



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Architectural Board Of Review Final Approval Of 3052 State Street

RECOMMENDATION: That Council:

- A. Deny the appeal of Marc Chytilo, on behalf of Breathe Easy, and support the Architectural Board of Review's Final Approval of the proposed BevMo project design; and
- B. Grant a revised Final Approval of the project with consideration of compatibility criteria per SBMC 22.68.040.

EXECUTIVE SUMMARY:

On May 17, 2010, the Architectural Board of Review (ABR) granted Final Approval by a vote of 5/1/0 of an application for tenant renovations and site improvements for a new BevMo retail business proposed to be located at 3052 State Street. The project involves a proposal to reduce the overall square footage of buildings on the site (former Thomasville Furnishings Store), and expand the parking lot area from 12 to 35 spaces. The project design was reviewed over the course of six hearings by the ABR. The proposed retail liquor store has generated objections from several area property owners based on perceived project related impacts that these owners believe may result from increased intensity and type of retail use. At each of the ABR hearings, some members of the public objected to various nuisance-related issues, including the proposed liquor sales use for this location, increases to traffic, noise and lighting.

The appeal letter submitted (Attachment 1) on May 28, 2010, now raises other potential environmental impact concerns of the proposed redevelopment project that were not raised prior to the time the ABR granted a preliminary approval to the project.

It is staff's position that this type of demolition/reconstruction project does not raise significant CEQA environmental impact concerns given the primary scope of the project involves a sizeable reduction in building size (square footage) of buildings and that the re-use of this property and the remaining structures will be in a manner fully consistent with all applicable City zoning requirements. Furthermore, the appellant has not submitted substantial evidence or studies to support the assertions that staff's environmental analysis is flawed, as required by CEQA.

Staff's position is that the appeal raises no substantial environmental impact issues and should be denied based on the following reasons: 1) Staff completed adequate environmental review of the proposed project at the time the application was accepted and referred to the ABR; 2) The appellant now belatedly raises environmental impact related concerns that were not raised at the ABR hearings; 3) The filing of the appeal of the ABR approval decision was not made in a timely manner, in that only the Final ABR Approval decision was appealed, but not the earlier Preliminary Approval and environmental determination made for this approval; and 4) The ABR decision is a discretionary decision that is primarily focused on compliance with City Design Guidelines related to architectural and site related improvements, and not on the appropriateness of the land use. Therefore, it appears the appellants failed to exhaust their administrative remedies by not raising environmental concerns earlier in the City's review process as required by CEQA,

The building project design has been slightly modified since the ABR Final Approvals due to a building square footage size reduction and a parking plan change to provide for two additional parking spaces. Staff believes the current plan is in substantial conformance with the ABR Final Approval plans. Therefore, staff recommends that Council deny the appeal and support the Architectural Board of Review prior action by granting a revised Final Approval of the project. (See Attachment 2.)

PROJECT DESCRIPTION

The proposed project involves alterations to buildings consisting of 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. The proposed BevMo! retail liquor store project is to be located on 24,750 square-foot site which is zoned C-2/SD-2 and is in the Upper State Street Area. The current buildings on site are one story in height and were previously occupied by a furniture store (former Thomasville Furnishings). The proposal includes site alterations to include 23 new parking spaces for a total of 35 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 project site is surrounded by other retail uses to the east and west and residential properties across a public alley to the north (Attachment 3).

DISCUSSION:

Background

Architectural Board of Review (ABR)

The ABR reviewed the BevMo! project over the course of six meetings from March through May 2010 before taking final action (see Attachment 4). The first ABR meeting on March 8, 2010 was for a conceptual review and the Board had several comments focused on site layout, architectural design, parking and landscaping improvements. Staff completed a categorical environmental review screening checklist and determined the project could qualify for an exemption from CEQA. The project returned for additional review and obtained Preliminary Design Approval on April 5, 2010. This approval was not appealed to the City Council. During the initial conceptual review hearings, public comment was received and concerns were voiced on safety issues involved with the intended use of the rear alley, intensification of liquor stores in the area and on the pending consideration of the liquor license. At the time, staff informed the public and the ABR that the proposed use was expressly allowed in the C-2 zone and that the project scope did not trigger any form of discretionary development review by the Planning Commission. Due to publicity surrounding the proposed business, staff received inquiries from a few Planning Commissioners regarding the project design inquiring whether the project was in compliance with the recently adopted Upper State Street Design Guidelines.

Planning staff re-checked the project for compliance with the Upper State Design Guideline and prepared a memorandum for the ABR outlining several design topics that the ABR should re-evaluate to ensure that the project was in general compliance with the adopted design guidelines (Attachment 5). On April 19, 2010, although the project had returned for Final Approval, staff's memorandum topics were discussed to determine if changes to the project design were appropriate in order achieve guideline compliance. During this meeting, the Board stepped back from their original design approvals and asked the applicant to make additional project design changes to enhance the front building façade and pedestrian entry experience from the State Street sidewalk.

The project returned for three additional reviews in May 2010, the applicant responded to all of the ABR's design comments and a Final approval was granted on May 17, 2010.

APPEAL ISSUES

1. *Appellants assert that the project is incompatible with the neighborhood.*

During the course of ABR's reviews of the project, it was evaluated for compliance with the City's Upper State Street Design Guidelines. The ABR was specifically asked to review several areas of the building's design to verify that the site configuration was appropriate and for general compliance with the Upper State Design Guidelines.

Although compliance with Compatibility Criteria Analysis per SBMC 22.68.045 was not raised by the Appellants during review of the project, in all cases, the ABR's basis for project approval was intended to be primarily focused on building design issues involved with architectural character, size bulk and scale of the building and the quantity and quality of the landscaping. By its nature, the design compatibility determination by the ABR is not based on an evaluation of appropriate land uses, or an evaluation of compatibility of land uses, since the land use entitlement for this Project is established by its C-2 zoning; and therefore, it is staff's belief that the ABR's design review approval was thorough and correct.

2. *Appellants assert the environmental review of the project is flawed.*

The Project Qualifies for Categorical Exemption

The appellants contend that a CEQA categorical exemption was not appropriate for this project and that issues such as views, noise, air pollution, traffic and parking were not adequately addressed and additional environmental documents should have been prepared.

The Guidelines of the California Environmental Quality Act (CEQA) include a number of types of projects that are generally exempt from environmental review. The Environmental Analyst determined that the project qualifies for an exemption per CEQA Guideline Section 15301 which provides for "alterations and additions to existing facilities" for projects where it is determined that there will be no significant effects to the environment. In order to issue the categorical exemption, Staff completed an environmental impact screening checklist, consulted with Public Works transportation staff and determined that the project would not result in any significant effects relating to traffic, noise, air quality, water quality or impacts to cultural resources.

The Project Raises No Significant Traffic and Parking Impacts

The project was reviewed using standard ITE traffic trip generation rates for a high volume retail store. Based on this projected use, it was determined that the net new trips associated with the project would not exceed the City's standard threshold that would result in traffic impacts to nearby intersections. Therefore, the project would not result in project-specific or cumulative traffic impacts.

In addition, the project will provide 35 parking spaces as required by the City's Zoning Ordinance. Because the project site is located in the SD-2 Upper State Street Special Design District, the commercial retail parking requirement is one space per 250 square feet for commercial areas. (It should also be noted that the total number of parking spaces (33 vs. 35) has been revised to reflect an increase of two spaces, which have been added since ABR's project approval.) Based upon this change, the project provides fully adequate parking.

The project was also evaluated for potential traffic and operational related impacts and determined to not pose an impact in the safe use of the rear alleyway nor to the operation of traffic movements at the adjacent intersection of De La Vina/State. Site visits and a careful analysis of parking site design and traffic movements indicate the project will not have an impact to the safe operation of traffic signal movements.

The Project has No Visual or Scenic View Impacts

Building demolition would actually open up views and the addition of trees would not substantially obstruct the existing mountain views. Staff concluded, and the ABR agreed, that view blockage of the mountains by the proposed project would not be substantial enough to result in a significant visual impact.

The Project has No Noise or Air Quality Impacts

As with all development projects, some noise will occur during construction. However, given the limited scope and duration of construction associated with the proposed project construction related noise impacts are anticipated to be less than significant. Significant air quality impacts from the project are not expected to occur. Dust could occur short-term during demolition, grading, paving and landscaping activities. Standard dust control conditions would minimize dust during grading and construction activities.

Even though not required, staff has calculated the emissions for the project using URBEMIS 9.2.4 and the information is provided below per the Santa Barbara Air Pollution Control District (SBCAPCD) Screening Table and determined that further analysis of potential air quality impacts is not warranted. Bev Mo would not exceed any threshold for vehicle-related emissions from project operations. Without even netting out the existing trips associated with the most recent use (i.e., assuming a worst-case scenario that this is an entirely new use generating all new trips), an 8,715 sq.ft. "free-standing retail discount club" would need to be 32,000 sq.ft. before it is likely to exceed any threshold for vehicle-related emissions. A "supermarket with food items, banking, bakeries, floral, and photo center" would need to be 13,000 sq.ft. before it is likely to exceed any threshold for vehicle related emissions.

3. *The Appellants assert that In granting approval of the project, the ABR ignored the Compatibility Analysis Criteria*

The ABR utilizes the compatibility criteria analysis outlined in SBMC 22.68.045 for significant projects where new development, significant alterations and improvements are proposed for a site. The primary purpose of this code provision is to promote effective and appropriate communication between the ABR and the Planning Commission (or the Staff Hearing Officer) in the review of Planning Commission or Staff Hearing Office discretionary development projects and in order to promote consistency between the City land use decision-making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

The ABR did not perceive any compatibility concerns relative to the proposed size or architectural appearance of the proposed building remodeling project for its location. The proposed project will provide an enhanced landscape design, increased parking and architectural improvements and an approximate 3,300 sq. ft. total reduction of building square footage to the site. It is staff's opinion that this code provision is not relevant to the concerns expressed by project opponents regarding neighborhood compatibility since the permitted land use and perceived project related environmental impacts appear to be central to their concerns.

CONCLUSIONS AND FINDINGS:

The Architectural Board of Review reviewed this proposed project and determined it to be in general compliance with the Upper State Street Design Guidelines. It is staff's position that this type of demolition/reconstruction project clearly qualifies for a categorical exemption from CEQA and does not raise significant environmental impact issues. Furthermore, the appellant has not submitted substantial evidence to support their assertions that staff's environmental analysis is flawed.

In addition, it is City staff's position that by raising CEQA issues now at this late point, the appellants failed to exhaust their administrative remedies - which is a clear CEQA statutory requirement. That is, CEQA requires project opponents to raise environmental concerns at the earliest stage of the proceedings, so that changes can be made and conditions imposed (to the extent such changes and conditions are within the jurisdiction of the reviewing body which (in this case) is limited for a design review body reviewing a project which does not need a land use approval). And, without question, CEQA requires that these concerns should have been raised prior to the ABR's issuance of its preliminary approval which, as you know, under the Municipal Code constitutes the substantive (or "merits") approval of the project. Moreover, another possible, appropriate stage would have been to raise these concerns at the Project's Alcohol Beverage Control (ABC) permit hearing. However, even if the appellants had raised these environmental impact concerns on the same basis outlined in the appeal letter and appealed at the appropriate time, City environmental staff would reach the same conclusions with respect to significance level.

In conclusion, Planning staff recommends that the City Council find that the Final Approved design of the project is fully consistent with its Preliminary Approval (which was not appealed) and that, for that reason, Council deny the appeal and support the Architectural Board of Review's Final Approval of the proposed development at 3052 State Street; and grant a revised Final Approval of the project finding further that the project meets the compatibility criteria as outlined below:

- 1. The project is in compliance with City Charter and Municipal Code; Consistency with Design Guidelines.**

2. Compatible with Architectural Character of City and Neighborhood. The design of the project is compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project. The project proposes to renovate the current building and make site improvements consistent with design guidelines adopted by the City.

3. Appropriate size, mass, bulk, height, and scale. The size, mass, bulk, height, and scale of the project is appropriate for its location and its neighborhood given the buildings on the site are being reduced in size and additional parking is being provided to meet the City's Zoning Ordinance.

4. Sensitivity to Adjacent Landmarks and Historic Resources. The design of the project is not adjacent to any Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features.

5. Public Views of the Ocean and Mountains. The design of the project responds appropriately to established scenic public vistas and will not block mountain views.

6. Use of Open Space and Landscaping. The project has sufficient and an appropriate amount of open space and landscaping.

NOTE: Project plans have been separately delivered to the City Council for their review and are available for public review in the City Clerk's Office:

ATTACHMENTS:

1. Appellants letter dated May 26, 2010
2. Revised site plan and parking plan.
3. ABR approved Site Plan, Demolition Plan and Building Elevations
4. ABR Summary of Minutes
5. Planning Staff Memorandum dated April 17, 2010

PREPARED BY: Jaime Limon, Project Planner II

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

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

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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



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Pick Up Your Order in 1 Hour!

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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

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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
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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

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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.

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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:				

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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
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Plan substitution with response to transportation comments received at Counter.

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

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COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
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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
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(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.

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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

Activities:**Disp****Date 1****Date 2****Date 3**

solution.

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.

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.

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).

ABR-Final Review Hearing**CONT****05/03/10**

(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, 5/1/10. Motion carried. (Mosel opposed, Gilliland/Gross absent).

ABR-Correspondence/Contact**READ****05/04/10**

Ok to sub it for Building permit plan check per P. Casey. No permit issuance until final ABR approvals.

ABR-Consent (Referred by FB)**APVD****05/10/10**

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

A letter of concern from Paula Westbury was acknowledged.

Preliminary Approval of landscaping with conditions:

- 1) Substitute Strelitzia (bird of paradise) with pittosporum tobira variegata.

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.

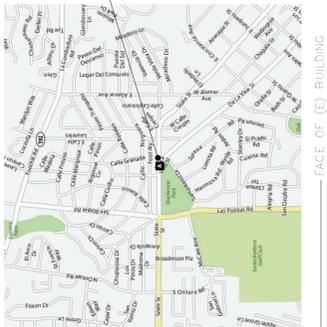
At a recent hearing, the city's Architectural Board of Review (ABR) gave the project conditional approval and told protesters that it had no jurisdiction over use of the former furniture store but will come up with delivery-hour restrictions. Vigil ridiculed one ABR member who, he said, with a dog on 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.

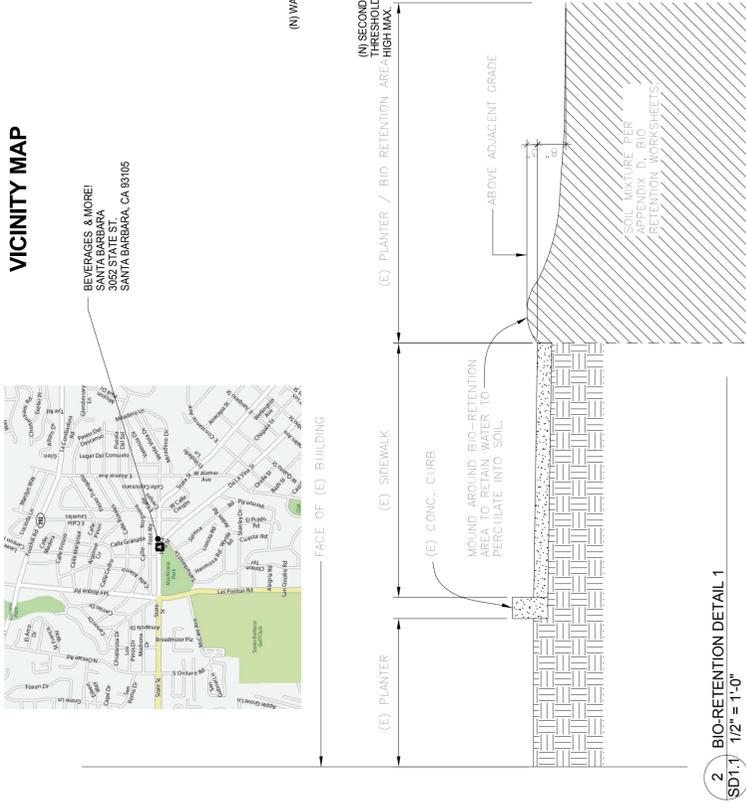
The ABC says it is still investigating the license issue and that a hearing would be set based on protests.

EXHIBIT 6

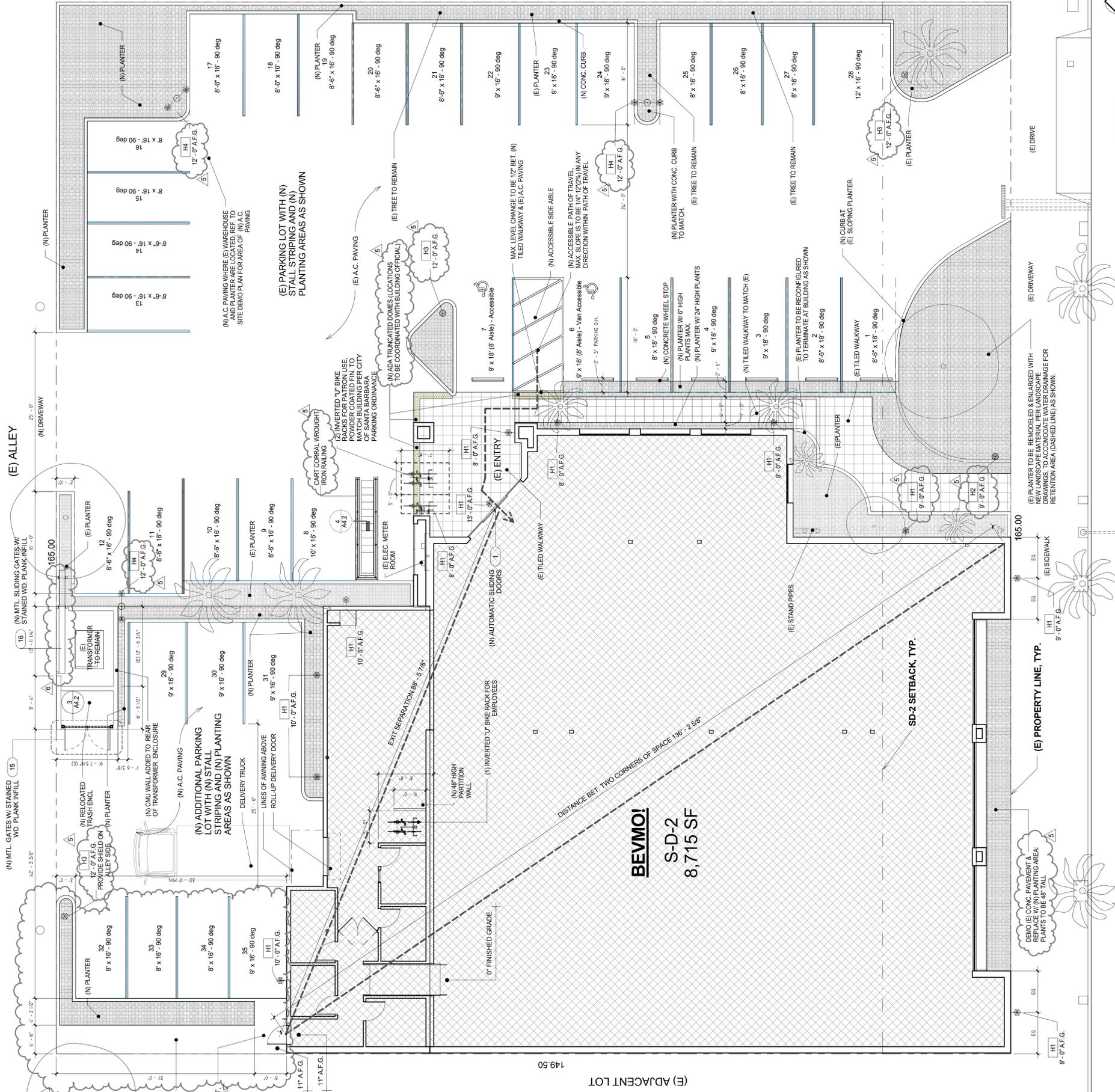
VICINITY MAP



BEVERAGES & MORE!
 3052 STATE ST.
 SANTA BARBARA, CA 93105



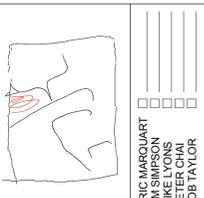
(E) ALLEY



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 www.hayashidaarchitects.com

SD1.1

Beverages & more!
 3052 State Street
 Santa Barbara, CA 93105



PARKING CALCULATIONS - REQUIRED

Name	BUILDING USE	Code Reference	Net Area	Parking Ratio	Parking Stalls
BEVMO!	S-D-2	SBC Zoning Ordinance 28.90-K.4	8,715 SF	250 SF	35
Grand total			8,715 SF		35

PARKING COUNT - PROVIDED (DESIGN REVIEW)

Type	Stalls	% Provided	Allowed Value	Code Reference
Parking Space	23	66%		
Parking Space - ADA	2	6%		City of S.B. Standards for Parking Design (p.24)
Parking Space - Compact	10	29%		
Grand total	35			

CALCS FOR REQUIRED EXIT SEPARATION
 DISTANCE BET. MAIN EXIT & SECONDARY EXIT: 88'-5" 7/8"
 DIAGONAL DISTANCE BET. TWO CORNERS OF SPACE: 136'-2" 5/8"
 136'-2" 5/8" X 1/3 (FIRE SPRINKLER) = 45'-5"
 88'-5" 7/8" > 45'-5", COMPLIES WITH CBC SECTION 1015.2.

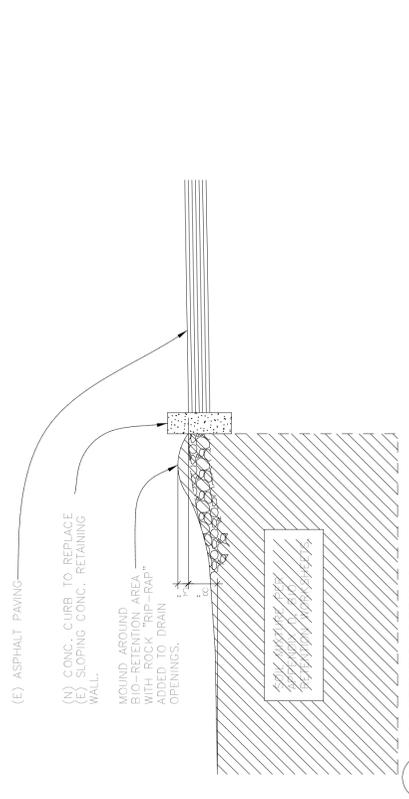
EXTERIOR LIGHT FIXTURE LEGEND

- H1: WALL MTD. COACH LIGHT FIXTURE
- H2 & H3: POST MTD. COACH LIGHT FIXTURE
- H4: POST MTD. COACH LIGHT FIXTURE (BACK TO BACK)

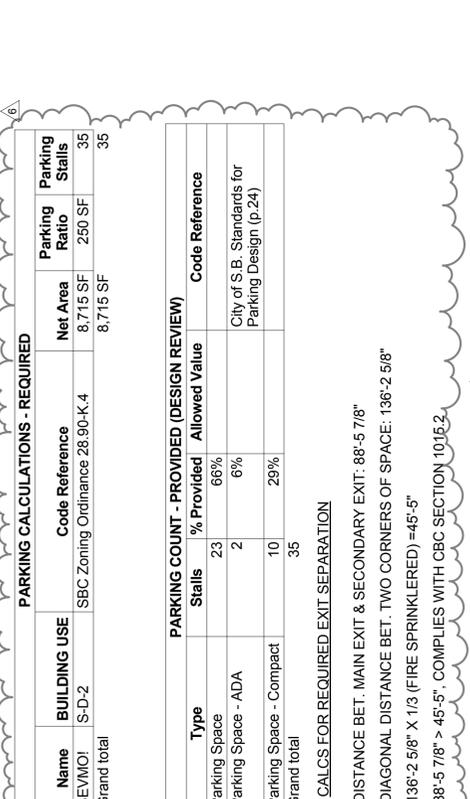
ABBREVIATIONS

A.F.G. ABOVE FINISHED GRADE

2 BIO-RETENTION DETAIL 1
 SD1.1 1/2" = 1'-0"



3 BIO-RETENTION DETAIL 2
 SD1.1 1/2" = 1'-0"



BEVMO!
 S-D-2
 8,715 SF

ERIC MARQUART
 JIM SIMPSON
 JAMES W. PETERSON
 PETER CHAN
 BOB TAYLOR

No.	Description	Date	By
1	(N) Big Footprint	12/23/08	DN
2	Permit Set	1/11/10	DN
3	Planning Dept Review	2/18/10	LF
4	ABR Review 1	3/15/10	DN
5	ABR Review 2	4/9/10	DN
6	ABR Review 3	4/28/10	DN
7	ABR Review 4	5/17/10	DN
8	Plan Check Response	6/18/10	DN

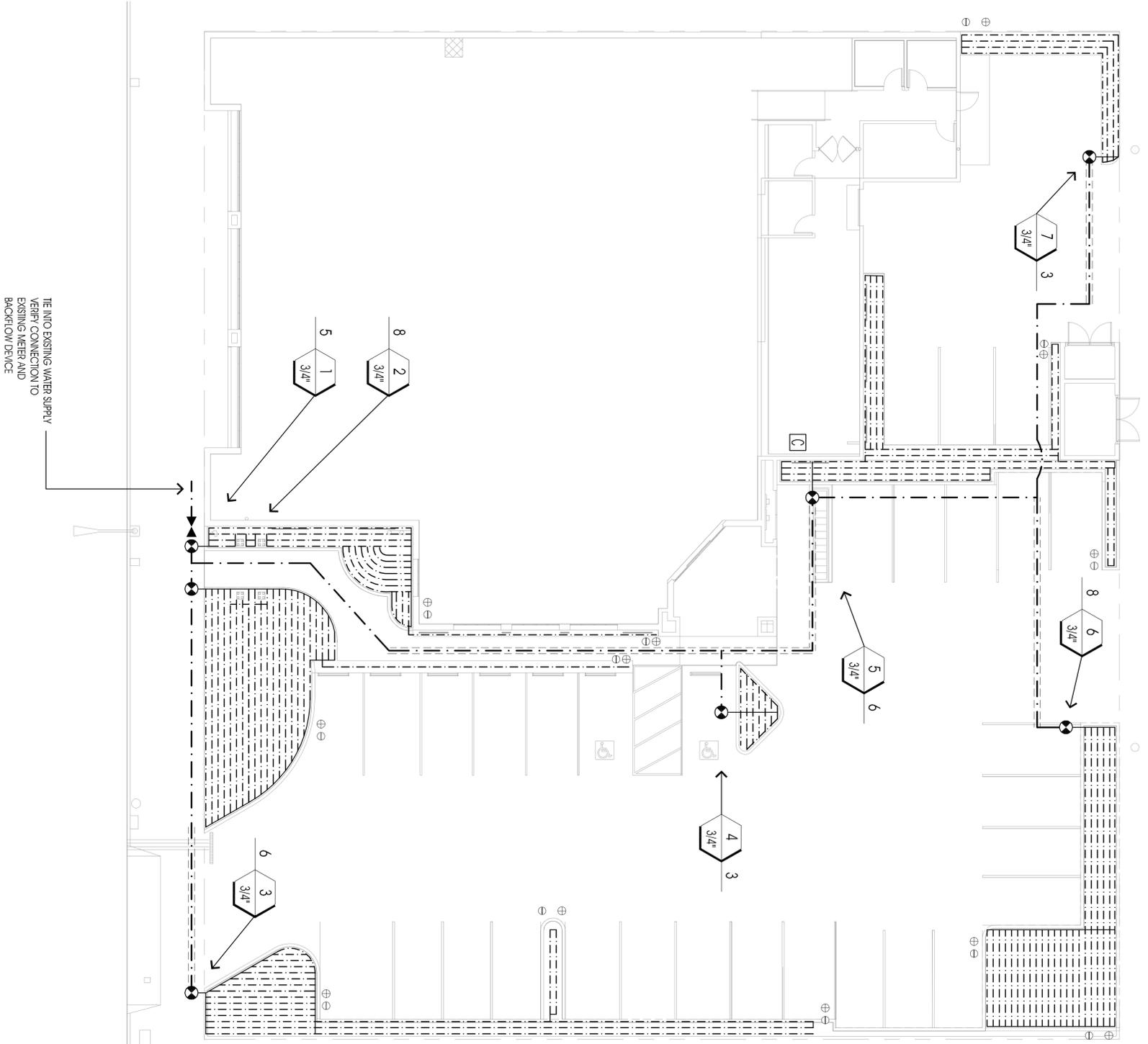
SITE PLAN

Project number: 09-4360-20
 Date: APRIL 29, 2010
 Drawn by: DN
 Checked by: DI

ATTACHMENT 2

SD1.1

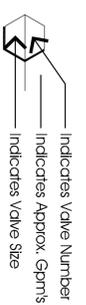
1 SITE PLAN (Design Review)
 SD1.1 1/8" = 1'-0"



IRRIGATION LEGEND

SYMBOL	MFG	MODEL	DESCRIPTION
[C]	RAINBIRD	ESP-LXM	8 STATION MODULAR AUTOMATIC CONTROLLER
⊕	RAINBIRD	XCZ100-PRF	CONTROL ZONE KIT (VALVE, PRESSURE REG.)
●	RAINBIRD	33-DLRC	QUICK COUPLING VALVE
◀▶	NIBCO	4660-T	PVC BALL VALVE
⊕	RAINBIRD	X17000	AIR RELIEF VALVE
⊖	RAINBIRD	FLUSHCAP	FLUSH VALVE
---	RAINBIRD DRIPLINE	XFS-06-12	SUBSURFACE DRIPLINE W/1 2" OC EMITTERS
---		3/4" SCH. 40 PVC LATERAL LINE	MIN. 1 1/2" COVER
---		SCH. 40 PVC SLEEWING-2X	TOTAL DIA. ENCL. PIPE-MIN 24" COVER
---		1 1/2" SCH. 40 PVC MAIN LINE	MIN 18" COVER

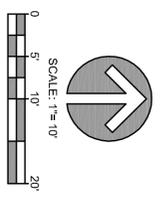
VALVE LEGEND



IRRIGATION NOTES

- INSTALL ALL IRRIGATION COMPONENTS ACCORDING TO LOCAL CODES & ORDINANCES.
- THE CONTRACTOR SHALL OBTAIN, COORDINATE AND PAY FOR ANY AND ALL PERMITS AND ALL INSPECTIONS AS REQUIRED.
- THE CONTRACTOR SHALL BE RESPONSIBLE AND LIABLE FOR ANY ENCROACHMENT INTO ADJACENT PROPERTY, ROW'S, EXISTING SERVICES OR ANY OTHER LEGAL PROPERTY RESTRICTIONS EITHER MARKED OR UNMARKED.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL UNDERGROUND UTILITIES. CONTRACTOR SHALL REPAIR/REPLACE AT NO ADDITIONAL COST TO THE OWNER ANY DAMAGE TO UNDERGROUND UTILITIES THAT MAY OCCUR.
- THE CONTRACTOR SHALL BE RESPONSIBLE AND LIABLE FOR ANY AND ALL DAMAGE DUE TO OPERATIONS OR NEGLECT TO WORKS OF OTHER CONTRACTORS, EXISTING AND NEW DRAIN WATERS OR ANY OTHER UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ACTIVITIES WITH ALL OTHER TRADES.
- THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS SHOWN ON PLANS AT THE SITE PRIOR TO COMMENCEMENT OF ANY WORK. ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER AND PROJECT LANDSCAPE ARCHITECT FOR DIRECTION IMMEDIATELY. ANY CONTINUATION OF WORK IS AT THE CONTRACTOR'S RISK AND EXPENSE.
- THE CONTRACTOR SHALL VERIFY THE STATIC PRESSURE, WATER SET, SET OF SERVICE TO THE METER, ANY DEVIATIONS FROM DESIGN/Criteria SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT LANDSCAPE ARCHITECT CONTINUATION OF WORK WITHOUT NOTIFICATION TO THE CONTRACTING OFFICER SHALL BE AT THE CONTRACTOR'S RISK AND EXPENSE.
- REFER TO DETAILS & SPECIFICATIONS FOR INSTALLATION OF ALL COMPONENTS.
- IRRIGATION PLANS AS DRAWN SHALL BE CONSIDERED DIAGRAMMATIC. ALL PPE, VALVES, ETC. SHOWN WITHIN PAVED AREAS ARE FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PAVING AREAS WHEREVER POSSIBLE.
- ONE CONTROLLER CHART SHALL BE PROVIDED AND APPROVED BY THE OWNER REPRESENTATIVE FOR EACH CONTROLLER. THE CHART SHALL BE A BLACKLINE PRINT, AND A DIFFERENT COLOR SHALL BE USED TO SHOW THE AREA OF COVERAGE OF EACH STATION. THE CHART SHALL BE HERMETICALLY SEALED BETWEEN TWO PIECES OF PLASTIC. THE CHART SHALL BE MOUNTED USING VELCRO OR APPROVED EQUAL TYPE OF TAPE INSIDE CONTROLLER CABINET. THESE CHARTS MUST BE COMPLETED AND IN PLACE PRIOR TO FINAL ACCEPTANCE OF WORK BY THE OWNER.
- ADJUST ALL HEADS FOR MINIMUM OVER SPRAY ON NONPAVED AREAS AND FOR COMPLETE COVERAGE. THIS SHALL INCLUDE SELECTING THE BEST REQUIREMENTS.
- CONTRACTOR SHALL COORDINATE LOCATION AND POWER HOOKUP FOR AUTOMATIC IRRIGATION CONTROLLER WITH OWNER'S REPRESENTATIVE.
- THE CONTRACTOR SHALL PROTECT AND KEEP UP TO DATE A COMPLETE "AS BUILT" RECORD OF ALL WORKS. ALL WORKS SHALL BE COMPLETELY LEGIBLE. CONTRACTOR SHALL CARRY REPRODUCIBLE AS TO ACCURACY AND COMPLETENESS. CONTRACTOR SHALL BE RESPONSIBLE FOR UPDATING REPRODUCIBLE AS REQUIRED.

TE INTO EXISTING WATER SUPPLY METER CONNECTION TO EXISTING METER AND BACKFLOW DEVICE



NO.	SUBMITTALS / REVISIONS	DATE	BY
1	Prelim. Submittal #1	02.11.10	MJL
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4	CD Submittal #1	04.16.10	MJL
5	CD Submittal #2, AR8 Revisions	04.27.10	MJL

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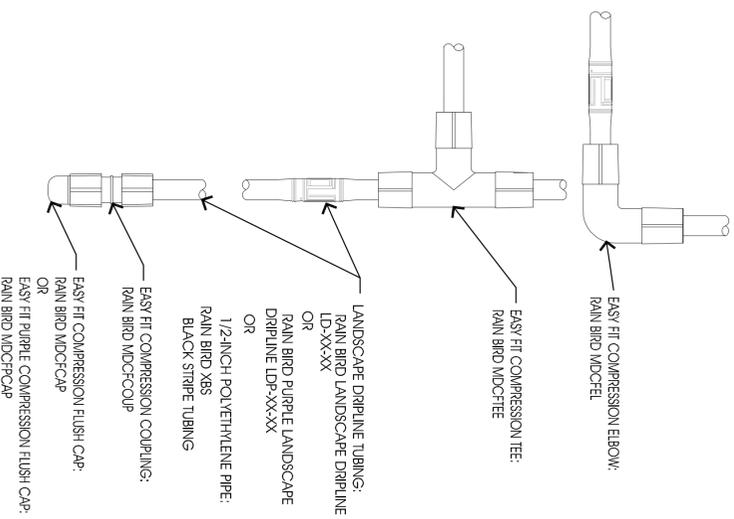
PROJECT:
BEVMO!
Santa Barbara, Ca.

SHEET TITLE:
IRRIGATION PLAN

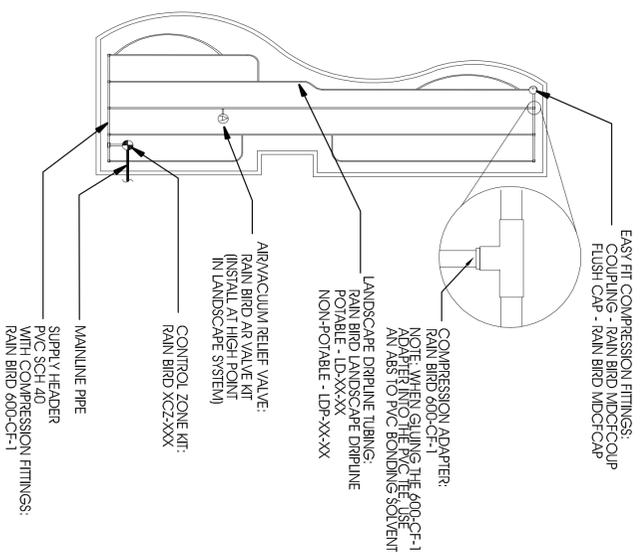
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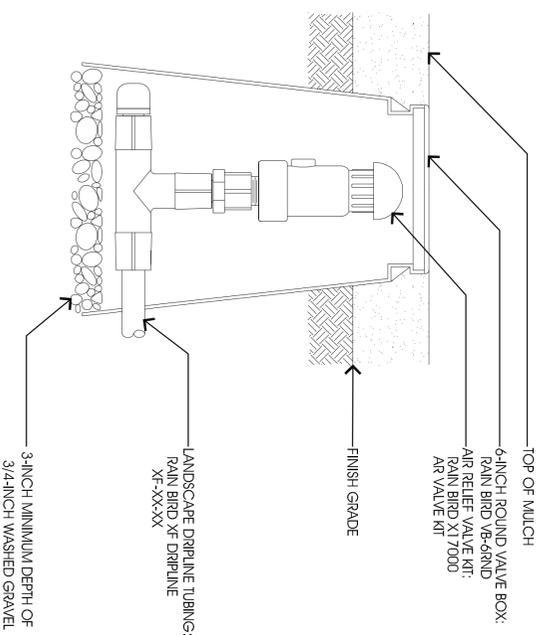
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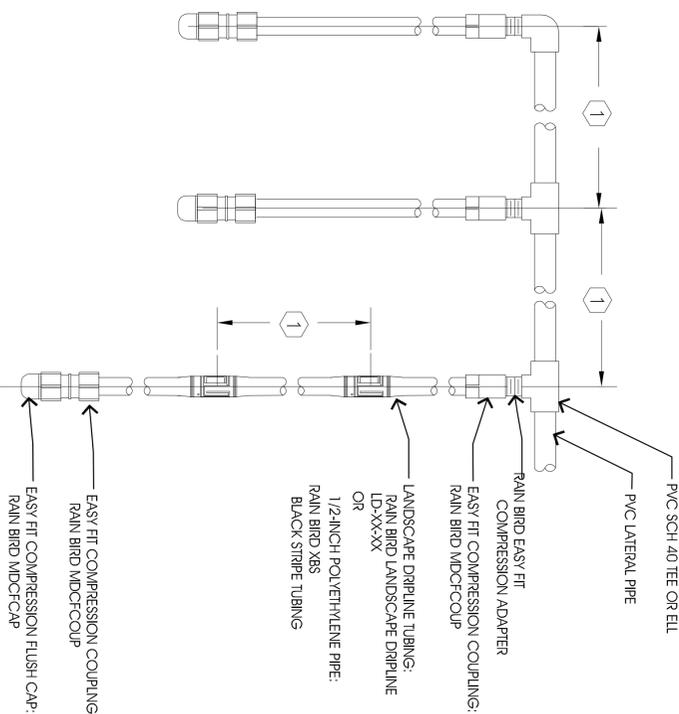
5 DRIP COMPRESSION FITTINGS
SCALE: NONE



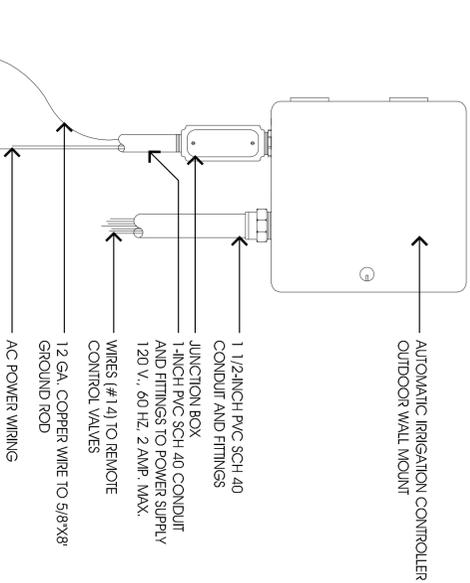
6 DRIPLINE LAYOUT
SCALE: NONE



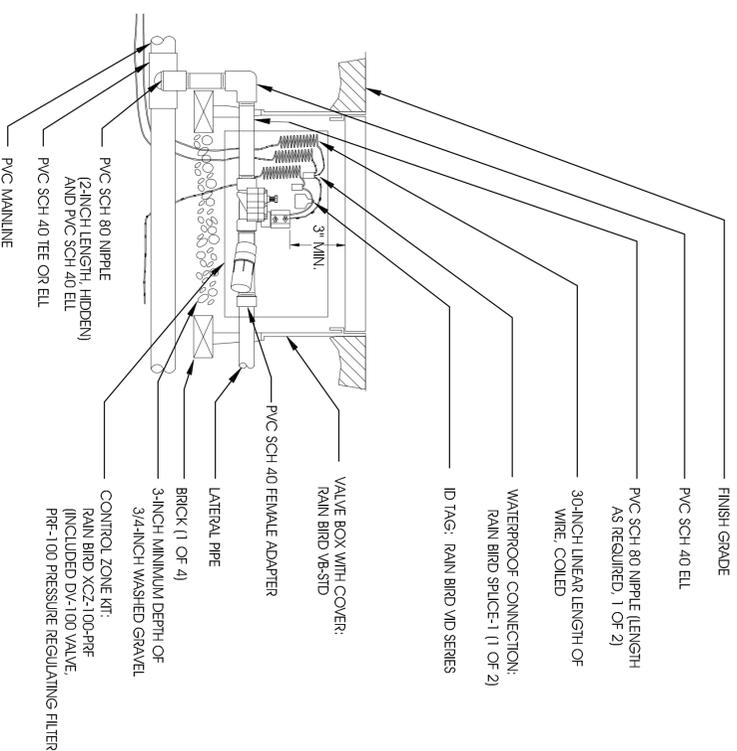
3 AIR RELIEF VALVE
SCALE: NONE



4 DRIP LINE LATERALS
SCALE: NONE



1 WALL MOUNTED CONTROLLER
SCALE: NONE



2 DRIP CONTROL VALVE
SCALE: NONE

NOTES:
1. TO REPLACE INLINE WYE FILTERS, USE REPLACEMENT FILTER ELEMENTS RAIN BIRD MODELS RBV-150MX OR RBV-200MX.

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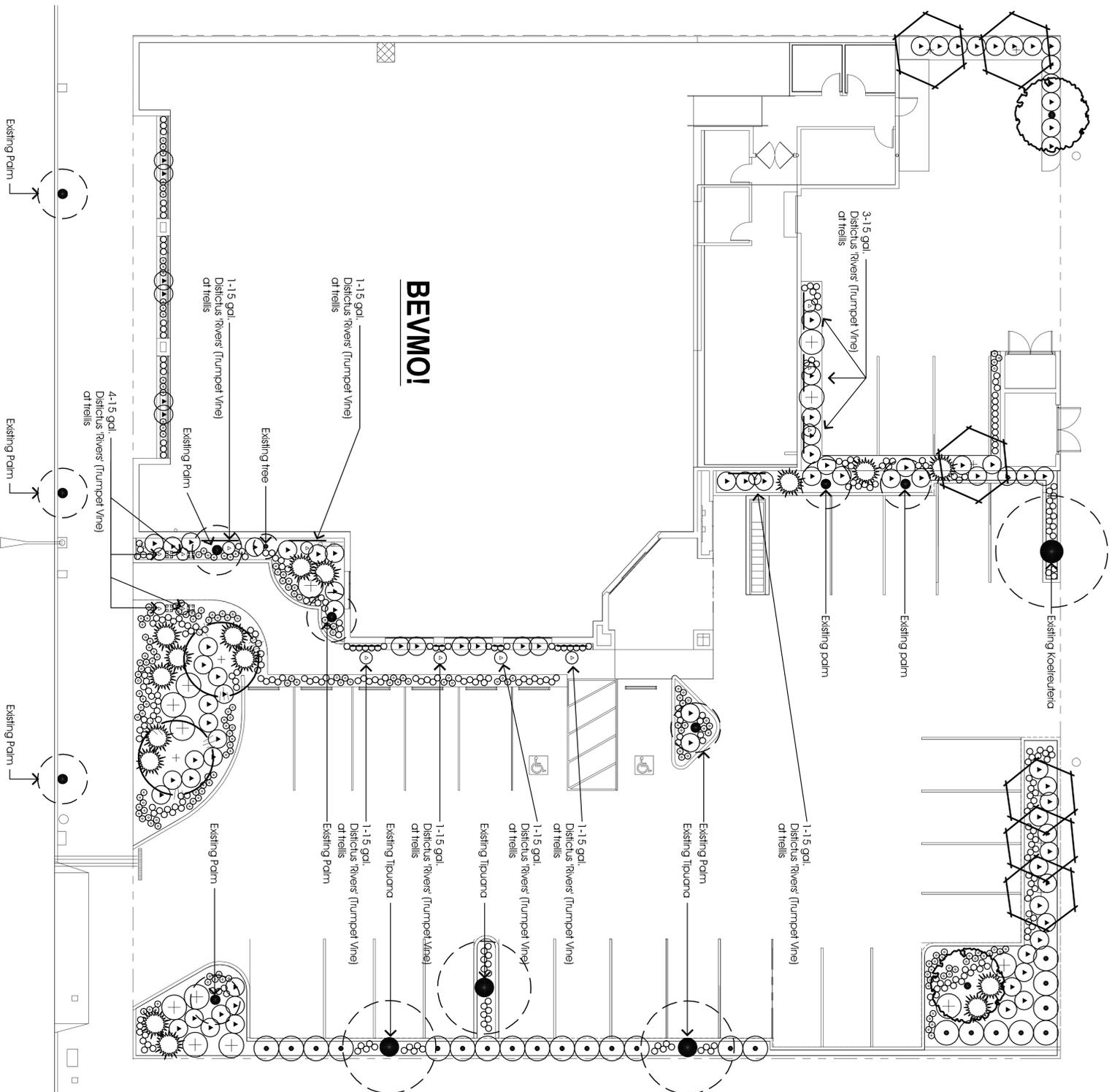
PROJECT:
BEVMO!
Santa Barbara, Ca.

SHEET TITLE:
IRRIGATION DETAILS

JOB NO.:
10002

DESIGN BY: ML
CHECKED BY: RD
DATE: 04.27.10
SCALE: 1" = 10'

SHEET:
L-3



TREE LEGEND

SYMBOL	BOTANICAL NAME (COMMON NAME)	SIZE	QTY
	Aechmea sp. (King Palm)	36" box	1
	Aechmea sp. (King Palm)	6', 8', 10'	1
	Aechmea sp. (King Palm)	36" box	1
	Aechmea sp. (King Palm)	6', 8'	1
	Aechmea sp. (King Palm)	24" box	6
	Punus c. (Purple-leaf Plum)	36" box	2
	Tipuana (Tipu Tree)	Existing	2
	Koaleuteria species	Existing	1
	Existing palm	Existing	5

SHRUB LEGEND

SYMBOL	BOTANICAL NAME (COMMON NAME)	SIZE	QTY
	Agave attenuata (Fox Tail Agave)	5 GAL	16
	Aloe arborescens (Torch Aloe)	5 GAL	12
	Cistus pupureus (Rockrose)	5 GAL	23
	Strelitzia reginae (Bird of Paradise)	5 GAL	91
	Echeveria secunda (Glacier Hens & Chicks)	4" pot	182
	Festuca ovina (Blue Fescue)	1 GAL	322

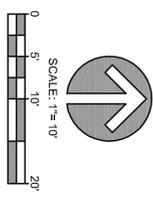
VINE

SYMBOL	BOTANICAL NAME (COMMON NAME)	SIZE	QTY
	Distictus 'Rivers' (Trumpet Vine)	15 GAL	14

NOTE:
ALL PLANTED AREAS (INCLUDING EXISTING) SHALL BE DRESSED WITH A 2" LAYER APPROVED LANDSCAPE MULCH.

PLANTING NOTES

- CONTRACTOR IS RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY COST INCURRED DUE TO DAMAGE OF SAID UTILITIES.
- DO NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTIONS, AREA DISCREPANCIES AND/OR GRADE DIFFERENCES EXIST THAT HAVE NOT BEEN KNOWN DURING DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH PLANNING OPERATIONS, DIMENSIONS AND BACKFILL REQUIREMENTS.
- UPON COMPLETION OF INSTALLATION, A MAINTENANCE PERIOD OF NINETY (90) DAYS IS REQUIRED PRIOR TO FINAL ACCEPTANCE OF THE WORK BY THE OWNER. MAINTENANCE SHALL INCLUDE MOWING, WEEDING, IRRIGATION, PRUNING, RINSING TREE ROOT BALLS WHICH SETTLE BELOW GRADE, FERTILIZING AND APPLYING SUCH SPRAYS AS ARE NECESSARY FOR PROPER CARE AND UPKEEP. MAINTENANCE ALSO INCLUDES ALL REPAIRS, REPLACEMENT, CLEANING AND ADJUSTING NECESSARY TO KEEP THE IRRIGATION SYSTEM IN GOOD WORKING ORDER WITH PROPER COVERAGE. COMMENCEMENT DATE FOR THE MAINTENANCE PERIOD SHALL BE APPROVED IN WRITING BY THE OWNERS INSPECTOR. MAINTENANCE PERIOD SHALL BE ADEQUATE TO VERIFY PLANT CHARACTERISTICS AND ESTABLISHMENT.
- ALL PLANT MATERIAL SHALL BE APPROVED FOR QUALITY BY THE OWNER & LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- FINAL LOCATION OF ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE OWNERS REPRESENTATIVE. LOCATION SHALL BE APPROVED PRIOR TO EXCAVATION.
- ALL TREES LOCATED LESS THAN 5' FROM ANY WALLS, HARDSCAPE OR PAVING SHALL BE INSTALLED WITH ROOT BARRIERS PER DETAIL. PRIOR TO BACKFILLING APPROVE THE ROOT BARRIER INSTALLATION.
- LANDSCAPE CONTRACTOR TO RECEIVE SITE GRADED WITHIN 1/10" OF A FOOT OF FINISHED GRADE. CONTRACTOR SHALL ACCEPT GRADE PRIOR TO COMMENCING WORK. STAKING WORK MARKS AN ACCEPTANCE OF GRADE. FINAL GRADES SHALL BE ADJUSTED AS DIRECTED BY OWNER. ALL GRADING SHALL BE COMPLETE PRIOR TO COMMENCEMENT OF PLANTING OPERATIONS. ALL MOUNDS IN PLANT AREAS SHALL NOT EXCEED 3:1 SLOPE.
- CONTRACTOR SHALL NOTIFY OWNER SEVEN (7) DAYS PRIOR TO COMMENCEMENT OF WORK TO COORDINATE PROJECT INSPECTION SCHEDULES AS REQUIRED BY SPECIFICATIONS.
- ALL AREAS NOT PLANTED IN TYPICAL GROUND COVER OR HARDSCAPE WHICH ARE LESS THAN 3:1 SLOPE SHALL RECEIVE 4" MIN. DEEP OF-SPECIFIED MULCH, SUBMIT SAMPLE TO OWNERS REPRESENTATIVE FOR APPROVAL PRIOR TO APPLICATION.
- WEED CONTROL: KILL AND REMOVE ALL EXISTING WEEDS FROM SITE AREA. FOR PREVENTION OF WEED SEED GERMINATION WITH HYDROSEED OPTION ONLY SPRAY ENTIRE PLANTING AREA SOIL WITH A PRE-EMERGENT HERBICIDE AS RECOMMENDED AND APPLIED BY AN APPROVED PEST CONTROL ADVISOR AND APPLICATOR MINIMUM OF 60 DAYS BEFORE HYDROSEEDING AND BEFORE ROOTED GROUND COVERS HAVE BEEN PLANTED. THE HERBICIDE SHALL BE APPLIED TO DRY SOIL. THEN, WITHIN ONE HOUR OF APPLICATION INCORPORATED INTO THE SOIL BY IRRIGATION FOR A MINIMUM OF 15 MINUTES. AVOID WATER RUN OFF OR SOIL EROSION AFTER THE PRE-EMERGENT HERBICIDE HAS BEEN APPLIED. COORDINATE HERBICIDE APPLICATION WITH HYDROSEEDING OPERATIONS.
- SOIL TEST: AFTER ALL SOIL HAS BEEN IMPORTED TO THE SITE BUT BEFORE SOIL PREPARATION, THE CONTRACTOR SHALL OBTAIN A SOIL TEST FOR AGRICULTURAL SUITABILITY AND FERTILITY PREPARED BY A CALIFORNIA ASSOCIATION OF AGRICULTURAL LABORATORIES MEMBER. FURNISH (2) COPIES OF TEST RESULTS (1) TO THE CITY AND (1) TO THE LANDSCAPE ARCHITECT.
- SOIL PREPARATION: THE FOLLOWING SOIL AMENDMENTS SHALL BE FOR BLD PURPOSES ONLY. FINAL SOIL AMENDMENTS TYPES AND QUANTITIES SHALL BE BASED ON SOIL TEST RECOMMENDATIONS. ROTOCULT THE FOLLOWING AMENDMENTS 6" INTO THE SOIL AT RATES INDICATED PER 1,000 SQUARE FEET:
4 CU. YDS. NITROGEN STABILIZED SANDMUST
120 LBS. GFSRUM
125 LBS. GPO POWER PLUS



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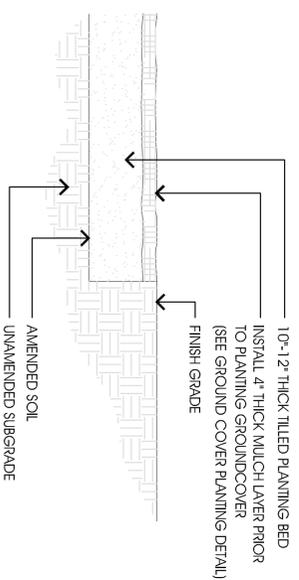
PROJECT:
BEVMO!
Santa Barbara, Ca.

SHEET TITLE:
PLANTING PLAN

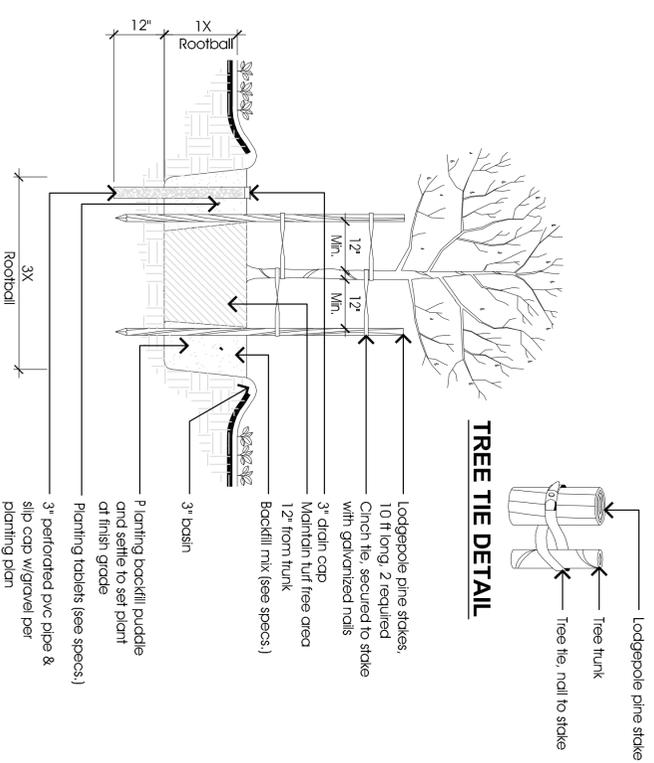
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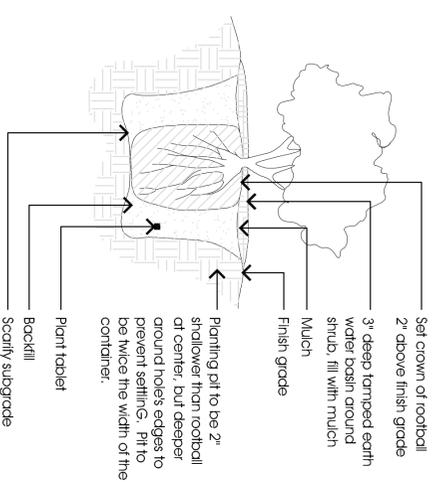
SHEET:
L-4



3 MULCH LAYER
SCALE: NONE



1 TREE PLANTING
SCALE: NONE



2 SHRUB PLANTING
SCALE: NONE

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PROJECT:
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SHEET TITLE:
PLANTING DETAILS

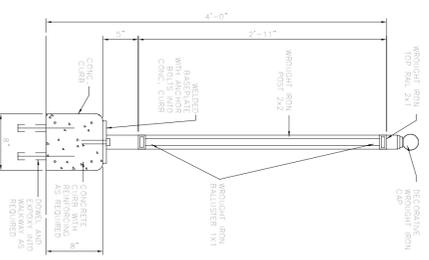
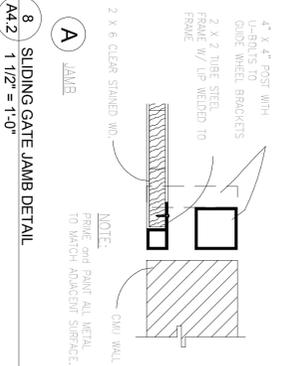
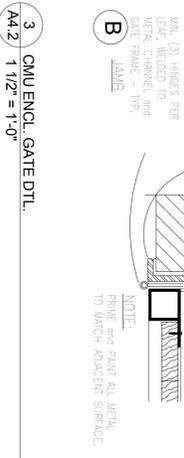
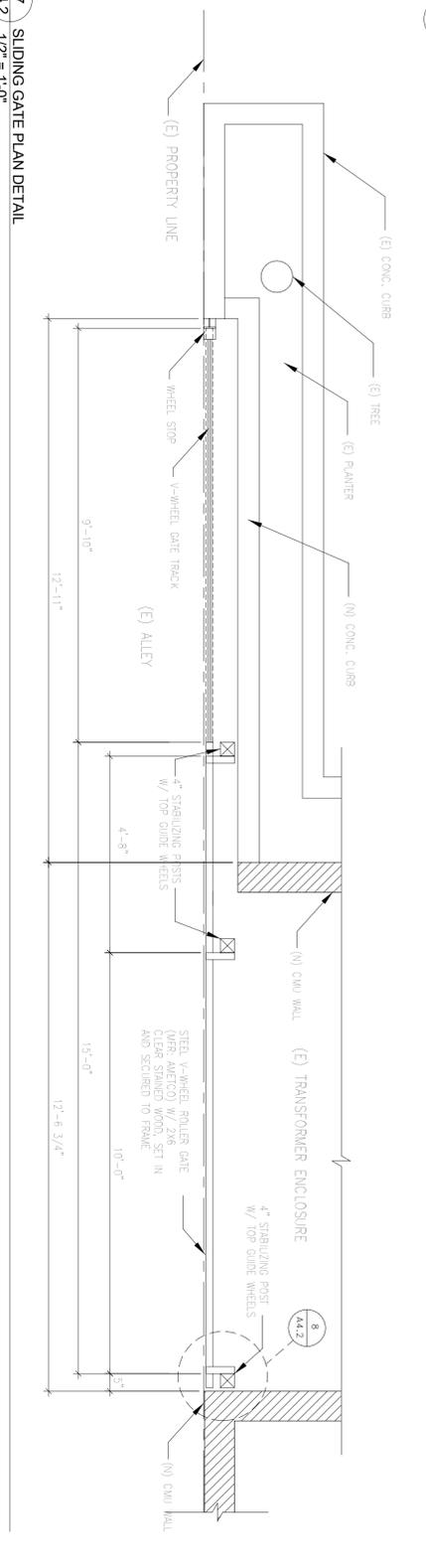
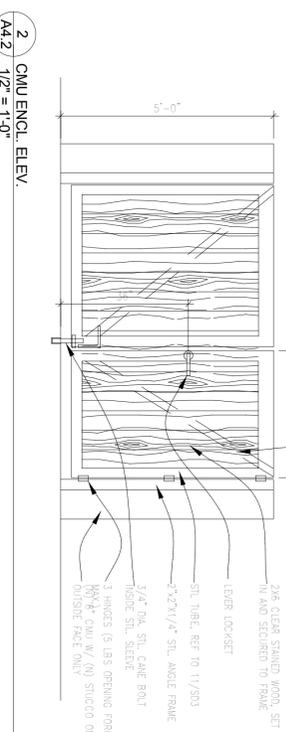
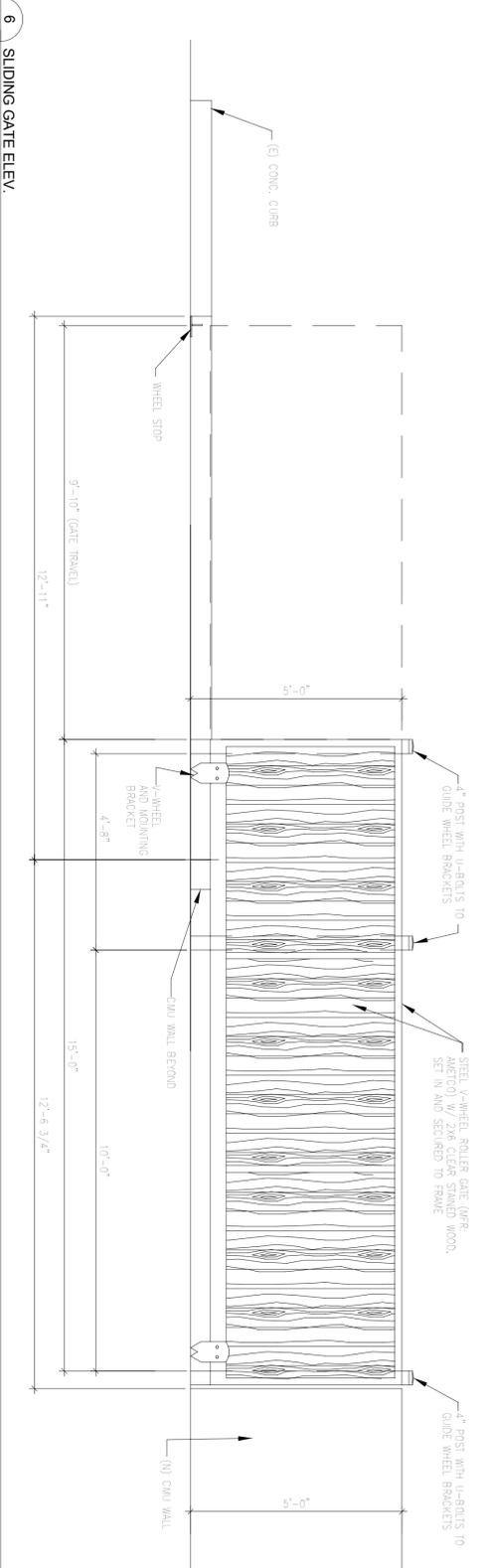
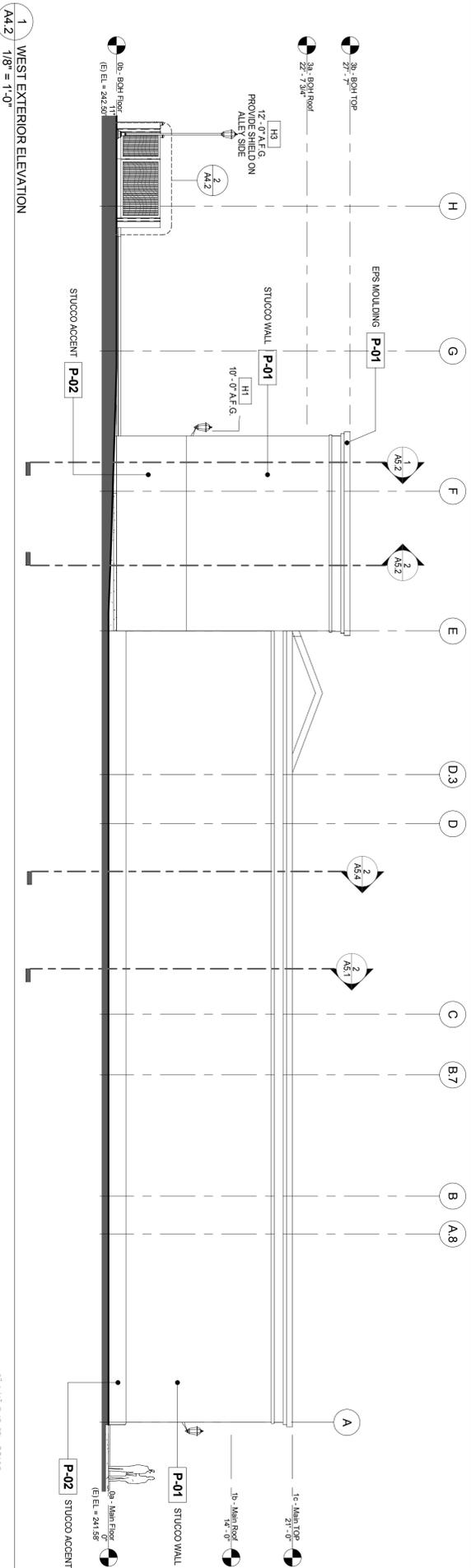
JOB NO.:
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DRAWN BY: ML
CHECKED BY: RD
DATE: 04.27.10
SCALE: 1" = 10'

SHEET:
L-5

- GENERAL NOTES**
- ALL EXTERIOR STRUCTURE, MATERIALS, FIXTURES, AND FINISHES ARE EXISTING TO REMAIN UNLESS OTHERWISE NOTED.
 - SIGNAGE (N.I.C.) UNDER SEPARATE PERMIT. SIZES AND LOCATIONS TO BE DETERMINED

MARK	MFR	MODEL	Comments
F-01	Sunbrella	Forest Green	Awning
P-01	Frazee	Soya CL-2531W	Stucco Wall
P-02	Frazee	Frazer CL-1495D	Stucco Base
P-03	Kybur 500	Dark Bronze	Stairfront (Paint exist. windows Frazee Painter CL-3227N)
P-04	Frazee	Barndt CL-2877N	(E) Wood Trims & Roof Eave
P-05	Frazee	Boundary CL-3177N	Wrought Iron (Awning, Cart Corral, Coach Light Fixtures)



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3052 State Street
Santa Barbara, CA 93105

HAYASHIDA ARCHITECTS
1250 45th St, Suite 340
Emeryville, CA 94608
Tel (510) 428-2491
Fax (510) 428-9491
www.hayashidaarchitects.com

2.4A

EXTERIOR ELEVATIONS

Project number: 09-4360-20
Date: APRIL 29, 2010
Drawn by: DN
Checked by: DI

A4.2

No.	Description	Date	By
1	Permit Set	11/11/10	DN
1	Planning Dept Review	2/18/10	LF
2	ABR Review	3/19/10	LF
3	ABR Review 2	4/9/10	DN
4	ABR Review 3	4/28/10	DN
5	ABR Review 4	5/17/10	DN
6	Plant Check Response	5/18/10	DN

ERIC MARQUART
JIM SIMPSON
MIKE LEONS
BOB TAYLOR

ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

3052 STATE ST

MST2010-00016

COMM ALTERATION

Page: 1

Project Description:

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:

7/27/2010 ***CC-ABR Appeal Filed***

7/12/2010 ***ABR-FYI/Research***

Mailing labels for ABR appeal to CC prepared by Tony Boughman.

5/17/2010 ***ABR-Final Review Hearing***

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

(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).

Activities:

5/17/2010 ***ABR-Final Approval - Project***

5/10/2010 ***ABR-Prelim Approval - Details***

5/10/2010 ***ABR-Consent (Referred by FB)***

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

A letter of concern from Paula Westbury was acknowledged.

Preliminary Approval of landscaping with conditions:

- 1) Substitute Strelitzia (bird of paradise) with pittosporum tobira variegata.*
- 2) Add 1-gallon Phormium Tom Thumb plantings.*

5/4/2010 ***ABR-Correspondence/Contact***

Ok to sub it for Building permit plan check per P. Casey. No permit issuance until final ABR approvals.

5/3/2010 ***ABR-Final Review Hearing***

(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.

Activities:

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).

4/19/2010

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.*

Activities:

- 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).

4/12/2010**ABR-Resubmittal Received**

3 sets rec'd for FB review.

4/12/2010**ABR-Consent (Referred by FB)**

(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.

4/7/2010**ABR-FYI/Research**

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).

Activities:**4/5/2010*****ABR-Concept Review (Continued)***

(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).

Activities:

4/5/2010 ***ABR-Prelim Approval - Project***

4/1/2010 ***ABR-Resubmittal Received***

Plan substitution with response to transportation comments received at Counter.

3/16/2010 ***ABR-Resubmittal Received***

3/8/2010 ***ABR-Concept Review (New)***

(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:

- 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.*

Activities:

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).

2/22/2010

ABR-Resubmittal Received

Resubmittal received to address preliminary plan check comments.



City of Santa Barbara
Planning Division

Memorandum

DATE: April 16, 2010

TO: Planning Commission
Architectural Board of Review

FROM: Jaime Limón, Senior Planner

SUBJECT: Beverages and More 3052 State Street Proposal
Consistency with Upper State Street Area Design Guidelines

The Planning Commission has requested that staff provide a consistency analysis check for the Beverages and More (BevMo!) 3052 State Street Proposal and the Upper State Street Area Design Guidelines (USSDG).

Typically, this consistency analysis is completed by a case planner prior to Concept reviews. However, this analysis was not provided to the Architectural Board of Review (ABR) since the project did not have a case planner assigned as it is not subject to Planning Commission review and so design review staff is providing the analysis at this time.

The project is scheduled for Final ABR approval next week, it is suggested that consistency with USSDG should be examined carefully prior to granting Final Approval of the project.

Staff review shows that there are a number of project components (12 topics) which, if they were included in the project, would increase the project's consistency with the USSDG. Following is an analysis of project components and guidelines. Given the number of inconsistencies with the USSDG, the ABR should document why these project components can not be incorporated implemented into this major demolition/remodel project.

For each topic discussed, applicable guidelines are reproduced in Times New Roman font after the discussion. In some cases, applicable phrases of the USSDG are bolded for emphasis in the quoted text.

I. Project Consistency with USSDG

The parking lot layout appears consistent with the USSDG, in that the layout allows for access from the alley. (Guidelines 5 and 6).

Goal: Develop parking policies and management strategies that help reduce Upper State Street congestion.

Guidelines:

5. **Parking Guidance.** Reference the City of Santa Barbara's Standards for Parking Design and Architectural Board of Review Guidelines to assist in determining appropriate parking layout design for redevelopment, addressing factors including size and depth of lot, scenic view considerations on the north and south sides of the street, avoiding or removing barriers between parking lots, consideration for minimizing driveway curb cuts and proximity to connecting side streets and alleys. Also see Guidelines 60 and 61 which discuss parking lot access design to avoid mid-block street congestion.

6. **Rear Parking.** In general, parking at the rear of buildings creates a pleasant streetscape, can be more easily accessed from alleys and driveways on side streets and may reduce the number of driveways on State Street. Per Guideline 17, parking to the side or front of a building can be appropriate where there are special view considerations. Other exceptions to this guideline in the East and Central sub-areas are considered for remodels, new buildings on small lots, and building addition projects when the proposed alternative layout:

- Provides setbacks and building orientations compatible with existing adjacent development setbacks and building orientations.
- Respects surrounding business patterns and uses.
- Improves circulation within the project's block.

Exterior materials and colors. The tile roof, stucco and colors appear consistent with USSDG.

Goal: Preserve and enhance the unique character of Upper State Street and its sub-areas and sub-neighborhoods.

Guidelines:

11. **Key Characteristics.** The Upper State Street corridor, sub-areas, and sub-neighborhoods have key characteristics that define their character and sense of place. Proposals should be within a range of architectural styles and materials appropriate within each sub-area. Inclusion of more contemporary styles and natural materials such as sandstone, stucco, and tile is encouraged in the Upper State Street corridor.

44. **Color in Architecture.** Light colors typical of those found in Mediterranean buildings is preferred. This includes pastels and mottled color combinations.

46. **Exterior Finishes.** The use of plaster as an exterior material is encouraged. Additional quality materials such as wood, masonry or tile may also be used. An appropriate mix of materials may be employed to add variation and articulation to architectural forms and styles. Excessively reflective or mirrored exterior

materials shall be avoided. Glazing and fenestration should be used in a manner which is consistent with the proposed building's architectural style. Larger glazing areas should be articulated to provide scale to openings. Glass which is excessively tinted or mirrored shall be avoided.

II. Project Inconsistencies with USSDG

Topics covered in this memo where the project's consistency with USSDG guidelines could be better include:

Entrance Location	Landscaping – Views Preservation
Connecting Pedestrian Paseo	Sidewalk Tree Grates
Trash Dumpster Location	Lighting
Front Façade	Signage
Adjacent Bus Stop Opportunities	Shopping Carts
Bicycle Parking	Warehouse Activities

Entrance Location. A pedestrian entrance located closer to State Street would be much more consistent with USSDG #45 than the current entry location. A pedestrian entrance closer to State Street would also bring consistency with guidelines listed for “front façade” guidelines, listed below.

45. **Entrances.** Entries should be generously proportioned and visually transparent to encourage connections to the public realm. Main entrances should address the street. Secondary entrances may be located to connect to parking.

Connecting Pedestrian Paseo. Guidelines 13, 19 and 62 call for paseos to connect commercial and nearby residential uses to facilitate a pedestrian environment. Analysis of this block shows that this site provides superior opportunity for such a paseo compared with most other properties on this block. Continuing the pedestrian path from State Street all the way through to the rear alley would accomplish a pedestrian paseo and better consistency with these guidelines. One short-term consideration is that the current proposed use of this building may create a stronger desire among neighbors to have a stronger buffer and separate this use from the adjacent neighborhood and to not have a paseo connecting this property through to State Street.

13. **Paseos.** Incorporate pedestrian-scale paseos in new development to facilitate interaction and transportation connections between the commercial corridor and surrounding residential areas.

18. **Pedestrian Buffers.** Buffer pedestrian facilities from automobiles, particularly in locations where parking lines commercial development and cars overhang the sidewalk.

19. **Paseo Connections.** Where there are opportunities, establish paseo connections between retail areas and residential neighborhoods; consider public safety and maintenance issues in determining locations and design.

Goal: Improve pedestrian and bicycle facilities within the corridor, and increase connectivity between parcels and between the commercial corridor and surrounding neighborhoods. Implement streetscape improvements and pedestrian and bicycle connections through private projects.

61. **Access Management.** Development projects should incorporate the following access management techniques:

a. Achieve uniform spacing of driveways along the street as much as possible.

b. Require complete on-site circulation including safe pedestrian paths.

c. Ensure design of adequate driveway throat length to avoid a conflict with the flow of off-site traffic and provide adequate corner clearance.

d. Orient lots, buildings, and access points to side streets when feasible.

62. **Pedestrian Connections.** Improve sidewalk connections along cross streets and establish more paseo connections through parcels to increase pedestrian connectivity throughout the corridor as parcels are redeveloped. (See Figure 8 for locations for cross-street sidewalk improvements, and blocks where new mid-block pedestrian paseos would improve connectivity.) Establish long-term operation and maintenance agreements to assure paseos' availability for public use.

Trash Dumpster Location. Guidelines 14 and 53 call for reducing incompatible structure adjacencies between commercial and residential uses and screening trash enclosures with landscaping. Demolition of approximately 25% of the floor area of buildings on this site and creation of 10 new parking spaces on the site would appear to present ample opportunity to relocate the trash dumpster away from the property line that is closest to the single-family residential area and closer to the commercial structure. Setting the trash enclosure further within the site could allow for greater landscape screening opportunities.

14. **Neighborhood Compatibility.** Development proposals should be compatible with their surrounding sub-area and sub-neighborhood. For commercial developments adjacent to residential uses, separation and buffering between residential and commercial development and landscaping are especially important.

53. Landscape design should identify entrances to buildings and parking lots, direct traffic and pedestrian flow, and screen objectionable views (i.e. trash enclosures, backflow preventers, etc.).

Front Façade. Given the demolition of 25% of the site's existing square footage, addition of ten parking spaces and other changes, attention to the front façade of the structure for guidelines consistency is appropriate. USSDG call for pedestrian friendly details such as street furniture, display windows and human scale elements. Given the current indented façade design, provision of street furniture such as quality news racks, planter or foundation landscaping, bike parking and display windows rather than recessed highly mullioned windows would be more consistent with these guidelines. A

true arcade style façade or an awning system overhanging the sidewalk would be an optimal pedestrian friendly solution for this site, consistent with Eastern Sub Area pedestrian-friendly façade patterns.

11. **Key Characteristics.** The Upper State Street corridor, sub-areas, and sub-neighborhoods have key characteristics that define their character and sense of place. Proposals should be within a range of architectural styles and materials appropriate within each sub-area. Inclusion of more contemporary styles and natural materials such as sandstone, stucco, and tile is encouraged in the Upper State Street corridor.

14. **Neighborhood Compatibility.** Development proposals should be compatible with their surrounding sub-area and sub-neighborhood. For commercial developments adjacent to residential uses, separation and buffering between residential and commercial development and landscaping are especially important.

17. **Landscaping.** Incorporate landscaping at building frontages to improve the pedestrian environment aesthetically, and in parking lots to screen automobiles and provide shade.

23. **Front Setback Use.** The use of land within the front yard along State Street should be carefully considered to promote a pedestrian friendly streetscape. Public amenities such as landscaping, patios, fountains, outdoor dining and gathering spaces where public vistas can be enjoyed and street furniture, including refuse receptacles, bicycle parking and news racks are encouraged.

Goal: Achieve high appropriate quality aesthetically pleasing architecture within the Upper State Street Area.

42. **Architectural Elements.** Architectural features which help to soften and humanize a building are recommended. These include arches, columns, trellises, deeply recessed windows and doors, moldings and built up planters.

46. **Exterior Finishes.** The use of plaster as an exterior material is encouraged. Additional quality materials such as wood, masonry or tile may also be used. An appropriate mix of materials may be employed to add variation and articulation to architectural forms and styles. Excessively reflective or mirrored exterior materials shall be avoided. Glazing and fenestration should be used in a manner which is consistent with the proposed building's architectural style. Larger glazing areas should be articulated to provide scale to openings. Glass which is excessively tinted or mirrored shall be avoided.

47. **Building Facades.** The facade of a building, particularly at street level has a direct effect on its relationship to the public realm. Its qualities of openness, detailing, setbacks and ornamentation contribute to how welcoming a presence it presents to the passerby.

48. **Street Facades.** To encourage a more pedestrian-friendly streetscape, street facades shall contain storefronts, windows, entries and other scalegiving architectural elements. Facades shall strive to create a visual and physical

connection between a building's interior activities and the pedestrian streetscape to create visual interest for pedestrians. Expanses of blank walls, excessive grade changes, large, raised planters and other physical and visual obstacles between the pedestrian and a building's contents isolate the pedestrian and therefore should be avoided.

57. Encourage foundation planting where planting does not obscure window displays.

Adjacent Bus Stop Opportunities. Also, a bus stop is located in front of the adjacent gas station. Pedestrian furniture to support the bus stop, such as a bench under the covered portion of the building, or provision of a bicycle post under the westernmost portion of the building would increase consistency with guidelines 15 and 34.

Goal: Improve the public streetscape and adjacent pedestrian connections. The landscaping between the parking lot and the sidewalk provides a visual buffer, enhancing the pedestrian experience.

15. **Development Design.** Incorporate elements within site layout and building design to facilitate pedestrian activity and create a lively, pedestrian-friendly environment along the street such as: building entrances and outdoor activity spaces, landscaping, plazas, paseos, fountains, furniture, lighting, trash receptacles, etc. to support pedestrian use and **facilitate use of mass transit.**

Goal: Improve transit facilities and service, and encourage increased ridership.

34. **Seating.** New public spaces should provide as many seating opportunities as possible. Wherever possible provide seating adjacent to bus stops.

Goal: Preserve and enhance the unique character of Upper State Street and its sub-areas and sub-neighborhoods.

Bicycle Parking. Racks should be located where there will be the least possible conflicts between bicyclists, cars, and pedestrians.

- Public racks placed closer to State Street and the alley would be more practical, although the adjoining neighborhood may prefer not to have racks adjacent to the alley. The Standards for Parking Design specify a back-out or maneuvering aisles of at least 5' between the bicycle parking area and the nearest structure or pedestrian or vehicle pathway.
- The location of the "covered" parking in a corner of the proposed warehouse far from the warehouse entrance is not practical, the racks should be adjacent to the warehouse entrance.
- If the bike racks are to remain in the existing proposed location, what is the pavement connection between the parking lot asphalt and the bike parking area?

63. **Bicycle Parking.** Provide quality bicycle parking for both the public and employees, consistent with the Bicycle Master Plan.

Bicycle Master Plan Guidelines:

3.2.3 Locate hitching posts so they are easily seen and accessed from the

bikeway.

3.2.4 Clearly identify alternative location of hitching posts when they can not be placed near the bikeway.

3.2.5 Provide curb cuts and stairwell grooves for access to elevated parking areas.

3.4.8 Consider providing bicycle parking and storage at all transit facilities, bus stops, park and ride lots, and passenger rail and airport terminals.

Landscaping – Views Preservation. Trees selected to preserve mountain views would be consistent with guidelines. Skyline trees are not recommended on the north side of State Street if they would impede views. Therefore, tree choices shorter than Queen Palms trees may be preferable for guideline consistency. Also, it appears the removal of the rear portion of the building may afford mountain views across the gas station and rear of this property to the mountains. As such, low hedges, rather than tall palm trees would be a better choice for view preservation in the northwest corner of the property.

Landscaping selected to be compatible with nearby properties would be consistent with USSG #59. Further information on how the tree selected to be adjacent to State Street is compatible with surrounding properties would be helpful.

20. **Street Trees.** Street tree choices shall be consistent with the Street Tree Master Plan and be appropriate with respect to pedestrian safety, sidewalk maintenance, shade and aesthetic considerations.

Goal: Maintain the backdrop of panoramic mountain views that contributes to the area's sense of place. Protect or establish intermittent and recurring mountain view corridors and viewing locations.

25. **View.** Protect and/or create mountain views when siting new buildings, parking, and streetscapes. See Guideline 17 regarding parking placement strategies to protect views.

Goal: Encourage the generous planting of landscaping as part of development proposals and encourage skyline trees where appropriate. Ensure landscaping is compatible with the natural environment.

28. **Intersection Views.** Protect views at corners that intersect with State Street.

29. **Landscaping and Trees.** Provide appropriate designs and plant species within landscape plans to frame views but not substantially block them.

51. Mature skyline and canopy trees bordering State Street should be preserved and protected. Removal of trees could be considered where views can be enhanced or created.

52. Where planting space permits and views would not be impeded, encourage the planting of large skyline trees such as *Platanus racemosa* (California Sycamore) and canopy trees bordering State Street. Select trees that are visually compatible with the existing street trees.

59. Use landscaping elements that complement the characteristics of nearby developments.

Sidewalk Tree Grates. If tree grates were proposed in the tree wells for the existing sidewalk palm trees, consistency with guideline #55 would be demonstrated.

55. Use flush tree grates around tree trunks and steel reinforced paving around planters in sidewalk areas. Root barriers should be installed where buttressing root species are planted

III. Additional Details Needed

Project consistency with USSDG for the following topics cannot be determined until additional project information is submitted.

Lighting. Guideline 61.b calls for lighting to ensure safe pedestrian pathways. A lighting plan for the parking lots, the pedestrian connection between State Street and the entrance, and the warehouse entrance should be detailed, including photometrics. The ABR may consider routing the plans to the Police Department to ensure lighting proposals meet their standards for safety at this site. Additionally, lighting needs to be directed and shielded to minimize impacts on the adjacent single family neighborhood.

Goal:

- Ease and safety of ingress and egress shall be given careful consideration.

9. **Parking lot lighting.** Parking lot lighting shall be integrated with trees. It is preferred that pole lighting be limited to twelve (12) to fourteen (14) feet in height. Trees should be in scale with pole-mounted light fixtures.

10. **Lighting adjacent to State Street.** Parking lots adjacent to portions of State Street that have street lighting should consider whether additional parking lot lighting is necessary.

56. Tree planting design should not be compromised by lighting requirements; however, adequate lighting for safety at night is to be provided.

Signage. Will there be a pedestrian scale sign hanging over the sidewalk consistent with signage on other Easter Upper State Street structures? Will there be a ground sign in the front pedestrian planter? Planning for sign infrastructure at the ABR stage of review may be desirable to ensure consistency with pedestrian friendly and signage USSDG.

49. **Ground-Lit Signage** is encouraged so as to integrate with the rest of the exterior lighting of the building.

Shopping Carts. Other BevMo! stores apparently provide shopping carts for customers. Are carts proposed to be stored for customer use outside the building? Where will carts collected from the parking lot area be placed?

53. Landscape design should identify entrances to buildings and parking lots, direct traffic and pedestrian flow, and **screen objectionable views** (i.e. trash enclosures, backflow preventers, etc.).

Warehouse Activities. BevMo! apparently has a large on-line shopping business component. Is this property proposed to be used to ship internet orders from the warehouse? If so, could the delivery truck pick up location affect the adjacent single family neighborhood and could there be a less impactful shipping location at this site?

2. Building Dimensions and Spacing. ...Buildings should not loom over smaller residential neighbors nor compromise the privacy of their exterior spaces.

IV. Design Review Compatibility Analysis.

1. Compatible with guidelines – “no” for USSDG, see above.
2. Architectural character of city and neighborhood. The existing front façade and trash enclosure are not compatible with neighboring Eastern Subarea pedestrian friendly street facades. Depending on their design, lighting and signage components could be inconsistent with city and neighborhood character.
3. Appropriate size, mass, bulk, height and scale. The building is not expanding, the reduction in size poses no issues here.
4. Adjacent Landmarks/Historic Resources. Not applicable.
5. Public views of the ocean and mountains. The project may slightly expand mountain views for those traveling eastward on State Street if trees are not planted to obscure the newly “opened up” area where the partial demolition of the existing structure is proposed.
6. Use of Open Space and Landscaping. See item 5 comments, above.

Guidelines:

40. **Compatibility Analysis.** Carefully consider the required Compatibility Analysis Criteria listed in Chapter 22.68 of the Santa Barbara Municipal Code to ensure that development is compatible within the context of the block, neighborhood, and sub-area.