Preliminary Approval was granted 4/5/2010. Final Approval is requested.)

(4:31)

Present: Eric Marquart, Agent for Beverages & More, Inc.; Don Inaba, Hayashida Architects; and Tom Boranick, Project Manager of Terra Nova Industries; and Roger Deutschman, for Mike Lombardi Landscape Architects.

Public comment opened at 4:47 p.m. As no one wished to speak, public comment was closed.

The following public comment spoke with concerns regarding the proposed project:

- 1) Camille Scott (submitted alleyway photo), expressed concerns regarding the use of the alley and increased deliveries.
- 2) John Reynolds, concerns regarding deliveries, alley use, and safe fire department access.

A letter of concern from Paula Westbury was acknowledged by the Board.
Public comment closed at 4:53 p.m.

Motion: Continued two weeks to Full Board with comments:

- 1) Provide a different color instead of the proposed "peach" wainscoting and provide color samples.
- 2) Change the green window trim to a bronze color to match the existing store front windows that are to remain.
- 3) Provide a stain for the wood lintel detail, and provide a color for the wood roof overhang.
- 4) Indicate on the plans where the truncated domes of contrasting color will be located.
- 5) Study removing two pole-mounted lighting fixtures adjacent to the building and replace with one wall-mounted light fixture.
- 6) Study the block wall cart storage; the Board suggests the applicant return with an open air solution.
- 7) Study removing the proposed trellises along the building (including those to the rear and along the walkway) and replace with an organic clinging vine where vines would be necessary.
- 8) Study the front planter, at ground level directly behind the existing sidewalk, making it larger in size.
- 9) On Sheet A5.1, show the opaque window material not to exceed the underside of the first mullion.

- 10) Indicate the height of signage on the south and east elevations to be of the same height.
- 11) Modify the existing awning detail to remove the horizontal frame.
- 12) Study the height of the wainscoting for the rear portion of the building, and consider lowering to the height of the proposed doors.

Action: Zink/Sherry, 5/1/0. Motion carried. (Mosel opposed, Gilliland/Gross absent).



Early Nights in San Roque Neighborhood

Beverages and More! May Have 9 p.m. Curfew

Thursday, April 15, 2010

BEVMO! Can a large, busy liquor store be compatible with a San Roque residential neighborhood? Can a large retail market live with a (gasp!) 9 p.m. closing restriction?

Santa Barbara Police Chief Cam Sanchez wants Beverages & More! to close the doors at its proposed Upper State Street location at nine o'clock, just about when the parties are rolling and liquid reinforcements are needed. You'd think that that BevMo! would be screaming bloody murder, but no.



On the Beat

No problem, BevMo! vice president Jeff Sealy told me. Nine is fine, he said, because the chain is not a regular liquor store that sells booze late into the early morning hours. BevMo! doesn't sell cigarettes or girlie mags, either, Sealy said.

On one hand, BevMo!'s proposed location at 3052 State St., in the former Thomasville Home Furnishing building, fronts busy commercial Upper State Street. But it also backs up to single-family homes, separated by an alley.

Nearby resident Jerry Vigil says he's sent protest petitions with around 150 names to the Santa Barbara City Council and California Department of Alcoholic Beverage Control (ABC), claiming that another liquor store in an area overloaded with them is incompatible with the neighborhood.

Chief Sanchez told ABC that his department "conditionally protests" issuing the liquor license unless certain conditions are met, including the 9 p.m. closing, "due to the potential impact on an area with an existing high concentration of liquor licenses."

However, Sanchez said, the police protest would be withdrawn if the BevMo! chain also agrees to no live entertainment or dancing; parking lot lighting of sufficient power for security but not a disturbance to neighbors; no minors allowed inside unless accompanied by a patron 21 or older; no wine with an alcohol content greater than 20 percent sold except for certain ports; and restrictions on large containers.

At a recent hearing, the city's Architectural Board of Review (ABR) gave the project conditional approval and told protesters that it had no jurisdiction over use of the former furniture store but will come up with delivery-hour restrictions. Vigil ridiculed one ABR member who, he said, with a dog on her lap, proposed that neighbors shield themselves from the store's noise by planting landscaping. A weak defense, Vigil said, especially considering height limits on hedges.

On a split vote, the ABR decided against requiring a front entrance (which one member said would enhance a "walking neighborhood") instead of the current side door closer to homes.

The ABC says it is still investigating the license issue and that a hearing would be set based on protests.

EXHIBIT 6