LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

July 20. 2010

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

RE: Breathe Easy Santa Barbara Appeal of ABR Approval – BevMo! Project

Dear Clerk:

This office represents Breathe Easy Santa Barbara, a community group made up of neighbors, parents and community with serious concerns about the recently approved BevMo! Project in the Upper State Street neighborhood. This letter supplements Breathe Easy Santa Barbara's appeal filed on May 27, 2010.

1. Hearing Should Be Continued until Full Council Present

We understand that Councilman Bendy White will not be present on July 27th when this appeal hearing is scheduled. We feel that the full Council should be present to weigh-in on this Project and the important land use implications it raises, and accordingly we request that the hearing of July 27th be continued until such time as the full Council may be present. If the Council is evenly split and unable to reach a majority in favor of the appeal, we ask that the hearing be continued until Councilmember White can review the tape and participate in decisionmaking.

2. Scope of Appeal: Preliminary vs. Final ABR Approval

It has been asserted that Breathe Easy's appeal must be limited in scope to inconsistencies between the preliminary approval of April 5, 2010 and the final approval of May 17, 2010, based on the ABR appeal provisions of the Municipal Code. Contrary to this assertion, the scope of Breathe Easy's appeal contained in the appeal letter of May 26, 2010, and supplemented by this letter, is wholly authorized and appropriate because findings required for preliminary approval were not made until the final approval stage, effectively rendering the preliminary approval of April 5 incomplete and ineffective and shifting the discretionary approval to the Final Approval.

The Project underwent conceptual review on March 8 and April 5. The April 5 agenda identified the BevMo! project as a "conceptual review" item (but stated that action may be taken if sufficient information is provided). ABR did not consider or make findings of consistency with the Upper State Street Design Guidelines ("USSDG"), required by section 2.8.B of the ABR Guidelines, as part of the "preliminary approval" granted on April 5. Rather, it wasn't until the April 19th "final review" hearing that City Staffperson Jaime Limon clarified that the USSDG

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

apply and provided the Board members with a memo analyzing the Project's consistency with the guidelines (*see* Exhibit 1). Specifically, the memo explains:

> 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. As requested, design review staff is providing the analysis at this time.
>
> The project has received Preliminary approval and is scheduled for Final ABR approval for Architecture and Landscaping next week. **It is suggested that consistency with USSDG should be carefully re-examined prior to granting Final Approval for the project**.

(Exhibit 1, emphasis added).

This statement makes clear that the City erred early on in the processing of this Project, and as a result the Project was presented for conceptual and then preliminary review without the necessary prerequisite consistency analysis or findings. The public was deprived of a transparent, linear, or even predictable process, with preliminary considerations of compatibility deferred until the last stages. Appellant Breathe Easy must not be penalized for the City's own failure to adhere to required procedures that confound the appeals procedure for prospective appellants. Moreover, it follows from the Municipal Code itself that the appropriate approval to challenge in this instance is the Final Approval. Specifically, per Section 22.68.100 of the Municipal Code, "[i]f a project was granted an approval without a Preliminary Approval decision, the Final Approval decision is the substantive decision that may be appealed."

In addition to deferring the discretionary portion of ABR review to the Final Approval stage, the flawed process utilized by the City with respect to this Project also hamstringed the ABR's ability to shape the Project to address the identified inconsistencies. The memo concluded that twelve Project components required modification to achieve consistency with the USSDG, but suggested that ABR "document for the record why these project components are not being triggered or can not be readily incorporated into this major demolition/remodel project." (Exhibit 1, p. 1). This ad-hoc approach to addressing inconsistencies with the USSDG is not sound planning and results in a Project that still flagrantly violates the USSDG, as discussed in more detail in the following section of this letter.

3. Inconsistencies with the Upper State Street Design Guidelines

In April of 2006, community concerns about development proposals in the Upper State Street area prompted the City to undertake a study of the Upper State Street commercial corridor between Highway 101 and Calle Laureles. (Exhibit 6, Upper State Street Study (USSS) (2007),

p. 5). The USSS studied issues including traffic circulation, urban design, area character, streetscape design, and scenic views, among other things. (Exhibit 6, p. 5). The USSS specifically iterates the goal of protecting and enhancing the USS corridor's limited vehicle capacity and to prevent future congestion increases. (Exhibit 6, p. 4-25). The result of the USSS was the development and adoption of the Upper State Street Design Guidelines.

As discussed above, the BevMo! Project is inconsistent with the USSDG and was conditioned to bring the Project into closer conformity with those guidelines. However even as conditioned, the Project remains inconsistent with the USSDG various respects, including the following:

Streetscape, pedestrian and bicyclist experience. The USSDG include various guidelines addressing the streetscape along Upper State and the quality of the pedestrian and bicyclist experience, and the Project is inconsistent or potentially inconstant with many of these policies including the following: entrance location (Guideline 45), lack of pedestrian paseo (Guidelines 13, 18, 19, 61 and 62), front façade (Guidelines § 11, 14, 17, 23, 42, 46, 47 and 48). Minimal changes were required in the Project to address these inconsistencies, and were largely limited to providing "pedestrian oriented features" including decorative lamp posts and planting areas (*see e.g.* Exhibit 3, ¶ 2). Meaningful changes that would achieve consistency with these guidelines including altering the existing façade and setback of the building were apparently not considered, even though other portions of the building were modified and eliminated to provide parking areas. If the building could be modified and partially razed to address parking, it could and should also be modified to provide the minimum setbacks required by applicable zoning and to address streetscape goals.

Trash Dumpster Location. The Project is identified as inconsistent with Guidelines 14 (Neighborhood Compatibility) and 53 (Screening of objectionable views, i.e. trash enclosures) by virtue of the trash dumpster's location adjacent to residential uses. Staff suggests relocating the trash dumpster away from the property line closest to the residential area and closer to the commercial structure. (Exhibit 1, p. 4). It appears that the applicant was not required to relocate the trash enclosure, but rather only required to alter the design and color of the enclosure. With the implemented changes the Project remains inconsistent with these Guidelines because neighborhood compatibility issues associated with trash enclosures including odor, periodic refuse dumping and dumpster servicing noise are not addressed by mere cosmetic changes to the enclosure. It is unclear how City recycling objectives are met - the facility will generate a substantial volume of recyclable materials that should be managed properly along with the refuse.

Due to the ad-hoc manner in which these important guidelines were considered, alterations in the building design including reducing floor area in the front of the building as opposed to the rear (*see* section 6, *infra*), were not meaningfully considered during the ABR process.

4. Traffic Study Needed to Determine Consistency with S-D-2 Zone Designation and City Charter

The intent and purpose of the S-D-2 overlay "to ensure appropriateness of development and to mitigate traffic impacts where possible." USSDG p. 1-1; Municipal Code § 28.45.008 (B). Despite this clear mandate, the potential for BevMo! to overwhelm area roadways and intersections as demonstrated by the recent introduction of Trader Joes and Whole Foods, was not studied in any meaningful fashion prior to ABR approval of the Project. It appears that Staff only considered impacts to the State and De La Vina intersection (*see* Breathe Easy Appeal Letter, Exhibit 4, p. 4), however BevMo! will serve a regional customer base that will utilize nearby intersections and highway interchanges. Traffic analysis done as part of the Upper State Street Study (MMA 2007 Report) determined that the Las Positas Road and State Street intersection, and Las Positas Road and Calle Real intersections, both in the vicinity of the proposed BevMo! location, currently operate below the City's adopted Level of Service (LOS). (Exhibit 6, p. 4-2).

Additionally, the lack of a comprehensive public traffic analysis sweeps regional traffic issues under the rug. Staff's non-public "back of the envelope" traffic analysis assumed much of the Project's peak hour trips will be directed into neighborhoods and along surface streets, while in fact, as a self-described "superstore" BevMo! will attract traffic from throughout the south coast, virtually all of which will access via Highway 101 and one of two overburdened interchanges - 101 and Las Positas or 101 and Mission.

Moreover, it appears that Staff also failed to consider potential future cumulative impacts to roadways critical to Project access, despite the congestion along Upper State recognized in the USSS. Specifically,

> Upper State Street congestion levels are intrinsically related to the congestion levels on the paralleling Highway 101. When freeway congestion levels drop to stop-and-go conditions, traffic diverts to Upper State Street. This condition heavily burdens the street with very poor to failing levels of service that are worse than the typical conditions analyzed in this report. Although currently infrequent, this condition will occur more often over time if freeway congestion generally worsens. The Santa Barbara County Association of Governments is currently estimating continuous failing conditions for Highway 101 in 2030 if no improvements are constructed, such as additional lanes.

(Exhibit 6, p. 4-3).

Staff's cursory traffic analysis assumed free flowing traffic conditions. When State Street is jammed, BevMo! customers and employees will likely access the project through the adjacent residential streets, further impacting the safety and air quality of adjacent neighborhoods.

Additionally, the City defines 'traffic impacts' as including pedestrian and bicycle safety hazards. (*See* Exhibit 7 City Traffic Impact Significance Thresholds from Plan Santa Barbara (March 2010 Draft)). Discussed in section 10.C.i, *infra*, the State and De La Vina intersection is recognized as unsafe for pedestrians and bicyclists as well as automobiles *without* the addition of BevMo! traffic. Despite this, there is no evidence that Staff or ABR considered the potential for BevMo! to significantly increase these hazards by adding vehicular traffic to the already unsafe intersection. Further, there is no evidence Staff or ABR considered ways to mitigate traffic impacts related to the pedestrian, bicyclist, or traffic *safety* at the State and De La Vina intersection.

ABR's approval of the Project without ensuring the appropriateness of BevMo! in its proposed location adjacent to an unsafe intersection, without analyzing the Project's impacts on other nearby intersections and highway interchanges or roadway segments, and without mitigating traffic impacts wherever possible, fails to comport to the requirements of the S-D-2 zone. Additional study, analysis and mitigation is required and clearly warranted before introducing yet another high-traffic generating store to the Upper State Street area.

5. <u>Inadequate Parking Analysis to Determine Consistency with City Charter</u>

City Staff has stated that they only look for compliance with the parking ordinance which requires one space per 250 square feet of net floor area (*see* Muni Code § 28.90.100.K.4). However ABR is also required to evaluate consistency with the City Charter including section 1507 which provides in relevant part:

> It is hereby declared to be the policy of the City 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.

Mere compliance with the Municipal Code parking requirement for the S-D-2 zone does not account for the anticipated popularity of BevMo!, for tasting and other events that will draw larger crowds, and for the employee parking demand and associated spillover effects to the adjacent residential neighborhood. The Upper State Street Study specifically documents community experience with popular destinations including Trader Joes drawing more cars than they can accommodate (Exhibit 6, p. 9) and with inadequate employee parking and unmet parking demand affecting residential areas near De La Vina (Exhibit 6, p. 10).

Additionally, the Santa Barbara BevMo! would be the only BevMo! in the County and moreover the only BevMo! within an over 60 mile radius (*see* Exhibit 9). The chain is known for competitive prices and an "inviting and entertaining environment" provided by tasting events, for

example with "personal appearances by noted winemakers" (see Breathe Easy Appeal, Exhibit 1). A store of this nature could easily draw as much if not more traffic than Trader Joes and/or Whole Foods, completely overwhelming the Upper State Street corridor.

Only through thorough traffic and parking analysis can the City be informed regarding the impacts of BevMo! and the consistency of the Project with City Charter section 1507.

6. Failure to Consider Size Bulk and Scale

Municipal Code § 22.68.045.B.3 requires that ARB consider whether the size, mass, bulk, height, and scale is appropriate for its location and its neighborhood. However, ARB didn't actually consider size bulk scale issues in their deliberations. Staff's USSDG Consistency Analysis memo states than an analysis of size, bulk and scale is not applicable because "[t]he building is not expanding, the reduction in size poses no issues here." While the Project results in a net decrease in floor area of 3,046 square feet, the proposal raises size, bulk and scale concerns that the ARB should have considered. (*C.f.* Exhibit 1, p. 4 ("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 structures is appropriate.")) This is particularly true considering that the existing building extends into the front setback of 20 feet, violating the clear requirements of the S-D-2 Zone Designation (see Muni. Code § 28.45.008.D.4). And while the applicant will tear down buildings on site and remove portions of the rear of the building, they were not pushed, asked, nor did they volunteer to remove portions of the building in the setback. (*See* Exhibits 2, 3 and 8).

Changes to the front of the building could also resolve the Project's inconsistency with USSDG requirements for front facades identified by Staff. Specifically Staff concluded that "A true arcade style façade or an awning system overhanging the sidewalk could achieve consistency with the USSDG (see Exhibit 1, p. 4). So while the City appears to be fearful of trying to mandate demolition of the front of the building to conform to setbacks and USSDG policy, ARB should have considered size, bulk, and scale since this building so flagrantly violates the setback and their failure to do so was error. Importantly, this store, if successful, could become a fixture in its current location and remain for decades, confounding ongoing efforts to bring the entire Upper State Street corridor into compliance with pedestrian, bicycle and streetscape goals.

7. City Charter and General Plan Consistency Missing from the Consistency Findings

Required consideration of Project compatibility under to SBMC § 22.68.045 includes the Project's compliance with City charter requirements. Moreover, Section 2.8.B of the ABR Guidelines, "Findings to Approve a Project" states "[i]n order to approve a project, the ABR shall make a finding that the project is consistent with any applicable laws and guidelines." These required findings encompass not only provisions of the City Charter, but of the City's General Plan as well.

A. City Charter § 1507

Section 1507 of the City Charter declares that the City's policy is that

> 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. In making land use decisions, the City shall be guided by the policies set forth in this section. In furtherance of these policies, no amendments to the City's General Plan and Zoning Ordinance shall be effective unless approved by five (5) affirmative votes of the City Council. Upon such approval, General Plan and Zoning Ordinance amendments shall be conclusively presumed to comply with the policies set forth herein.

For reasons described above, the BevMo! Project does indeed exceed the physical resources of the City, namely the traffic and parking capacity. The recent Trader Joes and Whole Foods markets which attract large traffic volumes, have tested the limitations of the Upper State Street corridor to absorb additional vehicle trips, employee parking, and overflow customer parking. (*See* Exhibit 6, pp. 9-10). Moreover, the proposed BevMo! will be the only BevMo! in Santa Barbara County and the only BevMo! within an over 60 mile radius (nearest BevMo! stores being in Thousand Oaks (62 miles from the proposed BevMo! location), Simi Valley (62 miles), Valencia (72 miles) and San Luis Obispo (73 miles) (*see* Exhibit 9, BevMo! website: store locations near 93105), making the store a regional attraction.

B. General Plan Circulation Element

Section 2.8.B of the ABR Guidelines requires that the ABR shall make a finding that the Project is consistent with any applicable laws and guidelines. Laws and guidelines applicable to the Project include the City's General Plan. Moreover, the General Plan is the constitution for all future development such that any decision of the City affecting land use and development must be consistent with the City's General Plan. *Citizens for Goleta Valley v. Board of Supervisors* (1990), 52 Cal. 3d 553, 570. Projects inconsistent with the General Plan may not be approved. *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors of El Dorado County* (Cal. App. 3d Dist. 1998) 62 Cal. App. 4th 1332, 1336. "An action, program or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." Governor's Office of Planning and Research, General Plan Guidelines 128 (1998). A Project may be inconsistent with the General Plan even where the proposed development violates only one policy in the general plan. *See San Bernardino Valley Audubon Soc'y v. County of San Bernardino*, 155 Cal. App. 3d 738, 753 (Cal. App. 4th Dist. 1984); *see also Families Unafraid*, 62 Cal. App. 4th at 1341.

The record shows no evidence that ABR considered the Project's consistency with the General Plan. In particular, the Project appears to conflict with the Circulation Element of the City's General Plan. Specifically, the Project appears inconsistent with the following Circulation Element policies:

> Policy 1.1 – The City shall establish, maintain, and expand a mobility system that supports the economic vitality of local businesses; Implementation Strategies 1.1.1 (Optimize access and parking for customers in business areas by implementing) and 1.1.4 (Provide adequate infrastructure and info-structure to support the delivery of goods and services to and from area businesses.[1])
>
> Policies of the Circulation Element aimed at reducing dependence upon the automobile, and improving and increasing pedestrian, bicycle use, and transit use.
>
> - Policy 5.1 – The City shall create an integrated pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas, and places of interest.
> - Policy 5.5 – The City shall create and foster a pedestrian friendly environment through physical and cultural improvements and amenities.
> - Policy 5.6 - The City shall make street crossing easier and more accessible to pedestrians.

The record demonstrates that BevMo! was not assessed for compatibility with these important Circulation Element policies, constituting error pursuant to Section 2.8.B. Moreover, the identified inconsistencies suggest a broad and fundamental inconsistency with the Circulation Element as a whole, and as such the City is admonished from approving this Project. (*See Families Unafraid*, 62 Cal. App. 4th at 1336).

---

[1] Although the approved Project will include truck deliveries, the Applicant failed to provide information regarding the warehouse activities of the store, namely whether the Santa Barbara BevMo! would send shipments as part of the on-line shopping business component of BevMo! As noted in the Staff memo regarding the Project's inconsistency with the USSDG, if the Santa Barbara BevMo! will indeed be used for originating online order deliveries, "delivery truck pick up location [could] affect the adjacent single family neighborhood and [there] could be a less impactful shipping location at this site". While BevMo!'s site plans show a diminutive truck in the delivery bay, there is no prohibition against larger highway trucks accessing the project, which would block the alley and involve considerably more truck jockeying, noise and carcinogenic diesel air pollution immediately adjacent to residences.

C. Inconsistency with Plan Santa Barbara

The City is currently undertaking a major revision to its General Plan, "Plan Santa Barbara", which articulates the goals and policies that will shape the City for decades to come. While Plan Santa Barbara has yet to be approved or implemented, sound planning demands that the City assess whether new projects further or hinder the City's impending land use and development goals. BevMo! is inconsistent with various core goals of Plan Santa Barbara including the goal of reducing vehicle use in favor of alternative forms of transportation and generally enhancing community character and sustainability principles (*see e.g* LG13), as well as being inconsistent with policies regarding building set-backs and the pedestrian environment (*see e.g* LG 13.3). These inconsistencies should be documented and evaluated, and means to avoid them identified before this Project may proceed in this constrained location.

8. Additional Evidence that the BevMo! Approval Is Subject to CEQA

ABR is empowered to review and approve, conditionally approve, or disapprove building permit applications. (City Charter, § 814). Here, ABR conditionally approved the Project. Conditions imposed by ABR included those intended to further the Project's consistency with subjective design guidelines, evidencing an exercise of discretion. Furthermore, the Project does not fit within the replacement or reconstruction exemption, and moreover is ineligible for an exemption due to its cumulative impacts and potentially significant impacts due to unusual circumstances.

A. Discretion Exercised in Applying Conditions to Achieve Consistency with the Upper State Street Design Guidelines

As discussed at length in our appeal letter of May 27, 2010, the BevMo! Project cannot be considered exempt from CEQA on the basis of being "ministerial". ABR's conditioning of the Project to better achieve compliance with the subjective USSDG provides additional evidence showing the discretionary nature of ABR's approval decision (*see* CEQA Guidelines § 15369 (ministerial decisions involve the use of only "fixed standards or objective measurements").

The memo Staff prepared discussing the Project's consistency with the USSDG concluded that twelve Project components required modification to achieve consistency with the USSDG. (Exhibit 1, p. 1). The ABR imposed a series of conditions expressly designed to achieve consistency with USSDG. Specifically, ABR made the following comments at the first 'Final' review hearing on April 19, 2010 (note, this hearing was followed by three additional hearings on May 3, May 5, and May 17) to make the Project more consistent with the USSDG. (See ABR Meeting Minutes, April 19, 2010 (Attached as Exhibit 5 to our Appeal Letter of May 27, 2010)).

- Provide location and heights of all mechanical equipment, and *provide appropriate screening per the Upper State Street Design Guidelines*

- *Provide a high quality pedestrian experience for the State Street entrance per the Upper State Street Design Guidelines*
- 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.

The Applicant responded in a letter dated May 3, 2010 describing the various measures that were incorporated into the Project to address the ABR's concerns and achieve better consistency with the Upper State Street Design Guidelines. (*See* Exhibit 3). This conditioning on the basis of subjective standards clearly demonstrates that ABR exercised discretion in the approval of this Project and that as such, BevMo! cannot be considered 'ministerially exempt' from CEQA.

B. The Project Is Not Categorically Exempt from CEQA

The BevMo! Project is not categorically exempt from the requirements of CEQA, because it fails to fit within a listed exemption and because exceptions to the exemption apply. Categorical exemptions from CEQA are narrowly construed. (*Mountain Lion Foundation v. Fish* & *Game Com.* (1997) 16 Cal. 4th 105, 125 ("Exemption categories are not to be expanded beyond the reasonable scope of their statutory language.")). Here, the Project at issue is not exempt as a replacement or reconstruction project because it involves the replacement of a commercial structure with a different size structure, with substantially different purposes and capacities. (CEQA Guidelines § 15302). While both BevMo! and Thomasville Furniture are 'commercial uses', the similarity ends there. The number of customers attracted to BevMo! by attractions including tasting events is so fundamentally distinct from the low-traffic high-end furniture store that existed previously. The change in intensity is exactly like the change from Standard Brands Paint, to Jordanos, to Trader Joes, and comparable to the change from Circuit City to Whole Foods. In each case, changes in commercial uses overwhelmed circulation and parking infrastructure. Whole foods actually demolished an unrelated building to create additional parking. The change in intensity of use cannot be so easily mitigated in this location, and residents in the neighborhoods surrounding BevMo! will face ongoing nuisance and land use conflicts like those surrounding Trader Joes - extensive and recidivist on-street parking by employees and customers and on-going circulation, safety, noise and pollution impacts from deliveries and project traffic.

Moreover, categorical exemptions do not apply if the project is located in a particularly sensitive environment, results in significant cumulative impacts, may result in damage to scenic resources within a designated state scenic highway, cause a substantial adverse change in the significance of a historical resource, or there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines § 15300.2). Several of these "exceptions" to the categorical exemptions articulated in Guidelines § 15300.2 apply here.

The Project results in significant cumulative impacts to traffic and circulation, including most notably to pedestrian and bicyclist safety (*see* subsections sections C.i and C.ii, *infra*), and therefore falls within the exception to the categorical exemptions articulated in subsection (b) of CEQA Guidelines § 15300.2. Moreover, there is a reasonable possibility that the Project will have a significant effect on the environment (traffic/circulation, air quality, noise, neighborhood compatibility) due to unusual circumstances. (CEQA Guidelines § 15300.2 (c); *see San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo School Dist.* (2006), 139 Cal. App. 4th 1356, 1381 (Whether a circumstance is 'unusual' is judged relative to the typical circumstances related to an otherwise typically exempt project). Unusual circumstances present in the instant case include the unsafe intersection at which the Project driveway is located, with exiting traffic sharing a green signal with on-coming De La Vina northbound traffic, the regional draw associated with the BevMo! store, and the large disparity between the circulation and parking requirements of the existing use and the proposed use, among other things.

C. Potentially Significant Traffic Impacts of the BevMo! Project

i. Cumulative Impacts to Pedestrian, Bicyclist, and Traffic Safety at State and De La Vina Intersection

The BevMo! liquor superstore will replace the low-traffic Thomasville Furniture store located at the irregular intersection of State and De La Vina. While this intersection currently operates at an acceptable LOS, there are serious safety concerns regarding this intersection, including pedestrian, bicyclist, and traffic safety. The undisputed increase in vehicular traffic turning into and out of the BevMo! driveway located directly opposite this already-unsafe intersection will add a cumulatively considerable incremental increase in significant adverse impacts to pedestrian, bicyclist, and traffic safety at the State and De La Vina intersection.

The need to reconfigure the State and De La Vina intersection to improve safety and implement City circulation policies has been recognized for years. The 2003-2004 Oak Park Neighborhood Traffic Management Program process identified reconfiguring the intersection as "one of [the] top ten priorities because of the difficulties in access and egress from Samarkand Drive and the immediately adjacent commercial area, and because of the potential for bicycle or pedestrian conflicts with vehicles on State Street and De La Vina." State and De La Vina Intersection Reconfiguration Project Staff Report (February 10, 2009), p. 1 (Exhibit 4). The Upper State Street Study identifies De la Vina Street as a main route to and from the downtown area and recommends that the intersection with State be reconfigured to "more closely resemble a 'standard' intersection and operate in a more coordinated manner as part of the Upper State Street corridor" in order to address traffic and pedestrian/bicyclist safety. (Exhibit 6, p. 4-14). In addition to safety, the reconfiguration was proposed to implement policies in the General Plan Circulation Element including Policies 2.1, 4.2, 5.1, 5.5 and 5.6 that require the City to expand and enhance access for non-vehicular modes of transportation. (Exhibit 4, p. 4).

To address the safety problems and achieve consistency with General Plan policy, the proposed reconfiguration would remove the eastbound free-right turn lane (replacing it with landscaping), add access ramps, and provide positive signal control for all crosswalks at the intersection. (Exhibit 4, p. 2; Exhibit 6, p. 4-14). Council authorized the reconfiguration project in November 2005 as one of five intersections identified for funding through Traffic Congestion Relief Program (TCRP) grant funds. (Exhibit 6, p. 4-14). The project and funding received approval by the California Transportation Commission and the Regional Transportation Planning Agency. (*Id.*).

Council considered the reconfiguration project in February of 2009, directing staff to return to Council with some alternatives. (*See* Exhibit 4). The Staff Report for that hearing describes the intersection as follows:

> The current configuration of the intersection is vehicle oriented and places pedestrian and bicycle movements at a secondary level of comfort and safety. Some of the issues identified by the participants at this particular intersection include: inconvenient and uncomfortable pedestrian crossings (190 feet with two refuges across De La Vina, and 125 feet with one refuge across State Street); stopping distance that is less than typical at a conventional intersection; 85th percentile speeds between 31 and 35 miles per hour through the turn; bicycle weaving across the free-right turn lane with atypical yielding in order to continue on State Street; and poor aesthetics. In the last 5 years, 7 collisions have been reported near the Trader Joe's parking lot where maneuverability and visibility are limited. Collision data does not indicate a problem at this location, however, Staff, Engineering Consultants, and Police Department representatives see potential pedestrian and bicycle safety issues at this location, consistent with the concerns raised with Oak Park NTMP processes.

(Exhibit 4, p. 2).

This much-needed pedestrian/bicyclist and traffic safety improvement has not been approved to date, and in part to the "considerable community debate" surrounding the reconfiguration project (see Exhibit 4, p. 3), it cannot be relied upon to address the additional safety risk posed by introducing a substantially higher number of vehicles accessing the BevMo! store located at the troubled intersection.

Given these facts, and the undisputed increase in vehicular traffic at the troubled intersection, there is substantial evidence supporting a fair argument of significant cumulative traffic safety impacts (*see* subsection ii, immediately below, for definition of 'substantial evidence').

ii. Cumulative Traffic/Circulation Impacts

Discussed in section 4, *supra,* the Upper State Street Study documents the *existing* significant traffic/circulation impacts experienced along the Upper State Street corridor and at several intersections in the Project vicinity. It is also undisputed that BevMo! will increase vehicular counts over the existing furniture store (Breathe Easy Appeal Letter, Exhibit 4, p. 4). These facts constitute substantial evidence of a potentially significant cumulative traffic/circulation impact. (CEQA Guidelines § 15384 (Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached . . . Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate . . . does not constitute substantial evidence. . . and shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.") Moreover, given the lack of a traffic study and deferred determination as to whether operational changes are required (*see* Breathe Easy Appeal Letter, Exhibit 4, p. 4 ("Transportation Operations Division expects increased activity and will monitor the intersection operations to determine if operational changes are required") the City has no basis for a conclusion that the Project will not have significant traffic impacts. Under these circumstances, the Project has potentially significant effects that must be subjected to CEQA analysis.

9. Conclusion

For the foregoing reasons, and for reasons articulated in our Appeal Letter, we respectfully request that the Council reject this Project or alternatively direct Staff to commence environmental review pursuant to CEQA to determine the nature and extent of this Project's impacts on the Upper State Street corridor and residential community adjacent to the proposed site before any further action.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO

Marc Chytilo
For Breathe Easy Santa Barbara

Exhibits

Exhibit 1: City Staff Memorandum re. BevMo! consistency with Upper State Street Design Guidelines, April 16, 2010

Exhibit 2: BevMo! Applicant Letter, April 9, 2010

Exhibit 3: BevMo! Applicant Letter, May 3, 2010

Exhibit 4: State and De La Vina Intersection Reconfiguration Project Staff Report (February 10, 2009)

Exhibit 5: Council meeting minutes, February 10, 2009

Exhibit 6: Upper State Street Study (USSS) (March 2007), selected pages

Exhibit 7: City Traffic Impact Significance Thresholds, Plan Santa Barbara (March 2010 Draft), selected pages

Exhibit 8: BevMo! Applicant Letter, March 30, 2010

Exhibit 9: BevMo! website: store locations near 93105

EXHIBIT 1

City of Santa Barbara
Planning Division

Memorandum

DATE: April 16, 2010

TO: Planning Commission
Architectural Board of Review

FROM: Jaime Limón, Senior Planner
Heather Baker, Project 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 for the Beverages and More (BevMo!) 3052 State Street proposal with the recently adopted 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. As requested, design review staff is providing the analysis at this time.

The project has received Preliminary approval and is scheduled for Final ABR approval for Architecture and Landscaping next week. It is suggested that consistency with USSDG should be carefully re-examined 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 for the record why these project components are not being triggered or can not be readily incorporated into this major demolition/remodel project. It is staff's understanding that the ABR may have already considered changes to the building or site layout as being infeasible given site constraints.

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.

<u>Exterior materials and colors.</u> 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

The 12 topics covered in this memo where the project's consistency with USSDG guidelines could be better include:

Entrance Location
Connecting Pedestrian Paseo
Trash Dumpster Location
Front Façade
Adjacent Bus Stop Opportunities
Bicycle Parking
Landscaping – Views Preservation
Sidewalk Tree Grates
Lighting
Signage
Shopping Carts
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 poposed 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. MC 22.68.045

1. Compatible with guidelines – "no" for USSDG, see above.

2. Architectural character of city and neighborhood. The existing front façade and trash enclosure may be considered as 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.

EXHIBIT 2

HAYASHIDA ARCHITECTS

■ A CALIFORNIA CORPORATION ■

■ SADY HAYASHIDA, A.I.A. PRESIDENT
■ DON INABA, A.I.A. VICE PRESIDENT
■ GERALD VEHLIVA, A.I.A. VICE PRESIDENT
■ LLOYD FOGELHUT, A.I.A. VICE PRESIDENT
■ LEWIS BERKHOUT VICE PRESIDENT, FINANCE

April 9, 2010

COPY

Michelle Bedard
Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: Beverages & more! Tenant Improvement
3052 State Street
Santa Barbara, California
Application Number MST2010-00016
Hayashida Job No. 09-4360-20

RECEIVED
APR 12 2010
CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Ms. Bedard:

The following is in response to comments by the Architectural Board of Review on April 5, 2010. Please note that the comments mentioned below were derived from our notes and review of the video of the April 5 public hearing. Should additional items or modifications to the comments be made in the minutes of the meeting, we will address those comments accordingly.

1) Consider a solid and lighter color pallet for the building. Show accurate colors on the elevations and provide color samples.
The color for the building has been revised with lighter, solid color. Samples of these colors have been shown on sheet A4.1.

2) Verify that the width of the new sidewalk from State Street and ADA site accessibility standards has been reviewed by the Building and Transportation Departments.
The site plan, sheet SD1.1 has been reviewed by the Building and Transportation Departments for site ADA accessibility standards and has preliminary acceptance pending final approval of the Building Permit. The Transportation Department reviewed the site plan for accessibility from State Street and requested that wheel stops be placed 1.25 feet from the edge of the sidewalk to maintain a 4 foot clear pedestrian travel-way even with a parked city standard vehicle's overhang. Per my telephone conversation with Steve Foley of Public Works on April 8, 2010, Mr. Foley confirmed that the Transportation Department is satisfied with the site plan for Architectural Board Review consideration. The Building Department reviewed the site plan and is satisfied that it conformance with the number of required accessible stalls, including a van accessible stall. Per CBC, Table 11-B 6, 2 accessible stalls, 1 of which is van accessible, is required for 34 parking spaces.

3) Consider a larger, higher awning over the roll up door. Provide a detail, color and sample for this awning.
The awning over the roll up door has been revised and made higher. Details, color specification and samples have been added to sheet A4.1R.

4) Provide trash enclosure gate detail.
The trash enclosure gate detail has been added to sheet A4.2 and an image of this gate is shown on Sheet A4.1R.

5) Revise the proposed new light fixtures to be more in character with the building.
The proposed new light fixture has been revised to be more in character with the building. This fixture and its specification is shown on Sheet A4.1R. Attached please find a cut sheet for Pacific Lighting & Standards Co., GO Series, GOB 50W MH 120 C.R. WM/AJ VG PH. All external lights will be on a timer.

6) Consider a higher wainscot wainscot at the taller building in the rear.
The wainscot at the rear of the building has been raised, see sheet A4.1.

7) Verify with the Police Department, the restricted delivery times.
The delivery times as set forth by the Police Department and Department of Alcoholic and Beverages control has been added to sheet T1.1. Attached please find a copy of the Police Department's file 21, 42-486131. Please note that the Police Department's restricted delivery time is between 7:00 AM and 9:00PM each day of the week. It is BevMo's intention to have their deliveries between 7:00AM and 5:00 PM, Mondays through Fridays only.

8) Show that the existing window on the south elevation is to remain.
Existing window to remain on the south elevation added to the drawings, see sheet A4.1.

9) The approval of the landscape plan is pending review of landscape architect on the board.
The proposed landscape along with the species and size proposed landscape material is noted on sheet L2 and is pending approval of the landscape architect on the board.

10) Resolve the location of bicycle rack so that it does not interfere with the entrance.
The bicycle racks have been revised to accommodate 3 bicycles located near the entry to the store for customers and 2 bicycles for employees located inside the building in the stock room. Per the Transportation's plan check dated March 26, 2010, MST-2010-00016, a total of 5 bicycle spaces is required for customers and employees. The employee's spaces shall be covered. The clearance from the column to the 3 spaces for customers near the entry to the store is 6'-1" and is noted on sheet SD1.1 and A1.1. The employees bicycle rack in the stock room is shown on sheet A1.1.

Please do not hesitate to contact us if further clarification is required.

Sincerely,

Don Inaba
Vice President

cc Eric Marquart/Beverages & more!
Bob Taylor/Terra Nova Industries

EXHIBIT 3

HAYASHIDA ARCHITECTS

■ A CALIFORNIA CORPORATION ■

■ SADY HAYASHIDA, A.I.A.
PRESIDENT
■ DON INABA, A.I.A.
VICE PRESIDENT
■ GERALD VEILUVA, A.I.A.
VICE PRESIDENT
■ LLOYD FOGELHUT, A.I.A.
VICE PRESIDENT
■ LEWIS BERKHOUT
VICE PRESIDENT, FINANCE

May 03, 2010

Michelle Bedard
Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: Beverages & more! Tenant Improvement
3052 State Street
Santa Barbara, California
Application Number MST2010-00016
Hayashida Job No. 09-4360-20

Dear Ms. Bedard:

The following is in response to comments by the Architectural Board of Review on April 19, 2010.

1) Provide location and heights of all mechanical equipment, and provide appropriate screening per the Upper State Street Design Guidelines.
We have reviewed the proposed mechanical units that are on the roof and have included building sections that show the units are not visible above the existing parapet walls. Please refer to the building sections shown on Sheets A51. and A5.2.

2) Provide a higher quality pedestrian experience for the Sate Street entrance per the Upper State Street Design Guidelines.
Pedestrian oriented features have been added to the walkway leading from State Street to the entry to the building. Decorative lamp posts have been added along the sidewalk from State Street in the planting areas. The site plan has been adjusted slightly by shifting the entire parking lot 7" toward the east. This allowed BevMo to provide a 12" wide planting strip along the building, a 4' clear width sidewalk and maintain the 2'3" automobile overhang at the parking stall. At the suggestion of Steve Foley, Public Works Traffic Engineer, we were able to add a 2' wide planter between the wheel stop of the parking stall and the 4' wide sidewalk. The plant material in this area will be limited to 6" high maximum.

3) Provide locations and details of all pedestrian and other lighting locations, and remove the existing gooseneck fixture lighting on the front façade.
All light fixtures have been added to the Site Plan and Exterior Elevations, Sheets SD1.1 and A4.1. The light fixtures shall be Pacific Lighting & Standards Co., GO Series, GOB

50WS 120 C.R. WM/AJ VG PH. Attached, please find a copy of the light fixture cut sheet. All external lights will be on a timer.

4) Study lowering the parapet height at rear of the warehouse area.
The existing height at the rear of the building will have to remain at its present height in order to accommodate the height of the storage racks, height clearances for the baler and the parapet height needed to screen the rooftop mechanical units in this area, please refer to the section on Sheet A5.2.

5) Suggest a different material for the trash enclosure doors to match Spanish architecture.
The trash and transformer enclosure gates have been revised utilizing a panelized wood design with a steel frame surround, please refer to Sheet A4.2.

6) Provide a less contrasting color for the wainscot and the awning.
The wainscot and awning have been revised with a less contrasting color. See attached color and material's board.

7) Return with a more traditional awning structure design with open sides.
The awning structure design has been revised with open sides and a more traditional appearance. See attached color and materials board.

8) Provide a more suitable location for the proposed bicycle parking.
Parking space #9 has been removed and the bicycle rack for the patrons to BevMo has been located in this area. This results in a clear and unobstructed access path in front of the entry doors to the building. A cart storage area designed to match the building has also been added in this area. The omission of this parking stall will not affect the required 33 parking stalls. The locations of the bike racks has been reviewed and discussed with Sarah Grant Public Works Mobility Coordinator, on April 21, 2010.

9) Indicate on the plans the specific locations of opaque and clear window glass with reference to the interior display heights near the windows.
The locations of opaque and clear window glass have been added to Sheet A4.1.

10) The proposed 7:00 a.m. deliver time is to be changed to a more appropriate 8:00 a.m. delivery time.
The delivery time has been changed on sheet T1.1: 8:00 a.m. to 5:00 p.m. M-F.

LANDSCAPING

1) Create a new planting area along the front south facing façade and indicate planting species type.
New planters at sidewalk level have been added adjacent to the existing windows along the front south facing façade along State Street, Sheets SD1.1 and L4.

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.
The landscape plan has been revised to maintain the views of the mountains and preserve the privacy of the neighbors, Sheet L4.

Please do not hesitate to contact us if further clarification is required.

Sincerely,

Don Inaba
Vice President

cc Eric Marquart/Beverages & more!
Bob Taylor/Terra Nova Industries

EXHIBIT 4

Agenda Item No._____

File Code No. 530.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2009

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works

SUBJECT: State And De La Vina Intersection Reconfiguration Project

RECOMMENDATION: That Council:

A. Direct Staff to continue with the Transportation and Circulation Committee's (TCC) recommended concept for the State and De La Vina Intersection Reconfiguration Project;
B. Approve the final design elements for the Project as presented to the Architectural Board of Review (ABR) on May 8, 2008; and
C. Authorize an increase in MNS Engineering's contract in the amount of $20,000 to complete the Project design.

EXECUTIVE SUMMARY:

Council's direction is sought on whether to proceed with the Project. A history of the Project is presented below, including the project development background, design history, and alternatives considered. TCC recommendations are also provided.

DISCUSSION:

Background

The Project was first discussed during the 2003-2004 Oak Park Neighborhood Traffic Management Program (NTMP) process as a potential means of addressing neighborhood concerns regarding the intersections of De La Vina Street at both State Street and Samarkand Drive. The participants of this neighborhood outreach process (Participants) identified this general area as one of top ten priorities because of the difficulties in access and egress from Samarkand Drive and the immediately adjacent commercial area, and because of the potential for bicycle or pedestrian conflicts with vehicles on State Street at De La Vina.

The Core Group of the NTMP (Core Group), a group of Oak Park residents who volunteered to work with Staff, reviewed alternatives and recommended that a change

to this intersection be funded as a Capital Improvement Project. The size of the proposed Project placed it outside the scope of funding available for Oak Park NTMP improvements. Staff indicated that alternative funds would be sought to improve this intersection. For these reasons, it was agreed that this Project would not be part of the neighborhood ballot used to determine use of Oak Park NTMP funded improvements. This Project was also identified in Section V of the Upper State Street Study (2007) "to modify the intersection as planned to remove the eastbound free-right turn and provide positive signal control for all crosswalks at the intersection."

In November 2005, Council authorized this Project as one of five intersections identified for funding through Traffic Congestion Relief Program (TCRP) grant funds. This Project was approved by the California Transportation Commission and the Regional Transportation Planning Agency as an appropriate candidate for the use of TCRP grant funds in September 2006. The TCC found a concept design for this Project to be consistent with the Circulation Element on November 8, 2007, and reconfirmed its finding on December 11, 2008.

The Project's components include traffic signal modifications, access ramps, crosswalk striping, and replacement of the right turn lane with landscape.

Issue Identification

At one time, Hollister Road and De La Vina connected as one continuous road at this location. It was not until 1951 that State Street was extended from Constance to Hollister, and Hollister was renamed State Street. The curb edge of the large radius was left in place presumably because it provided for economical construction of the new intersection. At the time of the intersection's construction, the land use adjacent to the turn was automobile oriented. However, today this entrance serves as the gateway to the Upper De La Vina Commercial District where multiple commercial areas serve residents using all modes to access a coffee shop, Mackenzie Park, restaurants, and Trader Joe's.

The current configuration of the intersection is vehicle oriented and places pedestrian and bicycle movements at a secondary level of comfort and safety. Some of the issues identified by the participants at this particular intersection include: inconvenient and uncomfortable pedestrian crossings (190 feet with two refuges across De La Vina, and 125 feet with one refuge across State Street); stopping distance that is less than typical at a conventional intersection; 85th percentile speeds between 31 and 35 miles per hour through the turn; bicycle weaving across the free-right turn lane with atypical yielding in order to continue on State Street; and poor aesthetics. In the last 5 years, 7 collisions have been reported near the Trader Joe's parking lot where maneuverability and visibility are limited. Collision data does not indicate a problem at this location, however, Staff, Engineering Consultants, and Police Department representatives see potential pedestrian and bicycle safety issues at this location, consistent with the concerns raised with Oak Park NTMP processes. Lack of funding has prevented this issue from being

addressed in the past, but with the available grant funds, there is an opportunity to address the potential pedestrian and bicycle safety issues now.

In order to address the identified issues, a plan was developed that would balance the functionality for all users. The elimination of a free-right turn lane is a recommended practice in modern intersection design to improve pedestrian access. With this proposal, all right turning traffic would turn at the signal, consistent with typical signalized intersections in the City.

Project Design History

The merits of the current design have been the subject of considerable community debate.

Design commenced on the Project in spring 2007. The Parks and Recreation Commission reviewed and approved tree removal and replacements necessary for the Project to move forward in February 2008. The Project has been before the ABR twice (November 2007 and May 2008), but has failed to gain support. The ABR and members of the community asked that other alternatives to the removal of the free-right turn lane be considered. While there was significant concern expressed by the Board regarding the proposed Project and the removal of the median and right turn lane, the landscaping, as presented should the island be removed, was deemed satisfactory by the ABR.

Staff reassessed the alternatives brought forward previously to the TCC and ABR, as well as other alternatives not previously considered. In addition to the proposal created and supported by the Core Group to remove the free-right turn, three alternative concepts emerged: a proposal that removes the free right-turn while maintaining an island; a proposal that retains the free-right turn lane while reducing its width; and a proposal that builds on the narrowing of the free-right turn concept by adding on the closure of the northbound right turn lane and/or curb extensions and a median on De La Vina Street. It should be noted that a roundabout option was considered as well, but dismissed because of right-of-way concerns.

The three design concepts were described in detail at the December 11, 2008, TCC meeting. The purpose of the meeting was to allow TCC members to provide feedback on the various concepts and to provide advice to Council as to which option was preferred, based on its consistency with the Circulation Element. The operational elements and merits of each option were described (Attachment 1) as was an evaluation matrix (Attachment 2), used to help identify the policy application for decision-making purposes.

Staff concluded that each of the alternatives described to the TCC could provide some pedestrian and bicycle benefits. However, no proposal that maintains the free-right turn could be considered to provide equality of convenience, comfort, and safety for all

modes because of the disadvantage to pedestrians. Therefore, it was the recommendation of Staff that the proposal to remove the free right turn to create a standard intersection best meets the policies of the Circulation Element.

The design concept ultimately supported by the TCC at its December 11, 2008, meeting was the proposal to remove the free right turn and create an additional landscape area in the altered space. The TCC approved the following motion: "That the TCC reaffirms its support for the original option of November 8, 2007: Removing the free-right turn."

Additionally, the TCC made recommendations about specific design elements emphasizing the possibility to improve pedestrian access at Samarkand and De La Vina by adding a pedestrian island, as well as pre-wiring the traffic signal at State and De La Vina for a right turn green arrow in the event the future traffic volumes require this modification to maintain an acceptable LOS.

Circulation Element Policy Implications

The intent of the Project is to implement many of the Circulation Element Policies:

- Policy 2.1 – Work to achieve equality of convenience and choice among all modes of transportation.
- Policy 4.2 - The City shall work to expand, enhance, and maintain the system of bikeways to serve current community needs and to develop increased ridership for bicycle transportation and recreation.
- Policy 5.1 – The City shall create an integrated pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas, and places of interest.
- Policy 5.5 – The City shall create and foster a pedestrian friendly environment through physical and cultural improvements and amenities.
- Policy 5.6 - The City shall make street crossing easier and more accessible to pedestrians.

Environmental Analysis

A significant environmental impact would occur if a project would cause the LOS to drop below LOS C or 0.77. The intent of this Project is to maintain a satisfactory LOS for vehicles at the intersection. While the overall LOS for the intersection remains the same, at LOS B, staff recognizes the right turning movement would experience some delay and drop to LOS C. However, the Project as proposed would not reduce the vehicular LOS below LOS C; therefore further environmental analysis is not required.

BUDGET/FINANCIAL INFORMATION:

Budget And Schedule

The Project for De La Vina and State Street is currently funded for design through the TCRP. Construction dollars will be allocated by the State on a first-come, first serve basis once the Project is ready to go out to bid. Due to the delay in Project approval, design services have exceeded those proposed by MNS Engineering. An additional $20,000 is required to prepare the Project for final design, in order to retain sufficient funds in the contract for the design of traffic signals on De La Vina at Canon Perdido and Figueroa Street. The complete cost of the Project, including design, construction, and construction management, is currently estimated at $893,503, with $670,125 in TCRP funds and $223,378 local match. Given the time required to produce final bid documents and the timeline anticipated for State of California allocation of construction funding, it is expected that construction will not occur until 2010.

Alternate Use of Funds

The current grant proposal accepted for TCRP funds included improvements at five intersections. If the Project does not move forward, the TCRP funds could be utilized to finish the design and construction of traffic signals/intersection improvements at De La Vina at Figueroa, and De La Vina at Canon Perdido. Should funds remain, staff recommends pursuing design of improvements at Alamar at State Street.

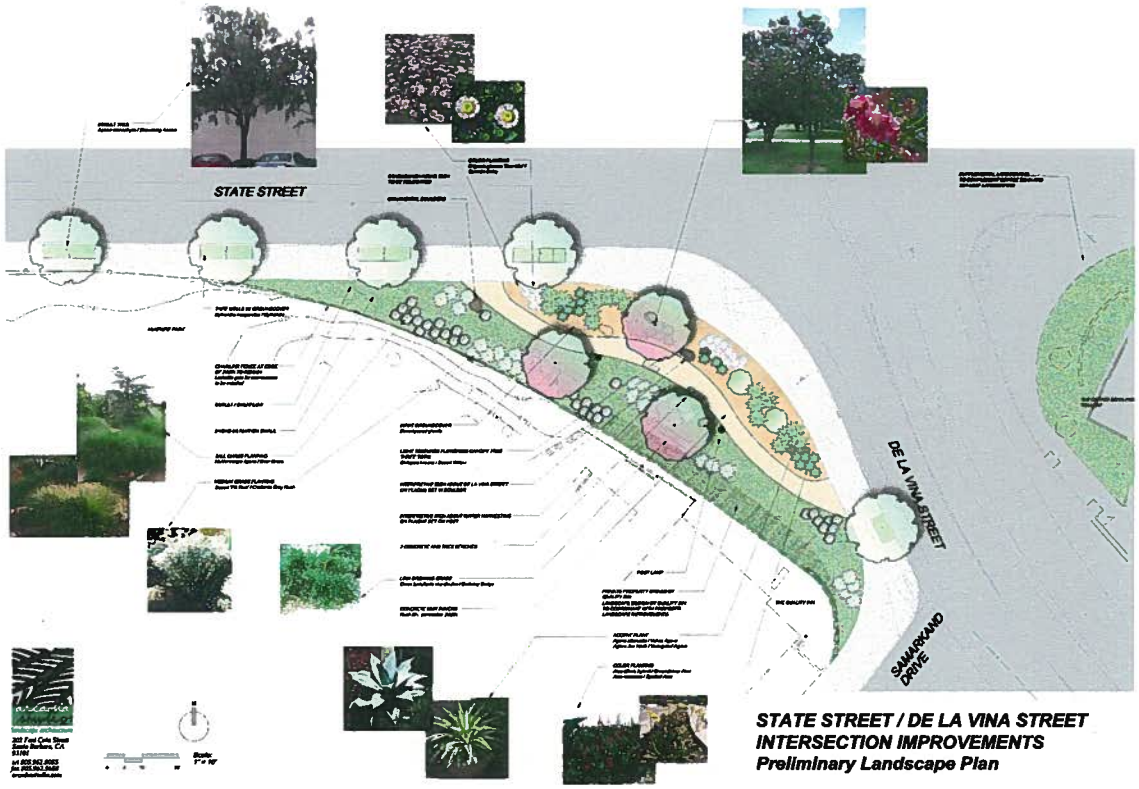
ATTACHMENT(S):
1. State and De La Vina Intersection Reconfiguration Project Concept Alternatives
2. State and De La Vina Intersection Reconfiguration Project Decision Matrices

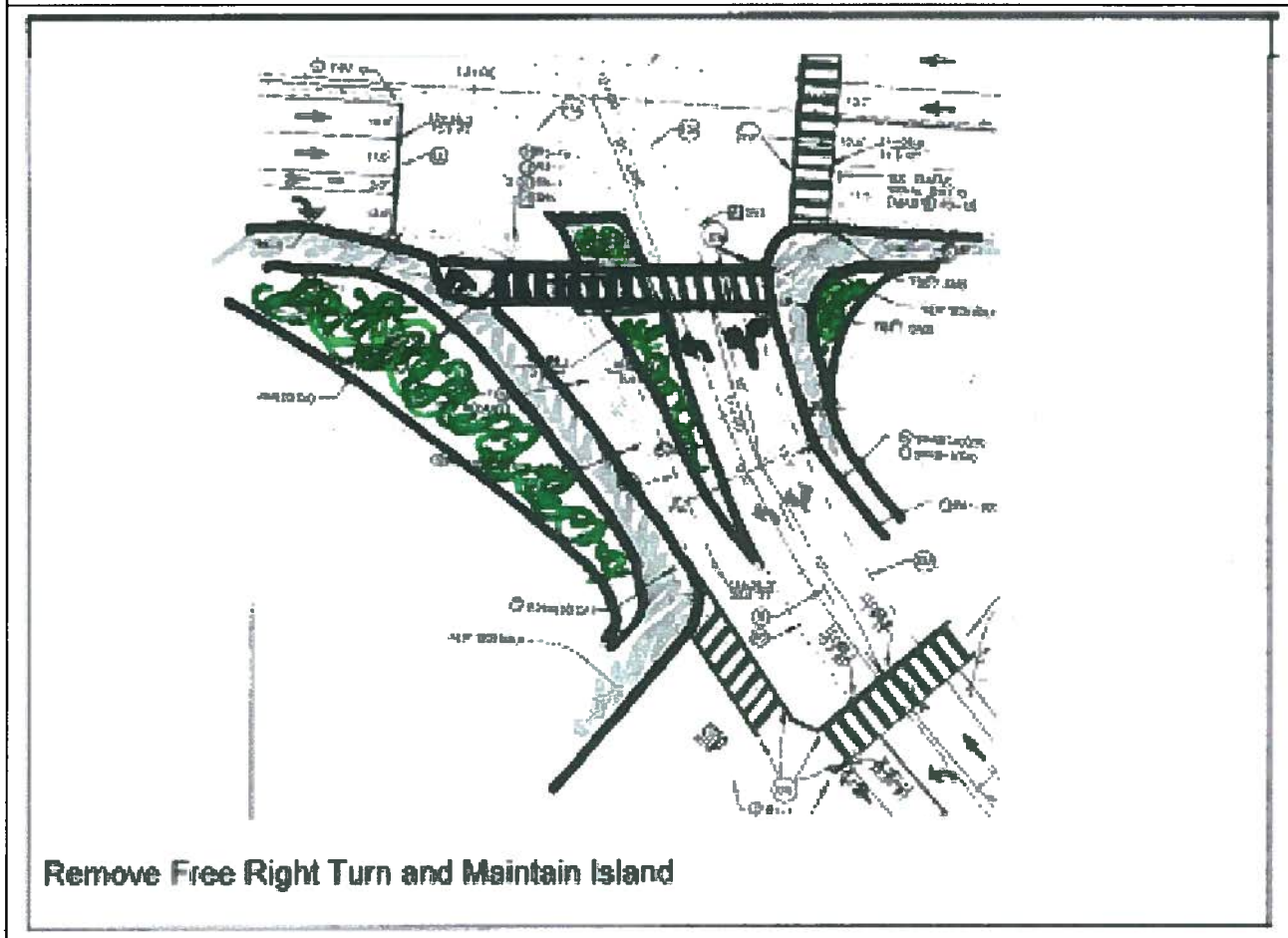
PREPARED BY: Browning Allen/DvH/tm

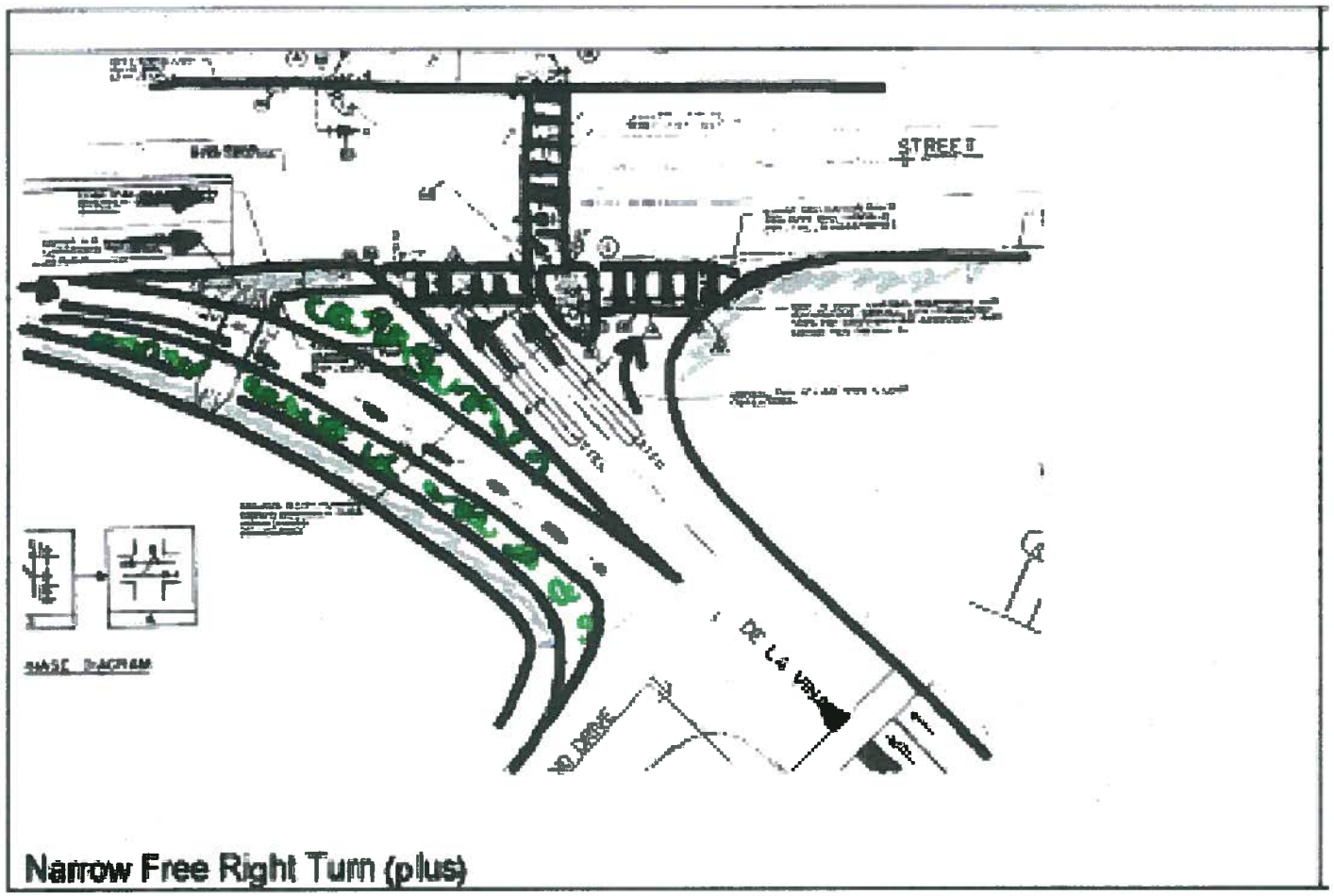
SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

	PROPOSAL ELEMENTS	PROPOSAL MERITS
 **Concept 1: Remove Free-Right Turn**	• Free right turn lane replaced with park • Exclusive NB De La Vina right turn lane replaced with curb extension • Existing island replaced with SB De La Vina lane • 80' right turn pocket on State • Bike lane to left of right turn pocket on State • 50' pedestrian crossing of De La Vina	• State street crossing will be initiated from the corner instead of on island • Slower speeds to Samarkand crosswalk should increase yield rate • DLV turns from 3 crosswalks into 1 crosswalk, and State turns from 2 crosswalks into 1 crosswalk • Reduces the pedestrian exposure by reducing the crossing distance along State crossing DLV & protected by the pedestrian phase of the signal • Access for downstream driveways should improve because oncoming vehicle speeds are slower • The asphalt is recaptured to landscaping, improving sustainability

	PROPOSAL ELEMENTS	PROPOSAL MERITS
 **Concept 2: Remove Free-Right Turn and Maintain Island**	• Free right turn lane replaced with smaller park • Exclusive NB De La Vina right turn lane replaced with curb extension • Existing island reduced to 40% • 80' right turn pocket on State • Bike lane to left of right turn pocket on State • 90' pedestrian De La Vina crossing with one refuge	• State street crossing will be initiated from the corner instead of on island • Slower speeds to Samarkand crosswalk should increase yield rate • DLV turns from 3 crosswalks into 2 crosswalks, and State turns from 2 crosswalks into 1 crosswalk • Reduces the pedestrian exposure by reducing the crossing distance along state crossing DLV & protected by the pedestrian phase of the signal • Access for downstream driveways should improve because oncoming vehicle speeds are slower • The asphalt is recaptured to landscaping, improving sustainability



Concept 3: Narrow Free-Right Turn (plus additional optional features)

PROPOSAL ELEMENTS	PROPOSAL MERITS
• Free right turn lane is reduced to 12' plus 6' bike lane • Landscaped parkway adjacent to curb • No change in NB De La Vina approach • Curb side bike lane east-bound State Street • Option of closing NB De La Vina right turn lane • Option of adding pedestrian refuge and curb extension on De La Vina at Samarkand • 190' pedestrian De La Vina crossing with two refuges	• Speed reduction in free right turn should increase yield rate at Samarkand crosswalk • State Street through bike lane adjacent to curb • Enhanced pedestrian crossing at Samarkand • Maintains existing island • Provides landscaped parkway adjacent to free right turn • State street crossing could be initiated from the corner instead of on island • Access for downstream driveways should improve because oncoming vehicle speeds are slower • Low cost due to minimal change to existing traffic signal

ATTACHMENT 2

Evaluation Matrix: Operations Considerations

	SB DLV Pedestrian Crossing	Improve Bike Lane EB State	Vehicle LOS	Samarkand Intersection	Cost Relative to Benefit	NB RT DLV Pedestrian Crossing	Samarkand Pedestrian Crossing	DLV NB Pedestrian Crossing	Landscape Potential	Minimized Parking Loss	Functional Green Space	Total
Unweighted Rating												
Remove Free Right Turn	4	3.5	1.5	4	2	4	2	1	3	1.5	4	30.5
Remove FRT Maintain Island	1	3.5	1.5	3	1	2	1	2.5	4	1.5	3	24
Narrow Free Right Turn	2.5	1.5	4	1.5	4	1	3	2.5	1	3.5	1	25.5
Narrow Free Right Turn (plus)	2.5	1.5	3	1.5	3	3	4	4	2	3.5	2	30
Importance Factor	*3*	*2*	*2*	*1*	*3*	*1*	*3*	*1*	*3*	*1*	*2*	
Rating Weighted by Importance												
Remove Free Right Turn	12	7	3	4	6	4	6	1	9	1.5	8	61.5
Remove FRT Maintain Island	3	7	3	3	3	2	3	2.5	12	1.5	6	46
Narrow Free Right Turn	7.5	3	8	1.5	12	1	9	2.5	3	3.5	2	53
Narrow Free Right Turn (plus)	7.5	3	6	1.5	9	3	12	4	6	3.5	4	59.5

Note: Rating definition
4 = most benefit
1 = least benefit

Note: Importance Factor Definition
3 = High Value
2 = Medium Value
1 = Low Value

Evaluation Matrix: Policy Considerations

	Policy 2.1 – Work to achieve equality of convenience and choice among all modes of transportation	Policy 4.2 - Expand, enhance, and maintain the system of bikeways	Policy 5.1 – create an integrated Pedestrianestrian system within and between City neighborhoods, schools, recreational areas, commercial areas, and places of interest.	Policy 5.5 – create and foster a Pedestrianestrian friendly environment through physical and cultural improvements and amenities.	Policy 5.6 - make street crossing easier and more accessible to Pedestrianestrians.	Change in Level of Service for Vehicles	Total
Unweighted Rating							
Remove Free Right Turn	4	2.5	4	4	4	1	19.5
Remove FRT Maintain Island	3	2.5	3	1	3	2	14.5
Reduce Free Right Turn	1.5	2.5	1.5	2	1.5	4	13
Reduce Free Right Turn (plus)	1.5	2.5	1.5	3	1.5	3	13
Importance Factor	*3*	*2*	*3*	*2*	*3*	*2*	
Rating Weighted by Importance							
Remove Free Right Turn	12	5	12	8	12	2	51
Remove FRT Maintain Island	9	5	9	2	9	4	38
Reduce Free Right Turn	4.5	5	4.5	4	4.5	8	30.5
Reduce Free Right Turn (plus)	4.5	5	4.5	6	4.5	6	30.5

Note: Rating Definition
4 = most benefit
1 = least benefit

Note: Importance Factor Definition
3 = High Value
2 = Medium Value
1 = Low Value

EXHIBIT 5

CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

REGULAR MEETING
February 10, 2009
COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:02 p.m. (The Finance Committee met at 12:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers Present: Falcone, Francisco, Horton, House, Schneider, Williams, Mayor Blum.

Staff Present: City Administrator Armstrong, City Attorney Wiley, City Clerk Services Manager Rodriguez.

PUBLIC COMMENT

Speakers: Jack Wilson; Ruth Wilson; Roger Heroux; Nancy Tunnell; Dr. Gary Linker, New Beginnings Counseling Center.

ITEMS REMOVED FROM CONSENT CALENDAR

3. Subject: Adoption Of Ordinance For The 2008-2010 General Unit Memorandum Of Understanding (440.02)

   Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit).

   2009 FEB 10 ORDINANCE - 1.DOC

The title of the ordinance was read.

Motion:
Councilmembers Schneider/Williams to approve the recommendation; Ordinance No. 5477; Agreement No. 22,993.

Vote:
Majority roll call vote (Noes: Councilmember Francisco).

Councilmember Falcone stated she would abstain from voting on the following item due to a conflict of interest related to her membership with the organization in which the contract is benefitting.

4. Subject: Introduction Of Ordinance For Ten-Year License Agreement With The Santa Barbara Youth Sailing Foundation (330.04)

Recommendation: That Council approve a license agreement with the Santa Barbara Youth Sailing Foundation, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year License Agreement With the Santa Barbara Youth Sailing Foundation, Effective March 26, 2009, for a 2,500 Square-Foot Water Space in Marina 1, at an Initial Rent of $595 per Month.

2009 FEB 10 CAR INTRODUCTION OF ORDINANCE SANTA BARBARA YOUTH FOUNDATION - 1.DOC
2009 FEB 10 CAR INTRODUCTION OF ORDINANCE SANTA BARBARA YOUTH FOUNDATION - 2.PDF
2009 FEB 10 ORDINANCE - 1.DOC

Documents:
- February 10, 2009, report from the Waterfront Director.
- Proposed ordinance.

The title of the ordinance was read.

Motion:
Councilmembers Williams/Schneider to approve the recommendation.

Vote:
Unanimous roll call vote (Abstentions: Councilmember Falcone).

12. Subject: Proposed Change To Parking Violation Penalties And Related Fees (550.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060 Establishing Certain City Fees, Including Water and Wastewater Rates, and Rescinding Resolution Nos. 07-052, 07-085 and 08-013, Adjusting Parking Violation Penalties and Related Fees Effective March 1, 2009.

Documents:
- February 10, 2009, report from the Deputy Chief of Police.
- Proposed Resolution.

The title of the resolution was read.

Speakers:
Staff: City Administrator James Armstrong, Deputy Chief of Police Frank Mannix.

Motion:
Councilmembers Schneider/Francisco to approve the recommendation, excluding section 10.12.150(b) of the proposed resolution.

This motion was withdrawn.

CONSENT CALENDAR (Item Nos. 1, 2, 5 - 12 and 14 - 18).

The titles of the ordinances and resolutions related to the Consent Calendar items were read.

Motion:
Councilmembers Schneider/House to approve the Consent Calendar as recommended.

Vote:
Unanimous roll call vote .

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of January 20, 2009 (cancelled due to lack of a quorum), and the regular meeting of January 27, 2009.

2009 JAN 20 CC MIN - 1.DOC
2009 JAN 27 CC MIN - 1.DOC

Action: Approved the recommendation.

2. Subject: Termination Of The Proclamation For A Local Emergency (Tea Fire) (520.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Terminating a Local Emergency Due to the Tea Fire.

2009 FEB 10 CAR TERMINATION OF A LOCAL EMERGENCY - 1.DOC
2009 FEB 10 RESOLUTION - 1.DOC

Action: Approved the recommendation; Resolution No. 09-006 (February 10, 2009, report from the Fire Chief; proposed resolution).

5. Subject: Introduction Of Ordinance To Approve Property Transfer For Highway 101 Operational Improvements Project (670.07)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute the Property Transfer Agreement with the State of California Department of Transportation, and Subsequently, Subject to Review and Approval by the City Attorney, to Execute Any Deeds to Provide for the Transfer of Certain Properties Owned in Fee by the City of Santa Barbara Required for the State Highway Route 101 Milpas Street to Hot Springs Road Operational Improvements Project, and Accepting the Ownership in Fee of Certain Non-Freeway Properties to be Relinquished by the State of California Department of Transportation, Underlying and Adjacent to the Roundabout at Milpas Street, Now Existing Adjacent to State Highway.

2009 FEB 10 CAR INTRODUCTION OF ORDINANCE TO APPROVE PROPERTY TRANSFER FOR HIGHWAY 101 OPERATIONAL IMPROVEMENTS PROJECT - 1.DOC
2009 FEB 10 CAR INTRODUCTION OF ORDINANCE TO APPROVE PROPERTY TRANSFER FOR HIGHWAY 101 OPERATIONAL IMPROVEMENTS PROJECT - 2.PDF
2009 FEB 10 CAR INTRODUCTION OF ORDINANCE TO APPROVE PROPERTY TRANSFER FOR HIGHWAY 101 OPERATIONAL IMPROVEMENTS PROJECT - 3.PDF
2009 FEB 10 CAR INTRODUCTION OF ORDINANCE TO APPROVE PROPERTY TRANSFER FOR HIGHWAY 101 OPERATIONAL IMPROVEMENTS PROJECT - 4.PDF
2009 FEB 10 CAR INTRODUCTION OF ORDINANCE TO APPROVE PROPERTY TRANSFER FOR HIGHWAY 101 OPERATIONAL IMPROVEMENTS PROJECT - 5.PDF
2009 FEB 10 CAR INTRODUCTION OF ORDINANCE TO APPROVE PROPERTY TRANSFER FOR HIGHWAY 101 OPERATIONAL IMPROVEMENTS PROJECT - 6.PDF
2009 FEB 10 ORDINANCE - 1.DOC

Action: Approved the recommendation (February 10, 2009, report from the Public Works Director; proposed ordinance).

6. Subject: Introduction Of Ordinance For Airport Zoning Map Revision - 1600 Cecil Cook Place (640.09)

Recommendation: That Council:
A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 29 of the Santa Barbara Municipal Code to Rezone 9.04 Acres of Airport Approach and Operations Zone (A-A-O) to Aviation Facilities Zone (A-F) in the Coastal Zone at the Santa Barbara Municipal Airport; and
B. Recommend approval of a Local Coastal Program Amendment to the

California Coastal Commission to change the corresponding LCP zoning pursuant to State Public Resources Code §30514.

2009 FEB 10 CAR AIRPORT ZONING MAP REVISION - 1600 CECIL COOK PLACE - 1.DOC
2009 FEB 10 CAR AIRPORT ZONING MAP REVISION - 1600 CECIL COOK PLACE - 2.DOC
2009 FEB 10 CAR AIRPORT ZONING MAP REVISION - 1600 CECIL COOK PLACE - 3.DOC
2009 FEB 10 ORD AIRPORT ZONING MAP REVISION - 1600 CECIL COOK PLACE - 1.DOC
2009 FEB 10 ORD AIRPORT ZONING MAP REVISION - 1600 CECIL COOK PLACE - 2.DOC

Action: Approved the recommendations (February 10, 2009, report from the Airport Director; proposed ordinance).

7. Subject: Emergency Purchase Orders Issued For The Tea Fire (520.02)

Recommendation: That Council retroactively approve the issuance of emergency purchase orders to Tierra Contracting, Inc., in the amount of $79,970 to construct debris racks, and to Acacia Erosion Control, Inc., in the amount of $73,000 for slope stabilization and erosion control.

2009 FEB 10 CAR EMERGENCY PURCHASE ORDERS FOR TEA FIRE - 1.DOC

Action: Approved the recommendation (February 10, 2009, report from the Finance Director).

8. Subject: Preliminary Economic Development Designation For 352 Hitchcock Way Project (640.09)

Recommendation: That Council make a preliminary finding that the project proposed for 352 Hitchcock Way meets the definition of an Economic Development Project, and grant the proposed project a Preliminary Economic Development Designation for 7,925 square feet of non-residential floor area.

2009 FEB 10 CAR 325 HITCHCOCK WAY - 1.DOC
2009 FEB 10 CAR 325 HITCHCOCK WAY - 2.PDF
2009 FEB 10 CAR 325 HITCHCOCK WAY - 3.PDF
2009 FEB 10 CAR 325 HITCHCOCK WAY - 4.DOC

Action: Approved the recommendation (February 10, 2009, report from the Community Development Director).

9. Subject: Acceptance Of Southern California Edison Energy Leaders Pilot Program Revenues (380.01)

Recommendation: That Council accept and appropriate the Southern California Edison (SCE) Energy Leaders Pilot Program incentive revenue for $66,699.34 in the General Fund Capital Outlay, Downtown Parking and Water Operating funds,

and appropriate $36,805 for additional General Fund sustainability projects.

2009 FEB 10 CAR ACCEPTANCE OF SOUTHERN CALIFORNIA EDISON ENERGY LEADERS PILOT PROGRAM - 1.DOC

Action: Approved the recommendation (February 10, 2009, report from the Public Works Director).

10. Subject: Appropriation Of Airport Improvement Program Grant Fund (560.04)

Recommendation: That Council increase appropriations and estimated revenue by $1,647,802 in the Airport's Grant Fund for the final phase of mitigation for the Runway Safety Area project, to be funded from Federal Aviation Administration Airport Improvement Program (AIP) Grant No. 03-06-0235-37, including the City's 5% match portion ($233,390) to be funded from Airport reserves above policy.

2009 FEB 10 CAR APPROPRIATION OF GRANT FUNDS - 1.DOC

Action: Approved the recommendation (February 10, 2009, report from the Airport Director).

11. Subject: State Workforce Housing Reward Program Projects (570.07)

Recommendation: That Council redirect the remaining balance of State Workforce Housing Reward Funds from the Franklin Center project ($98,362) to other Park and Recreation facility projects.

2009 FEB 10 CAR STATE WORKFORCE HOUSING REWARD - 1.DOC

Action: Approved the recommendation (February 10, 2009, report from the Parks and Recreation Director).

12. Subject: Proposed Change To Parking Violation Penalties And Related Fees (550.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060 Establishing Certain City Fees, Including Water and Wastewater Rates, and Rescinding Resolution Nos. 07-052, 07-085 and 08-013, Adjusting Parking Violation Penalties and Related Fees Effective March 1, 2009.

2009 FEB 10 CAR PARKING VIOLATION FEES - 1.DOC
2009 FEB 10 RESOLUTION - 1.DOC

Action: Approved the recommendation; Resolution No. 09-007 (February 10, 2009, report from the Deputy Chief of Police; proposed resolution).

REDEVELOPMENT AGENCY

13. Subject: Minutes

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the regular meetings of December 16, 2008, and January 13, 2009.

2008 DEC 16 RDA MIN - 1.DOC
2009 JAN 13 RDA MIN - 1.DOC

Action: Approved the recommendation.

14. Subject: Notice To City Council And Redevelopment Agency Board Regarding Real Estate Interest In Redevelopment Project Area From Agency Boardmember (620.01)

Recommendation: That the Council and the Agency Board receive the notice of City Councilmember and Redevelopment Agency Boardmember Grant House of real estate interest in the Redevelopment Project Area in compliance with California Redevelopment Law Section 33130.

2009 FEB 10 CAR COMPLIANCE WITH REDEVELOPMENT LAW - 1.DOC
2009 FEB 10 CAR COMPLIANCE WITH REDEVELOPMENT LAW - 2.PDF

Action: Approved the recommendation (February 10, 2009, report from the Community Development Director/Agency Deputy Director; February 4, 2009, letter from Trey Pinner, Manager of Professional Investment Planning).

15. Subject: Educational Revenue Augmentation Fund Payment (150.02)

A. That Council authorize the Finance Director to notify the Santa Barbara County Auditor that the Redevelopment Agency's Educational Revenue Augmentation Fund payment will be made by the Redevelopment Agency from Redevelopment Agency tax increment revenues; and
B. That the Redevelopment Agency Board authorize the appropriation and expenditure of $1,403,758 from the Redevelopment Agency's General Fund to pay the Agency's obligation to the state-imposed Educational Revenue Augmentation Fund.

2009 FEB 10 RDA EDUCATIONAL REVENUE AUGMENTATION FUND PAYMENT - 1.DOC

Action: Approved the recommendations (February 10, 2009, report from the Community Development Director/Agency Deputy Director).

NOTICES

16. The City Clerk has on Thursday, February 5, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

17. Cancellation of the regular City Council and Redevelopment Agency meeting of February 17, 2009, due to lack of a quorum.

18. Received a letter of resignation from Creeks Advisory Committee Member Daniel Hochman; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met to hear staff's presentation on carbon neutrality options for the City. The Committee is in favor of having City goals in this regard, but has requested additional financial information. Once the Committee receives the additional information, the Committee will review the options and return to the full Council in the near future.

REDEVELOPMENT AGENCY REPORTS

19. Subject: West Beach Public Art Program Professional Services Contract (610.04)

Recommendation: That Council and the Agency Board:

A. Authorize the General Services Manager to execute a purchase order not to exceed $123,100 with Richard Irvine and Raphel Perea de la Cabada for design, fabrication and construction consulting of public art for three of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project; and authorize the General Services Manager to approve expenditures up to $12,300 for extra services that may result from necessary changes to the scope of work; B. Authorize the General Services Manager to execute a purchase order not to exceed $25,600 with Lori Ann David for design, fabrication and construction consulting of public art for one of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project; and authorize the General Services Manager to approve expenditures up to $2,500 for extra services that may result from necessary changes to the scope of work; and
C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara and the City of Santa Barbara Redevelopment Agency Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements for the West Beach Public Art Program.

2009 FEB 10 RDA WEST BEACH ARTS CONTRACT - 1.DOC
2009 FEB 10 RESOLUTION - 1.DOC

Documents:

- February 10, 2009, report from the Public Works Director and Community Development Director/Agency Deputy Director.
- Proposed Resolution.
- February 10, 2009, PowerPoint presentation prepared and made by staff.

The title of the resolution was read.

Speakers:

Staff: Redevelopment Supervisor Brian Bosse, Redevelopment Specialist Jeannette Candau.

Motion:
Council/Agency Members House/Falcone to approve the recommendations; City Council Resolution No. 09-008; Redevelopment Agency Resolution No. 1014.
Vote:
Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

20. Subject: Introduction Of Ordinance For 535 E. Montecito Street, Los Portales Specific Plan (SP-10) (660.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting a Specific Plan for the Los Portales Specific Plan Area ("SP-10 Zone") for Property Located at 535 E. Montecito Street, Assessor's Parcel Number 031-351-010.

2009 FEB 10 CAR 535 E MONTECITO - 1.DOC
2009 FEB 10 ORDINANCE - 1.DOC
2009 FEB 10 ORDINANCE - 2.PDF

Documents:
- February 10, 2009, report from the Community Development Director.
- Proposed Ordinance.
- February 10, 2009, PowerPoint presentation prepared and made by staff.

The title of the ordinance was read.

Speakers:
- Staff: Associate Planner Kathleen Kennedy, Community Development Director Paul Casey, Assistant City Attorney Scott Vincent, City Attorney Stephen Wiley.
- Planning Commission: Commissioner Addison Thompson.
- Member of the Public: President John Campanella, Bermant Development Company.

Motion:
Councilmembers Williams/Horton to approve the recommendation, with an added condition that staff develop a list of items that would not be permitted in the open-yard use area unless compatible with the surrounding uses, including a maintenance agreement related to the upkeep of the exterior grounds.

Amendment Motion:
Councilmembers Williams/Horton to approve the recommendation with the added conditions requiring plans for:

1) Open yard uses that are compatible with the surrounding properties in a manner acceptable to the property owner and the Community Development Director; and
2) Maintaining the appearance of the property's open yard uses, effective 60 days of the adoption of the ordinance.
Vote on Amendment Motion:
Majority roll call vote (Noes: Councilmember Francisco, Mayor Blum).

RECESS

3:50 p.m. - 4:02 p.m.

PUBLIC WORKS DEPARTMENT

21. Subject: Outdoor Lighting And Streetlight Design Guidelines (530.04)

Recommendation: That Council hear a report from the Streetlight Design Guidelines Advisory Group and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing and Approving the City's Outdoor Lighting and Streetlight Design Guidelines Dated as of February 10, 2009.

2009 FEB 10 CAR OUTDOOR LIGHTING AND STREETLIGHT DESIGN GUIDELINES - 1.DOC
2009 FEB 10 CAR OUTDOOR LIGHTING AND STREETLIGHT DESIGN GUIDELINES - 2.DOC
2009 FEB 10 RESOLUTION - 1.DOC
2009 FEB 10 RESOLUTION - 2.DOC

Documents:
- February 10, 2009, report from the Public Works Director.
- Proposed Resolution.
- February 10, 2009, PowerPoint presentation prepared and made by staff.

The title of the resolution was read.

Speakers:
- Staff: Principal Civil Engineer John Ewasiuk, Facilities Manager Jim Dewey.
- Member of the Public: Steve Haus.

Motion:
Councilmembers House/Horton to approve the recommendation; Resolution No. 09-009.

Vote:
Unanimous roll call vote .

RECESS

4:56 p.m. - 6:04 p.m.

Mayor Blum presiding.
Councilmembers present: Falcone, Francisco, Horton, House, Schneider, Williams, Mayor Blum.
Councilmembers absent: None.
Staff present: City Administrator Armstrong, City Attorney Wiley, City Clerk Services Manager Rodriguez.

PUBLIC COMMENT

No one wished to speak.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

22. Subject: State And De La Vina Intersection Reconfiguration Project (530.04)

Recommendation: That Council:
A. Direct Staff to continue with the Transportation and Circulation Committee's (TCC) recommended concept for the State and De La Vina Intersection Reconfiguration Project;
B. Approve the final design elements for the Project as presented to the Architectural Board of Review (ABR) on May 8, 2008; and
C. Authorize an increase in MNS Engineering's contract in the amount of $20,000 to complete the Project design.

2009 FEB 10 CAR STATE AND DE LA VINA INTERSECTION RECONFIGURATION PROJECT - 1.DOC
2009 FEB 10 CAR STATE AND DE LA VINA INTERSECTION RECONFIGURATION PROJECT - 2.PDF
2009 FEB 10 CAR STATE AND DE LA VINA INTERSECTION RECONFIGURATION PROJECT - 3.PDF

Documents:
- February 10, 2009, report from the Public Works Director.
- February 10, 2009, PowerPoint presentation prepared and made by staff.
- February 9, 2009, email communication from Patricia Hiles.
- June 24, 2008, letter from Jim Westby and Roger Manasse.
- February 10, 2009, letter from Jim Youngson.
- February 10, 2009, letter from James O. Kahan.
- February 10, 2009, letter from Michael Self.
- February 10, 2009, email communication from Lloyd and Margaret Albright.

Speakers:
- Staff: Public Works Director Christine Andersen, Supervising Transportation Engineer Drusilla Van Hengel, Traffic Engineer Peter Doctors.
- Transportation and Circulation Committee: Members Keith Coffman-Grey, David Pritchett, Mark Bradley.
- Members of the Public: Michael Self, Santa Barbara Safe Streets; Bonnie Donovan; Steve Maas, Metropolitan Transit District; Lanny Ebenstein; Paul Suavina; David T. Jennings; Ralph Fertig, Santa Barbara Bicycle Coalition; Roger

Manasse; Joyce Untch; Scott Wenz; Thomas Matthias; David VanHoy; Josiah Jenkins; Larry Bickford; Karen VanHoy; Wilson Hubbell; Shirley Wood Force, Santa Barbara Safe Streets; Lee Moldaver; Leslie Mancebo; Eli Horowitz; Michael C. Warnken; Harold F. Hattier; Linda Foster; Kellam de Forest; Pierre Delong; Harry Kazali, Quality Inn; Michael Kwan; Mickey Flacks; Sharon Westby; Frank Hotchkiss, Santa Barbara Safe Streets; Susan Horne, Safe Routes to School; Courtney Dietz, Santa Barbara Walks; Dennis Rickard; James Kahan, Grove Lane; Chris Orr; Jim Westby; Alice Post; Marc Phillips; Kent Epperson; Michael Chiacos; Eva Inbar, COAST (Coalition for Sustainable Transportation); Lori La Riva; Reed Wilson; Edward France; Alex Pujo.

RECESS

8:15 p.m. - 8:23 p.m.

Motion:
Councilmembers Mayor Blum/House to approve staff's recommendations, including the addition of a bicycle lane and right-turn arrow.

This motion was withdrawn.

Motion:
Councilmembers Williams/Mayor Blum to send the project back to the Transportation and Circulation Committee with direction to better balance the intersection for all users, including the following safety improvements:
1) Eliminating the right-hand turn lane;
2) Adding a right-hand turn arrow;
3) Reviewing the bike lane reconfiguration;
4) Minimizing any loss of parking; and
Approve Recommendation C.

This motion was withdrawn.

Motion:
Councilmembers House/Williams to table the item and direct staff to return to Council with some alternatives.

Vote:
Unanimous voice vote.

Motion:
Councilmembers Schneider/Horton to approve Recommendation C.

Vote:
Unanimous voice vote.

ADJOURNMENT

Mayor Blum adjourned the meeting at 10:10 p.m.

SANTA BARBARA CITY COUNCIL SANTA BARBARA

CITY CLERK'S OFFICE

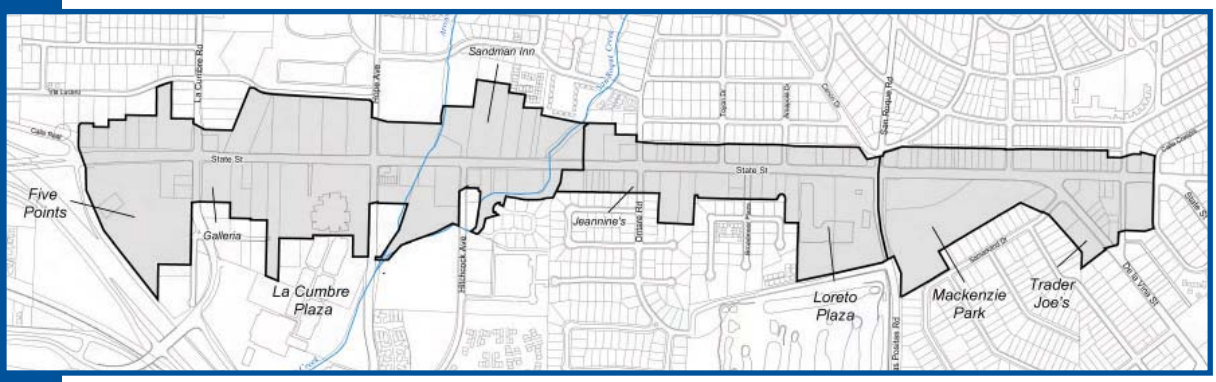
ATTEST:

MARTY BLUM MAYOR	CYNTHIA M. RODRIGUEZ, CMC CITY CLERK SERVICES MANAGER

EXHIBIT 6

City of Santa Barbara

Upper State Street Study



Study Report

March 2007

City of Santa Barbara

UPPER STATE STREET STUDY REPORT CONTRIBUTORS

CITY STAFF

Paul Casey, Community Development Director
Bettie Weiss, City Planner
John Ledbetter, Principal Planner
Rob Dayton, Principal Transportation Planner
Barbara Shelton, Project Planner
Beatriz Ramirez, Project Planner
Adam Nares, Planning Technician II
Alison Grube, Graphic Designer

CONSULTANTS

Meyer, Mohaddes Associates, Tranportation Consultants
Ken Dowd, Videoscapes
Moore, Isofano, Goltsman, Inc., Planning Consultants

COMMUNITY

Many thanks to the many individuals and community groups that took time to participate in the study through workshops, hearings, and providing comments and insight.

FOR MORE INFORMATION

For more information on the Upper State Street Study, please log on to the City web page at www.SantaBarbaraCA.gov, click on Major Planning Efforts, and select the Upper State Street Study.

This report is available on the City web page or a copy may be picked up at the City Planning Division office located at 630 Garden Street.

Highway 101 and State Street Intersection

TABLE OF CONTENTS

Page

I. Background and Study Process

Introduction 1-1
Study Area 1-2
Background 1-4
Study Process 1-6

II. Overall Study Approach and Recommendations

Study Approach 2-1
General Recommendations 2-3
Implementation Actions 2-3

III. Urban Design Recommendations

Corridor Identify and Character 3-1
Public Streetscape 3-6
Mountain Views 3-9
Open Space 3-12
Creeks 3-13
Building Setbacks 3-15
Building Size 3-19
Summary Diagram of Urban Design Recommendations 3-21

IV. Transportation Recommendations

Signal/ Intersection Level of Service Improvements 4-1
Mid-Block Congestion and Safety Improvements 4-6
Pedestrian/Bicycle Facility Improvements 4-12
Transit Facility Improvements 4-18
Parking Improvements 4-22
Summary Diagram of Transportation Recommendations 4-26

V. Longer-Term Future Improvements

General Plan Update and Citywide Programs 5-1
Traffic and Circulation Longer-Term Improvements 5-3
Summary Diagram of Longer-Term Improvement Recommendations 5-6

FIGURES

Page

Figure 1 Upper State Street Study Area 1-2
Figure 2 Neighborhoods 1-3
Figure 3 Existing Street Section Example from West Subarea 3-2
Figure 4 Existing Street Section Example from Central Subarea 3-2
Figure 5 Existing Street Section Example from East Subarea 3-3
Figure 6 Street Section with Existing and Proposed Development Standards 3-15
Figure 7 Summary Diagram of Urban Design Recommendations 3-21
Figure 8 Transit Routes 4-18
Figure 9 Summary Diagram of Transportation Improvement Recommendations 4-26
Figure 10 Summary Diagram of Longer-Term Improvement Recommendations 5-6

TABLES

Table 1 Summary of S-D-2 Zoning Requirements 1-4
Table 2 Recommended General Guidelines for Vehicle Access Management for the Upper State Street Corridor *(Meyer, Mohaddes Associates)* 4-7
Table 3 Recommended General Driveway Spacing Guidelines for the Upper State Street Corridor *(Meyer, Mohaddes Associates)* 4-8

APPENDICES

A. Summary of Community Workshop Comments

B. Existing S-D-2 Zone Ordinance

C. Existing Upper State Street Area Design Guidelines

D. Transportation Improvement Concept Designs and Descriptions
(from Meyer, Mohaddes Associates, Upper State Street Traffic, Circulation and Parking Study, February 2006 Report)

Other separately-bound study documents are available from the City Planning Division or City web page:

Upper State Street Study Information Booklet (City Planning Division, September 2006)

Upper State Street Traffic, Circulation, and Parking Study (Meyer, Mohaddes Associates, February, 2007)

La Cumbre Road/ State Street Intersection

1. BACKGROUND AND STUDY PROCESS

Introduction

In April 2006, recognition of community concerns about development proposals in the Upper State Street area, the Santa Barbara City Council directed staff of the Planning and Transportation Divisions to undertake a study of the Upper State Street commercial corridor between Highway 101 and Calle Laureles, working with the public, City commissions, and consultant teams.

The purpose of the Study is to identify changes that could improve traffic circulation and urban design in the study area. Issues addressed in this Study include area character and openness, landscaping and "streetscape" design, scenic views, open space and creeks, building heights and setback distances from the street, vehicle traffic, circulation and parking, and pedestrian and bicycle safety and connectivity in the area.

City Council specified that this effort be focused on roadway improvements and amendments to development and design standards that could occur within the existing City policy framework. Larger citywide policy issues such as land use changes, housing density and affordability, commercial growth, regional traffic, and environmental sustainability are therefore not addressed in this study. They will be studied as part of the upcoming City General Plan update process.

Applicants for individual development proposals could choose to continue to process their applications during the period of the Study. It is expected that the Study recommendations will inform the review of development proposals, and that development proposals will need to respond to the Study findings and direction from City Council.

This *Upper State Street Study Report* prepared by the City Planning Division with the City Transportation Division sets out recommendations for amendments to development standards and design guidelines, physical improvements, and City programs to benefit transportation and urban design in the Upper State Street corridor.

Upper State Street Study Area

Upper State Street is one of the City of Santa Barbara's main transportation and commercial corridors. It provides a transportation link to downtown Santa Barbara and to the Goleta Valley. It connects to Highway 101 at Calle Real at the State Street on-ramp, and via cross streets at La Cumbre Road, Hope Avenue, Hitchcock Way, and Las Positas Road. State Street is lined with office buildings, banks, motels, retail and service shops, restaurants, and shopping centers. Mackenzie Park and the Army Reserve site provide substantial open space in the area. Arroyo Burro and San Roque Creeks cross underneath State Street. Expansive mountain views to the north are visible when traveling eastward. In addition to being accessible and convenient by car and transit, the corridor is also an integral part of the adjacent neighborhoods in a city that values a strong sense of place and community.

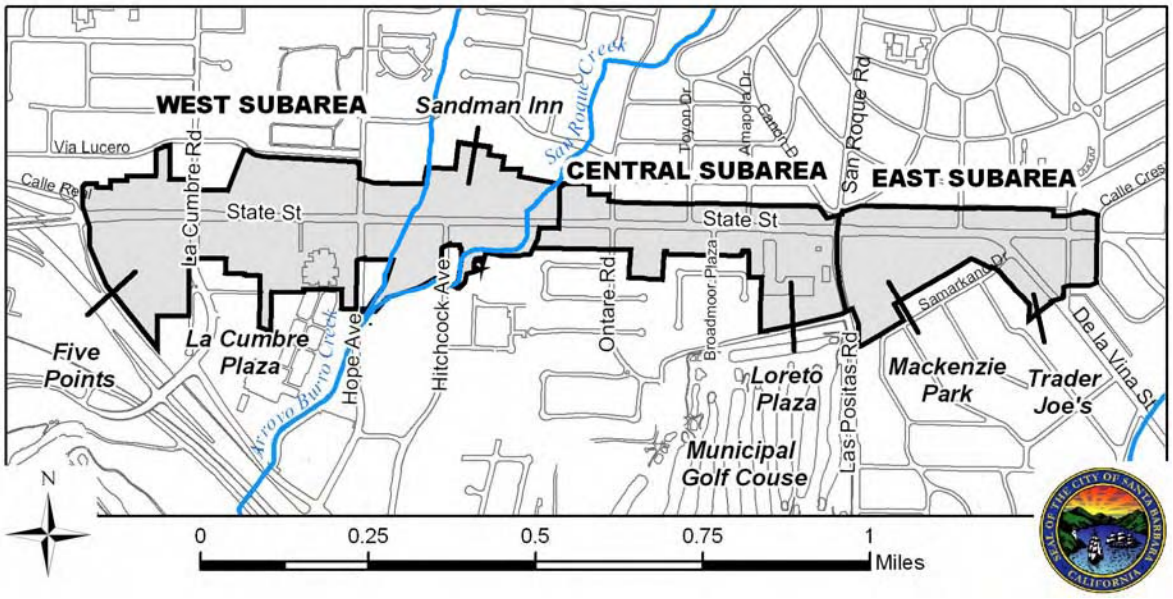


Figure 1 – Upper State Street Study Area

Study Area Boundaries

The 1 ½-mile study area encompasses commercially zoned parcels along Upper State Street from the Highway 101 northbound on-ramp at Calle Real on the west to Calle Laureles and De la Vina Street on the east. (See *Figure 1*)

Subareas

Three subareas were identified for the Upper State Street Study to assist in describing information about the corridor (See *Figure 1*):

West Subarea *[Highway 101 to San Roque Creek just east of Hitchcock Way].*

Two regional shopping centers (Five Points Center and La Cumbre Plaza) and generally larger parcels and developments.

Central Subarea *[San Roque Creek to Las Positas Road].*

Largely strip commercial development on both sides, and the Loreto Plaza shopping center.

East Subarea *[Las Positas Road to Calle Laureles]*

Mackenzie Park on the south and smaller historic storefronts on the north.

Surrounding Neighborhoods

The General Plan and other planning studies have identified neighborhoods adjacent to the State Street commercial corridor as follows (See *Figure 2*). The area north of State Street includes the Hope, San Roque, and East San Roque neighborhoods. South of State Street are the North State, Hitchcock, and Samarkand neighborhoods.

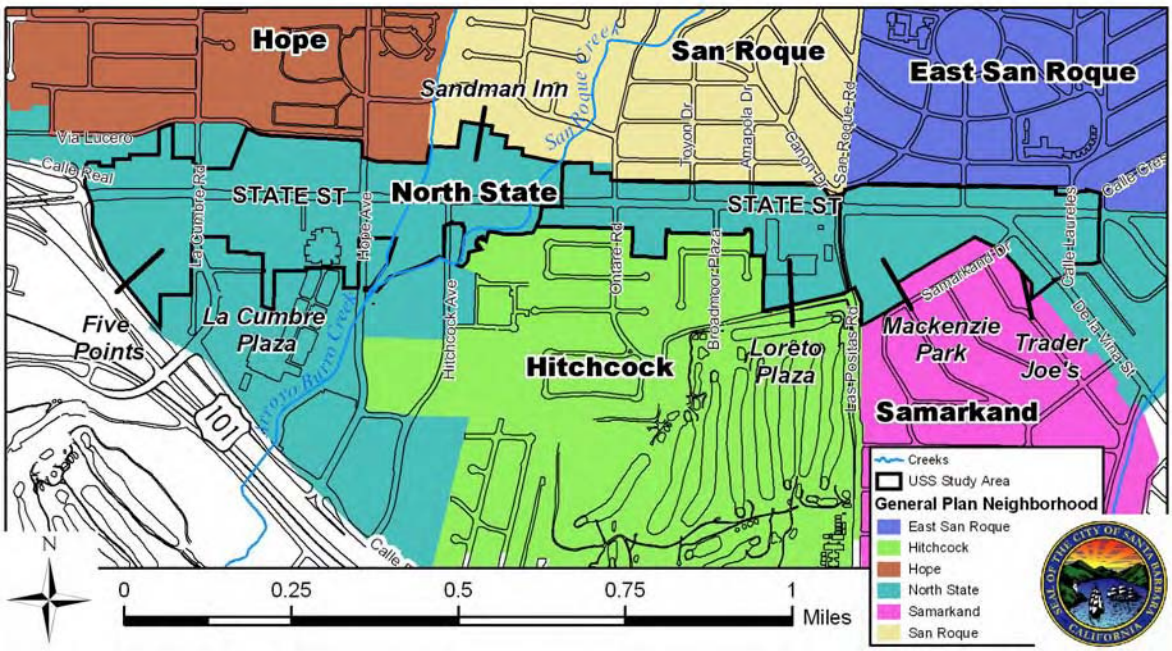


Figure 2 – Neighborhoods

Background

Historical Development Patterns

Upper State Street area parcels were gradually annexed from the County to the City over the last 40 years, and development standards have also evolved in a gradual fashion. Consequently, there is no one consistent development pattern along the corridor. Various land use groupings exist, such as regional shopping centers, large free-standing "campus-like" office buildings, 1960s strip commercial developments, and small, attached 1920s storefronts.

City Development Policies

Today, City General Plan policies for land use, housing, and circulation guide development within the City. These policies limit commercial development and encourage residential, as well as mixed residential/commercial uses, bus transit, bicycle use, and a "pedestrian friendly" environment. The 1989 citizen-approved Measure E controls the amount of non-residential growth. The City *Zoning Ordinance* and *Upper State Street Area Design Guidelines* serve as the primary tools to implement the *General Plan* policies in this area through development review.

Zoning Development Standards

The *S-D-2 Special District Zone* was adopted for Upper State Street in 1979 to address deteriorating traffic conditions and the rapid rate of development occurring within the corridor. Since that time, most of the identified traffic improvements have been constructed, the associated traffic mitigation fees repealed, and Measure E adopted to regulate commercial growth.

The S-D-2 development standards, such as requirements for the amount of parking, building height limitations, and building setback distances from the street, remain in effect today (See *Table 1* and *Appendix B*). In applying these provisions to individual development projects over the last 25 years, modifications to the setback and parking standards have been granted in some instances.

Summary of zoning requirements. Exceptions do apply, please refer to Appendix 5 for more information.

Zone	Building Height	Front Yard Setbacks	Interior Yard Setbacks	Parking
SD-2	3 stories, 45 feet	10 feet for one story buildings 15 feet or lower; 20 feet for two and three-story buildings or buildings 15 feet or taller	None	1 space per 250 square feet of gross floor area. If underlying zone requires more parking, the greater requirement applies
C-P	3 stories, 45 feet	10 feet	None	1 space per 200 square feet gross floor area
C-2	4 stories, 60 feet	None	None	1 space per 250 square feet gross floor area
R-O	3 stories, 45 feet	10 feet for one and two-story buildings; 15 feet for three-story buildings	6 feet for one and two story buildings; 10 feet for three-story buildings	1 space per 250 square feet gross floor area

Table 1 - Summary of S-D-2 Zoning Requirements

Design Guidelines

The Upper State Street Area Design Guidelines were adopted in 1992 to work with the existing SD-2 development standards. These guidelines provide general direction for development design of architectural style and elements, color, exterior finishes, roofs, site planning, building heights, lighting, landscaping, and neighborhood compatibility. (See *Appendix 3*)

Traffic Conditions

Traffic and circulation patterns are also largely a product of historical development. The street network never evolved as the type of "grid" pattern that naturally lends itself to many walking destinations and alternative routes for the automobile. Historically, State Street was primarily a means to get out "Goleta way". Since the 1920s, the traffic levels have ebbed and flowed as a result of increased commercial activity, more cars per household, and the widening of Highway 101 and associated interchange improvements.

Today, traffic conditions in the study area are for the most part better than the City standard for congestion levels during peak travel times, with the exception of two intersections: Las Positas Road at State Street; and Las Positas Road at Calle Real. Other intersections approaching the City congestion level standard are the State Street intersections with La Cumbre Road, Hope Avenue, and Hitchcock Way. Much of the community's perception of congested traffic along this corridor relates to mid-block stopping, starting, and slowing, attributable to operational "friction" from multiple driveways, bus stops, and frequent spacing of intersections and traffic signals.

Transit, Bicycle, and Pedestrian Facilities

Alternatives to vehicle transportation are available in the Upper State Street area. Bus transit service is in the process of being upgraded to run every 7.5 minutes. Both sides of State Street have striped on-street bike lanes. Sidewalks exist in most areas of the corridor, however walking along Upper State Street is generally not "pedestrian-friendly". Increasingly, the "streetscape" (including the street, medians, sidewalks, and building setback area from the street) is recognized as a key to successful urban design as well as promoting walking.

Pedestrian Master Plan

The City *Pedestrian Master Plan* (2006) sets out policies and programs to improve the pedestrian system citywide, and includes design guidance for sidewalk corridors, street corners, crosswalks, transit stops, paseos, and urban trails.

Ontare Road and State Street Intersection

IV. TRANSPORTATION RECOMMENDATIONS

Vehicle traffic, circulation and safety, including transit, pedestrian and bicycle circulation and connectivity, and vehicle parking are all inter-related elements of the Upper State Street transportation system. Following is summary information about existing conditions, public comment, discussion of issues, and improvement recommendations.

The recommended improvements summarized in this section were identified by Meyer, Mohaddes Associates (MMA) and the community, and are characterized as near-term improvements that would address traffic, circulation, safety, connectivity, and parking issues within the Upper State Street corridor character, through redevelopment opportunities, City and MTD transportation programs, and public/private partnerships. These near-term transportation improvements are depicted on *Figure 4*, the summary diagram for Transportation Improvements. Further descriptions and concept design figures by MMA for individual improvements are included in *Appendix D*.

Just as the major intersections of the corridor are reaching or at the City's threshold for congestion levels of service during peak travel periods, citizens also are feeling that the congestion levels of Upper State Street are impacting the quality of life in Santa Barbara. Improved future access and circulation on Upper State Street will require near- and long-term facility improvements for all modes of travel. The recommendations presented below can work in conjunction with other elements of planning for the purpose of improving the quality of life for the use, travel, and experience in this public space.

Traffic Signal/ Intersection Level of Service Improvements

Existing Conditions

Upper State Street is the main east-west surface street corridor in the northwest section of the City, and a transportation link between downtown Santa Barbara and the Goleta Valley. Because the road network never developed with a "grid" pattern, there are few alternative routes, and the corridor therefore has substantially lower capacity for carrying vehicle trips (between 14,000 – 32,000 average daily trips [ADT] capacity in various stretches of Upper State Street), compared to a similar distance within a grid pattern of multiple streets that might typically carry 140,000 ADT.

In the 1970s and 80s, traffic congestion levels at peak travel times were worse than current levels. Following the City's establishment of the S-D-2 zone standards and traffic impact fees in 1979, numerous roadway improvements were completed in the area that benefited circulation and automobile traffic. The Highway 101 widening in 1989 also diverted substantial traffic from Upper State Street. These highway and local roadway improvements, as well as SD-2 zoning standards and Measure E limitations on commercial development, resulted in substantial improvements to traffic levels on Upper State Street, and the traffic impact fee was discontinued in 1994 when most of the work was completed.

Since that time, traffic levels along Upper State Street have gradually increased due to incremental growth within the corridor and surrounding neighborhoods, and in the South Coast region as a whole, and with increasing numbers of vehicles per household. The MMA traffic analysis (February 2007) shows that most intersections within the corridor presently remain better than the City's adopted Level of Service C policy standard for maximum acceptable traffic congestion levels during peak travel times (.77 volume/ capacity), with the exception of two intersections: Las Positas Road at State Street; and Las Positas Road at Calle Real. Other intersections approaching the City's congestion level standard are the State Street intersections with La Cumbre Road, Hope Avenue, and Hitchcock Way.

Public Input

Public opinions differ about the extent of present traffic congestion problems on Upper State Street. Concerns have been expressed about the potential for future traffic increases associated with new development. Many recognized the continuing dominant role for vehicle traffic in the corridor in its role as a connecting link to the freeways, an alternate east-west route connecting downtown Santa Barbara and the Goleta Valley, and a primary commercial destination. Most comments supported roadway network improvements that would facilitate vehicle traffic flow and improve safety.

Discussion

Potential future traffic levels for the corridor were also analyzed as part of the MMA study. Additional incremental traffic increases over time were assumed, which could result from increased intensity of use within existing commercial buildings, and from pending and approved residential and commercial development projects. The future cumulative traffic forecast showed the potential for peak-hour traffic levels to exceed the City congestion standard at the State Street intersections with Hitchcock Way and Las Positas/San Roque Roads, and the Calle Real/ Las Positas intersection. Intersections identified as potentially nearing the City standard with future cumulative traffic include State/Hope, and Calle Real/ Highway 101 Northbound On-Ramp.

The analysis also showed that with implementation of near-term improvements identified in the following recommendations, future cumulative traffic levels at these intersections would be better than the City congestion standard (See MMA February 2007 Report for further discussion).

In addition, Upper State Street congestion levels are intrinsically related to the congestion levels on the paralleling Highway 101. When freeway congestion levels drop to stop-and-go conditions, traffic diverts to Upper State Street. This condition heavily burdens the street with very poor to failing levels of service that are worse than the typical conditions analyzed in this report. Although currently infrequent, this condition will occur more often over time if freeway congestion generally worsens. The Santa Barbara County Association of Governments is currently estimating continuous failing conditions for Highway 101 in 2030 if no improvements are constructed, such as additional lanes.

Summary Direction: **Maintain or improve vehicle traffic flow and intersection service levels along Upper State Street.**

RECOMMENDATIONS FOR TRAFFIC SIGNAL/ INTERSECTION LEVEL OF SERVICE IMPROVEMENTS

The following physical improvements and operational management measures were identified by traffic consultants Meyer, Mohaddes Associates (MMA) and the City Transportation Division to facilitate vehicle traffic flow within the corridor. These near-term improvements can improve the intersection service levels in the Upper State Street corridor.

1. ***Signal Phasing Modifications***

   The addition of right-turn arrow overlap phasing during left-turning phases is recommended at several intersections in the study area. For locations with existing and projected future high volumes of right turns, right turn arrows for some approaches could reduce the intersection volume-to-capacity ratio and improve congestion. The right-turn overlap provides an illuminated right-turn arrow during signal phases when the right-turning vehicle would have a protected period to turn. An example is currenly at the State Street/ U.S. 101 off-ramp/Calle Real intersection, traveling westbound. The MMA cumulative traffic analysis indicates substantial service level improvement would result at intersection locations where this signal change is recommended.

   Right-turn phasing modifications are recommended at the following intersections: (See *Figure 4* and *Appendix D - MMA Concept Design Figure and Description*)

   - Highway 154/ Calle Real (Include LOS change for each)
   - Highway 101 Northbound Off-Ramp/ State Street
   - La Cumbre Road/ State Street
   - Las Positas Road-San Roque Road/ State Street
   - La Cumbre Road/ Calle Real
   - Las Positas Road/ Calle Real

   Right-turn signal phasing at these six locations can be implemented at relatively low cost with minimal construction.

2. ***Traffic Signal at McCaw/ Las Positas***

Residents in adjacent neighborhoods reported that they experience a substantial amount of delay attempting to turn to and from McCaw Avenue at Las Positas Road during peak travel times, and that to avoid this delay, they use alternative routes via State Street to access local streets in the area. These added trips to State Street would largely be moved back to this nearby intersection with the installation of a traffic signal. In addition, a signal at this intersection would provide a controlled access point for MacKenzie Park, and, if a future pedestrian bicycle route were developed along McCaw Avenue, a traffic signal would provide a controlled crossing point for non-motorized traffic across Las Positas Road. (*See Appendix D, MMA Concept Design Figure and Description*)

3. ***Traffic Volume Monitoring***

The City Transportation Division is proceeding with a program of regular, periodic traffic volume counts on roadways throughout the City, including the Upper State Street corridor. This will assist in coordinating traffic management with adjacent jurisdictions, identifying problem areas, reviewing development applications for traffic effects, and assessing the effectiveness of physical improvements and operational changes to the road network. The Transportation Division is scheduling yearly counts of the Upper State Street corridor. These counts will be included in a count data base in the form of a count booklet. Count trends will be monitored in coordination with other relevant data (i.e., freeway congestion, and the economy).

3. ***Intelligent Transportation System (ITS)***

The use of ITS traffic control measures, such as electronic message signs, connection to the Caltrans regional monitoring system, and signal timing that adapts to traffic levels, assists in managing traffic flow and system efficiency. Upper State Street has ten City-controlled traffic signals that use an ITS system (called QuickNet) for adjustable signal timing. These signals are interconnected and controlled from a traffic control center and computer located at 630 Garden Street. The signals also have video detection at each intersection. The City Transportation Division has a continuing program to refine equipment and operational parameters to improve system performance remotely in real time as the demands of the corridor evolve.

Implementation

1. ***Private development projects funding***

The traffic signal improvement projects could be implemented by individual developments as mitigation for project-specific or cumulative traffic impacts. Traffic fees could also be identified as a potential funding source.

2. ***City capital improvements program***

The traffic signal improvements could be included and funded under the City Capital Improvement Program. Projects could be funded by a variety of funding sources.

3. ***City programs and operations***

Traffic monitoring and ITS programs are part of the ongoing City Transportation Operations programs. Expansions to the programs could require identification of additional funding and/or consultant services.

See also the Funding Sources discussion following the next set of identified improvements, and the discussion of development fees in Section V.

Pedestrian/Bicycle Facility Improvements

Existing Conditions

Facilities for pedestrians and cyclists are present in the Upper State Street corridor, including sidewalks in most areas, and striped on-road bike lanes along both sides of State Street. There is also an off-street public trail adjacent San Roque Creek from State Street west of Ontare Road to Hitchcock Way south of State Street. Because of the commercial nature of the street and the heavy transit use, sidewalks are well-used. The Upper State Street corridor serves as a major bicycle corridor and route to and from Downtown and the adjacent residential communities.

Public Input

Public comments generally supported standardizing and improving the quality of sidewalks, bus stops, and bicycle facilities, which would also lessen potential conflicts with vehicles and thereby improve safety.

There was tremendous community support expressed for improving pedestrian links within the commercial corridor, and between the corridor and surrounding neighborhoods, including routes across commercial properties. A parallel path to State Street was envisioned along the southerly edge of the corridor.

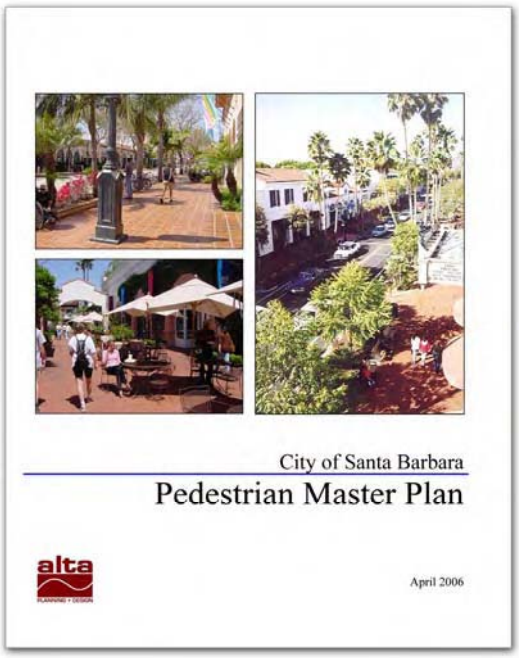
Discussion

Some existing pedestrian facilities are not "pedestrian friendly", including sidewalks with inconsistent or inadequate widths, materials, or maintenance conditions; lack of a pedestrian buffer from the busy street; and sidewalk obstructions such as poles, signs, and utility boxes. The Pedestrian Master Plan identifies standards for Upper State Street including a standard furnishing zone (parkway), through way (sidewalk widths), and frontage zone (space between sidewalk and buildings).

Pedestrian routes across commercial sites from parking areas to buildings are not separated from auto traffic in many areas. Intersection crossings for pedestrians could also use enhancing to make the experience feel more inviting and safe. Some bus stop facilities with bus pockets out of the traffic lanes intrude into the sidewalk space. The quality of private bicycle parking is low throughout the corridor.

The existing circulation network could be improved to provide better connections for both pedestrians and vehicles between adjacent commercial properties within the corridor, and between the commercial corridor and surrounding neighborhoods.

Summary Direction:
Improve pedestrian and bicycle facilities within the corridor, and increase connectivity between parcels and between the commercial corridor and surrounding neighborhoods.



RECOMMENDATIONS FOR PEDESTRIAN/ BICYCLE FACILITY IMPROVEMENTS

1. ***Pedestrian/Bike Route***

The route would provide an alternative to State Street for pedestrians and cyclists wanting to travel between the Five Points and MacKenzie Park areas south of State Street. The route would also provide non-motorized access between several neighborhoods primarily connected via vehicles. (See *Figure 9*, Summary Diagram of Transportation Recommendations)

The route would use largely existing roadways and sidewalks, connecting a few gaps. Route improvements would include new sidewalks, creekside trail improvements, street crossings, signage, and a stoplight at McCaw Avenue and Las Positas Road (see item 5).

2. ***Pedestrian Connections***

It is recommended that development guidelines for the Upper State Street area promote the improvement of sidewalk connections along cross streets and the establishment of more paseos connections through parcels, to increase pedestrian connectivity throughout the corridor as parcels are redeveloped. Long-term operation and maintenance agreements should be established with the development of paseos to ensure that paseos are available to the public on a long-term basis.

Figure 2 identifies recommended locations for sidewalk improvements, and blocks where new mid-block pedestrian paseos would improve connectivity.

3. ***Relocate State Street/ Calle Palo Colorado Crosswalk***

Relocating the existing north-south crosswalk across State near the intersection with Calle Palo Colorado from the west side of the intersection to the east side addresses traffic and pedestrian safety and would benefit the flow of traffic. The relocated crosswalk would take advantage of the existing median area to create a pedestrian refuge area, and the access ramps to the crosswalk would be relocated and modified to provide access compliant with current American Disabilities Act (ADA) requirements. Visibility for pedestrians would be increased through upgraded lighting, and pedestrian signage. (*See Appendix D, MMA Concept Design Figure and Description*)

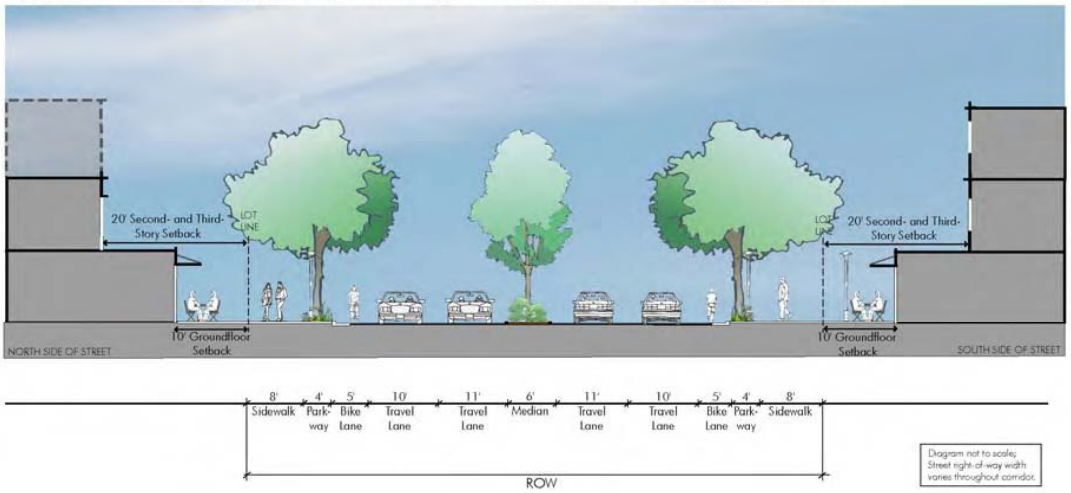
4. ***Reconfigure State Street/ De la Vina Street Intersection***

De la Vina Street provides a main route to and from the downtown area. The current intersection configuration with its eastbound free-right turn for vehicles has the potential for conflicts with pedestrians and bicyclists traveling eastbound on State Street. This improvement would modify the intersection to remove the vehicle eastbound free-right turn, and provide signal control for all crosswalks at the intersection, to address traffic and pedestrian/ bicyclist safety. The proposed change would allow the intersection to more closely resemble a "standard" intersection and operate in a more coordinated manner as part of the Upper State Street corridor. The Meyer, Mohaddes Associates analysis shows that the improvement would have only an incremental effect (about 5%) on evening peak-hour traffic level of service, which would remain at Level of Service B. The City Transportation Division is proceeding with this improvement.

5. ***Traffic Signal at McCaw/ Las Positas***

A signal at this intersection would provide a controlled access point for MacKenzie Park, and, if a future pedestrian bicycle route were developed along McCaw Avenue, a traffic signal would provide a controlled crossing point for non-motorized traffic across Las Positas Road. (*See Appendix D, MMA Concept Design Figure and Description*)

Upper State Street with Application of Existing and Recommended Development Standards



6. ***Streetscape Improvements***

As identified in the adopted Pedestrian Master Plan, and also discussed in Section III, Urban Design Recommendations, the following streetscape improvements are recommended, which would benefit pedestrian circulation and traffic safety.

Parking Improvements

Existing Conditions

Parking in the Upper State Street corridor is provided primarily as surface parking lots in conjunction with privately-owned commercial developments and shopping centers. Some on-street parking is provided in the eastern portion of the corridor, and along some cross streets. The Meyer, Mohaddes Associates analysis of existing parking conditions characterized the amount of parking to be generally adequate for the corridor overall, with a few locations experiencing constrained parking during peak periods. Parking-constrained locations in the corridor were found to be related mainly to parking operations, especially at mixed-use commercial sites with busy restaurants. Some smaller commercial sites on the eastern end of the corridor were also found to be constrained.

Public Input

Opinions differ about whether adequate parking currently exists, but there is substantial support for increasing shared parking and providing additional parking in more popular or congested areas and for new developments. Many comments expressed sensitivity to integrating parking into the overall design and functionality of the corridor. A number of commenters favored development of centralized parking structures in conjunction with a shuttle system to promote non-auto travel within the corridor. Some commenters supported underground parking reduce paved surface area and free up space for more landscaped open areas. Others questioned the feasibility and convenience of underground parking, centralized garages, and shuttles. The types, locations, and adequate quantity of parking facilities in the longer-term future are also issues of public concern.

Discussion

Every vehicle trip requires parking at its destination, so parking facilities are an integral component of the roadway system. Parking is one of the first experiences that people have when traveling to a destination. Convenient and affordable parking are considered a sign of welcome. Parking that is difficult to find, inadequate, inconvenient or expensive will commonly frustrate users and can contribute to spillover parking problems in other areas. As a result, inadequate parking supply can create problems to both users and nonusers.

Parking is also intrinsically related to transportation and other non-transportation issues. Parking facilities are expensive to construct, imposing financial costs on developers which are passed on to customers. Increasing parking facilities impose environmental costs associated with paved areas, and can contradict community development objectives for more livable and walkable communities. Abundant, unpriced parking tends to increase driving and discourage use of alternative modes.

The availability of parking has a direct influence on trip-making decisions. If parking is constrained at peak times, people may alter the time they make a trip, or avoid a vehicle trip altogether. Decisions to alter or eliminate vehicle trips will improve

congestion on Upper State Street, which is a primary goal of this effort, consistent with General Plan Circulation Element policies.

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

RECOMMENDATIONS FOR PARKING IMPROVEMENTS

1. Public/ Private Parking Efficiency Management Program

Field observations and parking occupancy surveys conducted as part of the Meyer, Mohaddes Associates Study indicate that parking is generally adequate overall across the Upper State corridor. However the most desirable and convenient parking locations of some lots reach near-full occupancy at peak periods, and are perceived by some users as deficient, especially at mixed commercial sites with busy restaurants, and smaller sites with constrained parking on the eastern end of the corridor. Generally, it appears that it is not an issue of parking demand exceeding supply, but that the access, circulation, and signage of parking lots are not adequately designed to accommodate the demand.

As part of the Shared Access and Parking Program discussed above, it is recommended to include work with employers and commercial businesses to improve efficiency of parking management by measures such as the following:

Shared Parking: This means that parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles. Parking in the corridor should be shared to the greatest extent possible to maximize its use. Assigned parking spaces for commercial centers should be prohibited.

Employee Parking: Provide for employees to use remote parking and reduce the need for employee parking through the provision of Transportation Demand Management incentives that support carpooling and the use of alternative transportation.

Parking Pricing: This means that motorists pay directly for using parking facilities. Parking pricing will improve parking supply and reduced congestion on Upper State Street. Charging customers for parking can also be use to recover parking facility costs, to generate revenue for other purposes (such as a local transportation program or an Upper State Street business improvement district), or for a combination of these objectives. Free periods, similar to those offered Downtown, could be used in conjunction with parking pricing. Parking pricing strategies would require the cooperation and organization of the commercial business owners of the street.

Signs and Circulation: Make signage, access, and circulation as appropriate as possible to show users where all parking is located, especially lesser-used parking to the side and rear.

Intelligent Transportation System (ITS): At larger centers, provide ITS measures, such as real-time indicators showing available spaces in other parts of the lot.

2. Site Lay-Out for Parking

Determining appropriate parking lay-out design for redevelopment within the Upper State Street corridor needs to consider specific circumstances of the site and surrounding area, such as size and depth of lot, scenic view considerations on north or south side of street, and proximity to connecting side streets and alleys. As a part of refinements to development standards and guidelines, it is recommended that information about how parking lay-out relates to access, circulation, and traffic be included for consideration. In general, parking in the rear of buildings can be more easily accessed from alleys and driveways on side streets, and could also potentially reduce the number of driveways along State Street. Underground parking should be maximized to the benefit of creating attractive, high quality space.

3. Parking Requirements

Future developments that provide able free parking will likely increase congestion on Upper State Street. Many of the existing commercial centers do not currently provide the amount of parking required by ordinance. The parking ordinance should be reviewed and changed to provide reasonable amounts of parking without burdening the transportation corridor.

Parking Maximums: Some communities limit the amount of parking capacity allowed at particular sites or within a particular area to control a development's congestion impact on the adjacent streets It is recommended that parking maximums be considered to limit the amount of excessive parking or implement parking pricing as a means of regulating congestion at peak travel times.

Parking Pricing (described above): Parking pricing can be used as an alternative to or in conjunction with parking maximums to reduce congestion on Upper State Street.

Restaurant Parking: Consider conditioning certain retail centers to limit or restrict restaurants in smaller commercial developments.

4. Mixed Use Development Policies

Current City General Plan land use and zoning policies allow for mixed commercial and residential development on Upper State Street. As with Downtown, adding residential to Upper State Street would increase the "people activity" of the street and provide more opportunities to travel without a car. The number one response when asked what could be done to get people to use transit is: "Make the bus come to my front door." Because housing on Upper State Street would mean that transit is at the front door, the attractiveness of the existing frequent transit would equate to a greater share of transit trips. Parking strategies for residential use here should consider this.

Parking Requirements for Residential: The City may want to restrict parking to one space per unit or require that the price of parking supply be independent of the residential unit. This would address multiple goals. First, requiring less parking would improve the affordability of the housing unit. Second, this strategy reinforces people's choice of a lifestyle that does not include a second car, or any car at all. An additional benefit would be that the vehicle intensity of a project would be kept in check so as to improve the use of alternative modes of travel and protect the quality of vehicle travel on Upper State Street.

Car share: Car sharing refers to automobile rental services intended to substitute for private vehicle ownership. It makes occasional use of a vehicle affordable, even for low-income households, while providing an incentive to minimize driving and rely on alternative travel options as much as possible. It requires these features:

- Accessible (i.e., located in or near residential neighborhoods).
- Affordable (reasonable rates, suitable for short trips).
- Convenient (vehicles are easy to check in and out at any time).
- Reliable (vehicles are usually available and have minimal mechanical failures).

Car sharing should be considered for large residential developments in conjunction with parking limits or strategically implemented for Upper State Street district wide.

5. Parking Demand Reduction Programs

It is recommended to continue City and MTD policies and programs to increase use of alternative modes to vehicle travel, including walking, biking, and transit, by developing improvements and designing development oriented to alternative modes, which would reduce vehicle parking demand. As stated by policy 7.4 of the Circulation Element of the General Plan, "the City shall update Parking Requirements and Design Standards to optimize its parking resources and to encourage increased use of alternative transportation." (See also Policy 13.2.2.)

6. Retain On-Street Parking

On-street parking is not abundant in the Upper State Street corridor, but where it exists, it is heavily used and provides a needed parking supply, and helps to buffer pedestrians from vehicle through traffic. It is recommended to retain current on-street parking.

Implementation

New parking requirements and policies could be included in a revision to the S-D-2 Zone. The goal of parking policy adjustments would be to protect and enhance the Upper State Street corridor's limited vehicle capacity and to prevent future congestion increases. This effort could be conducted with the help of consultant services or budgeted as an in-house staff effort.

IV. PARKING

While there is a range of differing opinions over the availability of parking in Upper State Street, there is substantial desire for increasing possibilities for shared parking and additional parking in congested areas. However, there is community sensitivity to integrating parking into the overall design and functionality of the corridor.

A. PARKING COMMENTS: COMMUNITY EXPERIENCE

1. The community wants sufficient amount of parking new and popular existing developments.

- Too little parking exists for new projects.
- Peet's lacks sufficient parking. Every restaurant has failed because of it.
- Popular destinations draw more cars than they can accommodate, i.e. Coffeebean, Jeannine's, and Five Points.
- Most congested parking lots are at the Post Office, strip malls, Trader Joes, and Rudy's.
- Ahi / Tee-Off and Jeannine's parking lots are too full.

2. The community wants more parking at strategic locations.

- Army reserve should become parking.
- Upper State Street needs parking at both ends of corridor.
- There is potential for a transit hub in the West Subarea that could have ample parking opportunities.
- A big underground parking lot on the West Subarea would open up State Street and provide access for drivers using the 101 for shopping and restaurants and going to the Valley to work.
- Parking structures needed at Loreto and La Cumbre Plazas.
- Convert old gas stations to parking structures.
- Put parking lots on the north side to protect views.

3. There is enough parking.

- There is no excess capacity for parking; there's no room for growth.
- La Cumbre Plaza works.
- La Cumbre Plaza has too much parking.

4. On-street parking poses conflicts.

- On-street parking slows traffic.
- On-street parking is a hazard to biking.

- Disagreement between keeping or removing parking in front of Mackenzie Park.

5. Inadequate parking impacts in neighborhoods.

- Must have adequate employee parking since employees are using neighborhoods to park in.
- Unmet parking demand is affecting residential areas near De La Vina.

6. Parking lots are unattractive.

- Parking in front is unattractive.

B. PARKING COMMENTS: PROPOSED OPTIONS

1. Encourage more shared parking between businesses.

- Create shared access between parking and businesses.
- Strip malls have advantage of shared parking.
- Five Points and La Cumbre could have shared parking with a pedestrian connection under or over La Cumbre Road.
- Discourage barricades between lots.
- Provide pedestrian paths between and among businesses.
- Improve signage to point people to less used parking.
- Use existing parking more efficiently.
- Encourage access from side streets and alleys.
- Strip mall parking is ugly.
- Large parking lots in front of large shopping centers need more landscaping and trees.
- Surface parking lots should be phased out except for lodging and sole proprietorships.

2. Create additional parking through underground parking or parking structures.

- Build centralized parking structure(s) served by shuttles.
- Build parking garage/second deck at Five Points.
- Double-deck Macy's lower lot.
- Double-deck Mackenzie Park lot.
- Consider need for parking structure at De La Vina area.
- Create incentives for underground parking.
- Use topography on south side for underground parking.
- Require underground parking for new large businesses and condos.
- Create underground parking with *paseos* and preserved views on top.

- Underground and structured parking can help prevent sprawl.
- Anticipate parking structures as a long-term infrastructure need of urban design.
- Underground parking can make for business storage and delivery and provide more room above ground.

3. Reconfigure parking to side or rear of building.

- Place parking at the rear and move buildings forward.
- Encourage parking behind and alongside buildings.
- Improve alleys for additional parking.
- Parking lots in back or side, but not front.
- Should not be part of the visual landscape except for on-street parking.
- Enter buildings from street via *paseos* from behind parking.
- Parking on side of building is acceptable if accessed from the rear of the building.

4. Create a bus shuttle between parking structures.

- Need centralized parking with shuttles.
- Community members would like to park once and walk or shuttle to multiple shopping areas.
- Create parking lot nodes near consumer-related areas.

5. Create a Parking District.

- Create Parking District and charge fees for new public garages

6. Community split on cost-effectiveness of underground parking.

7. Impervious vs. semi-permeable parking lot materials.

EXHIBIT 7

less feasible the measure would be considered. Mitigation measures to address potentially significant impacts of *Plan Santa Barbara* transportation are discussed in section 16.8 Mitigation Measures.

16.3.5 City Impact Significance Guidelines

City impact significance guidelines for traffic and circulation are listed below and are based on City policy (Charter, Circulation Element, Master Environmental Assessment) and the State CEQA Guidelines. Although CEQA itself has no specific standards for significant impacts, it does encourage the adoption of standards of significance to be used in determining significant impacts. It is the responsibility of the Lead Agency to determine the definition of "significant." Typically, standards of significance for transportation impacts in California (and around the nation) are based on automobile Level of Service (LOS). Please see Table 16.2 on page 16-7 for a description of various LOS. This is partly due to the fact that current CEQA Guidelines state significance thresholds need to be:

> "... an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." (CEQA, Section 15064.7)

Standardized LOS policies tend to fit the above description well as there are few nationally recognized metrics of other modes of travel. However, recent amendments to the State CEQA guidelines have eliminated parking from the Appendix G sample checklist. Therefore, for the purposes of this analysis the adequacy of parking supply is considered a planning rather than a CEQA issue. In addition, these new amendments require that analysis consider if a project would:

> "Exceed the capacity of the existing circulation system, based on applicable measures of effectiveness (as designated in a general plan policy, ordinance, etc,), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit" (CEQA Checklist – Appendix G)

This language in the CEQA Checklist was added in 2010 to enable and encourage a more balanced assessment of the overall circulation system and broaden assessment of impacts beyond a simple analysis of LOS.

Santa Barbara has a long history of associating traffic congestion as an inhibitor to the quality of life. The 1964 General Plan comments that "All we need is a few more cars to attain the unhappy distinction of becoming more like Los Angeles." Accordingly, the City has developed high standards for streets to remain free of congestion. The City Charter (Section 1508c) stipulates that "a new or pending non-residential project may be constructed only if it will not cause a significant and unmitigated adverse impact on...traffic within the City...A finding shall be made that...traffic improvements will be in place at the time the project is ready for occupancy." Setting this level of a significance requirement has amounted to a "zero tolerance" policy of traffic congestion for new non-residential growth.

Although the City employs an automobile-based standard of significance, the traffic model revealed a direct correlation between increases in alternative mode use and reductions in vehicle levels of service. This relationship exists because the peak hour congestion in Santa Barbara is primarily isolated to Highway 101 interchanges that are overwhelmed with commuter traffic. When commuters shift to use alternative modes of transportation, congestion at freeway interchanges is directly reduced. Therefore, although the City of Santa Barbara does not have specific measures of effectiveness for alternative modes of transportation, reductions in congestion demonstrated by better automobile levels of service in fact serves as an effective measure of

alternative mode use increases. This relationship was clearly demonstrated in the various traffic model alternatives where Travel Demand Management strategies that increase the use of alternative modes of transportation were the most effective means by which to reduce congestion.

The following outlines the City's criteria for implementing this policy.

Citywide or Area-Specific Transportation Impacts: A significant impact associated with vehicle traffic or roadway circulation and access may occur where a project results in any of the following, unless measures are implemented to avoid or lessen the significant effect:

- Vehicle Traffic – City Intersections: Project peak-hour trip generation would cause an increase in traffic level at a City intersection that is substantial in relation to the existing traffic load and street system capacity, identified by City policy as:
  - Peak-hour volume-to-capacity (V/C) ratio at a signalized intersection increases to 0.77 (77 percent) or more [ICU methodology]; or
  - Peak-hour V/C ratio increases by 0.01 (1 percent) or more at a signalized intersection with a V/C ratio already exceeding 0.77 [ICU methodology]; or
  - Peak-hour delay time at a non-signalized intersection increases to an average delay of 22 seconds or more per vehicle [HCM methodology].
  -
- Circulation and Traffic Safety: The project would result in any of the following:
  - Potential hazards due to addition of traffic to a roadway with design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or that supports uses that would be incompatible with substantial increases in traffic.
  - Inadequate pedestrian and/or bicycle circulation per City policies.
  - Inadequate safe access under American Disability Act provisions.
  - Inadequate emergency access/egress on-site or to nearby uses per City ordinance provisions.
- Policy Consistency: The project would conflict with the Circulation Element, or other adopted plan or policy pertaining to transportation systems.

Regional Transportation Impacts (Cumulative Impacts): A considerable contribution to regional traffic is identified if City traffic would exceed that identified in the Regional Congestion Management Plan (CMP) or otherwise conflict with CMP policies[16].

[16] The CMP identifies thresholds as follows: The peak-hour operation of a regional roadway or intersection currently at level of service (LOS) A or B degrades by two or more levels of service; the peak-hour operation of a roadway or intersection currently at LOS C degrades to LOS D or worse; or the project would add the following peak-hour trips to a roadway or intersection with peak-hour operation at LOS D, E or F: 20 or more peak-hour trips at LOS D; 10 or more peak-hour trips at LOS E or F. For CMP roadways or freeways at degraded peak-hour service levels, the project would add the following peak-hour trips: 100 or more peak-hour trips at LOS D; 75 or more peak-hour trips at LOS E; 50 peak-hour trips at LOS F.

EXHIBIT 8

HAYASHIDA ARCHITECTS
■ A CALIFORNIA CORPORATION ■

■ SADY HAYASHIDA, A.I.A.
PRESIDENT
■ DON INABA, A.I.A.
VICE PRESIDENT
■ GERALD VEILUVA, A.I.A.
VICE PRESIDENT
■ LLOYD FOGELHUT, A.I.A.
VICE PRESIDENT
■ LEWIS BERKHOUT
VICE PRESIDENT, FINANCE

March 30, 2010

Michelle Bedard
Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: Beverages & more! Tenant Improvement
3052 State Street
Santa Barbara, California
Application Number MST2010-00016
Hayashida Job No. 09-4360-20

Dear Ms. Bedard:

The following is in response to comments by the Architectural Review Board on March 8, 2010.

1) Provide a landscape demolition plan showing existing material to be demolished and new material.
Landscape demolition plan added to the set of drawings, see Sheet L1. The Landscape Plan has been revised to reflect the new parking layout, see Sheet L2.

2) Return with any proposal for additional parking lot lighting, including fixture cut sheets, and photometrics.
One new light is being added over the new exit door at the rear of the building. This light fixture is wedged shaped and shines downward. Attached, please find the cut sheet for Lightway, TUSW-10, w/ 42 watt lamp. All external lights will be on a timer.

3) Study incorporating a pedestrian presence and entry from State Street.
A direct path from the sidewalk on State Street to the front entry has been added, see Sheet SD1.

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.
The existing planting area in the parking lot is damaged and will be rebuilt. The existing tree in this planting area is to remain. Additional landscaping areahas been provided in the front planter and in the rear of the parking lot where the existing storage building has been demolished, see Sheet SD1 and L1

1250 45th Street, Suite 340 ■ Emeryville, CA 94608 ■ Tel: 510.428.2491 ■ Fax: 510.428.9491 ■ www.hayashida-architects.com

5) Study the configuration of molding and tile details on the rear of the building to be consistent with architecture.
The molding at the rear elevations is to match the existing and applied in a consistent manner with the existing moldings, see Sheet A4.1 and detail 4/A4.1. The apparent tile accent on the original submittal should not have been shown. Other than the awning over the new roll-up door, there are no new or additional architectural features proposed at the rear elevation. The awning will match the color of the building.

6) Study methods to screen the open trash enclosure from public view.
New metal gates have been added to the trash and transformer enclosures. The enclosures and gates will be painted to match the existing building, see Sheet A4.1

7) Provide a color and materials board for any proposed changes.
The entire building will be painted to match the existing building's colors. Attached please find a colored rendering with paint samples and finish notes.

Please do not hesitate to contact us if further clarification is required.

Sincerely,

Don Inaba
Vice President

cc Eric Marquart/Beverages & more!
Bob Taylor/Terra Nova Industries

EXHIBIT 9

EARN A 5% REWARD! CLICK FOR DETAILS

Pick Up Your Order in 1 Hour!

Find a BevMo! Store Near You!

BevMo! Locations Albany, CA

-OR-

City or Zip Code 93105 Within Any Distance

Find Stores

Coming Soon! Select a Store More Info

Found BevMo! Stores

Santa Barbara
Distance: 0 Miles
3052 State Street
Santa Barbara, CA 93105

View store Information

Thousand Oaks
Distance: 62 Miles
111 South Westlake Blvd. #111
Thousand Oaks, CA 91362
805.230.2883
View store Information

Simi Valley
Distance: 62 Miles
405 Cochran Street
Simi Valley, CA 93065
805.578.9780
View store Information

Valencia
Distance: 72 Miles
26946 The Old Road
Valencia, CA 91381
661.753.9075
View store Information

Valencia
Distance: 72 Miles
26946 The Old Road
Valencia, CA 91381

661.753.9075
View store Information

San Luis Obispo
Distance: 73 Miles
1502 Froom Ranch Way
San Luis Obispo, CA 93405
805.786.4892
View store Information

Canoga Park
Distance: 73 Miles
6520 Canoga Avenue, Space D-2
Canoga Park, CA 91303
818.340.1548
View store Information

Northridge
Distance: 75 Miles
19524 Nordhoff Street
Northridge, CA 91324
818.993.3250
View store Information

Van Nuys
Distance: 81 Miles
5820 N Sepulveda Blvd.
Van Nuys, CA 91411
818.989.3940
View store Information

Santa Monica
Distance: 83 Miles
3212 Wilshire Blvd.
Santa Monica, CA 90403
310.453.5600
View store Information

West Los Angeles
Distance: 85 Miles
10984 Santa Monica Blvd.
Los Angeles, CA 90025
310.473.9600
View store Information

Studio City
Distance: 86 Miles
12123 Ventura Blvd.
Studio City, CA 91604
818.754.1758
View store Information

West Hollywood
Distance: 88 Miles
7100 Santa Monica Blvd