

**CITY OF SANTA BARBARA
CITY COUNCIL**

Helene Schneider
Mayor
Grant House
Mayor Pro Tempore
Bendy White
Ordinance Committee Chair
Das Williams
Finance Committee Chair
Dale Francisco
Frank Hotchkiss
Michael Self



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**JULY 27, 2010
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 1:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 6:00 p.m. - Work Session – *Plan Santa Barbara* General Plan Update (Estimated Time)

SPECIAL FINANCE COMMITTEE MEETING - 1:00 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: June 30, 2010, Investment Report And June 30, 2010, Fiscal Agent Report

Recommendation: That the Finance Committee recommend that Council:

- A. Accept the June 30, 2010, Investment Report; and
- B. Accept the June 30, 2010, Fiscal Agent Report.
(See Council Agenda Item No. 2)

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. **Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 22, the adjourned regular meeting of June 23, and the regular meetings of June 29, July 6 (cancelled), and July 13, 2010.

2. **Subject: June 30, 2010, Investment Report And June 30, 2010, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the June 30, 2010, Investment Report; and
- B. Accept the June 30, 2010, Fiscal Agent Report.

3. **Subject: Records Destruction For The Airport Department (160.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Airport Department.

CONSENT CALENDAR (CONT'D)

4. **Subject: Airline Terminal Public Arts Program Agreements With Artists (560.04)**

Recommendation: That Council approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, public arts program agreements with:

- A. Lori Ann David for design and installation of a mosaic tile floor medallion associated with the Airline Terminal Project, in an amount not to exceed \$65,000; and
- B. Vidya Gauci for design and installation of decorative stenciling associated with the Airline Terminal Project, in an amount not to exceed \$12,000.

5. **Subject: Sole Source Vendor For Airport Mosquito Control Services (560.04)**

Recommendation: That Council:

- A. Find it is in the City's best interest to waive the formal bid process as provided in Municipal Code Section 4.52.070(k), and authorize the City's General Services Manager to issue a Purchase Order to the Mosquito and Vector Management District of Santa Barbara County (District) as the sole source and most favorable source for providing the City with mosquito monitoring and control services at the Airport in the amount of \$74,462; and
- B. Subject to the appropriation of funds approved by City Council, authorize the City's General Services Manager to issue Purchase Orders and Change Orders to the District for four subsequent fiscal years for mosquito monitoring and control services, in amounts not to exceed the annual appropriated budget for the program.

6. **Subject: Three-Year Agreement For Printing, Stuffing, And Mailing Utility Bills, Business License Renewals, And Other Bills; One-Year Agreement For Printing City News In Brief (210.01)**

Recommendation: That Council:

- A. Approve and authorize the Finance Director to execute a three-year service agreement with CSG Systems for the printing, stuffing, and mailing of utility bills, business license renewals, and miscellaneous other billings at a cost not to exceed \$72,000 annually (excluding postage); and
- B. Approve and authorize the Finance Director to execute a one-year service agreement with CSG Systems for printing The City News in Brief newsletter at a cost not to exceed \$21,000 annually.

CONSENT CALENDAR (CONT'D)

7. Subject: Agreement With The Council On Alcoholism And Drug Abuse For The Criminal Justice Early Identification Specialist (520.04)

Recommendation: That Council:

- A. Authorize the Chief of Police to execute a Memorandum of Understanding, subject to approval of the City Attorney, between the City of Santa Barbara and the Council on Alcoholism and Drug Abuse; and
- B. Appropriate \$47,000 from available reserves in the Police Asset Forfeiture and Grants Fund to fund the Council on Alcoholism and Drug Abuse for a Criminal Justice Early Identification Specialist position for the contract period beginning September 1, 2010, through August 31, 2011.

8. Subject: Contract For Construction For The Escondido And Bothin Water Pump Stations Rehabilitation Project (540.06)

Recommendation: That Council:

- A. Award a contract with Taft Electric Company (Taft), in their low bid amount of \$1,376,734, for construction of the Escondido and Bothin Water Pump Stations Rehabilitation Project (Project), Bid No. 3573;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$138,000 to cover any cost increases that may result from contract change orders for extra work; and
- C. Authorize the Public Works Director to execute a contract with AECOM Technical Services, Incorporated (AECOM), in the amount of \$44,611, for construction support services, and approve expenditures of up to \$4,500 for extra services of AECOM that may result from necessary changes in the scope of work.

9. Subject: Contract For Design Of The El Estero Wastewater Treatment Plant Supervisory Control And Data Acquisition WiFi Backup System (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract, subject to approval by the City Attorney as to form, with Beckman Software Engineering in the amount of \$43,700 for design and installation services for the El Estero Supervisory Control and Data Acquisition (SCADA) WiFi Backup System, and authorize the Public Works Director to approve expenditures of up to \$4,400 for extra services of Beckman Software Engineering that may result from necessary changes in the scope of work.

CONSENT CALENDAR (CONT'D)

NOTICES

10. The City Clerk has on Thursday, July 22, 2010, 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.
11. Received a letter of resignation from Lower Westside Center Advisory Committee Member Nicolas Ferrara; the vacancy will be part of the next recruitment for City advisory groups.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

PUBLIC HEARINGS

12. **Subject: Public Hearing On The Proposed Santa Barbara Tourism Business Improvement District (150.05)**

Recommendation: That Council hold a public hearing to hear comments from the public on the proposed Santa Barbara Tourism Business Improvement District.

13. **Subject: Appeal Of The Architectural Board Of Review Final Approval Of 3052 State Street (640.07)**

Recommendation: That Council:

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

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

14. **Subject: Single-Use Bags And Support For AB 1998 (Brownley) (630.01)**

Recommendation: That Council:

- A. Authorize the Mayor to send a letter to State Legislators in support of AB 1998 (Brownley) Solid Waste: Single-Use Carryout Bags; and
- B. Postpone reconsideration of a voter survey regarding a possible single-use bag tax until September of 2010.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

15. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Cynthia Ricci v. Isadora Gonzalez; City of Santa Barbara, SBSC Case Number 1337050*.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

16. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, Police Managers Association, the Treatment and Patrol Bargaining Units, Firefighters Association and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

17. Subject: Finance Director Appointment (440.05)

Recommendation: That Council hold a closed session, pursuant to Section 54957 of the Government Code, to consider a public employee appointment.

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

WORK SESSIONS

18. Subject: *Plan Santa Barbara* General Plan Update (650.05)

Recommendation: That Council hold work sessions on the *Plan Santa Barbara* General Plan Update - Development Plan Ordinance, Growth Management, Density, and Design Policy direction.

(Estimated Time: 6:00 p.m.)

ADJOURNMENT

To Thursday, July 29, 2010, at 9:00 a.m. for continuation of *Plan Santa Barbara* General Plan Update. (See Item No. 18)

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: July 27, 2010

TIME: 1:00 p.m.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Das Williams, Chair

Dale Francisco

Michael Self

James L. Armstrong
City Administrator

Robert Samario
Interim Finance Director

ITEM TO BE CONSIDERED:

Subject: June 30, 2010, Investment Report And June 30, 2010, Fiscal Agent Report

Recommendation: That the Finance Committee recommend that Council:

- A. Accept the June 30, 2010, Investment Report; and
- B. Accept the June 30, 2010, Fiscal Agent Report.

(See Council Agenda Item No. 2)



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 22, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Pro Tempore Grant House called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Finance Committee and the Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore House.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Michael Self, Bendy White, Das Williams, Mayor Pro Tempore House.

Councilmembers absent: Mayor Helene Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

Speakers: Kenneth Loch; Phil Walker; Ruth Wilson; Claudia Bratton, Summer Solstice; Kate Smith.

ITEMS REMOVED FROM CONSENT CALENDAR

10. Subject: Fiscal Year 2011 Unpaid Furlough And Related Labor Agreement Updates (Managers, Supervisors, And General Employees) (440.03)

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 the 2008-2010 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit) to Extend the Term of the Agreement through September 30, 2011, and Include a Supplemental Agreement Regarding Furlough and Other Layoff Avoidance Measures for Fiscal Year 2011;

10. (Cont'd)

- B. Authorize the City Administrator to implement salary and benefit reductions for Supervisors at a level lower than that provided under the applicable labor agreement, pending the outcome of negotiations with the Santa Barbara Police Officers' Association; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring a Mandatory Unpaid Furlough for City Employees During Fiscal Year 2010-2011 and Approving a General Furlough Closure Schedule for Certain City Offices.

Documents:

- June 22, 2010, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance and Resolution.

The titles of the ordinance and resolution were read.

Motion:

Councilmembers Williams/White to approve the recommendations.

Vote:

Failed to carry by roll call vote (Ayes: Councilmembers House, White, Williams; Noes: Councilmembers Francisco, Hotchkiss, Self; Absent: Mayor Schneider).

Motion:

Councilmembers Williams/White to table this item until the end of the meeting.

Vote:

Unanimous voice vote (Absent: Mayor Schneider).

Mayor Schneider entered the meeting at 2:26 p.m.

- 5. Subject: Introduction Of Medical Marijuana Storefront Collective Dispensary Ordinance (520.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Storefront Collective Dispensaries.

(Cont'd)

5. (Cont'd)

Documents:

- June 22, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- June 21, 2010, letter from Paula Westbury.
- Written remarks made by Tracy Fernandez.

The title of the ordinance was read.

Speakers:

- Members of the Public: Tracy Fernandez, Andrea Roselinsky, Jeff Wood, Patrick Fourmy, Betty, Maryann Cassidy.
- Staff: City Attorney Stephen Wiley.

Motion:

Mayor Schneider/Councilmember White to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmember House).

10. Subject: Fiscal Year 2011 Unpaid Furlough And Related Labor Agreement Updates (Managers, Supervisors, And General Employees) (Cont'd)

By consensus, this item was removed from the table.

Motion:

Councilmembers Williams/White to approve the recommendations;
Resolution No. 10-038.

Vote:

Majority roll call vote (Noes: Councilmembers Francisco, Hotchkiss, Self).

CONSENT CALENDAR (Item Nos. 1 – 4, 6 – 9 and 13)

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

Motion:

Councilmember Williams/Mayor Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Fiscal Year 2010 Interim Financial Statements For The Ten Months Ended April 30, 2010 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Ten Months Ended April 30, 2010.

Action: Approved the recommendation (June 22, 2010, report from the Interim Finance Director).

2. Subject: Adoption of Ordinance Amendments Related To Construction Prohibited In The Vicinity Of The Conejo Landslide (640.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code in Order to Amend Chapter 22.90 Pertaining to the Extent of the Revised Slide Mass C Area Covered by the City's 1997 Conejo Slide Area Ordinance in Order to Reduce the Area of Slide Mass C in Accordance with New Geological Information and to Allow Certain Limited New Non-Habitable Improvements and Historic Resources to be Built Under Certain Circumstances.

Speakers:

Members of the Public: Kellam de Forest.

Action: Approved the recommendation; Ordinance No. 5522 (June 21, 2010, letter from Paula Westbury).

3. Subject: Adoption Of Ordinances For Agreements For Airport Food And Beverage And Retail Concessions (330.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with First Class Concessions, Inc., for Operation of a Food and Beverage Concession at the Airport; and
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with M/E, Inc., for Operation of a Retail News and Gift Concession at the Airport.

Action: Approved the recommendations; Ordinance Nos. 5523 and 5524; Agreement Nos. 23,445 and 23,446 (June 21, 2010, letter from Paula Westbury).

4. Subject: Adoption Of Ordinance For A 25-Year Lease With The Santa Barbara Yacht Club (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 25-Year Lease With the Santa Barbara Yacht Club on Premises Located Within the Santa Barbara Harbor, Effective July 22, 2010.

Action: Approved the recommendation; Ordinance No. 5525; Agreement No. 23,447 (June 21, 2010, letter from Paula Westbury).

6. Subject: Agreement For Workers' Compensation Claims Administration (350.08)

Recommendation: That Council authorize the Finance Director to negotiate and execute a professional services agreement with JT2 Integrated Resources to: A. Provide workers' compensation claims administration for three fiscal years beginning July 1, 2010, and ending June 30, 2013, for annual fees of \$215,000, \$221,450, and \$229,201, respectively; and B. Provide medical bill review services for three fiscal years beginning July 1, 2010, and ending June 30, 2013, for an annual fee of \$73,689.

Action: Approved the recommendation; Agreement No. 23,448 (June 22, 2010, report from the Interim Finance Director).

7. Subject: Grant To City Housing Authority For Rental Assistance Program For The Homeless (660.04)

Recommendation: That Council approve a \$200,000 grant to the Housing Authority of the City of Santa Barbara in federal HOME Investment Partnerships Program funds to establish a rental assistance program targeted to homeless persons.

Action: Approved the recommendation (June 22, 2010, report from the Assistant City Administrator/Community Development Director).

8. Subject: Purchase Order With Univision To Broadcast Spanish Language Clean Creek Messages (540.14)

Recommendation: That Council:

- A. Accept a contribution of \$3,400 from the County of Santa Barbara, and \$3,000 from the City of Goleta;
- B. Increase appropriations and estimated revenues in the Fiscal Year 2011 Creeks Division Operating Budget in the amount of \$6,400; and
- C. Authorize the General Services Manager to issue a purchase order in the amount of \$20,400 to Univision for a Spanish language public awareness campaign on creek and ocean water pollution prevention.

(Cont'd)

8. (Cont'd)

Action: Approved the recommendation (June 22, 2010, report from the Parks and Recreation Director; June 21, 2010, letter from Paula Westbury).

9. Subject: Purchase Order With Rincon Broadcasting LLC To Broadcast Clean Creek Messages (540.14)

Recommendation: That Council authorize the General Services Manager to issue a purchase order in the amount of \$28,824 to Rincon Broadcasting LLC to continue a public awareness campaign on water pollution prevention.

Action: Approved the recommendation (June 22, 2010, report from the Parks and Recreation Director).

Agenda Item Nos. 11 and 12 appear in the Redevelopment Agency minutes.

NOTICES

13. The City Clerk has on Thursday, June 17, 2010, 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.

This concluded the Consent Calendar.

Councilmember White left the meeting at 2:55 p.m.

PUBLIC HEARINGS

14. Subject: Appeal Of Historic Landmarks Commission Denial For 517 Chapala Street Development Project (640.07)

Recommendation: That Council:

- A. Uphold the appeal of Peikert Group Architects filed on behalf of H&R Investments, and overturn the Historic Landmarks Commission decision to deny Preliminary Approval of a proposed mixed-use project located at 517 Chapala Street; and
- B. Grant the project Preliminary Approval and refer the project back to the Historic Landmarks Commission for Final Approval consistent with previous Council direction on the project's final design details.

(Cont'd)

14. (Cont'd)

Documents:

- June 22, 2010, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- June 18, 2010, letter from the Applicant/Appellant.
- June 16, 2010, letter from Caroline Vassallo.

Public Comment Opened:

2:56 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon.
- Historic Landmarks Commission: Commissioners Louise Boucher, Craig Shallenberger.
- Appellant/Applicant: Detlev Peikert, Attorney Steven Amerikaner.
- Members of the Public: Mary Louise Days, Kellam de Forest, Wanda Livernois, Tim Buynak.

Public Comment Closed:

4:02 p.m.

Motion:

Councilmembers House/Williams to approve the recommendations.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self; Absent: Councilmember White).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Mayor Schneider reported on her attendance at a United States Conference of Mayors meeting held in New Orleans this past weekend to discuss how mayors can assist their counterparts in the Gulf Coast in the effort to recover from the recent oil spill.
- Councilmember Williams spoke about the status of a project bid received by the Cachuma Operations and Maintenance Board; he also discussed the Multi-Jurisdictional Solid Waste Task Group's preliminary review of proposals for the conversion technology project.

RECESS

The Mayor recessed the meeting at 4:48 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 15 and 16, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

16. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible purchase of real property located at 401 Las Positas Road, Santa Barbara, California, Assessor's Parcel No. 047-093-004. The owner of the real property is Daniel Bollag. Negotiations are held pursuant to the authority of California Government Code Section 54956.8. The City's negotiators are Cameron Benson, Creeks Restoration/Clean Water Manager, and representatives of the City Attorney's Office. The negotiator for the owner is Bobbi McGinnis, Century 21 Butler Realty, Inc. Under negotiation: Price and terms of sale of a possible purchase of real property.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

June 22, 2010, joint report from the Parks and Recreation Director and the City Attorney.

Time:

4:55 p.m. - 5:10 p.m. Councilmember White was absent.

No report made.

RECESS

5:10 p.m. - 5:15 p.m.

CLOSED SESSIONS (CONT'D)

15. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Cont'd)

15. (Cont'd)

Documents:

June 22, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

5:15 p.m. - 6:00 p.m. Councilmember White was absent.

Upon the Council's reconvening for its evening session, Mayor Schneider announced that this item was being continued to June 23, 2010.

RECESS

6:00 p.m. - 6:14 p.m.

RECONVENE AT DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Self, White, Williams, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Tschech.

PUBLIC COMMENT

No one wished to speak.

WORK SESSIONS

17. Subject: Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council hold a joint work session with the Planning Commission to receive a status report on the Plan Santa Barbara (PlanSB) General Plan Update process, discuss key decision points, and provide direction on Planning Commission policy recommendations.

The Planning Commission meeting was called to order, and the meeting continued in joint session.

(Cont'd)

17. (Cont'd)

Planning Commissioners present: Charmaine Curtis Jacobs, Michael Jordan, John Jostes, Stella Larson, Sheila Lodge, Deborah Schwartz, Chair Bruce Bartlett.

Planning Commissioners absent: None.

Documents:

- June 22, 2010, report from the Assistant City Administrator/Community Development Director.
- Package of documents chronicling the Planning Commission's recommendations for the General Plan Update, submitted by Staff.
- Written comments submitted by City Councilmember White; Planning Commissioner Lodge.
- June 21, 2010, letter from Planning Commissioner Larson.
- Copy of article re population limits from May 25, 1975, issue of Santa Barbara News-Press, submitted by Planning Commissioner Lodge.
- June 17, 2010, letter from Water Commissioner Russell Ruiz.
- August 13, 2008, letter from the Westwood Hills Avocado Alliance.
- May 17, 2010, letter from the Montecito Association.
- June 13, 2010, letter from the League of Women Voters.
- June 14, 2010, e-mail from Victoria Greene, on behalf of Montecito Association Board of Directors.
- June 15, 2010, letters from the Santa Barbara Trust for Historic Preservation; State of California Office of Historic Preservation.
- June 16, 2010, e-mail from Jean von Wittenburg.
- June 17, 2010, letter from Karen Feeney.
- June 19, 2010, letter from the Citizens Planning Association.
- June 20, 2010, e-mails from Dennis Allen; Margie Grace.
- June 21, 2010, letters from Santa Barbara County Action Network; Community Environmental Council; Coastal Housing Coalition; Paula Westbury.
- June 21, 2010, e-mails from Daniel Wilson; Cheryl Kelmar; Michael Holliday; DeAnn Wilson; Peter Hunt.
- June 22, 2010, letters from the Santa Barbara Association of Realtors; PUEBLO.
- June 22, 2010, e-mails from Randy Rowse; Isabelle Greene.
- Undated letter from the Coalition for Sustainable Transportation (COAST).
- Written remarks made by Connie Hannah, League of Women Voters; Cathie McCammon, Allied Neighborhoods Association.

Public Comment Opened:
6:17 p.m.

(Cont'd)

17. (Cont'd)

Speakers:

- Staff: Principal Planner John Ledbetter, City Planner Bettie Weiss.
- Downtown Parking Committee: Member Randy Rowse.
- Transportation and Circulation Committee: Members David Pritchett, Mark Bradley.
- Water Commission: Commissioner Russell Ruiz.
- Members of the Public: Fred Sweeney, Upper East Association; Steve Maas, Metropolitan Transit District; LeeAnne French, Citizens Planning Association; Michael Holliday, Santa Barbara Chamber of Commerce; Erik Holliday; Ralph Fertig, Santa Barbara Bicycle Coalition; Steve Little, Westwood Hills Avocado Alliance; Kristin Anderson; Jules Zimmer; Cathie McCammon, Allied Neighborhoods Association; Barbara Fosbrink, State of California Department of Parks and Recreation; Peter Hunt; Grecia Lima, PUEBLO; John Campanella; Gil Barry, Allied Neighborhoods Association; Kent Epperson; April Palencia; Debbie Cox Bultan, Coastal Housing Coalition; Laura Bridley, Montecito Association.

Recess: 7:45 p.m. - 8:02 p.m.

Speakers (Cont'd):

- Members of the Public (Cont'd): Mickey Flacks and Joe Andrulaitis, Santa Barbara For All; Megan Birney, Community Environmental Council; Holly Bradbury; Danny Copus, Coast Village Business Association; Cheryl Kelmar; Jayne Brechwald, Coalition for Community Wellness; Alex Pujo, Coalition for Sustainable Transportation; Joe Rution; Michael Chiacos; Connie Hannah, League of Women Voters; Jim Caldwell, Santa Barbara Association of Realtors; Kellam de Forest; Raymond Appleton; Eileen Monahan, First 5 Santa Barbara; Nathan Alley; Thomas Bollay; Brittany Odermann Heaton; Eric Lohela.

Public Comment Closed:

8:44 p.m.

The Mayor stated that the joint work session would be continued on Wednesday, June 23, 2010, at 1:00 p.m. Staff clarified that the intent of the continued discussion would be to obtain the City Council's feedback and direction on the Planning Commission's recommendations for the General Plan Update.

The Planning Commission meeting was adjourned at 8:51 p.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:51 p.m. to Wednesday, June 23, 2010, at 1:00 p.m. for continuation of: 1) the General Plan Update joint work session with the Planning Commission (Agenda Item No. 17), and 2) the conference with the labor negotiator (Agenda Item No. 15).

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING June 23, 2010

DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:09 p.m.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

WORK SESSIONS

1. Subject: Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council hold a joint work session with the Planning Commission to receive a status report on the Plan Santa Barbara (PlanSB) General Plan Update process, discuss key decision points, and provide direction on Planning Commission policy recommendations.

The Planning Commission meeting was called to order, and the meeting continued in joint session.

Planning Commissioners present: Charmaine Curtis Jacobs, Michael Jordan, John Jostes, Stella Larson, Sheila Lodge, Deborah Schwartz, Chair Bruce Bartlett.

Planning Commissioners absent: None.

Documents:

Submitted at Council meeting of June 22, 2010, Agenda Item No. 17.

(Cont'd)

1. (Cont'd)

Speakers:

Staff: City Planner Bettie Weiss.

Discussion:

All Councilmembers provided their views on the Planning Commission's recommendations for the following key issues addressed as part of the *Plan Santa Barbara* process: 1) Hybrid Approach; 2) Growth Management; 3) Targeted Growth; 4) Residential Parking Downtown; 5) Transportation Demand Management; 6) Inclusionary Housing; 7) Second Units; 8) Average Unit Sizes; 9) Residential Density; and 10) Building Heights.

Councilmember Williams left the meeting at 4:07 p.m.

It was agreed that Staff would schedule several work sessions with the Council to provide detailed presentations of the major components of the General Plan Update and to obtain additional feedback and direction from Councilmembers for the revision of draft documents associated with the Update.

The Planning Commission meeting was adjourned at 4:46 p.m.

RECESS

Mayor Schneider recessed the meeting at 4:46 p.m. in order for the Council to reconvene in closed session at City Hall, 735 Anacapa Street, for Agenda Item No. 2. She stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

2. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

Submitted at Council meeting of June 22, 2010, Agenda Item No. 15.

(Cont'd)

2. (Cont'd)

Time:

5:05 p.m. – 6:45 p.m. Councilmember Williams arrived at the meeting at
5:20 p.m. Councilmember Self left the meeting at 5:40 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 6:45 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 29, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:01 p.m. (The Ordinance Committee met at 12:00 noon. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date).

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House (2:03 p.m.), Michael Self, Bendy White, Das Williams (2:04 p.m.), Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

Speakers: Jack Wilson, Tracy Fernandez, David McDermott.

CONSENT CALENDAR (Item Nos. 1, 4 – 19, 21 and 22).

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

Motion:

Council/Agency Members Williams/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

CITY COUNCIL

1. Subject: May 2010 Investment Report (260.02)

Recommendation: That Council accept the May 2010 Investment Report.

Action: Approved the recommendation (June 29, 2010, report from the Interim Finance Director).

4. Subject: Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Department Policies (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17 Sections 17.18.050, 17.20.005 (I) and (L), 17.20.255, 17.28.010, 17.28.020, and 17.28.070 of the Santa Barbara Municipal Code Pertaining to Operations at the Waterfront.

Action: Approved the recommendation (June 29, 2010, report from the Waterfront Director; proposed ordinance).

5. Subject: Resolution For Purchase Of Property At 306 West Ortega Street For The Ortega Street Bridge Replacement Project (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept Certain Property Interests Located at 306 West Ortega Street, and, Subject to Review and Approval by the City Attorney as to Their Form, Authorizing the Public Works Director to Execute Three Agreements, Being an Agreement for Acquisition of Real Property with Escrow Instructions, an Option to Purchase Agreement, and an Interim Vacancy Agreement, and Any Escrow Documents that May be Required, All Relating to the Proposed Ortega Street Bridge Replacement Project, and Consenting to the Recordation of the Related Grant Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 10-039; Agreement Nos. 23,453 - 23,455 (June 29, 2010, report from the Public Works Director; proposed resolution).

6. Subject: Renewal Of Agreement For Paratransit Services With Easy Lift Transportation, Incorporated (670.01)

Recommendation: That Council authorize the Public Works Director to execute an agreement with Easy Lift Transportation, Incorporated (Easy Lift), for paratransit services for elderly and mobility-impaired people, in an amount not to exceed \$229,416.73 for Fiscal Year 2011.

Action: Approved the recommendation; Agreement No. 23,456 (June 29, 2010, report from the Public Works Director).

7. Subject: Agreement With The Santa Barbara Metropolitan Transit District For Transit Services (150.05)

Recommendation: That Council authorize the Public Works Director to execute a Fiscal Year 2011 Master Agreement (Agreement), in a form of agreement acceptable to the City Attorney, with the Santa Barbara Metropolitan Transit District (MTD) for transit services in an amount not to exceed \$1,391,521.

Action: Approved the recommendation; Agreement No. 23,457 (June 29, 2010, report from the Public Works Director).

8. Subject: Contract For Construction Of The Zone 4 Pavement Preparation Project (530.04)

Recommendation: That Council:

- A. Award a contract with Granite Construction Company (Granite), in their low bid amount of \$720,254 for construction of the Zone 4 Pavement Preparation Project (Project), Bid No. 3600;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$72,025 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers), in the amount of \$67,700 for construction support services, and approve expenditures of up to \$6,770 for extra services of Flowers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,458 and 23,459 (June 29, 2010, report from the Public Works Director).

9. Subject: Contract For Construction Of The Zone 4 Pavement Maintenance Project (530.04)

Recommendation: That Council:

- A. Award a contract with Pavement Coatings Company, waiving minor irregularities, in their low bid amount of \$1,995,261.50, for construction of the Zone 4 Rejuvenating Cape Seal Project (Project), Bid No. 3601;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$199,526 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers) in the amount of \$242,480, for construction support services, and approve expenditures of up to \$24,248 for extra services of Flowers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,460 and 23,461 (June 29, 2010, report from the Public Works Director).

10. Subject: Contract For Construction Of The Parma Park Equestrian Staging Area Project (570.05)

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc. (Lash), in their low bid amount of \$170,241 for construction of the Parma Park Equestrian Staging Area Project (Project), Bid No. 3539;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$17,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the General Services Manager to issue a Purchase Order to Fugro West (Fugro) in the amount of \$4,500 for material testing services, and approve expenditures of up to \$500 for extra services of Fugro that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 23,462 (June 29, 2010, joint report from the Public Works Director and Parks and Recreation Director).

11. Subject: Contract For Assessment Of Secondary Wastewater Treatment Processes At The El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with Brown and Caldwell in the amount of \$263,151 for engineering and scientific assessment services for the evaluation of secondary wastewater treatment processes at the El Estero Wastewater Treatment Plant (El Estero), and authorize the Public Works Director to approve expenditures of up to \$21,470 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,463 (June 29, 2010, report from the Public Works Director).

12. Subject: Contract For Architectural Design Services At 13 East Cabrillo Boulevard For The Cabrillo Boulevard Bridge Replacement Project (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Lenvik and Minor Architects (Lenvik) in the amount of \$262,782 for architectural design services for the remodeling of 13 East Cabrillo Boulevard, as part of the Cabrillo Boulevard Bridge Replacement Project (Project), and authorize the Public Works Director to approve expenditures of up to \$39,420 for extra services that may result from necessary or unforeseen changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,464 (June 29, 2010, report from the Public Works Director).

13. Subject: Approval Of Equipment Standardization For The Water Resources Division (330.05)

Recommendation: That Council find it to be in the City's best interest to approve equipment standardization for the Water Resources Division (Water Resources) for the next five-year period, in accordance with Section 4.52.080 (k) of the Municipal Code.

Action: Approved the recommendation (June 29, 2010, report from the Public Works Director).

14. Subject: Rescission Of Parcel Map Approval - 222 West Alamar Street (640.08)

Recommendation: That Council rescind their approval of Parcel Map No. 20,771 for the property at 222 West Alamar Street.

Action: Approved the recommendation (June 29, 2010, joint report from the Public Works Director and Assistant City Administrator/Administrative Services Director).

15. Subject: Agreements For Afterschool Recreation Programs (570.06)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into two agreements with the Santa Barbara School Districts (SBSD) for the Recreation Afterschool Program (RAP), and Afterschool Opportunities for Kids (A-OK); and
- B. Authorize the Parks and Recreation Director to enter into an agreement with the Santa Barbara School Districts and Police Activities League (PAL) for the Junior High Afterschool Sports Program.

Action: Approved the recommendations; Agreement Nos. 23,465 - 23,467 (June 29, 2010, report from the Parks and Recreation Director).

16. Subject: Public Hearing For 2008 Disaster Recovery Initiative Program Funding Application (150.02)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the 2008 Disaster Recovery Initiative Fund Allocation of the State Community Development Block Grant Program; and
- B. Ratify the City Administrator's execution of a Memorandum of Understanding between the City of Santa Barbara and the Goleta Sanitary District for relocation of the San Pedro Creek Sewer Line.

Action: Approved the recommendations; Resolution No. 10-040; Agreement Nos. 23,468 and 23,469 (June 29, 2010, joint report from the Public Works Director, Assistant City Administrator/Community Development Director, Airport Director; proposed resolution).

17. Subject: Set A Date For Public Hearing Regarding Planning Commission Denial Of 401½ Old Coast Highway (640.07)

Recommendation: That Council:

- A. Set the date of August 17, 2010, at 2:00 p.m. for hearing the appeal filed by Garcia Architects, Inc., Agent for William Pritchett, of the Denial of an application for Modifications for property located at 401½ Old Coast Highway, Assessor's Parcel No. 015-291-010, C-P Restricted Commercial/R-2 Two Family Residence Zones, General Plan Designation: 12 Units per Acre. The proposed project involves a request to convert existing commercial space to an additional residential unit; and
- B. Set the date of August 16, 2010, at 1:30 p.m. for a site visit to the property located at 401½ Old Coast Highway.

Action: Approved the recommendations (June 12, 2010, letter of appeal).

REDEVELOPMENT AGENCY

18. Subject: Construction Contract For Brinkerhoff Avenue Lighting Project (530.04)

Recommendation:

- A. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Redevelopment Agency Funding of Capital Improvements to the Lower West Downtown Street Lighting Project and Authorizing Certain Other Actions; and
- B. That the Redevelopment Agency Board authorize the expenditure of \$47,599 for construction by Taft Electric Company (Taft), and design support services by Smith Engineering (Smith), for the Lower West Downtown Street Lighting Project - Brinkerhoff Phase (Project), Bid No. 3609, a component of the Lower West Downtown Street Lighting Project.

Action: Approved the recommendations; City Council Resolution No. 10-041; Redevelopment Agency Agreement No. 530 (June 29, 2010, joint report from the Assistant City Administrator/Community Development Director/Deputy Director and Public Works Director; proposed resolution).

19. Subject: Memorandum Of Understanding Regarding The State Courthouse Application (150.04)

Recommendation: That the City Council and Agency Board authorize the City Administrator/Agency Executive Director to execute a Memorandum of Understanding between the City and the Redevelopment Agency and the State of California, acting by and through the Judicial Council of California (Administrative Office of the Courts), in a form of agreement acceptable to the City Attorney, regarding the planning and design of a possible new criminal courthouse in Santa Barbara.

Action: Approved the recommendation; City Council Agreement No. 23,470; Redevelopment Agency Agreement No. 531 (June 29, 2010, report from the Assistant City Administrator/Community Development Director/Deputy Director).

Item No. 20 appears in the Redevelopment Agency minutes.

NOTICES

21. The City Clerk has on Thursday, June 24, 2010, 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.
22. Cancellation of the City Council and Redevelopment Agency meetings of July 6, 2010.

This concluded the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

2. Subject: Adoption Of Medical Marijuana Storefront Collective Dispensary Ordinance (520.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Storefront Collective Dispensaries.

Documents:

June 29, 2010, letter from Tracy Fernandez.

The title of the ordinance was read.

Speakers:

Members of the Public: Tracy Fernandez; Patrick Fourmy; Jeff McFarland; Chico Wirkus; Heather Poet; Ethan Kravitz; Beverly Brott, MD.; Jeffrey Wood, Temple of Higher Consciousness.

Motion:

Councilmembers Hotchkiss/Francisco to approve the recommendation and adopt Ordinance No. 5526.

Vote:

Majority roll call vote (Noes: Councilmember House).

3. Subject: Adoption Of Ordinance For Fiscal Year 2011 Unpaid Furlough And Related Labor Agreement Updates (Managers, Supervisors, And General Employees) (440.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2008-2010 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit) to Extend the Term of the Agreement Through September 30, 2011, and Include a Supplemental Agreement Regarding Furlough and Other Layoff Avoidance Measures for Fiscal Year 2011.

The title of the ordinance was read.

Motion:

Councilmembers House/White to approve the recommendation and adopt Ordinance No. 5527; Agreement No. 22,993.2.

Vote:

Majority roll call vote (Noes: Councilmembers Francisco, Hotchkiss, Self).

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to discuss possible revisions to the animal licensing requirements, and directed the City Attorney to return to the Committee with a draft ordinance for review in approximately six weeks.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

23. Subject: Adoption Of The Operating And Capital Budget For Fiscal Year 2011 (230.05)

Recommendation: That Council adopt, by reading of title only:

- A. A Resolution of the Council of the City of Santa Barbara Adopting the Budget for the Fiscal Year 2011 by Appropriating Moneys for the Use and Support of Said City from the Funds and to the Purposes Herein Specified;
- B. A Resolution of the Council of the City of Santa Barbara Establishing the City's Appropriation Limitation for Fiscal Year 2011;
- C. A Resolution of the Council of the City of Santa Barbara Establishing Certain City Fees, and Rescinding Resolution Nos. 09-043, 09-064, 09-086, 09-089 and 10-009;
- D. A Resolution of the Council of the City of Santa Barbara Authorizing Classified and Unclassified Positions in the City's Service Effective July 1, 2010, and Providing a Schedule of Classifications and Salaries for the Same in Accordance with the Operating Budget for the 2011 Fiscal Year;
- E. A Resolution of the Council of the City of Santa Barbara Authorizing the Continuation of Capital and Special Project Appropriations to Fiscal Year 2011;
- F. A Resolution of the Council of the City of Santa Barbara for Paying and Reporting the Value of Employer-Paid Member Contributions (EPMC) for Regular Miscellaneous Employees Effective June 19, 2010; and
- G. A Resolution of the Council of the City of Santa Barbara for Employer-Paid Member Contributions for Hourly Employees Effective June 19, 2010.

Documents:

- June 29, 2010, report from the Interim Finance Director.
- Proposed Resolutions.
- June 29, 2010, PowerPoint presentation prepared and made by staff.

The titles of the resolutions were read.

(Cont'd)

23. (Cont'd).

Speakers:

- Staff: Interim Finance Director Robert Samario, Recreation Programs Manager Sarah Hanna, City Administrator James Armstrong, Deputy Police Chief Frank Mannix, Parks and Recreation Director Nancy Rapp.
- Youth Council: Member Pepe Gil, Member Valeria Garcia.
- Members of the Public: Steve Little, Westwood Hills Avocado Alliance.

Motion:

Councilmembers House/Williams to approve the recommendations;
Resolution Nos. 10-042 - 10-048.

Vote:

Unanimous roll call vote.

REDEVELOPMENT AGENCY REPORTS

24. Subject: Redevelopment Agency Operating Budget For Fiscal Year 2011 And Associated Documents (620.03)

Recommendation:

- A. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving a Parking Operations Agreement for Parking Structure No. 2, Parking Structure No. 10, Parking Lot No. 11, Parking Lot No. 12, the Granada Garage Complex, the Railroad Station Parking Lots, and the Two Transportation Management Program Employee Parking Lots, Between the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara for Fiscal Year 2011;
- B. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving a Parking Operations Agreement for Parking Structure No. 2, Parking Structure No. 10, Parking Lot No. 11, Parking Lot No. 12, the Granada Garage Complex, the Railroad Station Parking Lots, and the Two Transportation Management Program Employee Parking Lots, Between the Redevelopment Agency of the City of Santa Barbara and the City of Santa Barbara for Fiscal Year 2011; and
- C. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Budget of the Redevelopment Agency of the City of Santa Barbara for Fiscal Year 2011.

Documents:

- June 29, 2010, report from the Assistant City Administrator/Community Development Director/Deputy Director.
- Proposed Resolutions.
- June 29, 2010, PowerPoint presentation prepared and made by staff.

(Cont'd)

24. (Cont'd)

The titles of the resolutions were read.

Motion:

Council/Agency Members House/Williams to approve the recommendations; City Council Resolution Nos. 10-049 and 10-050; City Council Agreement No. 23,470; Redevelopment Agency Resolution No. 1018; Redevelopment Agency Agreement No. 528.

Vote:

Unanimous roll call vote.

ADMINISTRATIVE SERVICES DEPARTMENT

25. Subject: Storefront Medical Marijuana Dispensary Ballot Measure (110.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling and Giving Notice of the Holding of a Special Municipal Election to be Held in the City on Tuesday, November 2, 2010, for the Submission of a Proposed Ordinance to the Voters to Amend the City Zoning Ordinance to Prohibit the Operation or Maintenance of Storefront Medical Marijuana Dispensaries Within the City of Santa Barbara;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a Special Municipal Election to be Held on November 2, 2010, with the Statewide General Election to be Held on that Date Pursuant to Section 10403 of the Elections Code;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Directing the City Attorney to Prepare an Impartial Analysis of the City Measure to be Placed on the Ballot for the November 2, 2010, Special Municipal Election of the City of Santa Barbara; and
- D. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the measure and, if so, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Written Argument Regarding a City Measure to be Placed on the Ballot for the November 2, 2010, Special Municipal Election.

Documents:

- June 29, 2010, joint report from the City Attorney and Assistant City Administrator/Administrative Services Director.
- Proposed Resolutions.

(Cont'd)

25. (Cont'd)

Speakers:

- Staff: City Attorney Stephen Wiley.
- Members of the Public: Derek Westen, Santa Barbara Patients Group; Ethan Kravitz.

Motion:

Councilmembers House/Williams to approve Recommendations A - C, amending the ballot language and draft Ordinance as follows:

Ballot Language:

"Shall an ordinance to ~~amend the City's Zoning Ordinance~~ to prohibit the operation or maintenance of storefront medical marijuana storefront collective dispensaries within the City of Santa Barbara be adopted?"; and

Draft Ordinance, Section 28.80.010:

Prohibition on the Use of Real Property to Operate or Maintain a Medical Marijuana Storefront Collective ~~Medical Marijuana~~ Dispensary.

The motion was withdrawn.

Motion:

Councilmembers Hotchkiss/Self to adopt Recommendations A - C, amending the ballot language as follows:

"Shall an ordinance to ~~amend the City's Zoning Ordinance~~ to prohibit the operation or maintenance of storefront medical marijuana dispensaries within the City of Santa Barbara be adopted?"

Substitute Motion:

Councilmembers White/Williams to approve Recommendations A - C; Resolution Nos. 10-051 - 10-053.

Vote on Substitute Motion:

Majority voice vote. (Noes: Councilmember House).

RECESS

4:30 p.m. - 4:40 p.m.

PUBLIC HEARINGS

27. Subject: Appeal Of Parks And Recreation Commission Approval Of 2010 West Beach Music And Arts Festival (570.08)

Recommendation: That Council:

- A. Grant the appeals filed by Tony Romasanta, Owner of Harbor View Inn, and Hilary Kleger, West Beach resident, to overturn the May 19, 2010, Parks and Recreation Commission decision to permit the 2010 West Beach Music and Arts Festival;
- B. Continue the Parks and Recreation Department suspension of permitting large scale music events with amplified sound until a review of related City policies, regulations, and fees is completed; and
- C. Direct staff to proceed with developing necessary policies, regulations, and fee recommendations related to permitting of large special events held on City properties.

Documents:

- June 29, 2010, report from the Parks and Recreation Director.
- June 29, 2010, PowerPoint presentation prepared and made by staff.
- June 22, 2010, email communication from Parks and Recreation Commissioner Lesley Wiscomb.
- June 29, 2010, written correspondence from Appellant Tony Romasanta.
- June 29, 2010, binder containing proposed event information submitted by applicants Joshua and Jeremy Pemberton, Twiin Productions.
- May 24, 2010, email communication from Vance Saukko.
- June 29, 2010, letter from Tara Brown.
- June 29, 2010, letter from Julie McGovern, Santa Barbara Region Chamber of Commerce.

Public Comment Opened:

4:43 p.m.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Police Sergeant Riley Harwood.
- Parks and Recreation Commission: Member Scott Burns, Chair Beebe Longstreet.
- Appellant: Tony Romasanta, Hilary Kleger.
- Applicant: Jeremy Pemberton; Joshua Pemberton; Attorney Paul Burns; Scotty Nichols, All Phases Event Group; Grant McGregor, Santa Barbara Luners; Tony Pighetti; Richard Good, GM Classic Party Rents.

By consensus, the Council continued this item until after Agenda Item No. 28 was held.

RECESS:

Mayor Schneider recessed the meeting at 6:28 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 28, and stated that no reportable action is anticipated.

CLOSED SESSIONS

28. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, Police Managers Association, General Bargaining Unit, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

June 29, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

6:28 p.m. - 6:58 p.m.

No report made.

RECESS

6:58 p.m. - 7:00 p.m.

PUBLIC HEARINGS (CONT'D)

27. Subject: Appeal Of Parks And Recreation Commission Approval Of 2010 West Beach Music And Arts Festival (Cont'd)

Public Comment Continued:

7:00 p.m.

(Cont'd)

27. (Cont'd)

Speakers (Cont'd):

- Members of the Public: Stephen Meade, Summer Solstice; Magda Arroyo; Dayanna Sandoval; Breanna Case; Karla Chavez; Marleny Juan; David Boire; Blair Brejtfus, Twiin Productions; Marilyn Loperfido, Santa Barbara Arts & Crafts Show; Cash Upton, Twiin Productions; Lesli Cheverez True, Channel Island Janitorial; Luke Archer, Artist Services; Jacob Tell, Ohiracom; Nicholas DuMong, DP Hotels; Steve Cushman, Santa Barbara Chamber of Commerce; Mike Jordan; Theodore Smyth, West Beach Inn; Mark A. Romasanta, Harbor View Inn.

Public Comment Closed:

7:42 p.m.

Motion:

Councilmembers Francisco/Hotchkiss to approve the recommendations, and direct staff to return to Council in November with recommendations for conditions of approval to be placed on the operation of large music events.

Substitute Motion:

Councilmembers Williams/House to approve the recommendations, with the exception that Twiin Productions be allowed to apply for a permit to hold the event on the Chase Palm Park soccer field site, which application would be heard by the Parks and Recreation Commission.

Amendment Motion:

Councilmembers Williams/House to approve the recommendations, with the exception that Twiin Productions be allowed to submit an application, to be reviewed by Parks and Recreation Department Staff, to hold this year's event on the Chase Palm Park soccer field site, with the following conditions:

1. Conditions of Approval and fees are to be consistent with those stipulated by staff for the West Beach location, with amendments appropriate for the change of site;
2. The application is contingent on a negotiated agreement with the Arts & Crafts Show; and
3. Staff's decision on the application cannot be appealed to the Parks and Recreation Commission or the City Council.

Vote on Amendment Motion:

Unanimous voice vote.

MAYOR AND COUNCIL REPORTS

26. Subject: Appointments To City Advisory Groups (140.05)

Recommendation: That Council make appointments to the City advisory groups.

Documents:

June 29, 2010, report from the Assistant City Administrator/Administrative Services Director.

Architectural Board of Review:

Motion:

Mayor Schneider/Councilmember Williams to appoint Chris Gilliland.

Vote:

Unanimous voice vote.

Appointment:

Chris Gilliland was appointed to the Professional Qualifications category for a term expiring December 31, 2010.

Community Development & Human Services Committee:

Motion:

Mayor Schneider/Council Member Williams to appoint James Cook and Erik Talkin.

Vote:

Unanimous voice vote.

Nominees: Robert Burke, Rocky Jacobson.

Vote:

- For Burke: Councilmember Williams.
- For Jacobson: Councilmembers Francisco, Hotchkiss, House, Self, White, Mayor Schneider.

Appointments:

James Cook was appointed to the Downtown Neighborhood category for a term expiring December 31, 2012; Erik Talkin was appointed to the Human Services Agency category for a term expiring December 31, 2010; and Rocky Jacobson was appointed to the Senior Community category for a term expiring December 31, 2011.

(Cont'd)

26. (Cont'd)

Fire and Police Pension Committee:

Motion:

Councilmembers Williams/Francisco to appoint Michael K. Jacobs.

Vote:

Unanimous voice vote.

Appointment:

Michael K. Jacobs was re-appointed to the Active/Retired Firefighter category with a term expiring December 31, 2012.

Franklin Center:

Motion:

Councilmembers Williams/Francisco to appoint Naomi Green.

Vote:

Unanimous voice vote.

Appointment:

Naomi Green was appointed to the Resident/Employee category for a term expiring December 31, 2013.

Harbor Commission:

Motion:

Councilmembers House/White to appoint Cory Bantilan.

Vote:

Unanimous voice vote.

Appointment:

Cory Bantilan was appointed to the Qualified Elector category for a term expiring December 31, 2013.

Housing Authority Commission:

Motion:

Mayor Schneider/Councilmember Williams to appoint Mary Johnston-de León, Patrick W. Johnson, and Donald Olson to the Housing Authority Commission.

Vote:

Unanimous voice vote.

(Cont'd)

26. (Cont'd)

Appointments:

Mary Johnston-de Leon was re-appointed to the Tenant category for a term expiring June 30, 2012; Patrick W. Johnson was appointed to the Senior Tenant category for a term expiring February 15, 2012; and Donald D. Olson was appointed to the Public at Large category for a term expiring June 30, 2014.

Library Board:

Nominees: Dianne Duva, Christine Forte.

Vote:

- For Duva: Councilmembers Francisco, Hotchkiss, Self, Williams, Mayor Schneider.
- For Forte: Councilmembers House, White.

Appointment:

Dianne Duva was appointed to the Qualified Elector category for a term expiring December 31, 2013.

Living Wage Advisory Committee:

Motion:

Councilmember Francisco/Mayor Schneider to re-appoint Gabe Dominocielo.

Appointment:

Gabe Dominocielo was re-appointed to the Owner/Manager category for a term expiring December June 30, 2014.

Lower Westside Center Advisory Committee:

Motion:

Councilmembers Williams/Francisco to appoint Josephine Tapia.

Vote:

Unanimous voice vote.

Appointment:

Josephine Tapia was appointed to the Public at Large category for a term expiring December 31, 2013.

(Cont'd)

26. (Cont'd)

Metropolitan Transit District Board:

Motion:

Councilmembers House/Francisco to appoint Olivia Rodriguez.

Vote:

Unanimous voice vote.

Appointment:

Olivia Rodriguez was appointed for a term expiring March 6, 2013.

Parks and Recreation Commission:

Motion:

Councilmembers Williams/White to appoint Nicolas Ferrara and Rocky Jacobson.

Vote:

Unanimous voice vote.

Appointments:

Nicolas Ferrara and Rocky Jacobson were appointed to the Qualified Elector category for terms expiring December 31, 2013, and December 31, 2012, respectively.

Single Family Design Board:

Nominees:

Gil Barry, Brian Miller, James Zimmerman.

Vote:

- For Barry: Councilmembers Francisco, Hotchkiss, Self.
- For Miller: Councilmembers Francisco, Hotchkiss, House, Self, White, Williams, Mayor Schneider.
- For Zimmerman: Councilmembers House, White, Williams, Mayor Schneider.

Appointments:

James Zimmerman was appointed to the Licensed Architect category and Brian Miller was appointed to the Professional Qualifications category for terms expiring June 30, 2014.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 9:08 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
July 6, 2010
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on July 6, 2010, was cancelled by the Council on November 24, 2009.

The next regular meeting of the City Council is scheduled for July 13, 2010, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING July 13, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: Frank Hotchkiss, Grant House.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

CEREMONIAL ITEMS

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through July 31, 2010.

Documents:

July 13, 2010, report from the Assistant City Administrator.

(Cont'd)

1. (Cont'd)

Speakers:

Staff: City Administrator James Armstrong.

Councilmember Hotchkiss entered the meeting at 2:06 p.m.

By consensus, the Council recognized the following employees:

5-Year Service Pin

Julie Ruggieri, Litigation Paralegal, City Attorney
Brigid Rice, Public Safety Dispatcher, Police
Christine Venable, Public Safety Dispatcher, Police
Raymond Lopez, Water Distribution Operator II, Public Works

10-Year Service Pin

Rashun Drayton, Police Officer, Police
David Anduri, Police Officer, Police
Lisa Hammerly, Parking Enforcement Officer, Police
John Rosseau, Traffic Technician II, Public Works
Stephen Sisler, Traffic Technician II, Public Works
Alicia Quinonez-Fisher, Accounting Assistant, Public Works
Cathy Carpenter, Tennis Services Coordinator, Parks and Recreation

15-Year Service Pin

Marck Aguilar, Redevelopment Supervisor, Community Development
Dan Tagles, Police Officer, Police
Aaron Baker, Police Sergeant, Police
Mark Hunt, Police Officer, Police

20-Year Service Pin

Mark Johnson, Meter Reader, Finance
Donis Montoya, Administrative Specialist, Public Works
Barbara Reed, Library Assistant II, Library

25-Year Service Pin

Armando Martel, Police Captain, Police
Mary Barry, Office Specialist II, Parks and Recreation

PUBLIC COMMENT

Speakers: Hans Kistner; Toni Wellen, Coalition Against Violence; Kate Smith.

CONSENT CALENDAR (Item Nos. 2 – 17, 20 and 21)

The titles of the resolution and ordinance related to the Consent Calendar were read.

Motion:

Councilmembers Williams/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember House).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 8, 2010, the special meeting of June 14, 2010, and the regular meeting of June 15, 2010.

Action: Approved the recommendation.

3. Subject: Statement Of Investment Policy And Delegation Of Investment Authority For Fiscal Year 2011 (260.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Investment Policy for the City and Rescinding Resolution No. 09-063; and
- B. Authorize the City Administrator/City Clerk/City Treasurer to invest or reinvest funds, or to sell or exchange securities so purchased for the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara for Fiscal Year 2011.

Action: Approved the recommendations; Resolution No. 10-054 (July 13, 2010, report from the Interim Finance Director; proposed resolution).

4. Subject: Adoption Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Department Policies (570.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17 Sections 17.18.050, 17.20.005 (I) and (L), 17.20.255, 17.28.010, 17.28.020 and 17.28.070 of the Santa Barbara Municipal Code Pertaining to Operations at the Waterfront.

Action: Approved the recommendation; Ordinance No. 5528.

5. Subject: Request For Final Community Priority Designation For The Cancer Center Of Santa Barbara Project At 540 W. Pueblo Street (640.09)

Recommendation: That Council grant The Cancer Center of Santa Barbara a Final Community Priority Designation for 5,845 square feet of non-residential floor area.

Action: Approved the recommendation (July 13, 2010, report from the Assistant City Administrator/Community Development Director).

6. Subject: Community Promotion Contract With Old Spanish Days (180.02)

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with Old Spanish Days in an amount of \$89,368 covering the period from July 1, 2010, to May 31, 2011.

Action: Approved the recommendation; Contract No. 23,473 (July 13, 2010, report from the Interim Finance Director).

7. Subject: Community Promotion Contract For The Santa Barbara Region Chamber Of Commerce To Support Operation Of The Visitor Information Center (180.01)

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with the Santa Barbara Region Chamber of Commerce in an amount of \$49,045 to support year-round expenses of the Visitor Information Center.

Action: Approved the recommendation; Contract No. 23,474 (July 13, 2010, report from the Interim Finance Director).

8. Subject: Community Promotion Contract With Santa Barbara International Film Festival (230.02)

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with Santa Barbara International Film Festival in an amount of \$49,464 covering the period from July 1, 2010, to June 30, 2011.

Action: Approved the recommendation; Contract No. 23,475 (July 13, 2010, report from the Interim Finance Director).

9. Subject: Community Promotion Contract With The Santa Barbara Conference And Visitors Bureau And Film Commission (180.02)

Recommendation: That Council authorize the Finance Director to execute the Fiscal Year 2011 Community Promotion contract with the Santa Barbara Conference and Visitors Bureau in an amount of \$1,349,535 for the term of July 1, 2010, through June 30, 2011.

Action: Approved the recommendation; Contract No. 23,476 (July 13, 2010, report from the Interim Finance Director).

10. Subject: Receipt Of Community Fuels Hazard Reduction Grant (520.03)

Recommendation: That Council:

- A. Authorize the receipt of grant funds totaling \$228,000 from the U.S. Forest Service through the California Fire Safe Council Clearing House; and
- B. Increase appropriations and estimated revenues for Fiscal Year 2011 by \$228,000 in the Miscellaneous Grants Fund for use in the Santa Barbara 2010 Community Fuels Hazard Reduction Project, using established City contract procedures.

Action: Approved the recommendations; Agreement No. 23,477 (July 13, 2010, report from the Fire Chief).

11. Subject: Grant Agreement With South Coast Community Media Access Center (510.04)

Recommendation: That Council authorize the Finance Director to execute a grant agreement, in a form of agreement acceptable to the City Attorney, with the South Coast Community Media Access Center for management of the public and educational access television channels in an amount of \$288,800 covering the period from July 1, 2010, to June 30, 2011.

Action: Approved the recommendation; Agreement No. 23,478 (July 13, 2010, report from the Interim Finance Director).

12. Subject: Lease Agreements For Franklin Neighborhood Center, Westside Community Center, And Louise Lowry Davis Recreation Center (330.04)

Recommendation: That Council approve and authorize the Parks and Recreation Director to execute the lease agreements for a term of July 1, 2010, through June 30, 2011, for space at the following locations:

(Cont'd)

12. (Cont'd)

Franklin Neighborhood Center

- Cornelia Moore Dental Foundation Clinic
- Endowment for Youth

Westside Community Center

- Community Action Commission/Senior Nutrition Program
- Independent Living Resources Center
- Special Olympics Southern California
- UCP/Work Inc.
- Youth CineMedia

Louise Lowry Davis Recreation Center

United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara Counties

Action: Approved the recommendation; Agreement Nos. 23,479 - 23,486 (July 13, 2010, report from the Parks and Recreation Director).

13. Subject: Downtown Organization Maintenance Agreement For Fiscal Year 2011 (530.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute an agreement in the amount of \$594,242 with the Downtown Organization (DO) for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the 101 underpass and various cross streets from July 1, 2010, through June 30, 2011.

Action: Approved the recommendation; Agreement No. 23,487 (July 13, 2010, report from the Parks and Recreation Director).

14. Subject: Sole Source Vendor For Clean Air Express Transit Passes (670.02)

Recommendation: That Council find it in the City's best interest to approve the City of Santa Maria as the sole source vendor for purchasing Clean Air Express Transit Passes for City of Santa Barbara employees participating in the Work Trip Reduction Incentive Program, in accordance with Section 4.52.080 (k) of the Municipal Code, and authorize renewals for the next four fiscal years subject to Council approval of funding.

Action: Approved the recommendation (July 13, 2010, report from the Public Works Director).

15. Subject: Donation Of Lenco Bearcat Special Purpose Vehicle To The Police Department (520.04)

Recommendation: That Council accept the donation of a 2010 Lenco Bearcat Special Purpose Vehicle from the County of Santa Barbara, Office of Emergency Services (OES), for use by the Santa Barbara Police Department.

Action: Approved the recommendation (July 13, 2010, report from the Chief of Police).

16. Subject: Increase In Change Order Authority For The El Estero Wastewater Treatment Plant Fats, Oil, And Grease Project (540.13)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra design work for the El Estero Wastewater Treatment Plant (El Estero) Fats, Oil, and Grease (FOG) Project (Project), in the amount of \$22,000, for a total project expenditure authority of \$86,800.

Action: Approved the recommendation (July 13, 2010, report from the Public Works Director).

17. Subject: Increase Change Order Authority For American Recovery And Reinvestment Act Road Overlay Project (530.04)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the American Recovery and Reinvestment Act (ARRA) Road Overlay Project (Project), Contract No. 23,321, in the amount of \$90,000, for a total project expenditure authority of \$1,256,154.

Action: Approved the recommendation (July 13, 2010, report from the Public Works Director).

Item Nos. 18 and 19 appear in the Redevelopment Agency minutes.

NOTICES

20. The City Clerk has on Thursday, July 8, 2010, 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.
21. Received a letter of resignation from Franklin Center Advisory Committee Member Jhoane Perez; the vacancy will be part of the next recruitment for City advisory groups.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to discuss the Investment Report, which was just approved by the Council as part of this Agenda's Consent Calendar, Item No. 3. They also discussed the unfunded liability of the old pension programs for Police and Fire employees; the Committee unanimously voted to forward this item to the Council next week with a recommendation that the City use \$717,000 from the self-insurance fund to cover the unfunded liability.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

22. Subject: Proposed Santa Barbara Tourism Business Improvement District (150.05)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Establish the Santa Barbara Tourism Business Improvement District (SBTBID), and Fixing the Time and Place of the Public Hearings Thereon and Giving Notice Thereof; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Consent of the Cities of Carpinteria and Goleta, and the County of Santa Barbara, to Create the Santa Barbara Tourism Business Improvement District.

Documents:

- July 13, 2010, report from the Interim Finance Director.
- Proposed Resolutions.
- Petitions to the City to form the Santa Barbara Business Tourism District.
- July 13, 2010, PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Speakers:

- Staff: Treasury Manager Jill Taura.
- Santa Barbara Conference and Visitors Bureau: President and Chief Executive Officer Kathy Janega-Dykes.
- Members of the Public: Victor Evarone, Cabrillo Inn at the Beach; Glyn Davies, Simpson House Inn; Laura McIver, Canary Hotel; Jeanette Webber, Santa Barbara Hotel Group; Tom Patton, Ramada LTD.

Motion:

Councilmembers Williams/White to approve the recommendations; Resolution Nos. 10-055 and 10-056.

Vote:

Unanimous roll call vote (Absent: Councilmember House).

PUBLIC WORKS DEPARTMENT

23. Subject: Eucalyptus Hill Road Underground Utility Assessment District Engineer's Report And Recommended Project Conclusion (290.00)

Recommendation: That Council:

- A. Receive the Assessment Engineer's Report (Report) for the Eucalyptus Hill Road Underground Utility Assessment District (UUAD); and
- B. Take no further action regarding the formation of the proposed Eucalyptus Hill Road UUAD.

Documents:

- July 13, 2010, report from the Public Works Director.
- July 13, 2010, PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Principal Civil Engineer John Ewasiuk.
- Southern California Edison Company: Project Planner Thomas Wagner.
- Members of the Public: David Gress, Wendy Grugg.

Motion:

Councilmembers Williams/White to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember House).

RECESS

Mayor Schneider recessed the meeting at 3:35 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 26.

CLOSED SESSIONS

26. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, Police Managers Association, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Cont'd)

26. (Cont'd)

Document:

July 13, 2010, report from the Assistant City Administrator.

Time:

3:40 - 4:10 p.m.

No report made.

RECESS

4:10 p.m. - 4:13 p.m. Councilmember Williams was absent when the Council reconvened.

WORK SESSIONS

24. Subject: Council Work Sessions Regarding Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council hold a series of work sessions regarding Plan Santa Barbara (PlanSB) with presentations by staff on topics including, but not limited to: an overview of the Draft Proposed General Plan; the Program Environmental Impact Report; Transportation Demand Management; and various policy directives for residential density, development and design policies, and growth management.

(Estimated Time: 4:00 p.m.)

Documents:

- July 13, 2010, report from the Assistant City Administrator/Community Development Director.
- July 13, 2010, PowerPoint presentation prepared and made by Staff.
- Document entitled "Selected Revisions to March 2010 Draft General Plan Introduction, Policies and Implementation Actions," prepared and submitted by Staff.
- August 13, 2008, letter from Steven M. Little.
- July 13, 2010, letter from Santa Barbara Region Chamber of Commerce.
- July 13, 2010, letter from the League of Women Voters of Santa Barbara.

Councilmember Williams returned to the meeting at 4:17 p.m. Councilmember House entered the meeting at 4:21 p.m.

Speakers:

- Staff: City Planner Bettie Weiss, Principal Planner John Ledbetter.

(Cont'd)

24. (Cont'd)

Speakers (Cont'd):

- Members of the Public: Julie McGovern, Chair of Santa Barbara Region Chamber of Commerce; Steven Little, Westwood Hills Avocado Alliance; Cathie McCammon, Allied Neighborhoods Association; Paul Hernadi; Connie Hannah, League of Women Voters of Santa Barbara; Mr. Pennington.

Councilmember Williams left the meeting at 5:55 p.m. and returned at 6:09 p.m.

Discussion:

City Planner Bettie Weiss discussed the purpose of the work session and presented an overview of the upcoming work sessions. Principal Planner John Ledbetter presented items of the Draft General Plan Update that were tentatively agreed upon at the joint City Council and Planning Commission meeting held on June 23, 2010. He also presented background information about the General Plan and the process for development of the current Draft General Plan Update, including the Introduction and Framework. He also spoke in more detail about the Land Use and Housing Elements. Staff responded to questions from the Councilmembers.

RECESS

Mayor Schneider recessed the meeting at 6:11 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 25, and stated that no reportable action is anticipated.

CLOSED SESSIONS (CONT'D)

25. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That Council:

- A. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease of City-owned property consisting of a fifteen-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608]) in the City of Santa Barbara. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with Target Corporation, a Minnesota corporation. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Sarah Knecht, Assistant City Attorney. Negotiator for the potential lessee is Dietrich Haar, Real Estate Manager; and

(Cont'd)

25. (Cont'd)

- B. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease, purchase or exchange of City-owned property consisting of a fifteen-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608]) in the City of Santa Barbara. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease, purchase or exchange of the City-owned property located at 6100 Hollister Avenue with the California Army National Guard for the National Guard Armory property located at 730 E. Canon Perdido (APN 031-041-001) in the City of Santa Barbara. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney. Negotiator for the potential lessee, seller or exchange is Colonel Michael L. Herman.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

July 13, 2010, report from the Airport Director.

Time:

6:15 p.m. - 7:10 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:10 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department

SUBJECT: June 30, 2010, Investment Report And June 30, 2010, Fiscal Agent Report

RECOMMENDATION: That Council:

- A. Accept the June 30, 2010, Investment Report; and
- B. Accept the June 30, 2010, Fiscal Agent Report.

DISCUSSION:

On a quarterly basis, staff submits a comprehensive report on the City's portfolio and related activity pursuant to the City's Annual Statement of Investment Policy. The current report covers the investment activity for April through June 2010.

The economy experienced a slowdown this quarter with the slowing of retail sales, lower industrial production, and continued high unemployment levels. All financial markets lost the momentum gained over the past 12 months. The Dow Jones Industrial Average (DJIA) index, which measures stocks from 30 industrial "blue-chip" companies, was down 9.97 percent from the previous quarter; S&P 500, composed of 500 "large-cap" companies across various sectors, was down 11.42 percent; and NASDAQ, which largely measures technology stocks, was down 12.04 percent.

The Consumer Price Index (CPI) is a general measure of inflation showing the average change over time in prices of goods and services purchased by households. The seasonally adjusted CPI for all items declined 0.1 percent due to declines in the energy index items. Core prices, excluding food and energy, were higher by 0.9 percent in June. Economists agree that there is a low risk of the U.S. entering an inflationary cycle in the near future given continued market volatility, high unemployment levels, and the slow economic recovery.

In continued efforts to spur growth U.S. economy, and without the immediate threat of inflation, the Federal Reserve Bank's Open Market Committee held the federal funds rate unchanged at a target range of 0-1/4 percent. Rates are expected to continue to remain low for an extended period.

Treasury yields were lower at the end of the quarter as shown in the table to the right. Investors continued to demand the safety of U.S. Treasuries, driving prices higher and yields lower. This is attributed to the European debt crisis, a “cooling” of China’s economic growth, and concerns over a possible double-dip in the U.S. economy surfacing during the quarter. Longer term yields on Treasury notes were lower, ranging from a decline of 8 basis points on the 1-year Treasury note to a decline of 89 basis points on the 10-year Treasury note over the quarter. Only the 3-month Treasury yield was slightly higher and by only 2 basis points at quarter end.

U.S. Treasury Market					
	3/31/2010	4/30/2010	5/31/2010	6/30/2010	Cumulative Change
3 Month	0.15%	0.16%	0.16%	0.17%	0.02%
6 Month	0.23%	0.23%	0.22%	0.22%	-0.01%
1 Year	0.38%	0.38%	0.31%	0.30%	-0.08%
2 Year	1.02%	0.96%	0.77%	0.60%	-0.42%
3 Year	1.57%	1.48%	1.23%	0.96%	-0.61%
4 Year	2.06%	1.95%	1.66%	1.37%	-0.69%
5 Year	2.55%	2.42%	2.09%	1.78%	-0.77%
10 Year	3.82%	3.66%	3.29%	2.93%	-0.89%
30 Year	4.71%	4.52%	4.21%	3.89%	-0.82%
LAIF	0.56%	0.56%	0.56%	0.56%	0.00%

Investment Activity

As shown in the table below, the City invested \$20 million during the quarter. The purchases consisted of \$14 million in “AAA” rated Federal Agency callable securities and \$6 million in “AAA” rated Federal Agency bullets (non-callable securities). During

Issuer	Face Amount	Purchase Date	Final Maturity	Call Date	Yield To Call	Yield To Maturity
<i>Purchases:</i>						
Federal Home Loan Bank (FHLB)	2,000,000	04/05/10	11/29/13	-	-	2.000%
Federal National Mortgage Association (FNMA)	2,000,000	04/15/10	07/15/13	10/15/10	2.000%	2.000%
Federal Home Loan Bank (FHLB)	2,000,000	04/15/10	10/15/13	-	-	2.000%
Federal Farm Credit Bank (FFCB)	2,000,000	04/30/10	04/09/15	04/09/12	2.940%	2.916%
Federal National Mortgage Association (FNMA)	2,000,000	05/19/10	05/19/15	11/19/10	3.125%	3.125%
Federal National Mortgage Association (FNMA)	2,000,000	05/24/10	06/24/13	06/24/11	1.999%	2.000%
Federal Home Loan Bank (FHLB)	2,000,000	05/28/10	05/28/15	11/28/12	2.000%	2.653%
Federal Home Loan Bank (FHLB)	2,000,000	06/29/10	10/29/12	-	-	1.125%
Federal Home Loan Bank (FHLB)	2,000,000	06/30/10	06/30/14	12/30/11	1.125%	2.277%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	06/30/10	06/30/15	06/30/11	2.000%	2.914%
	20,000,000					
<i>Calls:</i>						
Federal National Mortgage Association (FNMA)	2,000,000	10/29/09	10/29/14	04/29/10	2.250%	3.304%
Federal National Mortgage Association (FNMA)	2,000,000	05/04/09	05/04/12	05/04/10	2.252%	2.185%
Federal National Mortgage Association (FNMA)	2,000,000	05/20/09	11/20/12	05/20/10	2.250%	2.250%
Federal Home Loan Bank (FHLB)	1,333,333	02/12/10	02/12/15	06/04/10	3.310%	3.022%
Federal Home Loan Bank (FHLB)	666,667	02/12/10	02/12/15	06/15/10	3.280%	3.022%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	03/16/10	03/16/15	06/16/10	3.125%	3.125%
Federal National Mortgage Association (FNMA)	2,000,000	12/30/09	12/30/14	06/30/10	3.000%	3.000%
	12,000,000					
<i>Maturities:</i>						
Federal National Mortgage Association (FNMA)	2,000,000	04/27/06	04/20/10	-	-	5.270%
Federal Home Loan Bank (FHLB)	2,000,000	12/18/06	06/22/10	-	-	4.825%
Airport Promissory Note - Partial Redemption	1,089,361	07/14/09	06/30/29	-	-	7.000%
	5,089,361					

the quarter, \$12 million of “AAA” rated Federal Agency securities were called and \$4 million securities matured. Additionally, at fiscal year end, the Santa Barbara Airport made a regularly scheduled principal repayment of \$89,361 and an additional repayment of \$1 million. On June 30, 2010, the outstanding balance on the 20-year Airport Promissory Note held in the City’s investment portfolio was \$6,124,230.

The weighted average yield to maturity measures the average yield for securities with varying interest rates to help provide a measure of the future rate of return on the investment portfolio. The weighted average yield to maturity on the quarter’s purchases totaled 2.301 percent, compared to 3.849 percent on the quarter’s called and matured investments, reflecting the low interest rate environment.

The average rate at which the City earned interest at the Local Agency Investment Fund (LAIF), the State’s managed investment pool, was unchanged at 0.56 percent for the quarter ended June 30, 2010. Staff expects to reinvest a portion of the City’s LAIF balances in short-term securities during the next quarter.

Summary of Cash and Investments

The book rate of return, or portfolio yield, measures the percent return of actual interest earnings generated from the portfolio. During the quarter, the City’s book rate of return decreased by 21.5 basis points from 2.538 percent at March 31, 2010 to 2.323 percent at June 30, 2010. The book rate of return continues to decline through the attrition of higher-yielding securities, and reinvestment at considerably lower market rates. The portfolio’s average days to maturity decreased by 77 days from 919 to 842 days which includes the 20-year Airport promissory note authorized by Council in July 2009. The portfolio’s average days to maturity excluding the Airport note is 608 days, reflecting reinvestment of maturities and calls during the quarter in the one to five year range for regular day-to-day investment activities in accordance with the City’s Annual Statement of Investment Policy.

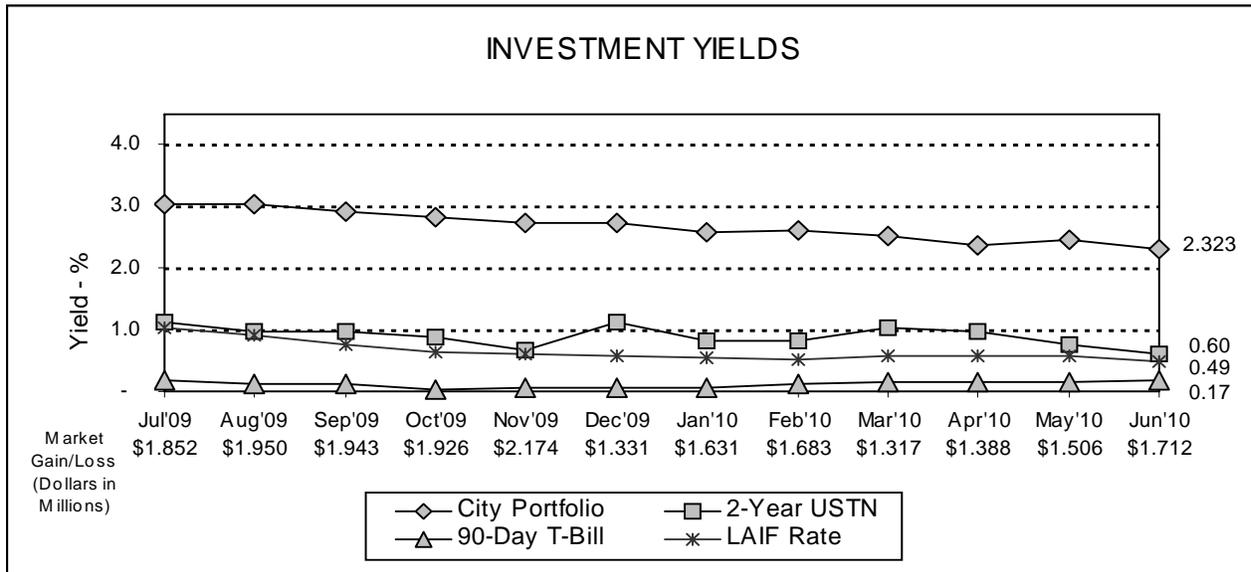
Mo. Ended	Yield	Days to Maturity
03/31/2010	2.538%	919
04/30/2010	2.385%	875
05/31/2010	2.459%	911
06/30/2010	2.323%	842

Credit Quality on Corporate Notes

Over the quarter ended June 30, 2010, there were no credit quality changes to the two corporate issuers of the medium-term notes held in the portfolio (i.e., General Electric Capital Corp and Wells Fargo & Company). All ratings remain within the City’s Investment Policy guidelines of “A” or better.

Portfolio Market Gains/Losses

As shown on the Investment Yields on the next page, the City’s portfolio continues to significantly outperform the three benchmark measures (the 90 day T-Bill, 2 year T-Note and LAIF). The portfolio also reflects unrealized market gains during the quarter due to lower market yields compared to the yields on securities held in the portfolio. At June 30, 2010, the portfolio had an unrealized market gain of \$1.712 million.



On a quarterly basis, staff reports the five securities with the largest percentage of unrealized losses as shown in the table below. Only one security was trading below purchase price at the end of the quarter. Note, however, since all securities in the portfolio are held to maturity, no market loss will be realized.

Issuer	Face Amount	Maturity	\$ Mkt Change	% Mkt Change
FEDERAL HOME LOAN BANK	\$2,000,000	06/30/2014	-\$1,380	-0.07%

Additional Reporting Requirements

The following confirmations are made pursuant to California Code Sections 53600 et seq.: (1) the City's portfolio as of June 30, 2010 is in compliance with the City's Statement of Investment Policy; and (2) there are sufficient funds available to meet the City's expenditure requirements for the next six months.

Fiscal Agent Investments

In addition to reporting requirements for public agency portfolios, a description of any of the agency's investments under the management of contracted parties is also required on a quarterly basis. Attachment 2 includes bond funds and the police and fire service retirement fund as of June 30, 2010.

- ATTACHMENTS:**
1. June 30, 2010, Investment Report
 2. June 30, 2010, Fiscal Agent Report

PREPARED BY: Jill Taura, Treasury Manager

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
June 30, 2010

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

6/7 LAIF Deposit - City	\$ 2,000,000
6/8 LAIF Deposit - City	1,000,000
6/10 LAIF Deposit - City	1,000,000
6/14 LAIF Deposit - City	1,000,000
6/22 LAIF Deposit - City	3,000,000
6/29 Federal Home Loan Bank (FHLB)	2,000,000
6/30 LAIF Deposit - City	1,000,000
6/30 Federal Home Loan Bank (FHLB)	2,000,000
6/30 Federal Home Loan Mortgage Corp (FHLMC)	2,000,000
Total	\$ 15,000,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

6/1 LAIF Withdrawal - City	\$ (3,000,000)
6/3 LAIF Withdrawal - City	(2,500,000)
6/4 Federal Home Loan Bank (FHLB) - Partial Call	(1,333,333)
6/15 Federal Home Loan Bank (FHLB) - Call	(666,667)
6/16 Federal Home Loan Mortgage Corp (FHLMC) - Call	(2,000,000)
6/17 LAIF Withdrawal - City	(2,000,000)
6/22 Federal Home Loan Bank (FHLB) - Maturity	(2,000,000)
6/30 Federal National Mortgage Association (FNMA) - Call	(2,000,000)
6/30 Santa Barbara Airport Promissory Note - Principal Paydown	(1,089,361)
Total	\$ (16,589,361)

ACTIVITY TOTAL

\$ (1,589,361)

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 317,630
Amortization	(2,179)
SBB&T Sweep Account Interest	136
Total	\$ 315,587

RDA INVESTMENTS

Interest Earned on Investments (LAIF)	\$ 8,659
---------------------------------------	-----------------

TOTAL INTEREST EARNED

\$ 324,245

CITY OF SANTA BARBARA
Investment Portfolio
June 30, 2010

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
			MOODY'S	S & P							
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.490	0.490	27,000,000.00	27,000,000.00	27,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.490	0.490	21,500,000.00	21,500,000.00	21,500,000.00	0.00	
Subtotal, LAIF							48,500,000.00	48,500,000.00	48,500,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/09	11/18/10	-	-	1.250	1.250	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							4,000,000.00	4,000,000.00	4,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,004,550.16	2,057,190.00	52,639.84	
FEDERAL FARM CREDIT BANK	10/14/09	10/14/14	Aaa	AAA	2.875	2.875	2,000,000.00	2,000,000.00	2,015,620.00	15,620.00	Callable 10/14/10, then cont.
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,007,298.52	2,059,690.00	52,391.48	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,999,018.26	2,013,760.00	14,741.74	
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.002	2,000,000.00	2,000,000.00	2,043,440.00	43,440.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,080,010.00	80,010.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,058,440.00	58,440.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,054,690.00	54,690.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,013,130.00	13,130.00	
FEDERAL FARM CREDIT BANK	12/01/09	12/01/14	Aaa	AAA	2.840	2.840	2,000,000.00	2,000,000.00	2,021,880.00	21,880.00	Callable 12/01/10, then cont.
FEDERAL FARM CREDIT BANK	01/13/10	01/13/15	Aaa	AAA	3.180	3.180	2,000,000.00	2,000,000.00	2,030,940.00	30,940.00	Callable 1/13/11, then cont.
FEDERAL FARM CREDIT BANK	04/30/10	04/09/15	Aaa	AAA	2.900	2.916	2,000,000.00	1,998,612.65	2,057,820.00	59,207.35	Callable 4/9/12, once
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,004,115.43	2,087,190.00	83,074.57	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,985,343.21	2,045,310.00	59,966.79	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,771,649.11	1,805,451.00	33,801.89	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,042,820.00	42,820.00	
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	3.733	2,000,000.00	2,000,000.00	2,034,070.00	34,070.00	SU 5%, Callable 6/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,044,606.40	2,115,630.00	71,023.60	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AAA	1.700	1.700	2,000,000.00	2,000,000.00	2,037,820.00	37,820.00	
FEDERAL HOME LOAN BANK	03/30/10	09/30/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,024,070.00	24,070.00	Callable 3/30/11, once
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,040,630.00	40,630.00	
FEDERAL HOME LOAN BANK	06/29/10	10/29/12	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,011,250.00	11,250.00	
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,113.70	1,011,720.00	11,606.30	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,992,972.78	2,045,630.00	52,657.22	
FEDERAL HOME LOAN BANK	05/28/10	05/28/15	Aaa	AAA	2.000	2.653	2,000,000.00	2,000,000.00	2,028,130.00	28,130.00	SU 3.35%, Callable 11/28/12, once
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,981.85	2,007,500.00	7,518.15	
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,995,390.07	2,026,260.00	30,869.93	

CITY OF SANTA BARBARA
Investment Portfolio
June 30, 2010

DESCRIPTION	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	COMMENTS
	DATE	DATE	MOODY'S	S & P							
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AAA	4.375	2.272	2,000,000.00	2,127,971.48	2,192,820.00	64,848.52	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AAA	3.125	2.130	2,000,000.00	2,065,569.63	2,115,630.00	50,060.37	
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AAA	1.375	1.325	2,000,000.00	2,001,900.91	2,024,690.00	22,789.09	
FEDERAL HOME LOAN BANK	06/30/10	06/30/14	Aaa	AAA	1.125	2.277	2,000,000.00	2,000,000.00	1,998,620.00	(1,380.00)	SU 3% callable 12/30/2011, once
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,999,230.56	2,030,660.00	31,429.44	Callable 4/08/11, once
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,027,560.00	27,560.00	Callable 5/19/11, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,018,360.66	2,057,510.00	39,149.34	
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,032,740.00	32,740.00	Callable 5/13/11, once
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,999,854.70	2,001,180.00	1,325.30	
FEDERAL HOME LOAN MTG CORP	07/30/09	01/30/13	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,002,640.00	2,640.00	Callable 7/30/10, once
FEDERAL HOME LOAN MTG CORP	10/28/09	10/28/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	2,016,980.00	16,980.00	Callable 10/28/10, then qtrly
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,942,163.00	2,003,640.00	61,477.00	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AAA	1.125	1.197	1,000,000.00	998,707.72	1,007,790.00	9,082.28	
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,995,628.25	2,015,100.00	19,471.75	
FEDERAL HOME LOAN MTG CORP	04/29/09	10/29/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,011,920.00	11,920.00	Callable 10/29/10, once
FEDERAL HOME LOAN MTG CORP	06/30/10	06/30/15	Aaa	AAA	2.000	2.914	2,000,000.00	2,000,000.00	2,019,560.00	19,560.00	SU 2.0%-4.5%, Call 6/30/11, annual
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,029,380.00	29,380.00	Callable 3/18/11, once
FEDERAL NATL MORTGAGE ASSN	03/23/09	03/23/12	Aaa	AAA	2.000	2.491	2,000,000.00	2,000,000.00	2,005,620.00	5,620.00	SU 3%, Callable 9/23/10, once
FEDERAL NATL MORTGAGE ASSN	09/09/09	09/09/14	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,011,260.00	11,260.00	Callable 9/09/10, once
FEDERAL NATL MORTGAGE ASSN	03/16/10	09/16/13	Aaa	AAA	2.100	2.130	2,000,000.00	1,999,166.67	2,006,880.00	7,713.33	Callable 9/16/10, once
FEDERAL NATL MORTGAGE ASSN	04/15/10	07/15/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,008,760.00	8,760.00	Callable 10/15/10, once
FEDERAL NATL MORTGAGE ASSN	05/24/10	06/24/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,021,880.00	21,880.00	Callable 6/24/11, once
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,022,190.00	22,190.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	03/09/10	03/09/15	Aaa	AAA	3.000	3.000	1,000,000.00	1,000,000.00	1,004,690.00	4,690.00	Callable 9/09/10, once
FEDERAL NATL MORTGAGE ASSN	05/19/10	05/19/15	Aaa	AAA	3.125	3.125	2,000,000.00	2,000,000.00	2,018,120.00	18,120.00	Callable 11/19/10, then qtrly
Subtotal, Federal Agencies							100,700,000.00	100,952,205.72	102,557,911.00	1,605,705.28	
CORPORATE/MEDIUM TERM NOTES											
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,011,708.99	2,064,280.00	52,571.01	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA-	4.875	5.260	2,000,000.00	1,996,306.16	2,041,080.00	44,773.84	
WELLS FARGO & CO.	10/10/06	08/09/10	A1	AA-	4.625	5.000	2,000,000.00	1,999,284.06	2,008,020.00	8,735.94	
Subtotal, Corporate Securities							6,000,000.00	6,007,299.21	6,113,380.00	106,080.79	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	6,124,299.81	6,124,299.81	6,124,299.81	0.00	
Subtotal, SBA Note							6,124,299.81	6,124,299.81	6,124,299.81	0.00	
TOTALS							165,324,299.81	165,583,804.74	167,295,590.81	1,711,786.07	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.

**CITY OF SANTA BARBARA
Fiscal Agent Investments
June 30, 2010**

	CASH & CASH EQUIVALENTS Book & Market	Guaranteed Investment Contracts (GIC) Book & Market	STOCKS		BONDS		US GOVT & AGENCIES		TOTALS	
			Book	Market	Book	Market	Book	Market	Book	Market
BOND FUNDS										
<i>RESERVE FUNDS</i>										
2004 RDA - Housing Bonds	561,537.50	-	-	-	-	-	-	-	561,537.50	561,537.50
2002 Municipal Improvement - Refunding COPs	14,078.10	547,530.00	-	-	-	-	-	-	561,608.10	561,608.10
2002 Water - Refunding COPs	23,486.91	1,088,268.76	-	-	-	-	-	-	1,111,755.67	1,111,755.67
1994 Water - Revenue Bonds	19,698.48	757,680.00	-	-	-	-	-	-	777,378.48	777,378.48
2002 Waterfront - Reference COPs	438.10	1,393,262.50	-	-	-	-	-	-	1,393,700.60	1,393,700.60
1992 Seismic - Safety Bonds	87,465.19	-	-	-	-	-	-	-	87,465.19	87,465.19
Subtotal, Reserve Funds	706,704.28	3,786,741.26	-	-	-	-	-	-	4,493,445.54	4,493,445.54
<i>PROJECT FUNDS</i>										
2001 RDA Bonds	3,453,516.07	-	-	-	-	-	-	-	3,453,516.07	3,453,516.07
2003 RDA Bonds	15,034,781.21	-	-	-	-	-	-	-	15,034,781.21	15,034,781.21
2004 Sewer Revenue Bonds	2,978,879.89	1,357,140.00	-	-	-	-	-	-	4,336,019.89	4,336,019.89
2009 Airport Bonds	32,380,757.21	-	-	-	-	-	3,100,000.00	3,202,052.00	35,480,757.21	35,582,809.21
Subtotal, Project Funds	53,847,934.38	1,357,140.00	-	-	-	-	3,100,000.00	3,202,052.00	58,305,074.38	58,407,126.38
Subtotal Bond Funds	54,554,638.66	5,143,881.26	-	-	-	-	3,100,000.00	3,202,052.00	62,798,519.92	62,900,571.92
POLICE/FIRE - SVC RETIREMENT FUND										
Police/Fire Funds	33,506.50	-	196,150.77	192,372.22	-	-	-	-	229,657.27	225,878.72
	33,506.50	-	196,150.77	192,372.22	-	-	-	-	229,657.27	225,878.72
TOTAL FISCAL AGENT INVESTMENTS	<u>54,588,145.16</u>	<u>5,143,881.26</u>	<u>196,150.77</u>	<u>192,372.22</u>	<u>-</u>	<u>-</u>	<u>3,100,000.00</u>	<u>3,202,052.00</u>	<u>63,028,177.19</u>	<u>63,126,450.64</u>

Notes:

- (1) Cash & cash equivalents include money market funds.
- (2) Market values have been obtained from the following trustees: US Bank, Bank of New York and Santa Barbara Bank & Trust



Agenda Item No. _____

File Code No. 160.06

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010
TO: Mayor and Councilmembers
FROM: Administration Division, Airport Department
SUBJECT: Records Destruction For The Airport Department

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Airport Department.

DISCUSSION:

The City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual. The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

Pursuant to the Manual, the Airport Director submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Airport Director requests the City Council to approve the destruction of the Airport Department records listed on Exhibit A of the resolution without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's Sustainable Santa Barbara Program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records Management Program outlines that records approved for destruction be recycled, reducing paper waste.

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA RELATING TO THE DESTRUCTION OF
RECORDS HELD BY THE AIRPORT DEPARTMENT

WHEREAS, the City Council adopted Resolution No. 09-098 on December 15, 2009, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

WHEREAS, the City of Santa Barbara Records Management Policies and Procedures Manual contains the records retention and disposition schedules for all City departments. The records retention and disposition schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice;

WHEREAS, Government Code section 34090 provides that, with the approval of the City Council and the written consent of the City Attorney, the head of a City department may destroy certain city records, documents, instruments, books or papers under the Department Head's charge, without making a copy, if the records are no longer needed;

WHEREAS, the Airport Director submitted a request for the destruction of records held by the Airport Department to the City Clerk Services Manager to obtain written consent from the City Attorney. A list of the records, documents, instruments, books or papers proposed for destruction is attached hereto as Exhibit A and shall hereafter be referred to collectively as the "Records";

WHEREAS, the Records do not include any records affecting title to real property or liens upon real property, court records, records required to be kept by statute, records less than two years old, video or audio recordings that are evidence in any claim or pending litigation, or the minutes, ordinances or resolutions of the City Council or any City board or commission;

WHEREAS, the City Clerk Services Manager agrees that the proposed destruction conforms to the City's retention and disposition schedules;

WHEREAS, the City Attorney consents to the destruction of the Records; and

WHEREAS, the City Council of the City of Santa Barbara finds and determines that the Records are no longer required and may be destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Airport Director, or her designated representative, is authorized and directed to destroy the Records without retaining a copy.

AIRPORT DEPARTMENT

<u>Records Series</u>	<u>Date(s)</u>
Work Orders	May 2009 & earlier
General Incident Reports	Jan – Jun 2007
Identification Badge Files	2009 and earlier
Runway Inspection Sheets	Jan through Jun 2009
Security Correspondence	Jan – Jun 2008
Security Office Subject Files	Jan – Jun 2008
Towed Vehicle Files	Jan – Jun 2008
Notice to Airmen	2000 – Jun 2003
Contracts and Agreements	1989 – 2004
Citizen Injury Reports	2005
Administration Financial Files	1978 -1980
Engineering Project Files (inactive)	1981-1982
Terminated Accounts	1954-1977
Equipment Records	1969-1975
Leases	1962-1977



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Airport Administration, Airport Department

SUBJECT: Airline Terminal Public Arts Program Agreements With Artists

RECOMMENDATION:

That Council approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, public arts program agreements with:

- A. Lori Ann David for design and installation of a mosaic tile floor medallion associated with the Airline Terminal Project, in an amount not-to-exceed \$65,000; and
- B. Vidya Gauci for design and installation of decorative stenciling associated with the Airline Terminal Project, in an amount not-to-exceed \$12,000.

DISCUSSION:

Background

The Airport Department, in collaboration with the City Arts Advisory Committee and the Visual Arts in Public Places Committee, developed a Public Arts Program for the new Airline Terminal. The Program is comprised of three elements: long term loan of existing art; commissioned art; and a rotating exhibit of regional art.

Program Funding

The Airline Terminal Project budget includes \$100,000 for the Public Arts Program. The initial program budget will fund restoration of existing art, and design and installation of three commissioned art projects. The Airport was a fortunate recipient of a \$40,000 grant by Santa Barbara Beautiful that will augment the Arts Program funding in the Terminal Project budget. The grant funds are designated for the North Rotunda Floor Medallion commissioned art project.

The objective for the ongoing funding of the Airline Terminal Public Arts Program is to leverage the initial seed money with grants and funding from organizations or individuals who may wish to commission an artwork for the Terminal and develop a fundraising program.

Commissioned Art Projects

In December 2009, the Program's commissioned art element was initiated with the distribution of a Request for Proposals (RFP) for artists to submit proposals for the design and installation of three art projects. The projects are Decorative Wood Beam Stenciling, Main Lobby and North Staircase Wrought Iron Railing Decorative Elements, and the North Rotunda Floor Medallion.

Request For Proposals

On December 18, 2009, an RFP for the three commissioned art projects was distributed with proposals due on February 18, 2010. A notice regarding the RFP was sent to the Santa Barbara County Arts Commission distribution list and it was posted on the Airport's website. On January 20, 2010, a mandatory pre-proposal meeting was held to answer questions regarding the RFP and the selection process. Approximately 25 interested parties attended.

The basic submittal requirements for the proposals included:

- Public art installation experience and an understanding of public interaction.
- Projects consider the use of "green" materials and processes.
- The team's general approach and past experience related to the respective projects.
- Resumes and references.
- Images of recent work.

The RFP identified three opportunities and the estimated budget for each:

- **Decorative Wood Beam Stenciling** - \$12,000
Stenciling of about 14 wood beams on the ceiling of the first floor entry pavilion.
- **North Rotunda Floor Medallion** - \$65,000
A circular medallion on the floor of the entry rotunda to the airline ticketing lobby. The medallion will be about 19 feet in diameter and will include a visual representation of the geographic elements of the region or imagery either current or historical in nature containing elements such as indigenous plants, wildlife, the slough, or the ocean.

- **Main Lobby and North Staircase Wrought Iron Railing Embellishment - \$35,000**

Decorative wrought iron elements to be attached to the wrought iron pickets supporting the second floor railings surrounding the main lobby. The decorative element should represent the region's flora and/or fauna.

The Airport received proposals from 13 artist teams. Some teams proposed on more than one of the projects.

Artist Selection Process

The proposals were reviewed by a Selection Panel comprised of two members of the Visual Arts in Public Places Committee, one member of the City Arts Advisory Committee, two members of the Santa Barbara County Arts Commission staff, one member of the Santa Barbara County Arts Commission representing the Third Supervisorial District, one Airport staff member, and the Terminal Project architect.

The proposals were evaluated based on the artists' quality, creativity, and strength of previous work, professional qualifications, and experience.

Selection Criteria Included:

- Ability to manage projects of similar scale and complexity.
- Technical competence in selection of materials, lighting recommendations, installation procedures and long-term maintenance.
- Experience working as a member of a design team with other design professionals and engineers.
- Ability to communicate effectively with architects, contractors, the Terminal design team and Airport staff.
- Reference recommendations.

The Selection Panel narrowed the proposals to five teams who were invited to an interview with the Panel. After consideration of the proposals, team qualifications, and the interviews, the Panel selected the team of Lori Ann David and Vidya Gauci for the North Rotunda Floor Medallion and the Wood Beam Stenciling projects and Colleen Kelly for the Wrought Iron Railing Decorative Elements.

BUDGETARY/FINANCIAL INFORMATION:

Funding for the two agreements is included in the Airline Terminal Improvement Project budget.

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Airport Department

SUBJECT: Sole Source Vendor For Airport Mosquito Control Services

RECOMMENDATION: That Council:

- A. Find it is in the City's best interest to waive the formal bid process as provided in Municipal Code Section 4.52.070(k) and authorize the City's General Services Manager to issue a Purchase Order to the Mosquito and Vector Management District of Santa Barbara County (District) as the sole source and most favorable source for providing the City with mosquito monitoring and control services at the Airport in the amount of \$74,462; and
- B. Subject to the appropriation of funds approved by City Council, authorize the City's General Services Manager to issue Purchase Orders and Change Orders to the District for four subsequent fiscal years for mosquito monitoring and control services, in amounts not to exceed the annual appropriated budget for the program.

BACKGROUND:

Mosquitoes, which reproduce in both fresh and brackish water, are known vectors for West Nile Virus and other diseases. Portions of the Goleta Slough Ecological Reserve on Airport property are major sources of several mosquito species. Because of the proximity to the UCSB campus, housing, and Airport users, control of local mosquito populations is critical to prevent the transmission of disease.

The purpose of the Mosquito and Vector Management District of Santa Barbara County (District) is to provide vector surveillance, prevention, abatement, and control services to property owners and residents to ensure protection from vector annoyance and to protect the public from the threat of vector-borne disease. District staff include a biologist and vector technicians that are uniquely qualified to identify and treat mosquito and other vector sources within District boundaries to protect public health.

DISCUSSION:

Historically the District has provided mosquito monitoring and abatement services for the Airport. Typically, the District pre-treats known mosquito sources during the dry season with an extended release product that is activated by winter rains. Throughout the mosquito season the District monitors mosquito populations and recommends additional treatments based on conditions observed.

More recently, the Airport supplied the District with the requested extended release materials needed to control mosquito populations and has contracted separately with the District for surveillance and application of the material.

At that time, the City had competitively bid the purchase of the preferred extended release mosquito control product. Altosid XR is the greenest product available that has proven to be effective in salt marsh applications where pretreatment and extended control of mosquitoes prior to adult emergence is essential. The manufacturer sets pricing and has a very limited distribution network, so all bids received for the product have been identical. Therefore, no financial advantage is gained by the City continuing to purchase the product on a competitive basis separate from the purchase of surveillance and control services provided by the District.

Under the proposed work plan, the Airport will reimburse the District for time and the cost of materials associated with mosquito monitoring and control activities. The proposed scope of work represents time and materials needed for mosquito control during a wet year with an extended mosquito season.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriated funds in the Airport Operating Fund to cover the cost of the proposed mosquito abatement activities.

SUSTAINABILITY IMPACT:

The District has been responsive to the requirements of the City's Integrated Pest Management program and has worked to minimize the amount and toxicity of pesticides used, while continuing to protect public health.

PREPARED BY: Jeffrey S. McKee, Environmental Compliance Officer

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Three-Year Agreement For Printing, Stuffing, And Mailing Utility Bills, Business License Renewals, And Other Bills; One-Year Agreement For Printing City News In Brief

RECOMMENDATION: That Council:

- A. Approve and authorize the Finance Director to execute a three-year service agreement with CSG Systems for the printing, stuffing, and mailing of utility bills, business license renewals, and miscellaneous other billings at a cost not to exceed \$72,000 annually (excluding postage); and
- B. Approve and authorize the Finance Director to execute a one-year service agreement with CSG Systems for printing The City News in Brief newsletter at a cost not to exceed \$21,000 annually.

DISCUSSION:

In February 2007 the City entered into a three-year agreement with CSG Systems (CSG), formerly DataProse, for the printing, stuffing, and mailing of utility bills and other billings. The original agreement included an option to extend the agreement for up to two additional years, with annual price increases for printing and insertion services. The City has also contracted with CSG to print the monthly City News In Brief newsletter which is included with the bills that are sent to customers.

Due to the recent budget difficulties facing the General Fund and the City as a whole, staff has negotiated with CSG to reduce the cost of the printing and insertion services. Due to the volume of business that the City does with CSG, and the business relationship developed over the past three years, CSG was receptive to a reduction in printing costs. Staff has negotiated a new three-year agreement with CSG that would reduce the printing costs by approximately two cents per piece and newsletter insertion costs by approximately a half cent per piece. CSG prints over 30,000 pieces each month and the savings from this new production agreement are estimated to be up to \$10,000 annually.

Staff recommends that the City execute a new three-year agreement with CSG for the aforementioned bill printing services and a one-year agreement for printing the City

News In Brief. Staff has been satisfied with the quality and timeliness of the services provided by CSG and the level of customer service that we have received. Staff has developed an efficient and synergistic process with the vendor to produce the bills in a timely manner. The monthly newsletter is currently printed using month-to-month agreements. The annual agreement would guarantee the current rate for twelve months and eliminate the need for monthly agreements.

Requesting bids from other vendors or changing vendors is not recommended at this time. Preparing a request for vendor proposals, evaluating those proposals, and converting services to a new vendor at this time would significantly strain our current staff resources. It would take significant staff time and resources to design the transfer of data from the City's billing system to a new vendor's bill format.

BUDGET/FINANCIAL INFORMATION:

The cost of printing utility and other bills, and insertion of the City News in Brief, is paid by the Finance Department in the General Fund. Projected savings from the new contract for bill printing were included in the FY 2011 budget in the Finance Department, General Fund. The cost of the newsletter printing is currently budgeted in the Water Fund and will have no further budgetary impact.

SUSTAINABILITY IMPACT:

The new contract that staff has negotiated includes a change to print the bills on recycled stock.

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Agreement With The Council On Alcoholism And Drug Abuse For The Criminal Justice Early Identification Specialist

RECOMMENDATION: That Council:

- A. Authorize the Chief of Police to execute a Memorandum of Understanding, subject to approval of the City Attorney, between the City of Santa Barbara and the Council on Alcoholism and Drug Abuse; and
- B. Appropriate \$47,000 from available reserves in the Police Asset Forfeiture and Grants Fund to fund the Council on Alcoholism and Drug Abuse for a Criminal Justice Early Identification Specialist position for the contract period beginning September 1, 2010, through August 31, 2011.

DISCUSSION:

The Police Department and the Council on Alcoholism and Drug Abuse first entered into this program in March of 1993. We are currently in the third year of a three-year agreement, which expires on August 31, 2010. Annually, the program serves nearly 300 clients. In the most recent year for which statistics are available, after one year, 60% of the clients remained in recovery, 23% had no further contact and 17% relapsed. Staff has executed another three-year agreement for the three years ended August 31, 2013.

The Early Identification Specialist (E-ID) performs a key function in the diversion program implemented by the Santa Barbara Police Department, the Santa Barbara Municipal Court and the Sobering Center. The E-ID provides intervention and case management for individuals who have had more than five admissions to the Sobering Center within twelve months and who are identified as chronic habitual offenders. The E-ID implements a follow-up program for the offenders in which they are met at the jail or Sobering Center upon release. The objective is to encourage the offender to seek treatment and to assist the offender through the alcohol-craving period that occurs immediately following release from incarceration. The E-ID assists the Municipal Court in developing appropriate dispositions in these types of cases.

BUDGET AND FINANCIAL INFORMATION:

The Police Asset Forfeiture and Grants Fund has available reserves to fund the three-year contract. The appropriation of \$47,000 will provide funding from September 1, 2010 through August 31, 2011, or the first year in the three-year agreement. The reserves have been accumulated and are restricted to costs such as those for the E-ID Specialist.

PREPARED BY: James Pflaging, Police Lieutenant

SUBMITTED BY: Camerino Sanchez, Police Chief

APPROVED BY: James Armstrong, City Administrator



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction For The Escondido And Bothin Water Pump Stations Rehabilitation Project

RECOMMENDATION: That Council:

- A. Award a contract with Taft Electric Company (Taft), in their low bid amount of \$1,376,734, for construction of the Escondido and Bothin Water Pump Stations Rehabilitation Project (Project), Bid No. 3573;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$138,000 to cover any cost increases that may result from contract change orders for extra work; and
- C. Authorize the Public Works Director to execute a contract with AECOM Technical Services, Incorporated (AECOM), in the amount of \$44,611, for construction support services, and approve expenditures of up to \$4,500 for extra services of AECOM that may result from necessary changes in the scope of work.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of replacing water pumps, electrical motors, electrical switchgear, valves, piping, instrumentation, and Supervisory Control And Data Acquisition systems integration. The existing equipment and systems are outdated and nearing the end of their lifecycles. The Project will increase the size of the pumps at the Escondido Pump Station, improving water flows and fire protection for the area. The design specifies replacement of the existing fixed speed pumps and motors at both pump stations, with variable frequency drive pumps and motors, in order to provide energy savings and enhanced water system control.

CONTRACT BIDS

A total of seven bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Taft Electric Company, Ventura, CA	\$1,376,734
2.	Lash Construction, Inc., Santa Barbara, CA	\$1,390,000
3.	Cushman Contracting Corporation, Goleta, CA	\$1,460,000
4.	John Madonna Construction, Inc., San Luis Obispo, CA	\$1,561,000
5.	HPS Mechanical Inc., Bakersfield, CA	\$1,616,160
6.	Blois Construction, Inc., Oxnard, CA	\$1,831,474
7.	Tierra Contracting, Goleta, CA	\$1,850,000

The low bid of \$1,376,734, submitted by Taft, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. The change order funding recommendation of \$138,000, or 10%, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with AECOM, in the amount of \$49,111 for construction support services. AECOM successfully completed the design phase and is experienced in this type of work.

PUBLIC OUTREACH

Staff plans to send construction notification letters approximately one month prior to the start of construction to residents and property owners within 500 feet of both pump stations. Temporary water shut-off notices will be distributed in advance to properties affected by necessary station shut downs.

FUNDING

This Project is funded by the Water Capital Fund and there are sufficient appropriated funds to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Escondido and Bothin Water Pump Stations Rehabilitation Project	\$1,376,734	\$138,000	\$1,514,734
Construction Support Services	\$44,611	\$4,500	\$49,111
TOTAL RECOMMENDED AUTHORIZATION			\$1,563,845

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

Design (by Contract)	\$114,551
Hydraulic Model Evaluation (by Purchase Order)	\$13,080
Other Design Costs - City staff	\$55,022
Special Supplies/Expenses	\$200
Subtotal	\$182,853
Construction Contract	\$1,376,734
Construction Change Order Allowance	\$138,000
Construction Support Services (by Contract)	\$49,111
Subtotal	\$1,563,845
Other Construction Costs (building permits, special supplies/expenses)	\$5,000
Construction Management/Inspection (by City Staff)	\$100,000
Subtotal	\$105,000
TOTAL PROJECT COST	\$1,851,698

SUSTAINABILITY IMPACT:

Staff has applied for an energy savings incentive through Southern California Edison's Customized Solutions Program. The pump station rehabilitations are anticipated to reduce total demand by 44,414 kilowatt-hours per year (or 28% of baseline), which will result in a one-time incentive of approximately \$7,000, and annual energy cost savings of approximately \$5,000.

PREPARED BY: Joshua N. Haggmark, Principal Engineer/AH/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Contract For Design Of The El Estero Wastewater Treatment Plant Supervisory Control And Data Acquisition WiFi Backup System

RECOMMENDATION:

That Council authorize the Public Works Director to execute a City Professional Services contract, subject to approval by the City Attorney as to form, with Beckman Software Engineering in the amount of \$43,700 for design and installation services for the El Estero Supervisory Control and Data Acquisition (SCADA) WiFi Backup System and authorize the Public Works Director to approve expenditures of up to \$4,400 for extra services of Beckman Software Engineering that may result from necessary changes in the scope of work.

DISCUSSION:

City Engineering staff is currently working with El Estero Wastewater Treatment Plant (El Estero) staff to design a backup system for the existing El Estero SCADA program. The SCADA network communication at El Estero is presently accomplished by use of a single fiber optic cable system. In most cases, the fiber optic cable in El Estero is a direct burial multi-strand, multi-mode cable. As a result, the existing system is a single point of failure, not only for the process systems, but also for the various in-plant and network based information systems. The installation of a backup system will provide an additional SCADA communication network to complement the existing fiber optic network. The additional network will serve as a hot backup wireless network and, upon failure of the fiber optic system, will take over and maintain network communication.

SELECTION PROCESS:

Per purchasing guidelines, a formal Request for Proposal (RFP) was sent to three firms recommended by Information Systems, who have experience performing this type of service. One proposal was received from Beckman Software Engineering. One of the other firms that staff contacted, Compuvision/Vision Communications, teamed up with Beckman Software Engineering as a sub-consultant and, therefore, did not submit a proposal. The third company did not respond. Beckman Software Engineering is a well qualified firm and has successfully completed many similar projects for the City.

BUDGET/FINANCIAL INFORMATION:

Staff recommends that Council authorize the Public Works Director to execute a contract with Beckman Software Engineering in the amount of \$43,700 for design and installation services. Staff requests additional approval of \$4,400, or approximately 10%, to cover any necessary unforeseen changes in scope, for a total authorization amount of \$48,100.

There are adequate appropriated funds in the Wastewater Capital Fund to cover the cost of this contract.

PREPARED BY: Christopher Toth, Wastewater System Manager/ALS/nrs

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 150.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010
TO: Mayor and Councilmembers
FROM: Administration Division, Finance Department
SUBJECT: Public Hearing On The Proposed Santa Barbara Tourism Business Improvement District

RECOMMENDATION:

That Council hold a public hearing to hear comments from the public on the proposed Santa Barbara Tourism Business Improvement District.

DISCUSSION

Overview

The proposed Santa Barbara Tourism Business Improvement District, or "SBTBID", is a special benefit assessment district designed to increase tourism by creating a supplemental funding source for marketing the south coast region of Santa Barbara County. The SBTBID region would include the cities of Santa Barbara, Goleta, and Carpinteria and the nearby unincorporated areas of the County of Santa Barbara, with the City of Santa Barbara designated as the lead jurisdiction. The funds would be administered by a non-profit newly formed for that purpose by the Santa Barbara Conference and Visitors' Bureau and Film Commission. The annual budget for the SBTBID is estimated at \$1.8 million.

Legal Process

In July 2010, the City received signed petitions from 58.62% of affected lodging establishments in support of creating the SBTBID. This exceeds the greater than 50% support required to begin the formal process under the Property and Business Improvement District Law of 1994.

On July 13, 2010, Council took the first step required to form the Santa Barbara Tourism Business Improvement District by adopting the Resolution of Intention, declaring intent to form the district. The Council also adopted the Resolution Requesting Consent, asking the included jurisdictions to give their consent to be included in the district area.

The public hearing on July 27, 2010, marks the second step required to form the district. At the Council meeting, Council will open the public meeting to hear comments from the public and affected business owners on the proposed district. Council will not be asked to take any action at the public hearing.

The third step in the legal process is scheduled for September 28, 2010, when the final public hearing will be held and the written protest percentage tabulated. If no majority written protest is received from business owners that would pay more than 50% of assessment, Council would determine whether to adopt both the Resolution of Formation, formally creating the district, and the final Management District Plan.

PREPARED BY: Jill Taura, Treasury Manager

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office

From: S. PERRY [mailto:limon@msn.com]

Sent: Wednesday, July 14, 2010 10:59 AM

To: Schneider, Helene; House, Grant; Francisco, Dale; Hotchkiss, Frank; Self, Michael; White, Harwood "Bendy" A.; Williams, Das

Subject: Proposed SB T.B.I.D. concerns

Mayor Schneider, and the City Council Members;

I operate 2 Hotels in Santa Barbara, and we are asking the City Council to reconsider it's support of the proposed Tourism Improvement District. The accumulation-petition process used to achieve an majority of hotel operators' support for this new Quasi-Tax has completely ignored the opponents to it, and is unfair to the small independent properties.

It has taken several years of petitioning and arm-bending to achieve a majority. The primary support for this new tax comes from the large hotel operations that already have large advertising budgets. This tax unfairly impacts the smaller properties that cannot simply reduce their advertising spending to make up for the cost of the tax.

Our guests are already aggressively protesting the current 12% TOT Tax we are charging at check-out time. The tax is viewed by our European and Australian/Zealander Guests as outright gouging.

The other unfair aspect of this new surtax is charging only Hotels/Motels. The ENTIRE Tourism industry should support this district, not just the Hotels/Motels. Hotels pay 12% Tax already, which is head-and-shoulders above every other sector of the economy, it leaves a horrible taste in the mouth of our guests just as they depart our beautiful city, and gives the remaining spectrum of tourist enterprises a free-ride.

Other TBIDs in California apply the mandatory surtax on only the large hotels that have expansive enough Ad budgets to pay for this tax. We urge the City Council to restrict the mandatory participation in this program to only properties over 150 room keys. Basing the graduated fee schedule only on room rate will restrict hotel owners from making improvements to all the smaller properties that are so vital to the experience of visitors to Santa Barbara.

Another consideration we urge the Council to look at is broadening the types of business subjected to the surtax. Tourism businesses that are members of the SBVCB should all be looked at as business types that should support, and who directly benefit from, the cost of this surtax-paid advertising and promotion of Santa Barbara Tourism businesses. It is obscenely unfair for the small independent Hotel/Motel properties in the city to be the only ones saddled with ever growing Tourism Taxes.

Our current T.O.T. is not being collected from all the vacation rentals in Santa Barbara. This revenue alone would capture enough tax to finance a return towards the original TOT mandate. At it's inception the City contribution to Tourism Promotion was 50% of the TOT receipts. The vacation rentals are already included in the TOT tax code currently, but the code is not being enforced...and the tax goes uncollected.

The independent hoteliers in Santa Barbara are in dire need of assistance, commandeering our advertising dollars and further taxing our guests are a huge mistake in any economy. The 20% increase in TOT via Measure B to clean up the creeks has been a huge burden to Hospitality, please delay this TBID until it can be properly modified.

Thank you,
Scott Perry
Lemon Tree Inn
Orange Tree Inn



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

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

RECOMMENDATION: That Council:

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

EXECUTIVE SUMMARY:

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

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

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

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

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

PROJECT DESCRIPTION

The proposed project involves alterations to buildings consisting of an exterior facade remodel to include the demolition of a 1,288 square foot detached warehouse, demolition of 1,758 square feet of an existing 10,757 square foot building, to result in one 8,999 square foot commercial building. The proposed BevMo! retail liquor store project is to be located on 24,750 square-foot site which is zoned C-2/SD-2 and is in the Upper State Street Area. The current buildings on site are one story in height and were previously occupied by a furniture store (former Thomasville Furnishings). The proposal includes site alterations to include 23 new parking spaces for a total of 35 on-site parking spaces, and revised parking lot and site landscaping to include the removal of two existing trees, the addition of nine new trees, and new site lighting. The project site is surrounded by other retail uses to the east and west and residential properties across a public alley to the north (Attachment 3).

DISCUSSION:

Background

Architectural Board of Review (ABR)

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

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

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

APPEAL ISSUES

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

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

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

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

The Project Qualifies for Categorical Exemption

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

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

The Project Raises No Significant Traffic and Parking Impacts

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

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

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

The Project has No Visual or Scenic View Impacts

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

The Project has No Noise or Air Quality Impacts

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

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

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

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

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

CONCLUSIONS AND FINDINGS:

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

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

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

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

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

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

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

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

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

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

ATTACHMENTS:

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

PREPARED BY: Jaime Limon, Project Planner II

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

May 26, 2010

ATTACHMENT 1
RECEIVED

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

VIA HAND DELIVERY

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

RE: Appeal of ABR Approval - BevMo! Project

Dear Clerk:

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

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

Background

BevMo!'s website describes itself as follows:

Welcome to BevMo.com!

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

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

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

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

The BevMo! Experience

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

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

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

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

The preliminary issues in this appeal are as follows:

Issue # 1: ABR Findings of Compatibility

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

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

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

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

Issue # 2: Zoning Ordinance Incompatibility

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

Housekeeping

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

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

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO



Marc Chytilo
For Breathe Easy Santa Barbara

Exhibits

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



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EARN A 5% REWARD!
CLICK FOR DETAILS

Pick Up Your Order in 1 Hour!

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Welcome to BevMo.com!

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

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

The BevMo! Experience

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

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

Wilfred Wong, BevMo! Cellarmaster

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

Retail Stores

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

Recognition/Awards

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

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

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

EXHIBIT |



Shopping Basket Checkout Customer Service My ClubBev! Sign In

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

Search My current choice is

Featuring Value Brand Brews!

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

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

Event Name: Featuring Value Brand Brews!

Event

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

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

This event is at:

San Francisco

SF - Bayshore
Colma
SF - Geary
SF - Van Ness

Sacramento

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

Central Valley/Central Coast

Fresno
Modesto
Stockton
San Luis Obispo
Turlock

East Bay

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

San Diego

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

Los Angeles Area

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

North Bay

San Rafael
Santa Rosa
Novato
Vacaville
Greenbrae

Orange County

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

Peninsula

Capitola
Burlingame

EXHIBIT 2

South Bay

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

Ventura

Thousand Oaks
Simi Valley

Inland Empire

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

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morgan03



Fire Department Cracks Down on Winery Events

Safety Measures and Occupancy Limits Not Abided By at Downtown Locations

Tuesday, May 18, 2010

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

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

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

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

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

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

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

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

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

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

EXHIBIT 3

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



ALL ACTIVITIES SUMMARY

MST2010-00016

COMM ALTERATIONS

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

Activities:

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

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

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

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

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

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

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

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

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

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

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

DATA:

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

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COMM ALTERATIONS

Activities:DispDate 1Date 2Date 3

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

SITE PLAN

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

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

3.3. Please label the photographs.

4. FAR/Green Building - N/A

5. Grading - N/A; none proposed.

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

7. Tenant Displacement - N/A

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

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

9. Setbacks - Needs.

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

10. Parking - Needs.

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

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

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

11. Building Height - Ok.

12. Solar Height - N/A

13. Open Yard - N/A

14. Building Separation - Ok.

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

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

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

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

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

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

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COMM ALTERATIONS

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

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

3052 State Street - MST2010-00016 Pre-Plan Check

Plans reviewed by Steve Foley 897-2542

Corrections/Conditions

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

Notes:

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

ABR-Resubmittal Received	RECD			04/01/10
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Plan substitution with response to transportation comments received at Counter.

ABR-Concept Review (Continued)	CONT			04/05/10
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(Action may be taken if sufficient information is provided.)

(5:00)

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

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COMM ALTERATIONS

<u>Activities:</u>	<u>Disp</u>	<u>Date 1</u>	<u>Date 2</u>	<u>Date 3</u>
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Public comment opened at 5:04 p.m.

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

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

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

Public comment closed at 5:13 p.m.

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

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

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

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

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

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

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

ABR-Consent (Referred by FB)	CONT	04/12/10
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(Preliminary Approval of architecture was granted 4/5/2010. Preliminary Approval of landscaping is requested.)

A letter of concern from Paula Westbury was acknowledged.

Continued one week to Full Board with comments:

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

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COMM ALTERATIONS

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

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

LANDSCAPING:

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

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

Prelim Plan Check - Transp

READ

04/19/10

04/19/10

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

MST2010-00016

COMM ALTERATIONS

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

solution.

4. Parking spaces 22 through 28 are all compact spaces which is too many for the main drive aisle. The compact spaces should not be in the main aisle but interspersed toward the rear. As long as the landscaping is not affected this may be rectified at building plan check.

5. If carts are anticipated, indicate the location on the floor and or site plan. If carts are inside, indicate cart return location or how cart pick-up will function.

6. Please rectify the parking count inconsistencies for standard and compact spaces between the Parking Tabulations on page T1.1 (10 compact spaces) and the site plan (9 compact spaces).

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

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

(4:31)

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

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

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

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

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

Public comment closed at 4:53 p.m.

Motion: Continued two weeks to Full Board with comments:

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

Action: Zink/Sherry, 5/1/10. Motion carried. (Mosel opposed, Gilliland/Gross absent).

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

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

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

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

A letter of concern from Paula Westbury was acknowledged.

Preliminary Approval of landscaping with conditions:

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

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COMM ALTERATIONS

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

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

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

BOARD MEMBERS: CHRISTOPHER MANSON-HING, Chair - PRESENT

DAWN SHERRY, Vice-Chair - PRESENT

CLAY AURELL - PRESENT

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

GARY MOSEL - PRESENT

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

KEITH RIVERA – PRESENT @ 3:31 P.M.

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

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

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

MICHELLE BEDARD, Planning Technician - PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

CONCEPT REVIEW - NEW ITEM

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

Assessor's Parcel Number: 053-342-033

Application Number: MST2010-00016

Owner: Timothy and Claudia Garrett

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

Architect: Hayashida Architects

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

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

(7:40)

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

Public comment opened at 7:56 p.m.

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

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

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

Email correspondences received from

EXHIBIT 5

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

Public comment closed at 8:00 p.m.

Motion: Continued indefinitely to Full Board with comments:

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

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

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

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

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

DAWN SHERRY, Vice-Chair - PRESENT

CLAY AURELL - PRESENT

CAROL GROSS – ASSENT

GARY MOSEL – PRESENT @ 3:04 P.M.

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

KEITH RIVERA - PRESENT

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

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

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

Michelle Bedard, Planning Technician – PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

ARCHITECTURAL BOARD OF REVIEW MINUTES April 5, 2010 Page 6

CONCEPT REVIEW - CONTINUED ITEM

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

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

Owner: Timothy D. Garrett and Claudia K. Joint

Architect: Hayashida Architects

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

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

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

(5:00)

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

Public comment opened at 5:04 p.m.

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

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

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

Public comment closed at 5:13 p.m.

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

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

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

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

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

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

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

BOARD MEMBERS: CHRISTOPHER MANSON-HING, Chair - PRESENT

DAWN SHERRY, Vice-Chair - PRESENT

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

CAROL GROSS – PRESENT UNTIL 5:13 P.M.

GARY MOSEL - PRESENT

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

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

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

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

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

MICHELLE BEDARD, Planning Technician - PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

FINAL REVIEW

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

Assessor's Parcel Number: 053-342-033

Application Number: MST2010-00016

Owner: Timothy D. and Claudia K. Garrett

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

Architect: Hayashida Architects

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

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

(7:24)

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

Public comment opened at 7:39 p.m.

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

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

Public comment closed at 7:41 p.m.

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

Motion: Continued two weeks to Full Board with comments:

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

ARCHITECTURAL BOARD OF REVIEW MINUTES April 19, 2010 Page 10

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

LANDSCAPING:

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

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

**ARCHITECTURAL BOARD OF REVIEW
MINUTES**

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

BOARD MEMBERS: CHRISTOPHER MANSON-HING, Chair - PRESENT

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

CLAY AURELL – PRESENT @ 3:15 P.M.

CAROL GROSS – ABSENT

GARY MOSEL - PRESENT

PAUL ZINK – PRESENT

CHRISTOPHER GILLILAND – ABSENT

KEITH RIVERA - PRESENT

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

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

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

MICHELLE BEDARD, Planning Technician - PRESENT

KATHLEEN GOO, Commission Secretary - PRESENT

FINAL REVIEW

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

Assessor's Parcel Number: 053-342-033

Application Number: MST2010-00016

Owner: Timothy and Claudia Garrett

Contractor: Terra Nova Industries

Business Name: Beverages & More, Inc.

Architect: Hayashida Architects

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

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

(4:31)

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

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

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

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

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

Motion: Continued two weeks to Full Board with comments:

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

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

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



Early Nights in San Roque Neighborhood

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

Thursday, April 15, 2010

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

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



On the Beat

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

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

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

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

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

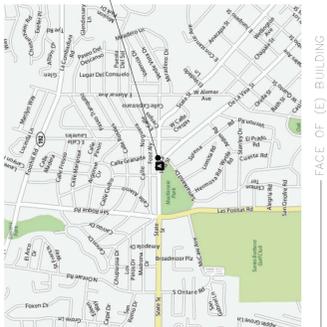
At a recent hearing, the city's Architectural Board of Review (ABR) gave the project conditional approval and told protesters that it had no jurisdiction over use of the former furniture store but will come up with delivery-hour restrictions. Vigil ridiculed one ABR member who, he said, with a dog on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

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

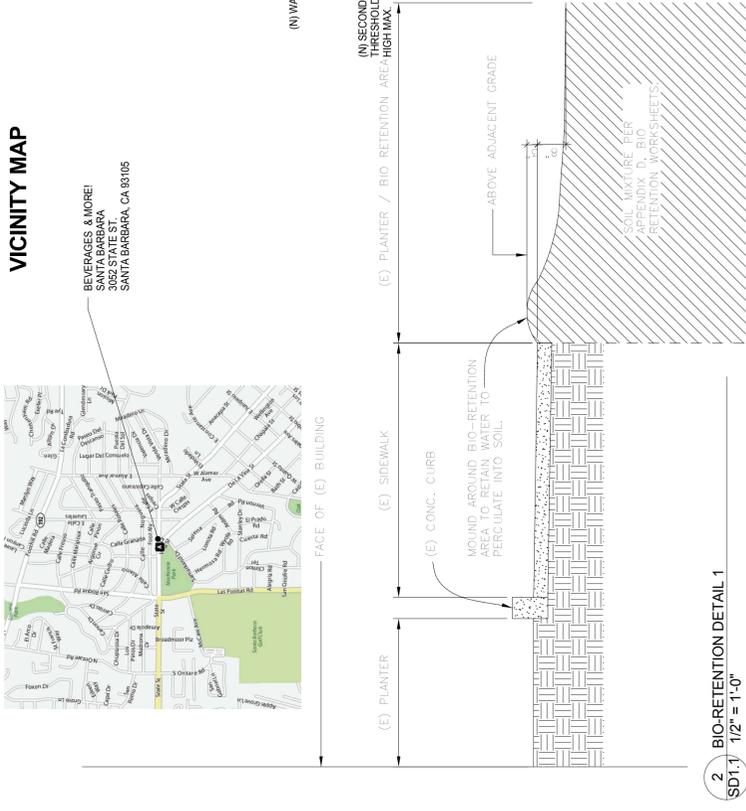
The ABC says it is still investigating the license issue and that a hearing would be set based on protests.

EXHIBIT 6

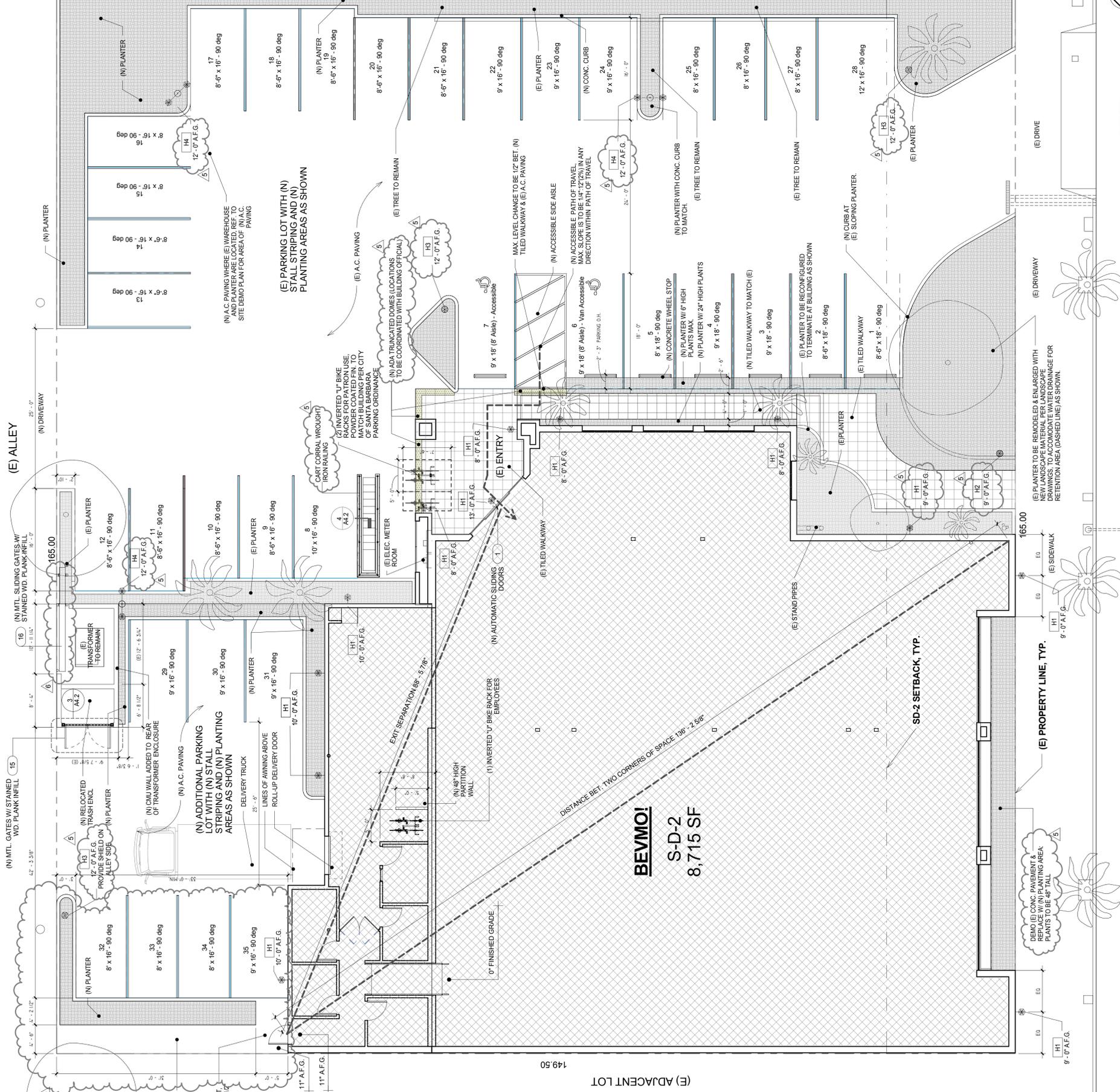
VICINITY MAP



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



(E) ALLEY



SD1.1

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 3052 State Street
 Santa Barbara, CA 93105



- ERIC MARQUART
- JIM SIMPSON
- BOB TAYLOR
- BOB TAYLOR

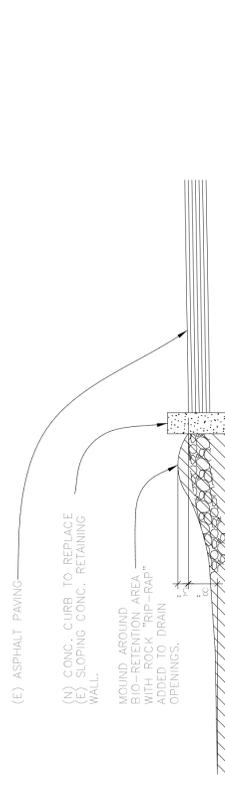
No.	Description	Date	By
1	Planning Dept Review	1/11/10	DN
2	Permit Set	12/23/09	DN
3	ABR Review	2/18/10	LF
4	ABR Review	3/15/10	LF
5	ABR Review	4/9/10	DN
6	ABR Review	4/28/10	DN
7	ABR Review	5/17/10	DN
8	Plan Check Response	6/18/10	DN

SITE PLAN

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

SD1.1

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



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



PARKING CALCULATIONS - REQUIRED

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

PARKING COUNT - PROVIDED (DESIGN REVIEW)

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

CALCS FOR REQUIRED EXIT SEPARATION

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

EXTERIOR LIGHT FIXTURE LEGEND

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

ABBREVIATIONS

A.F.G. ABOVE FINISHED GRADE

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

STATE STREET

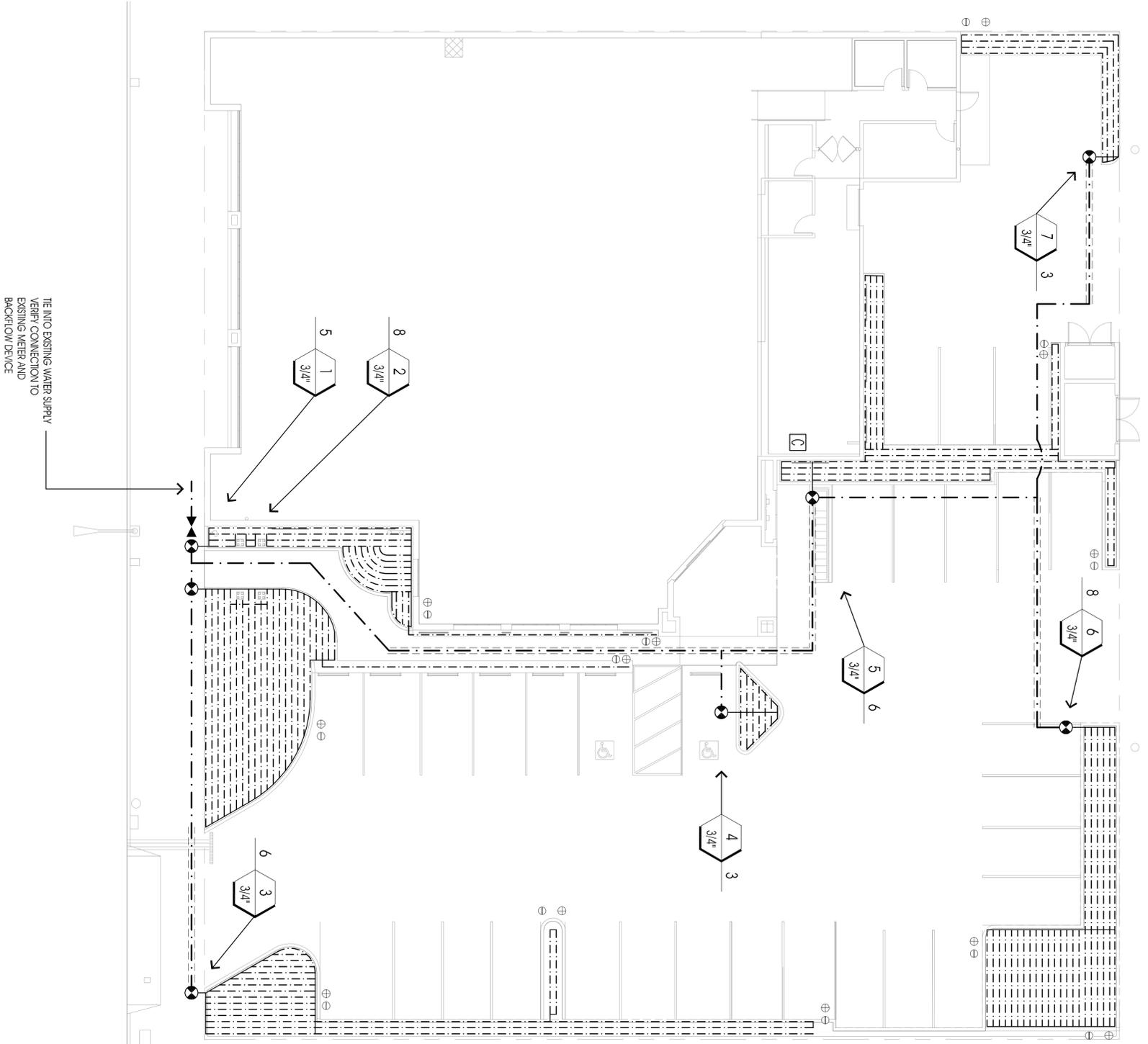
(E) DRIVEWAY

DEM. (E) CONC. PAVEMENT & REPLACE W/ (N) PLANTING AREA. PLANTS TO BE 48" TALL.

PLANTS TO BE REPLACED & FINISHED WITH NEW LANDSCAPE MATERIAL PER ASSOCIATE DRAWINGS TO ACCOMMODATE WATER DRAINAGE FOR RETENTION AREA (DASHED LINE) AS SHOWN.

(E) PROPERTY LINE, TYP.

(E) DRIVEWAY

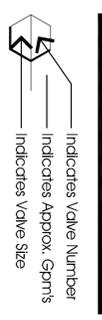


TE INTO EXISTING WATER SUPPLY
 VERIFY CONNECTION TO
 EXISTING METER AND
 BACKFLOW DEVICE

IRRIGATION LEGEND

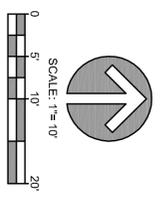
SYMBOL	MFG	MODEL	DESCRIPTION
[C]	RAINBIRD	ESP-LXVI	8 STATION MODULAR AUTOMATIC CONTROLLER
●	RAINBIRD	XCZ100-PRF	CONTROL ZONE KIT (VALVE, PRESSURE REG.)
○	RAINBIRD	33-DLRC	QUICK COUPLING VALVE
◀▶	NIBCO	4660-T	PVC BALL VALVE
⊕	RAINBIRD	X17000	AIR RELIEF VALVE
⊖	RAINBIRD	FLUSHCAP	FLUSH VALVE
---	RAINBIRD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

VALVE LEGEND



IRRIGATION NOTES

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



NO.	SUBMITTALS / REVISIONS	DATE	BY
1	Prelim. Submittal #1	02.11.10	MJL
2	Prelim. Submittal #2	03.29.10	MJL
3	Prelim. Sub. #3, site rev's.	04.07.10	MJL
4	CD Submittal #1	04.16.10	MJL
5	CD Submittal #2, AR8 Revisions	04.27.10	MJL

landscape architecture
 irrigation design
 site plans, CAD
 digital modeling & rendering

Michael Lombardi
 Landscape Architecture
 5711 Tibbony Street
 Lakewood, California 90713
 p: 562.429.9406 f: 562.429.9470



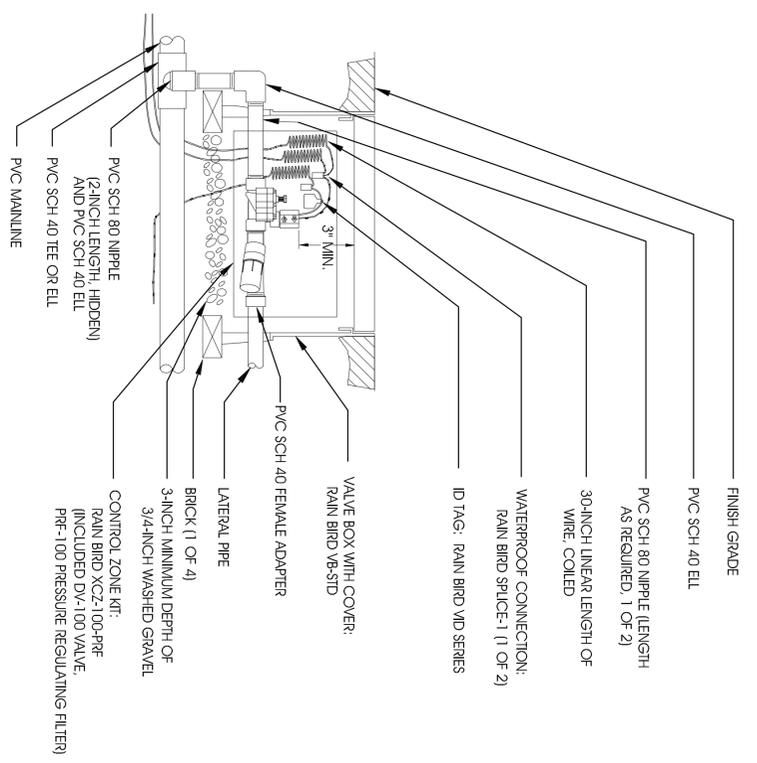
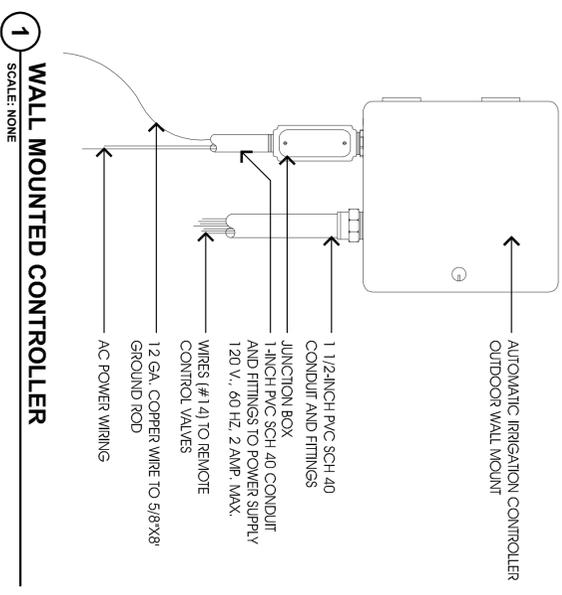
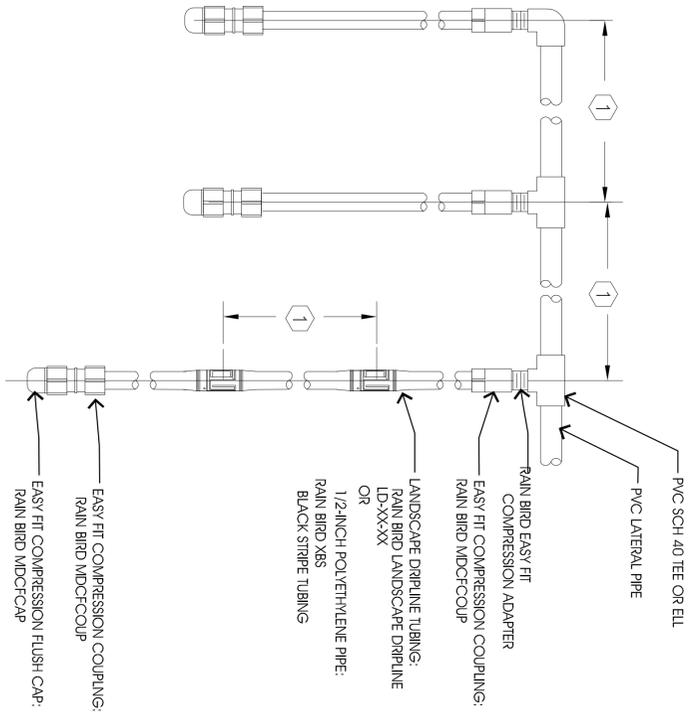
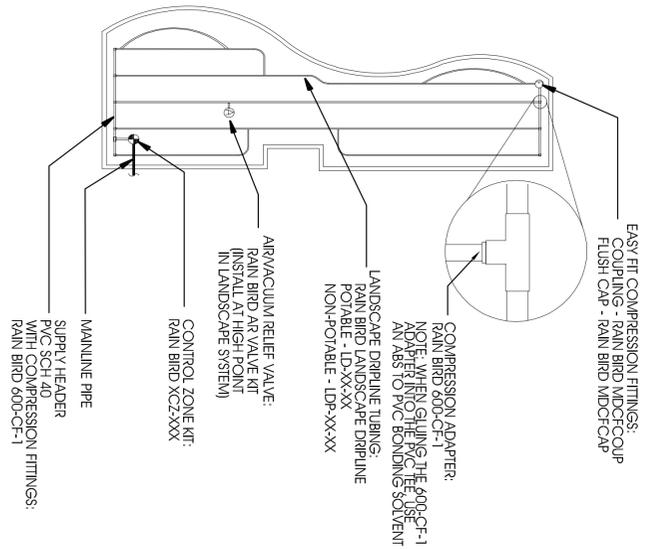
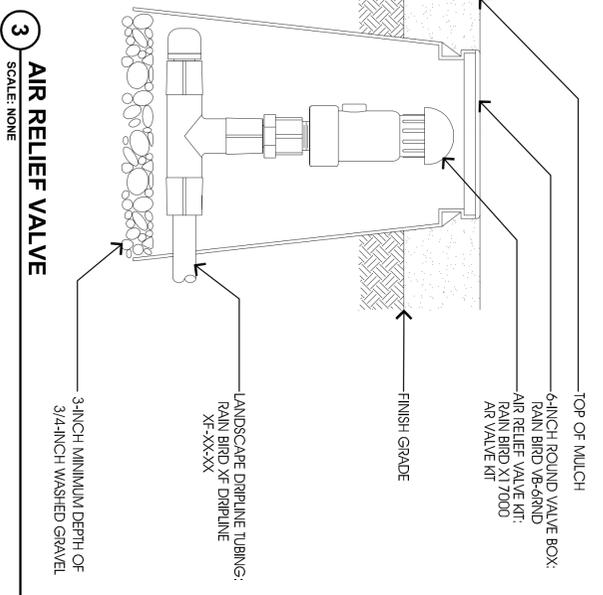
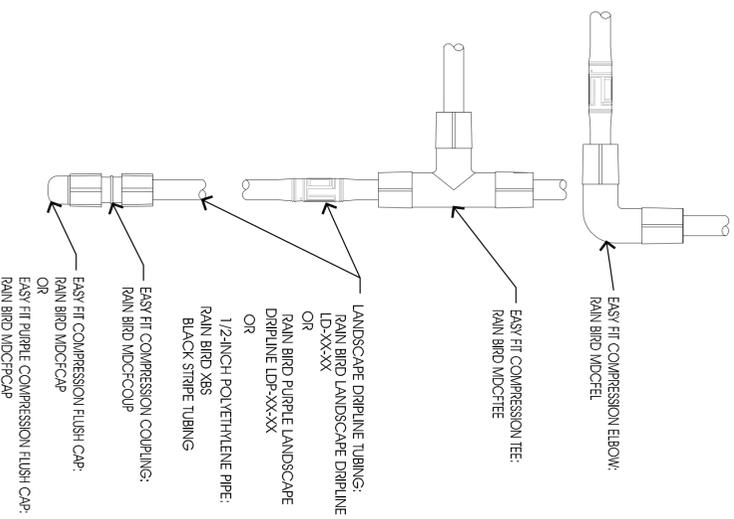
PROJECT:
BEVMO!
 Santa Barbara, Ca.

SHEET TITLE:
IRRIGATION PLAN

JOB NO.:
 10002

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

SHEET:
L-2



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



Michael Lombardi
Landscape Architecture
5711 Tibury Street
Lakewood, California 90713
p: 562.429.9406 f: 562.429.9470

NO.	SUBMITTALS / REVISIONS	DATE	BY
1	Prelim. Submittal #1	02.11.10	MJL
2	Prelim. Submittal #2	03.29.10	MJL
3	Prelim. Sub. #3, site rev's.	04.07.10	MJL
4	CD Submittal #1	04.16.10	MJL
5	CD Submittal #2, AR8 Revisions	04.27.10	MJL

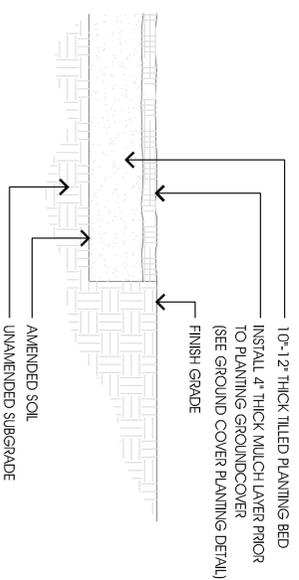
PROJECT:
BEVMO!
Santa Barbara, Ca.

SHEET TITLE:
IRRIGATION DETAILS

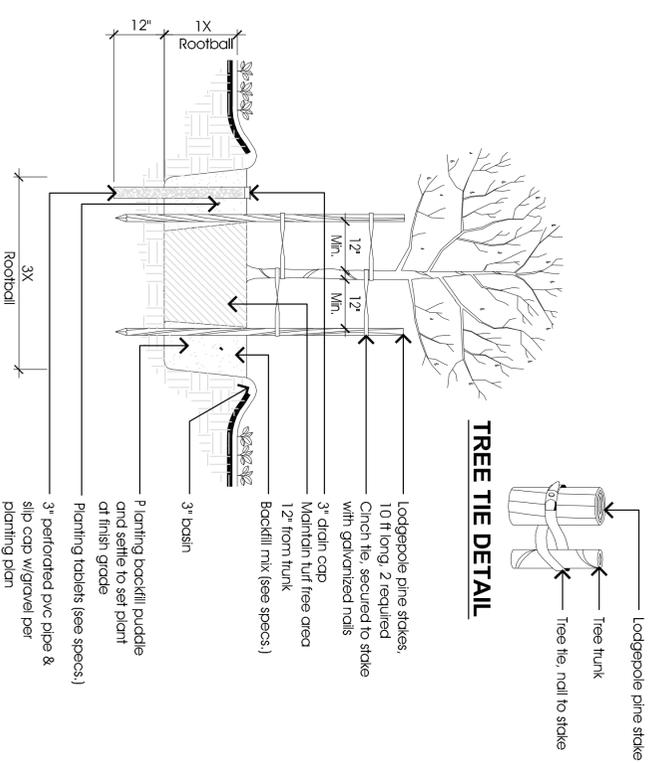
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DESIGNED BY: ML
CHECKED BY: RD
DATE: 04.27.10
SCALE: 1" = 10'

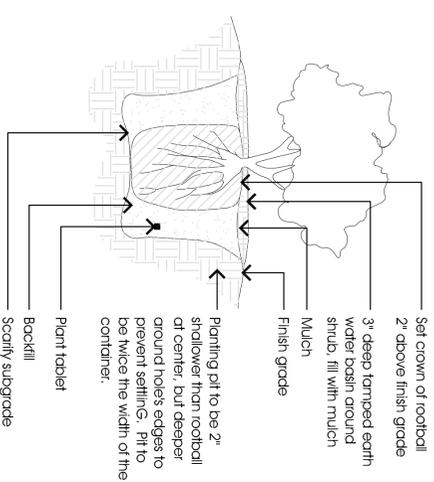
SHEET:
L-3



3 MULCH LAYER
SCALE: NONE



1 TREE PLANTING
SCALE: NONE



2 SHRUB PLANTING
SCALE: NONE

NO.	SUBMITTALS / REVISIONS	DATE	BY
1	Prelim. Submittal #1	02.11.10	MJL
2	Prelim. Submittal #2	03.29.10	MJL
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landscape architecture
irrigation design
CAD services
digital modeling & rendering

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PROJECT:
BEVMO!
Santa Barbara, Ca.

SHEET TITLE:
PLANTING DETAILS

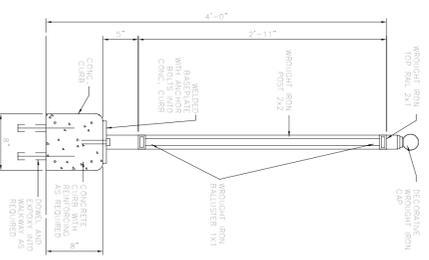
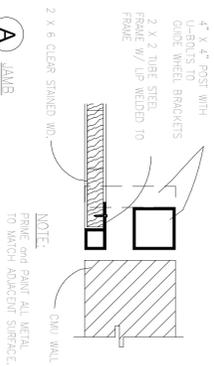
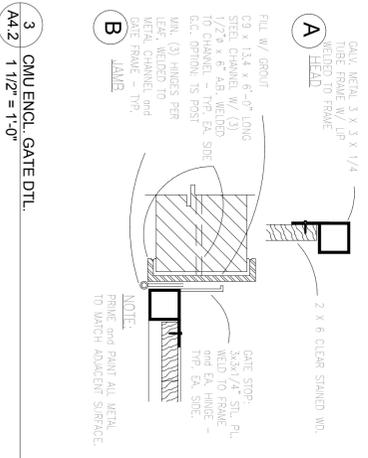
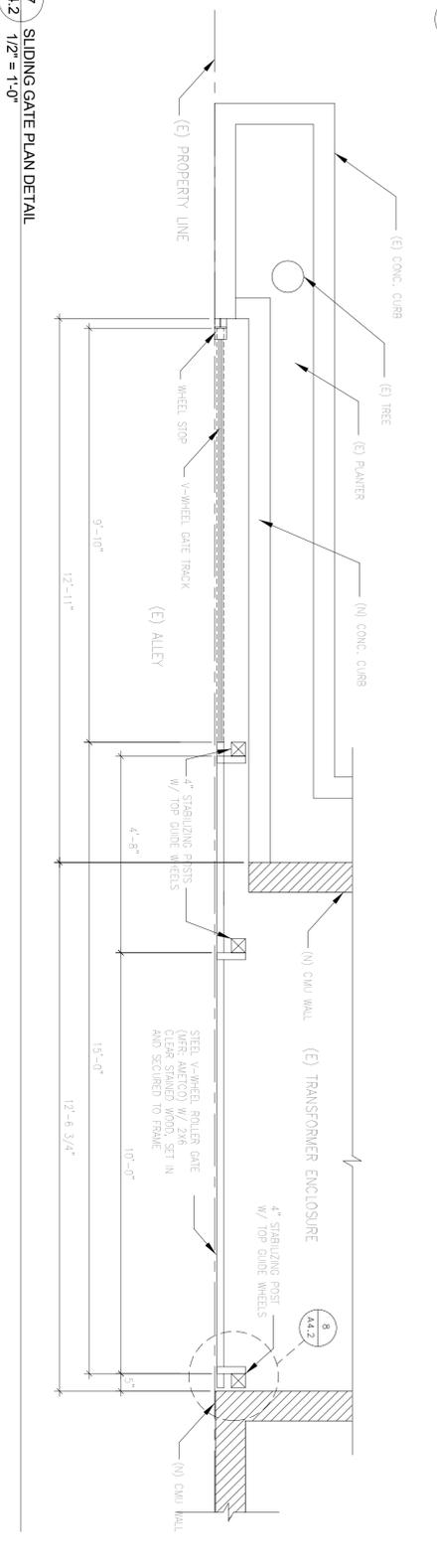
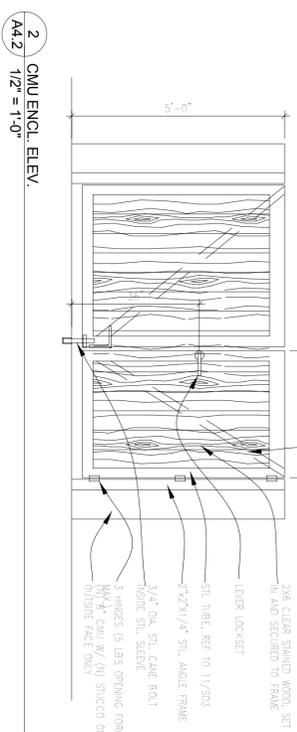
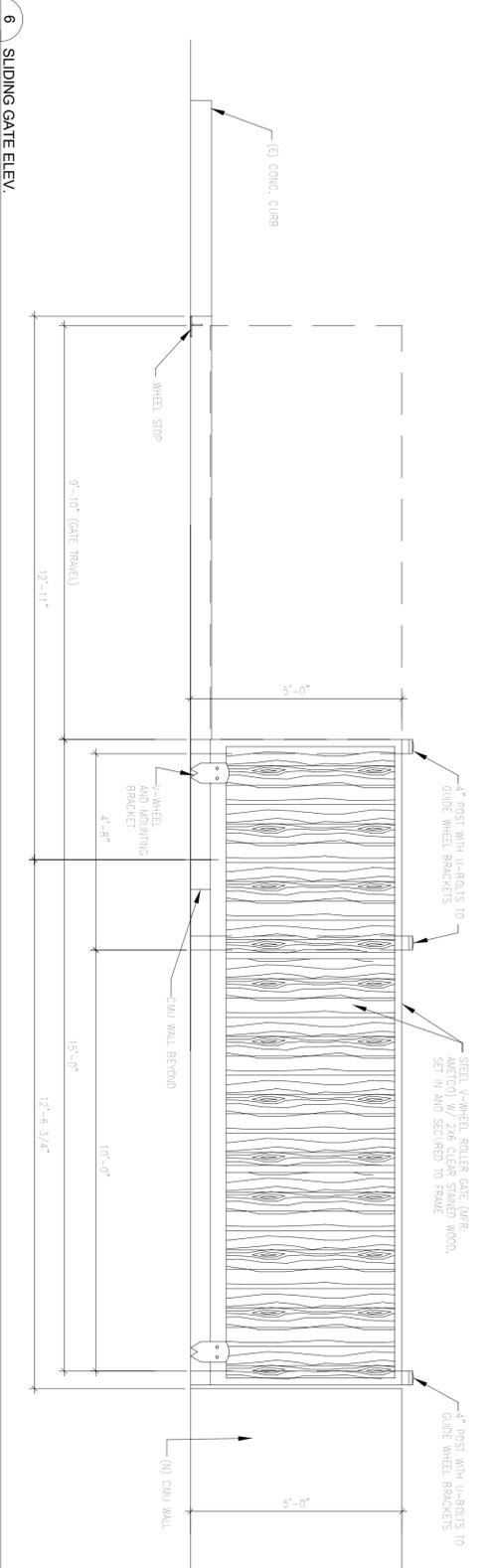
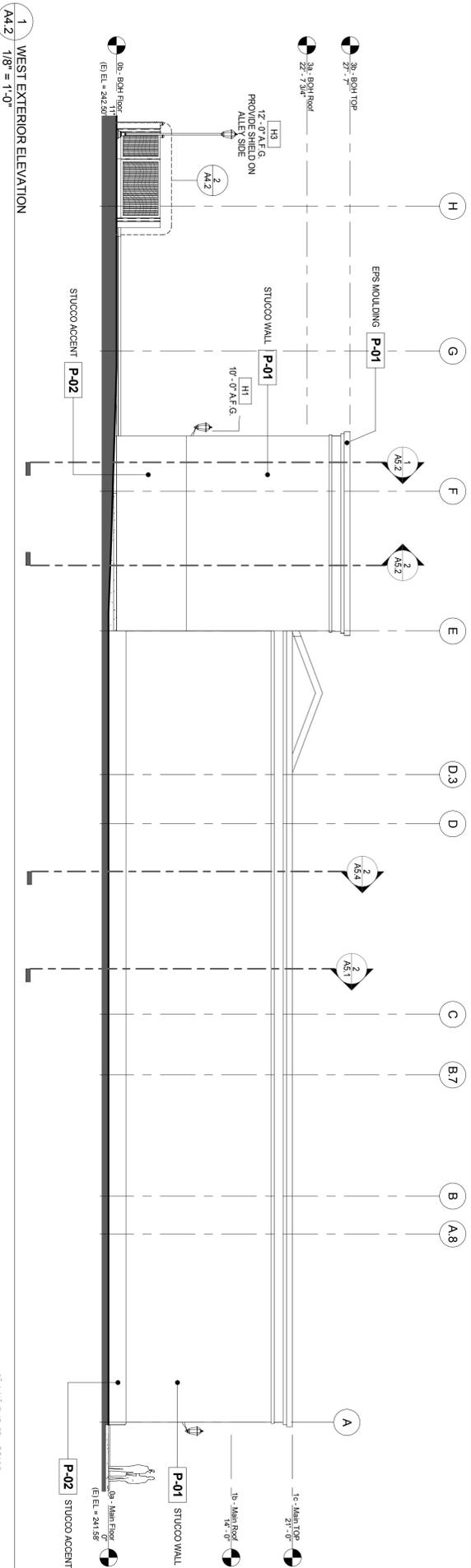
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DRAWN BY: ML
CHECKED BY: RD
DATE: 04.27.10
SCALE: 1" = 10'

SHEET:
L-5

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

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



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

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www.hayashidaarchitects.com

2.4A

EXTERIOR ELEVATIONS

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

A4.2

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

ERIC MARQUART
JIM SIMPSON
MIKE LEONS
BOB TAYLOR

ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

3052 STATE ST

MST2010-00016

COMM ALTERATION

Page: 1

Project Description:

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

Activities:

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

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

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

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

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

(5:30)

Present: Eric Marquart, Agent for Beverages & More, Inc.; Don Inaba, Hayashida Architects; and Roger Deutschman, for Mike Lombardi Landscape Architects.

Public comment opened at 5:38 p.m.

A letter of concern from the neighborhood was acknowledged by the Board.

Public comment closed at 5:39 p.m.

Motion: Final Approval as submitted.

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

Activities:

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

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

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

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

A letter of concern from Paula Westbury was acknowledged.

Preliminary Approval of landscaping with conditions:

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

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

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

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

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

(4:31)

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

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

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

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

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

Public comment closed at 4:53 p.m.

Activities:

Motion: Continued two weeks to Full Board with comments:

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

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

4/19/2010

ABR-Final Review Hearing

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

(7:24)

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

Public comment opened at 7:39 p.m.

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

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

Public comment closed at 7:41 p.m.

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

Motion: Continued two weeks to Full Board with comments:

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

Activities:

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

LANDSCAPING:

- 1) Create a new planting area along the front south-facing façade and indicate planting species type.
 - 2) Landscaping to be reviewed by the Board's Landscape Architect to study an appropriate replacement for the queen palm tree taking into consideration the preservation of view per the Upper State Street Design Guidelines, and providing as much privacy as possible to the neighboring property to the north.
- Action: Sherry/Zink, 4/1/0. Motion carried. (Rivera opposed, Aurell/Gross/Gilliland absent).

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

3 sets rec'd for FB review.

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

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

A letter of concern from Paula Westbury was acknowledged.

Continued one week to Full Board with comments:

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

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

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

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

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

(5:00)

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

Public comment opened at 5:04 p.m.

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

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

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

Public comment closed at 5:13 p.m.

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

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

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

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

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

Activities:

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

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

Plan substitution with response to transportation comments received at Counter.

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

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

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

(7:40)

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

Public comment opened at 7:56 p.m.

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

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

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

Email correspondences received from

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

Public comment closed at 8:00 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Provide a revised landscape plan to accurately indicate existing material to remain, existing material to be removed, and proposed landscaping.*
- 2) Return with any proposal for additional parking lot lighting, including fixture cut sheets, and photometrics.*
- 3) Study incorporating a pedestrian presence and entry from State Street.*
- 4) Study the parking configuration to be in compliance with City requirements for the number of tree wells, and study additional opportunities to introduce or retain additional landscaping materials.*

Activities:

5) *Study the configuration of the molding and tile details on the rear of the building to be consistent with the architecture.*

6) *Study methods to screen the open trash enclosure from public view.*

7) *Provide a color and materials board for any proposed changes.*

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

2/22/2010

ABR-Resubmittal Received

Resubmittal received to address preliminary plan check comments.



City of Santa Barbara
Planning Division

Memorandum

DATE: April 16, 2010

TO: Planning Commission
Architectural Board of Review

FROM: Jaime Limón, Senior Planner

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

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

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

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

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

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

I. Project Consistency with USSDG

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

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

Guidelines:

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

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

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

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

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

Guidelines:

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

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

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

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

II. Project Inconsistencies with USSDG

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bicycle Master Plan Guidelines:

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

bikeway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Additional Details Needed

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

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

Goal:

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

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

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

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

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

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

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

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

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

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

IV. Design Review Compatibility Analysis.

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

Guidelines:

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

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

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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 hamstrung 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. Inadequate Parking Analysis to Determine Consistency with City Charter

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 that 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.

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

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

Guidelines:

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

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

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

II. Project Inconsistencies with USSDG

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 proposed use of this building may create a stronger desire among neighbors to have a stronger buffer and separate this use from the adjacent neighborhood and to not have a paseo connecting this property through to State Street.

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

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

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

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

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

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

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

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

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

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

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

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

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

Front Façade. Given the demolition of 25% of the site's existing square footage, addition of ten parking spaces and other changes, attention to the front façade of the structure for guidelines consistency is appropriate. USSDG call for pedestrian friendly details such as street furniture, display windows and human scale elements. Given the

current indented façade design, provision of street furniture such as quality news racks, planter or foundation landscaping, bike parking and display windows rather than recessed highly mullioned windows would be more consistent with these guidelines. A true arcade style façade or an awning system overhanging the sidewalk would be an optimal pedestrian friendly solution for this site, consistent with Eastern Sub Area pedestrian-friendly façade patterns.

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

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

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

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

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

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

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

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

48. **Street Facades.** To encourage a more pedestrian-friendly streetscape, street facades shall contain storefronts, windows, entries and other scalegiving architectural elements. Facades shall strive to create a visual and physical connection between a building's interior activities and the pedestrian streetscape to create visual interest for pedestrians. Expanses of blank walls, excessive grade changes, large, raised planters and other physical and visual obstacles between the pedestrian and a building's contents isolate the pedestrian and therefore should be avoided.

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

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

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

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

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

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

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

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

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

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

Bicycle Master Plan Guidelines:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Additional Details Needed

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

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

Goal:

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

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

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

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

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

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

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

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

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

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

IV. Design Review Compatibility Analysis. 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 ■

April 9, 2010

COPY

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

- SAEY HAYASHIDA, A.A.A.
PRESIDENT
- DON INABA, A.A.A.
VICE PRESIDENT
- GERALD VELLIVA, A.A.A.
VICE PRESIDENT
- LLOYD FUGELHUT, A.A.A.
VICE PRESIDENT
- LEWIS BERKHOUT
VICE PRESIDENT, FINANCE

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.

Beverages & more!
3052 State Street
Santa Barbara. Ca
April 9, 2010
Page 3

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

Sincerely,

A handwritten signature in black ink, appearing to read "Don Inaba". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Don Inaba
Vice President

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

EXHIBIT 3

HAYASHIDA ARCHITECTS

■ A CALIFORNIA CORPORATION ■

May 03, 2010

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

- 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

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.

Beverages & more!
3052 State Street
Santa Barbara. Ca
May 03, 2010
Page 3

- 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



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

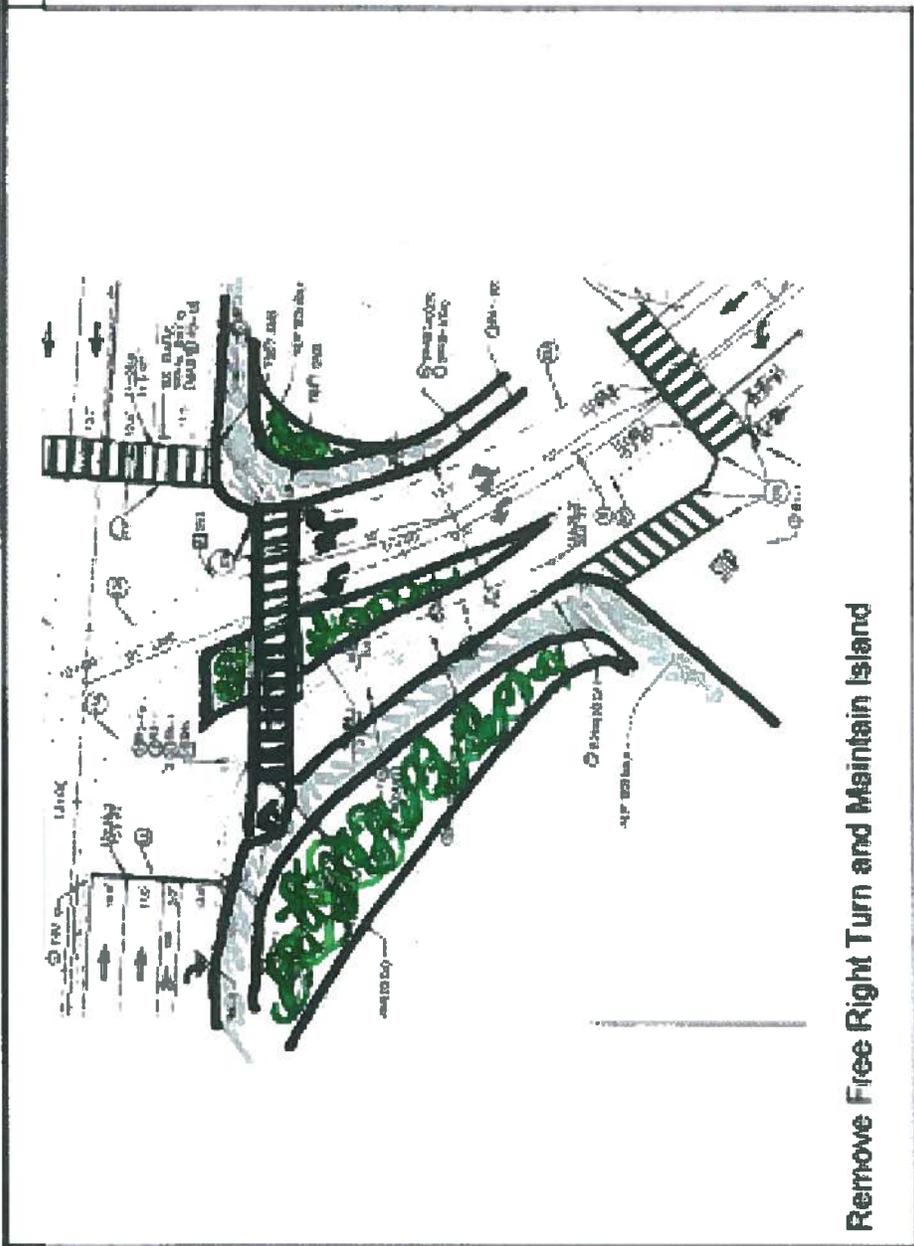
APPROVED BY: City Administrator's Office

ATTACHMENT 1

PROPOSAL ELEMENTS	PROPOSAL MERITS
 <p>The landscape plan shows a curved intersection of State Street and De La Vina Street. Key features include a free right-turn lane on State Street, a bike lane, and a pedestrian crossing. Various plant species are indicated with callouts and photos, such as trees, shrubs, and groundcover. A north arrow and scale bar are also present.</p>	<ul style="list-style-type: none"> • 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

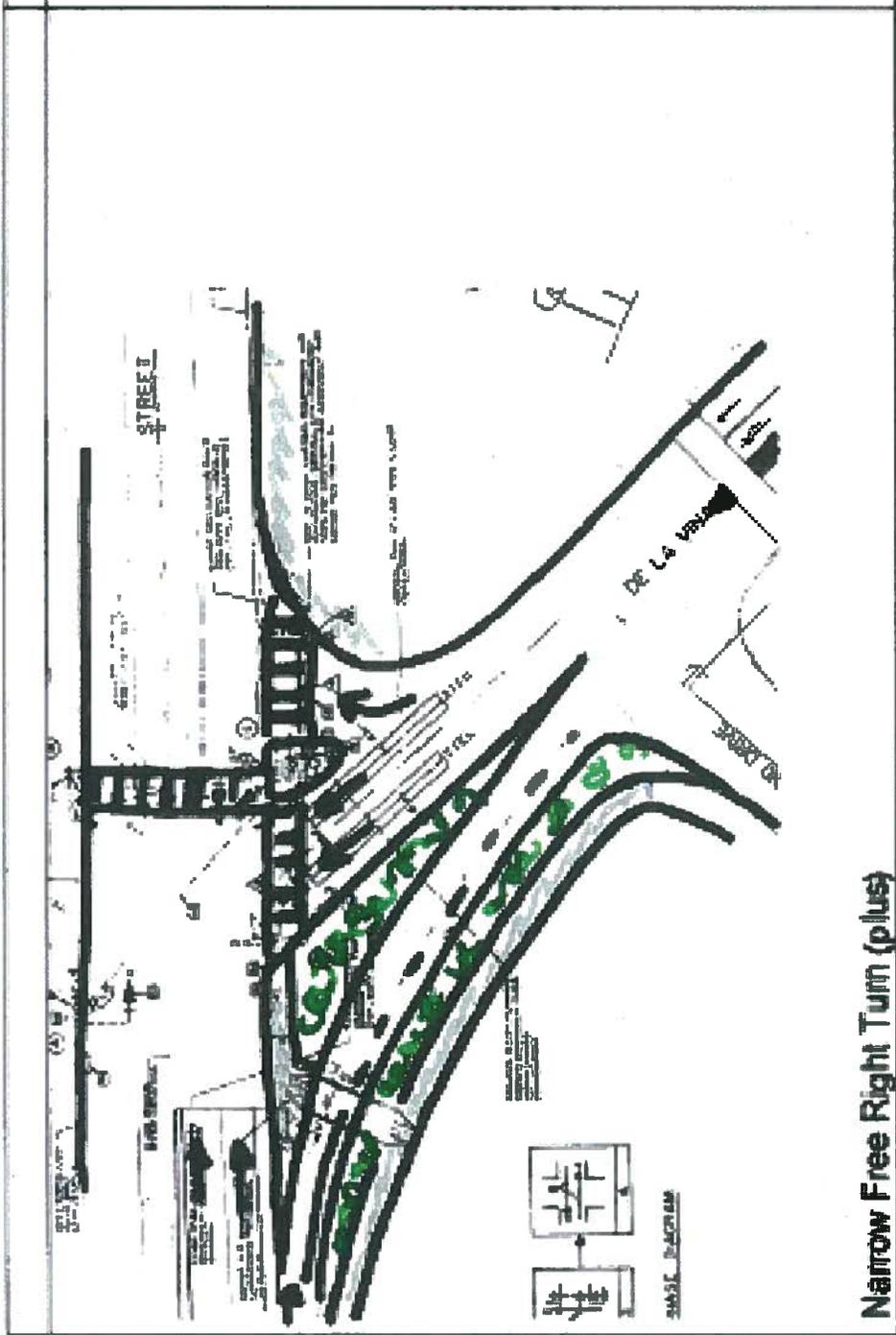
Concept 1: Remove Free-Right Turn

<p>PROPOSAL ELEMENTS</p> <ul style="list-style-type: none"> • 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 of right turn • Bike lane to left pocket on State • 90' pedestrian De La Vina crossing with one refuge 	<p>PROPOSAL MERITS</p> <ul style="list-style-type: none"> • 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
--	--



Remove Free Right Turn and Maintain Island

Concept 2: Remove Free-Right Turn and Maintain Island

<p>PROPOSAL ELEMENTS</p> <ul style="list-style-type: none"> • 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 	<p>PROPOSAL MERITS</p> <ul style="list-style-type: none"> • 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
 <p>Narrow Free Right Turn (plus)</p>	<p>Concept 3: Narrow Free-Right Turn (plus additional optional features)</p>

Evaluation Matrix: Operations Considerations

	SB DLV Pedestrian Crossing	Improve Bike Lane EB State	Vehicle LOS	Samar kand Intersection	Cost Relative to Benefit	NB RT DLV Pedestrian Crossing	Samar kand 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 Pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas, and places of interest.	Policy 5.5 – create and foster a Pedestrian friendly environment through physical and cultural improvements and amenities.	Policy 5.6 - make street crossing easier and more accessible to Pedestrians.	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 Raphael 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

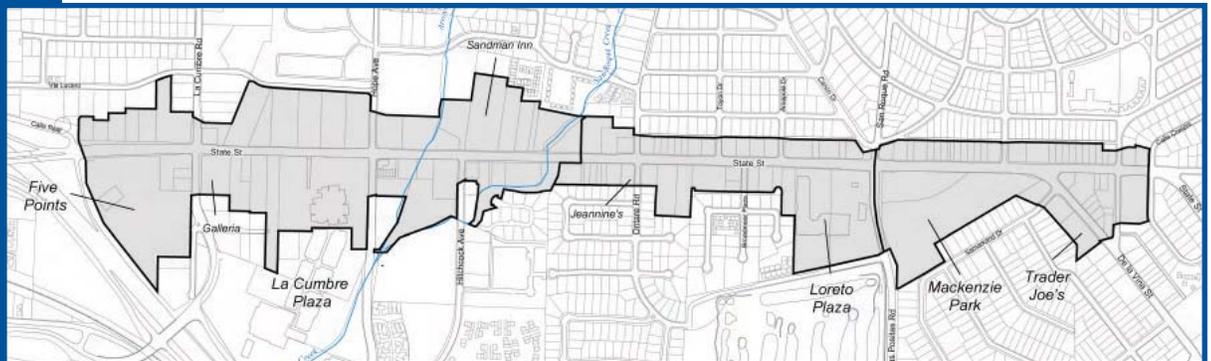
CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

EXHIBIT 6



City of Santa Barbara

Upper State Street Study



Study Report



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, Transportation 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

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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

I. 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.

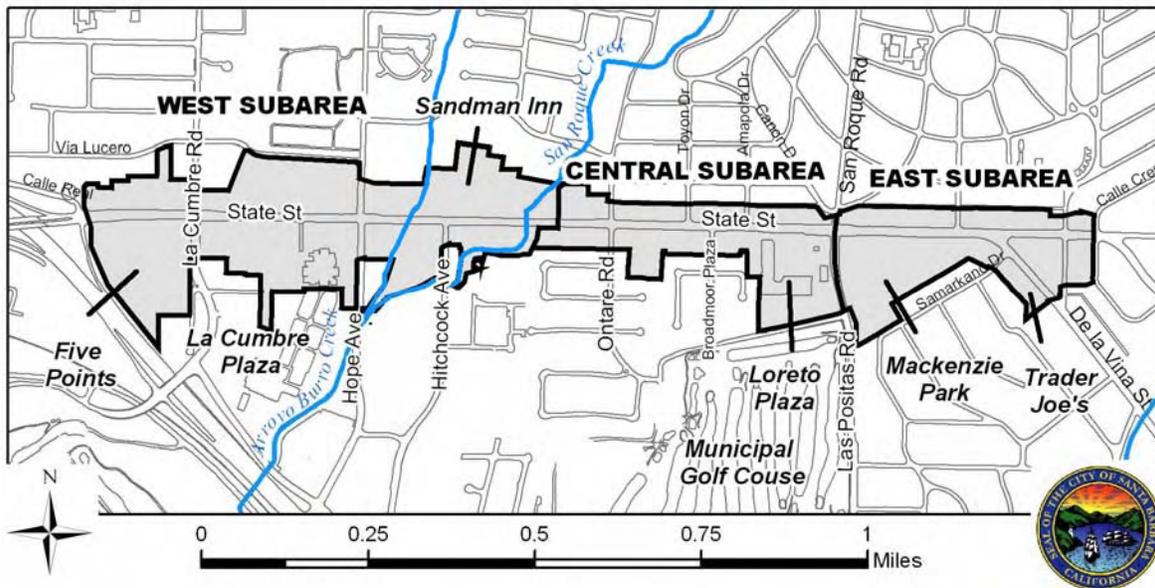


Figure 1 – Upper State Street Study Area

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.

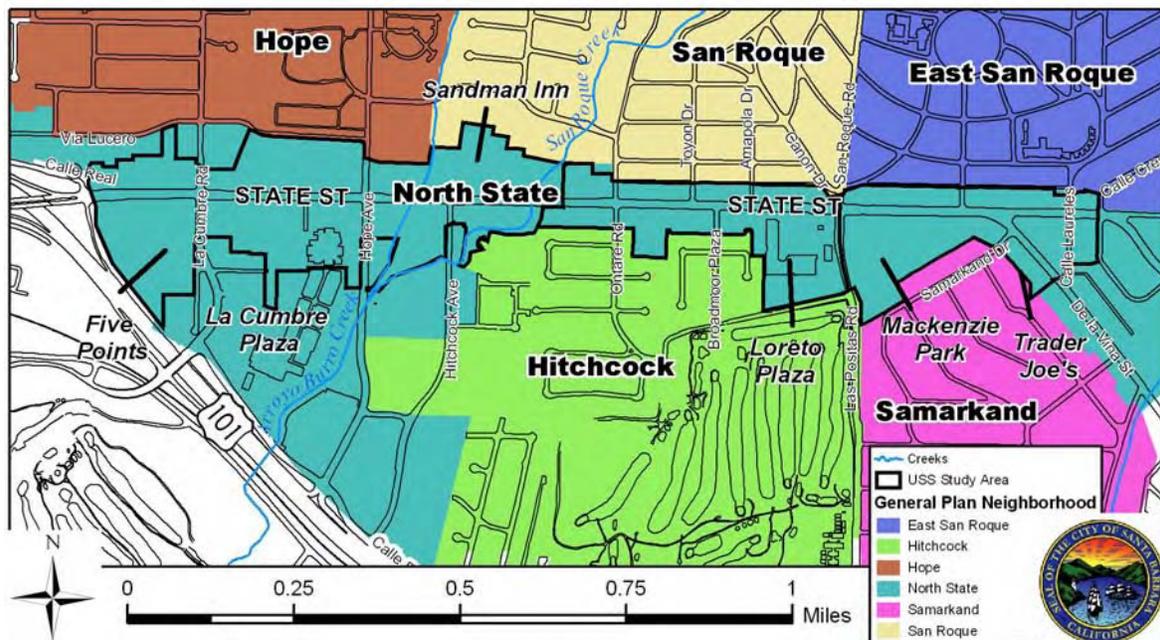


Figure 2 – Neighborhoods

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 currently 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).

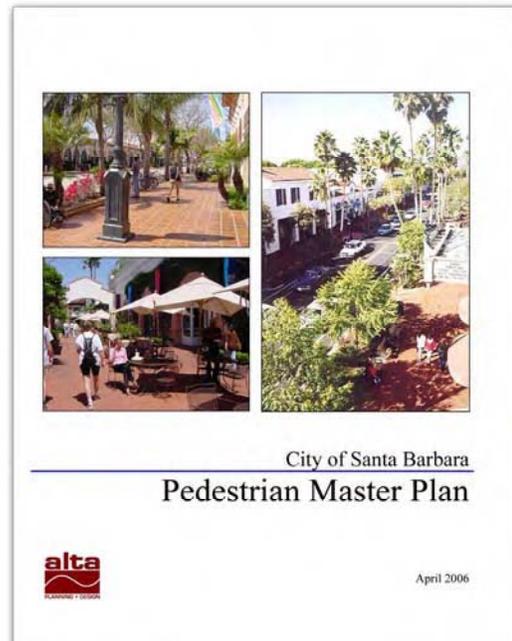
2. Pedestrian Connections

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*)



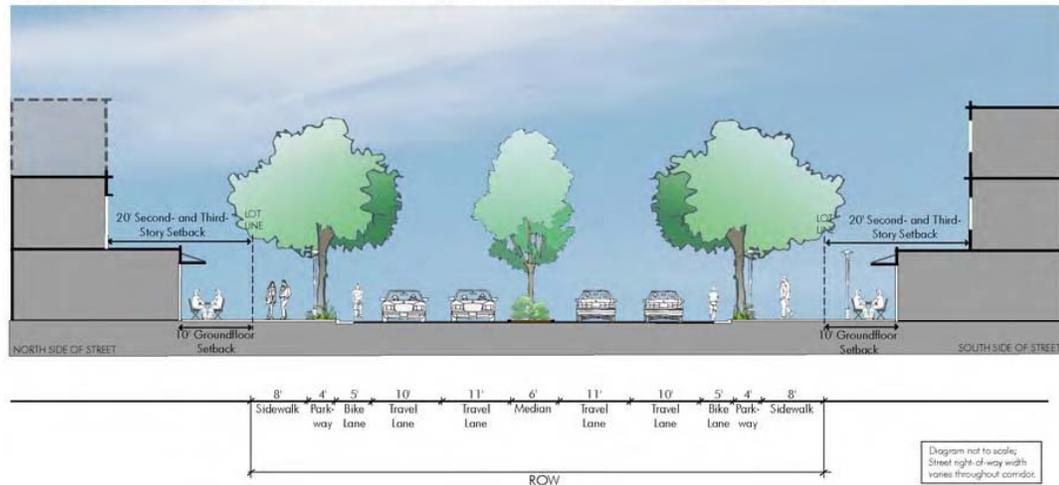
4. **Reconfigure State Street/ De la Vina Street Intersection**

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 policies¹⁶.

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

March 30, 2010

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

- 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

**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 areas has 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

Beverages & more!
3052 State Street
Santa Barbara, Ca
March 30, 2010
Page 2

- 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



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

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[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

Allied Neighborhoods Association

TO: City Council

RE: BevMo! Project Appeal – July 27, 2010

The Allied Neighborhoods Association is urging you to grant the Appeal filed by Breathe Easy Santa Barbara. We base our support of the appeal on three reasons that we believe are specific to the review by ABR of this project although they may well point to difficulties with the review process in general.

First: Denial of Due Process.

Due Process requires that people have clear guidelines as to requirements including proper notice of when they need to act in order to file an appeal. The city's nomenclature regarding the ABR hearings is very misleading. It is not reasonable to expect the general populous to know that the proper time to file an appeal is after the Preliminary Hearing and not after the Final Hearing. Furthermore, the time to appeal is not announced at the ABR meetings.

The process this project underwent was confusing to those who were concerned about the impacts of the BevMo! project on their neighborhood. They were not informed that the proper time to file their appeal was after the Preliminary Hearing. Thus they lacked proper notice of when they should have acted and as reasonable people they assumed that the proper time to file their appeal was after the Final Hearing. The process was further confused because the ABR itself had to have a second Preliminary Hearing on this project, because they had failed to consider the Upper State Street Design Guidelines at the initial Preliminary Hearing. The result was that the ABR itself actually conducted serial preliminary hearings with an ambiguous process.

This appeal should not be dismissed on a technicality and the appellants should have their right to be heard on this project honored.

Second: The City did not enforce its own requirements equally.

This project is subject to two sets of requirements under the Municipal Code: requirements for the amount of parking as well as those of the Special District – 2 (SD-2) setbacks. The city required that the project meet the standard parking requirements by tearing down part of the building but failed to enforce those of the SD-2 for the proper set-backs. Yet the set-back requirement is really important and is central to achieving the Upper State Street goal of walk-ability. If a new traffic intensive project is not required to meet the higher standard of wider set-backs and upgrade the area, how will the city ever achieve having visual clearances and a pedestrian friendly environment for the whole Upper State Street corridor? Thus we question how the ABR can make the required Finding that this project is compatible with the Municipal Code. Nowhere is it written that one set of requirements has a priority over the other or that meeting one set is adequate to make the necessary Compatibility Finding. In addition, it cannot be argued under the Design Guidelines that the setback requirement should be waived for a Community Benefit.

Third: This project should not have been given a Categorical Exemption under CEQA.

A discretionary project should not be categorically exempt from environmental review if it has the potential to cause significant impacts.

This is the only BevMo! location in the state that is adjacent to a residential neighborhood. Not only does this project intend to sell liquor it also intends to offer advertized tastings several times a month. The city is already in the process of evaluating tasting events, so staff is aware that this type of activity has the potential for problems.

BevMo!'s proposed activities have the potential to have impacts on the neighborhood; cars of both employees and customers may drive around looking for parking and then park on the streets of the adjacent residential neighborhood. This project is located near Trader Joes where the City has already experienced such a parking problem.

There is also a potential traffic impact from adding even more traffic to an area where the city wanted to slow down the traffic as evidenced by the previous efforts of the City to want a change at the corner of De la Vina and State Street.

There is a potential safety problem since the phasing of the signal lights give green lights to both cars coming out of BevMo and those traveling along State Street.

This project will induce regional traffic and thus add more congestion to the 101 interchanges that are already operating at unacceptable levels.

We believe that these potential impacts were not given the review and evaluation they require.

For the above reasons we urge you to uphold this Appeal.

Cathie McCammon, President, Allied Neighborhoods Association



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Environmental Services, Finance Department

SUBJECT: Single-Use Bags And Support For AB 1998 (Brownley)

RECOMMENDATION: That Council:

- A. Authorize the Mayor to send a letter to State Legislators in support of AB 1998 (Brownley) Solid Waste: Single-Use Carryout Bags, and
- B. Postpone reconsideration of a voter survey regarding a possible single-use bag tax until September of 2010.

DISCUSSION:

A full discussion of the issues surrounding single use bags was included in the December 15, 2009, Council Agenda Report, and is therefore not repeated in this report.

Summary of AB 1998 - (Brownley) Solid Waste: Single-Use Carryout Bags:

Effective January 1, 2012 AB 1998 would prohibit supermarkets (and convenience stores on July 1, 2013) from providing single-use plastic bags to customers at the point of purchase. The bill mandates that stores stock reusable bags for purchase and provide paper bags at a cost of no less than \$0.05 per bag. Such paper bags would need to have a minimum of 40 percent post-consumer recycled content, be acceptable for recycling in a majority of curbside programs, and be capable of composting. The bill would repeal the requirement for in-store plastic bag recycling programs as required by AB 2449: Plastic Bag Litter and Waste Reduction, and would also preempt local agencies from enforcing or implementing existing or new ordinances or regulations on single-use or reusable bags.

Stakeholder Positions on AB 1998:

The City of Santa Barbara has partnered with Choose to Reuse, Santa Barbara Channelkeeper, and the California Grocers Association, on the *Where's Your Bag?* Education Campaign to reduce single-use bag use. All three organizations have officially expressed their support for AB 1998 and urge the City to provide a letter of support for passage of the bill.

The League of California Cities has not yet taken an official position on AB 1998 as it is still seeking certain changes to provisions regarding the repeal of the in-store plastic bag recycling program requirements and the preemption of local ordinances. However, League staff has indicated that League support of the bill is likely, even without such changes.

On July 14, 2010, staff met with the Council's Committee on Legislation who recommended that Council support this bill with the following requested amendments related to paper bags. The first request is an increase to the required post-consumer recycled content to sixty percent. Based on recent information that levels above forty percent may compromise bag strength, staff added "or the greatest level that can be achieved without compromising necessary bag strength" to the draft support letter. The second requested amendment is an increase to the charge for such bags to at least \$0.10 to serve as a more effective deterrent to their use. While plastic bags have significant impacts to the marine environment and are a major concern for coastal communities, paper bags can have a just as great or greater overall environmental impact given the extensive resources consumed in their production – water, chemicals, electricity and fossil fuels. A greater fee for paper bags would create a greater incentive to use reusable bags.

Because the Council's current legislative platform takes the position to "Support the ability of jurisdictions to impose a fee or tax on single-use bags", but does not directly address a ban on plastic bags, the Committee asked that staff return to the full Council for support.

Voter Survey Regarding Single-Use Bag Tax:

The City has been involved in efforts to reduce the use of single-use bags and encourage the use of reusable bags for some time now, most notably through the voluntary *Where's Your Bag?* Campaign. The City decided not to pursue a ban on plastic bags because doing so would likely shift consumers to paper bags, which have even greater environmental implications. In addition, the plastics industry has successfully challenged local jurisdictions' attempts at banning plastic bags by arguing a lack of environmental assessment pursuant to CEQA that addresses the impacts of single-use paper bags.

More recently, the City has considered the possibility of a local tax on both paper and plastic single-use bags. A City-imposed fee on stores that comply with AB 2449 is prohibited by AB 2449. However, it is possible to enact a voter-approved tax on consumers that use plastic and paper bags.

On December 15, 2009, the Solid Waste Committee (which has now been absorbed by Sustainability Committee) recommended that Council consider conducting a voter survey on a single-use paper and plastic bag tax to determine the level of public support

for such a tax, and the amount that voters might be willing to pay. Council directed staff to issue a request for proposals (RFP) and on March 30, 2010, staff returned to Council recommending a professional services agreement with Fairbank, Maslin, Maullin, Metz & Associates, the selected vendor. Council declined to award the job at that time, and asked that staff return in July 2010 for reconsideration of the survey.

If passed, AB 1998 will ban plastic bags, impose a fee of at least \$.05 on paper bags, and require that those paper bags be both recycled and recyclable. This bill would potentially eliminate the need for a local voter-approved tax as a method to achieve a reduction in the use of single-use bags. The bill is currently scheduled to be heard at the Senate Appropriations Committee in August. Staff recommends that reconsideration of the bag tax survey be postponed until September when we will know more about the status of AB 1998

Mandatory Education Ordinance

In August 2009, the City and its community partners launched the *Where's Your Bag?* Campaign. The goal of the campaign is to encourage people to bring reusable bags whenever they shop. Participating grocery stores are provided with educational materials (information cards, buttons, windshield reminder stickers), staff training, parking lot signs, and tabling events at their stores where free reusable bags are given away. The campaign has also produced media releases and public service announcements to educate the community and spread the message.

One option for further encouraging the public to change their behavior related to plastic and paper bag consumption would be to adopt an ordinance mandating the currently voluntary in-store educational programs. A mandatory education program would be beneficial in City efforts to reduce paper and plastic bag consumption under any circumstances. If AB 1998 does not pass, a mandatory education program would be a valuable tool in reducing single-use bag use, either with or without a complementary local tax. If AB 1998 passes, it would complement the bill by providing the necessary education to the public prior to the January 2012 activation date. However, staff understands that there may be legal restrictions on the City's ability to require a store to advertise this program and the parameters of such an ordinance would need to be carefully considered.

The mandatory education ordinance strategy is supported by Santa Barbara Channelkeeper and Choose to Reuse as a viable step toward the reduction of single-use bags. Over the next few months, as part of the overall discussion of single-use bag reduction, staff plans to work with the Sustainability Committee on the possibility of recommending such an ordinance.

SUSTAINABILITY IMPACT:

Regulation of single use bags has the potential to reduce significant negative environmental impacts related to the manufacture and disposal of single-use bags by increasing consumer use of reusable bags.

ATTACHMENT: Draft letter in support of AB 1998

PREPARED BY: Kristine Schmidt, Acting Environmental Services Manager

SUBMITTED BY: Bob Samario, Interim Finance Director

APPROVED BY: City Administrator's Office



City of Santa Barbara

Office of Mayor

Attachment

HSchneider@SantaBarbaraCA.gov

www.SantaBarbaraCA.gov

Helene Schneider
Mayor

July 14, 2010

Assemblymember Julia Brownley
State Capitol, Room 2163
Sacramento, CA 95814

City Hall
735 Anacapa Street
Santa Barbara, CA
93101-1990

RE: **AB 1998 - Plastic Bag Ban
NOTICE OF SUPPORT**

Mailing Address:

P.O. Box 1990
Santa Barbara, CA
93102-1990

Dear Assemblymember Brownley:

On behalf of the City of Santa Barbara, I'm writing to express support for AB 1998 which will ban plastic single-use carryout bags at supermarkets throughout the state and encourage shoppers to bring their own reusable bags.

Tel: 805.564.5323
Fax: 805.564.5475

The 19 billion single use plastic bags that Californians use each year have enormous environmental impacts throughout the state. Plastic shopping bags represent a significant component of urban litter, and are also a principal component of the litter that enters California's creeks, streams, and bays. The state spends an estimated \$25 million annually to clean up and landfill these littered bags, and local governments spend over \$300 million annually to clean littered streets and waterways.

The City of Santa Barbara, in partnership with local non-profit agencies, has actively promoted the use of reusable bags through an educational campaign entitled "*Where's Your Bag?*" AB 1998 would provide a consistent approach to reduce the negative impacts of single use bags across jurisdictions, without resorting to government-imposed taxes or fees.

The passage of AB 1998 will be a major step for California to become a true leader in preventing the proliferation of plastic pollution. AB 1998 would provide a comprehensive, statewide solution to this growing problem by incentivizing consumers to reduce waste by either bringing their own shopping bags or paying a fee for recycled-content paper shopping bags.

While we support AB 1998, we ask that you consider an increase to the fee for paper bags to at least \$0.10 to more effectively deter their use and create more of an incentive to use reusable bags. We also ask that you consider a level of post-consumer recycled content of 60%, or the greatest level that can be achieved without compromising necessary bag strength.

Sincerely,

Helene Schneider
Mayor

cc: Mayor and Council
Jim Armstrong, City Administrator
Assemblymember Pedro Nava
Senator Tony Strickland
League of California Cities



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Cynthia Ricci v. Isadora Gonzalez; City of Santa Barbara, SBSC Case Number 1337050*.

SCHEDULING: Duration: 15 minutes - Anytime

REPORT: None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. **440.05**

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010
TO: Mayor and Councilmembers
FROM: City Administrator's Office
SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, Police Managers Association, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

SCHEDULING: Duration, 30 minutes; anytime
REPORT: None anticipated
PREPARED BY: Kristy Schmidt, Employee Relations Manager
SUBMITTED BY: Marcelo López, Assistant City Administrator
APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. **440.05**

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Finance Director Appointment

RECOMMENDATION:

That Council hold a closed session, pursuant to Section 54957 of the Government Code to consider a public employee appointment.

SCHEDULING: Duration, 20 minutes; anytime

REPORT: Anticipated

PREPARED BY: Marcelo A. López, Assistant City Administrator

SUBMITTED BY: James L. Armstrong, City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 27, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: *Plan Santa Barbara* General Plan Update

RECOMMENDATION:

That Council hold work sessions on the *Plan Santa Barbara* General Plan Update – Development Plan Ordinance, Growth Management, Density, and Design Policy Direction.

DISCUSSION:

Development Plan Ordinance/Growth Management

▪ Background

The City's last General Plan Update established significant new policies, programs, and ordinances related to new non-residential development. The growth management program was submitted to the City electorate as an amendment to the City Charter in 1989 and, with voter approval, was included in the City Charter as Section 1508, it is policy in the Land Use Element, and implemented in the Zoning Ordinance primarily through the Development Plan Ordinance (SBMC Section 28.87.300). A growth cap was set at 3 million square feet (s.f.), and allocation categories were established. There are also specific exclusions from the growth limitation allocations, for example Minor Additions of 1,000 s.f. or less, Hotel Room for Room Replacement. The definition of new non-residential construction project excludes repair and replacement of existing floor area. Please see the attached descriptions, categories and allocation amounts (Attachment 1).

A primary reason for initiating the *Plan Santa Barbara* (PlanSB) General Plan Update was to develop new policies to replace these programs that were set up to last 20 years and sunset in 2010. There has been a general sentiment among the City Council, Planning Commission, staff and members of the community that the program overall has worked well with adjustments along the way to respond to various economic conditions. For example, there were a few boom years where potential applicants lined up to receive Small Addition allocations, then other years when unallocated floor area was rolled into the new category of Economic Development. The PlanSB process is expected to result in a new program that retains certain good aspects of the existing program and includes changes to improve planning for the next 20 years while addressing the key policy considerations of economic vitality, living within our resources, managing traffic congestion, and improving the job-housing balance.

Staff has prepared a summary that shows how much development was allocated and from what categories during the life of “Measure E.” Please see the attached summary report (Attachment 2).

- Community Priority

From the attached information we can see that the allocation of 300,000 s.f. for Community Priority is one that was used to a high degree. The Community Priority category would have been fully exhausted had not the staff and Council decided that certain projects (Airport Terminal and Cottage Hospital) could receive an allocation from Economic Development and have a dual designation with Community Priority as well. At this time, staff is also aware of additional projects that will seek Community Priority that are not on the list because a formal application has yet to be filed (Natural History Museum Master Plan @ approximately 42,000 s.f., SB Center for Art, Science and Technology @ approximately 6,400 s.f. and a 10,000 s.f. basement for Cottage Hospital).

The PlanSB policies call for creation of a new category for “Community Benefit Land Uses.” Staff suggests that this category will replace both Community Priority and Economic Development. Further, staff suggests that government buildings for government uses be excluded from the cap. It is already the case that County, State and Federal projects are excluded from the City’s zoning and the cap. That could leave an adequate Community Benefit allocation for other community serving projects under the 1 million s.f. scenario and address some of staff’s concerns.

- Approved and Pending

Staff has been considering how the new program will account for projects that are approved, but not yet built, and pending projects. Whenever a new ordinance goes into effect, and certainly with one as critical as this, it is important for the Council to be aware of how it could affect those existing pending and approved projects “in the pipeline” (Attachment 3). Although one might expect that property owners and applicants are following how PlanSB could affect their current projects and future development potential, it is often our experience that it is not until the ordinance is about to be enacted or after it is in place that people express concerns. The attached list of projects again reflects those projects for which a formal application has been filed as of last week, however, if we were to include additional projects that have had concept review, the number would be increased by approximately 50,000 to 100,000 s.f.

In the prior program, projects with a status of approved and pending were specifically defined and accounted for in the 3 million s.f. total. Please see Attachment 3 for information regarding the Cabrillo Plaza Specific Plan “Approved Project” per definition. A similar approach could be used for the new cap, or the Council could decide not to include the approved and pending projects in the new established square footage limitations.

Staff would like the Planning Commission and Council to be aware of these projects because they could represent a fairly large percentage of the total allocation. Further, if the policy direction is to set a new cap at 1 million s.f., one-third of the prior 3 million, adjustments will need to be made in all categories. We believe these considerations are important, as the community has come to accept the 3,000 s.f. Small Addition, and 0.25 Floor-to-Lot-Area Ratio for Vacant Land. Also, it is very important to have a sufficient development potential in a Community Priority or Community Benefit category to allow for important projects such as hospitals, civic buildings, museums, green businesses, etc.

- Small Additions & Vacant Land

Staff suggests that if the approved and pending projects are not included, then the Small addition and Vacant Land categories could be maintained closer to existing levels. If reduced by one-third consistent with a 1 million cap and accounting for approved and pending projects, a Small Addition would be limited to 1,000 s.f and a 0.10 FAR for vacant land would be possible. That only allows 1,000 s.f. on a 10,000 s.f. parcel, and could be considered unreasonable.

- Standards of Review and Findings

Other important elements of the Development Plan Ordinance are the standards for review and the required findings. The requirement for a Development Plan Approval (DPA) is triggered when a project involves more than 1,000 s.f. of new non-residential floor area. Review bodies that consider DPA's include the ABR, HLC, PC and SHO. Review by the Planning Commission is required for projects proposing more than 3,000 s.f. of new non-residential floor area. In the event that a project requires an Environmental Impact Report (EIR), Planning Commission review is also required irrespective of the amount of square feet involved. All projects with an allocation from Community Priority or Economic Development involve review by the Council and Planning Commission. This review process is to ensure that the limited amount of development available is going to projects that meet community needs. Staff anticipates that the process would likely remain very similar with the new program.

The current findings are included in Attachment 4. Discussion of possible amendments to the findings should be considered in light of the PlanSB EIR conclusions on traffic impacts and policy direction to improve the city's affordable housing stock.

It is anticipated that there will be some significant traffic impacts over the next 20 years. Non-residential development generates traffic and potential traffic impacts come primarily from the employee trips to and from work during peak hours. Since these impacts cannot apparently be mitigated to a less than potentially significant level, at the time the General Plan is adopted a Statement of Overriding Considerations will be necessary for those significant unavoidable impacts which will occur over the life of the plan. Staff would like some discussion with the Council on potential options in order to allow overriding considerations to be applied to high priority future projects.

In terms of affordable housing impacts, the DEIR (Section C. 19) provides an analysis of how new jobs can generate demand for affordable housing. The assessment of the 1 million s.f growth cap for the Lower Growth and Additional Housing alternatives suggests that the jobs-housing balance is improved over the existing “No Project” and the PlanSB projection of 2.3 to 2 million s.f. At the time the General Plan is adopted there is an opportunity to look at the big picture view of the policies promoting affordable housing where feasible and appropriate, and balance the housing demands generated from the non-residential development. The Council has indicated that an approach to address individual project contributions to affordable housing demand could be an in-lieu fee program, and that approach as well as others have been used in the past. When the new program is implemented and the Development Plan Ordinance is amended the Council will consider what the appropriate standard should be for individual projects.

If, over the next 20 years, further adjustments are deemed necessary and appropriate then Council could adjust the program. However, we want to get started with as clear as intention and expectation so it can be carried out fairly and appropriately.

Density and Design

Residential densities are a critical component of the General Plan for both community vision and direction, as well as property owner expectations for a reasonable use of their land. No significant changes are proposed to the basic land use and circulation patterns as expressed on the Land Use Map. Rather, the principal changes being proposed center around adjustments to the variable density program, residential parking standards, and the design review process.

- Residential Densities

The proposed amendments to the City’s Variable Density program are primarily in response to community concern over the proliferation of large luxury condominiums. In some cases, these projects have generated controversy in terms of the size, bulk, scale, and height of buildings, and there is also concern that these units are not meeting affordable and work force housing needs. Proposed amendments would utilize an average unit size rather than number of bedrooms in order to qualify for a density incentive beyond the existing base residential density of 12 du/ac.

The Planning Commission has recommended average unit sizes of 1,000 s. f., with two corresponding range of densities at 15-25 du/ac and 27-45 du/ac for targeted multi-family and commercial locations. The Council has discussed limiting this program to only commercial areas. See Attachment 5, Average Unit Size Density Option 1, and Attachment 6, Average Unit Size Density Option 2, for areas of the City being considered for the application of the Average Unit Size density incentive program.

In order to encourage the construction of rental and employer housing, an additional incentive, in the form of a 50% density increase above the Average Unit Size densities, has also been proposed. These potential densities and locations will be highlighted during the Council presentation.

- Design Tools

New land use policies are proposed to further direct and shape the review of projects, including Floor to Area Ratios (FAR), Form Based Coding, and Historic Preservation buffers. Determining the appropriate use of these tools, and particularly a single FAR or a range of FARs, needs to be carefully considered for different districts of the community and for different types of projects.

Staff will present a project profile comparison of several recently constructed mixed-use projects with accompanying photos to help the Council better understand the interplay between residential density, unit size, parking and the resultant physical design. Using these projects as a baseline, several scenarios will then be presented based on the proposed Average Unit Size density program, parking standards, and the 50% density overlay for rental and employer housing.

- ATTACHMENTS:**
1. Allocation Categories & Definitions
 2. Summary Tables of Allocations Made
 3. Approved and Pending List
 4. Development Plan Findings
 5. Draft General Plan Density Option 1
 6. Draft General Plan Density Option 2

PREPARED BY: Bettie Weiss, City Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator, Community Development

APPROVED BY: City Administrator's Office

Allocation Categories

Development Potential.

Nonresidential Construction Project. Nonresidential construction projects, as defined per this code, shall be restricted to no more than three million (3,000,000) square feet until the year 2013. This allowable square footage shall be allocated in the following categories, as defined in Subsection B of this Section.

Category	Square Footage
Approved Projects	900,000 s.f.
Pending Projects	700,000 s.f.
Vacant Property	500,000 s.f.
Minor Additions	Exempt
Small Additions	600,000 s.f.
Community Priorities	300,000 s.f.

Small Additions shall be limited to no more than thirty thousand (30,000) square feet annually. Procedures for allocating square footage under these categories shall be established by resolution of City Council.

Definitions

Approved Projects or Revisions thereto:

a. An application for a land use permit for the project (other than an application for Specific Plan approval) which was approved on or before October 26, 1989 and the approval is still valid.

b. The project pertains to implementation of a Specific Plan which was approved prior to April 16, 1986, and the Plan required the construction of substantial circulation system improvements, and all of those improvements were either:

(1) Installed prior to the effective date of this ordinance; or

(2) Subsequently constructed pursuant to an Owner Participation Agreement (OPA) and installed prior to the approval of any development plan(s).

c. The project consists of a revision to a project which qualifies under either Subparagraph a. or b. of this Paragraph B.2, provided the revision will result in no increase in floor area over the approved amount. Once a revision to a project has been approved that reduces the floor area from the originally approved amount, the unused floor area shall not be reallocated to the project as part of a future revision. The unused floor area shall be available for Economic Development Projects.

Note – as of July 2010 there is only one Approved Project remaining. That is the Cabrillo Plaza Specific Plan per definition b. above. The initial allocation for the Specific Plan was 155,000 s.f. and that was proposed with the Aquarium and Hotel projects. However, those projects have been withdrawn. The most recent pending project for this site is primarily residential and 45,145 s.f. non-residential. For current accounting staff has included the 45,145 s.f. in the pending category.

Pending Project or Revisions thereto. A project which satisfies any of the following criteria:

a. An application for a land use permit for the project was accepted on or before October 26, 1989 and the application: (1) has not been denied by the City; (2) has not been withdrawn by the applicant; (3) has not yet received City approval or (4) has received City approval after October 26, 1989 and that approval is still valid.

b. The project pertains to implementation of a Specific Plan which was approved prior to April 16, 1986 and the project does not qualify under Subparagraph 1.b. of this Subsection.

c. The project consists of a revision to a project which qualifies under either Subparagraph a. or b. of this Paragraph 12, provided the revision will result in no increase in floor area over the amount shown on the pending application. Once a revision to a project has been approved that reduces the floor area from the originally approved amount, the unused floor area shall not be reallocated to the project as part of a future revision. The unused floor area shall be available for Economic Development Projects.

Note - as of July 2010 there are no Pending Projects per this definition.

Vacant Property. A project on a parcel of land which was vacant in October 1988, which consists of construction of a nonresidential structure with a floor area ratio of no more than 0.25.

Note – the FAR of 0.25 and the allocation of 500,000 was based on a survey of vacant land in 1988.

Nonresidential Construction Project. A project, or portion thereof, which consists of the construction of or addition of new floor area for other than residential use or the conversion of existing residential floor area to nonresidential use. Repair or replacement of existing floor area is not included in the calculation of new floor area for the purpose of the Development Plan Ordinance.

Category	Pending	Approved	Building Permit/C of O Issued	Unallocated	To Economic Development
Approved Projects (900,000) ^{1,2}	45,145	0	686,379	0	168,476
Pending Projects (700,000)	0	0	89,512	0	610,488
Vacant Property (500,000)	92,936	11,146	82,927	312,991	N/A
Total Small Addition (600,000) ³	14,903	42,956	230,882	0	311,259
2009 Small Addition (30,000)⁴	6,072	1,259	1,873	0	22,669
Community Priority (300,000) ^{5,6}	14,690	22,635	194,640	68,035	0
Economic Development	104,522	2,703	430,951	552,047	1,090,223
Total (3,000,000)	272,196	79,440	1,715,291	933,073	

¹ Includes Rancho Arroyo and Park Plaza Specific Plans

² Includes 45,145 of Pending square footage for Cabrillo Plaza Specific Plan (Wright Property).

³ 306,154 square feet under "To Economic Development" is comprised of 1/1/90-06/30/96 expired and 1/1/90-12/31/09 "not applied for" square footage.

⁴ Included in the total Small Additions calculations above.

⁵ 211,425 square feet under "Building Permit/C of O Issued" is comprised of Minor Additions associated with 1997-2009 Small Additions and 219,526 sq. ft. of Economic Development that received building permits, as required by Council Resolution 99-036

⁶ 1,085,118 square feet under "To Economic Development" is included in calculations for the Economic Development category, but not counted in 3,000,000 sf total.

NOTE: Per Council Resolution Economic Development SF tracked differently. Shown here for representative purposes only.

**PROJECTS WITH PRELIMINARY OR FINAL
COMMUNITY PRIORITY DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Boys & Girls Club Addition 602 W Anapamu Street MST2002-00786	4,800		Initial application 1990; potential - working on revised
Housing Authority 702 Laguna Street MST92-00043		4,550	Completed
Natural History Museum 2559 Puesta Del Sol MST92-00608		2,165	Completed
Airport Fire Station 40 Hartley Place MST92-00746		5,300	Completed
Santa Barbara Zoo 500 Niños Drive MST95-00330		210	Completed
Desalination Plant 525 E. Yanonali Street MST95-00425 (MST90-00360)		528	Completed
Santa Barbara Rescue Mission 535 E. Yanonali Street MST96-00228		7,213	Completed
Airport Master Plan 601 Firestone Road MST96-00355		12,557*	Airline Terminal expansion; portion or all may be considered for Economic Development category at later date
Airport Master Plan 601 Firestone Road MST96-00355		50,000*	
Rehabilitation Institute 2405 and 2415 De la Vina Street MST97-00196		9,110	Completed
Visitor Information Center - Entrada de Santa Barbara 35 State Street MST97-00357		2,500	Approved 8/21/01
Santa Barbara Harbor Restrooms 134 Harbor Way MST97-00387		1,200	Completed
Airport Terminal Expansion (trailers) 500 Fowler Rd. MST97-00392		2,300	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Waterfront Department Offices 132 Harbor Way MST97-00503		3,240	Completed
Transitions Preschool 2121 De la Vina Street MST97-00696		723	Completed
S.B. Maritime Museum 113 Harbor Way MST97-00832		2,805	Completed
Santa Barbara Cottage Hospital (Hospitality House) 2407-2409 Bath Street MST98-00042		4,158	Completed
MacKenzie Park Lawn Bowls Clubhouse 3111 State Street MST98-00076		763	Completed
Cottage Hospital 320 West Pueblo Street MST98-00287		980	Completed
The Full Circle Preschool 509 West Los Olivos Street MST98-00231		832	Completed
Storyteller Children's Center 2115 State Street MST98-00364		2,356	Completed
Free Methodist Church 1435 Cliff Drive MST98-00877		2,544	Completed
Salvation Army 423 Chapala Street MST99-00014		2,968	Completed
Homeless Day Center and Shelter 816 Cacique Street MST99-00432		10,856	Completed
Emmanuel Lutheran Church 3721 Modoc Road MST99-00510		8,120	Completed
Marymount School 2130 Mission Ridge Road MST99-00542		4,000	Completed
Parking Lot 6 – Granada Theater 1221 Anacapa MST1999-00909/MST2003-00908		7,810	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Planned Parenthood 518 Garden Street MST1999-00916		3,565	Completed
Sea Center 211 & 213 Stearns Wharf MST2000-00324		3,212	Completed
Santa Barbara Zoo 500 Ninos Drive MST2000-00707 (& MST2002-00676)		10,000	Final Designation 4/10/2007
Clean Water and Creeks Restoration Office 620 Laguna Street MST2000-00828		480	Completed
Elings Park 1298 Las Positas Road MST2001-00007/MST2006-00509	12,190		Draft EIR stage
Braille Institute 2031 De la Vina Street MST2001-00048		4,000	Completed
Modular Classrooms at Boys & Girls Club 632 E. Canon Perdido Street MST2001-00150		6,502	Completed
Cater Water Treatment Plant 1150 San Roque Road MST2001-00732		6,750	Completed
Santa Barbara Neighborhood Medical Clinics 915 North Milpas Street MST2001-00774		2,518	Completed
632 E. Canon Perdido St. Boys and Girls Club MST2002-00786 MST2008-00563	7,600		Preliminary Designation 7/15/03
617 Garden St. Mental Health Assoc. MST2002-00257		2,703	BP Issued 11/17/06
4000 La Colina Rd Bishop Diego High School MST 2004-00673		9,512	Final Designation 12/20/2005
540 W Pueblo St Cancer Center MST2007-00092		5,845	Final Designation 7/13/2010
125 State St Children's Museum MST2009-00119	2,500		Preliminary Designation 4/7/2009
SUBTOTALS:	27,090	199,030	

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
ALLOCATED TO DATE: 231,965 SQ. FT. REMAINING UNALLOCATED: 68,035 SQ. FT.			

Nonresidential Approved and Pending square feet per Category

Status	MST	Name	Address	Small	Vacant	Community Priority	Economic Development	Approved	Total
Approved	MST2008-00322		412 Anacapa St		3,375				3,375
Approved	MST2008-00362		710 Anacapa St	40					40
Approved	MST2003-00243		128 E Canon Perdido	1,718					1,718
Approved	MST2002-00786	Boys and Girls Club	632 E Canon Perdido			7,600			7,600
Approved	MST2008-00038		316 Castillo St	1,709					1,709
Approved	MST2004-00493		1298 Coast Village	1,778					1,778
Approved	MST2009-00071		134 Harbor Way	159					159
Approved	MST2007-00356		134 Harbor Way	66					66
Approved	MST2007-00140	El Encanto Hotel	1900 Lasuen Rd	6,000					6,000
Approved	MST2006-00510		803 N Milpas St	200					200
Approved	MST2000-00707	Zoo - Discovery Pavilion	500 Ninos Dr			9,190			9,190
Approved	MST2009-00075		5 S Nopal St	920					920
Approved	MST2007-00092	Cancer Center	540 W Pueblo	20,000		5,845			25,845
Approved	MST2005-00389		1528 State St	1,810					1,810
Approved	MST2007-00494		1704 State St	2,403					2,403
Approved	MST2005-00455		1722 State St	200					200
Approved	MST2006-00185		3880 State St	733					733
Approved	MST2005-00477		518 State St	1,487					1,487
Approved	MST2008-00261		528 State St	200					200
Approved	MST2006-00154		801 State St	1,353					1,353
Approved	MST2005-00831	Montecito Country Club	920 Summit Rd		7,771				7,771
Approved	MST2006-00758		101 E Victoria St	2,000				2,703	4,703
Approved	MST2009-00011		520 E Yanonali St	180					180
Total Approved									79,440
Pending	MST2008-00174		1324 Cacique St	322					322
Pending	MST2010-00067		130 N Calle Cesar Chavez	1,909					1,909
Pending	MST2008-00496	Fielding Institute	4151 Foothill Rd	4,000	39,057		24,202		67,259
Pending	MST2006-00210	Paseo de la Playa	101 Garden St					45,145	45,145
Pending	MST2007-00461	Gateway - Airport	6100 Hollister Ave		48,254		80,320		128,574
Pending	MST2006-00509	Elings Park	1298 Las Positas Ave	1,631		12,190			13,821
Pending	MST2009-00119	Children's Museum	125 State St	4,000	5,625	2,500			12,125
Pending	MST2008-00597		1533 State St	1,041					1,041
Pending	MST2009-00266		34 W Victoria St	2,000					2,000
Total Pending									272,196
Grand Total									351,636

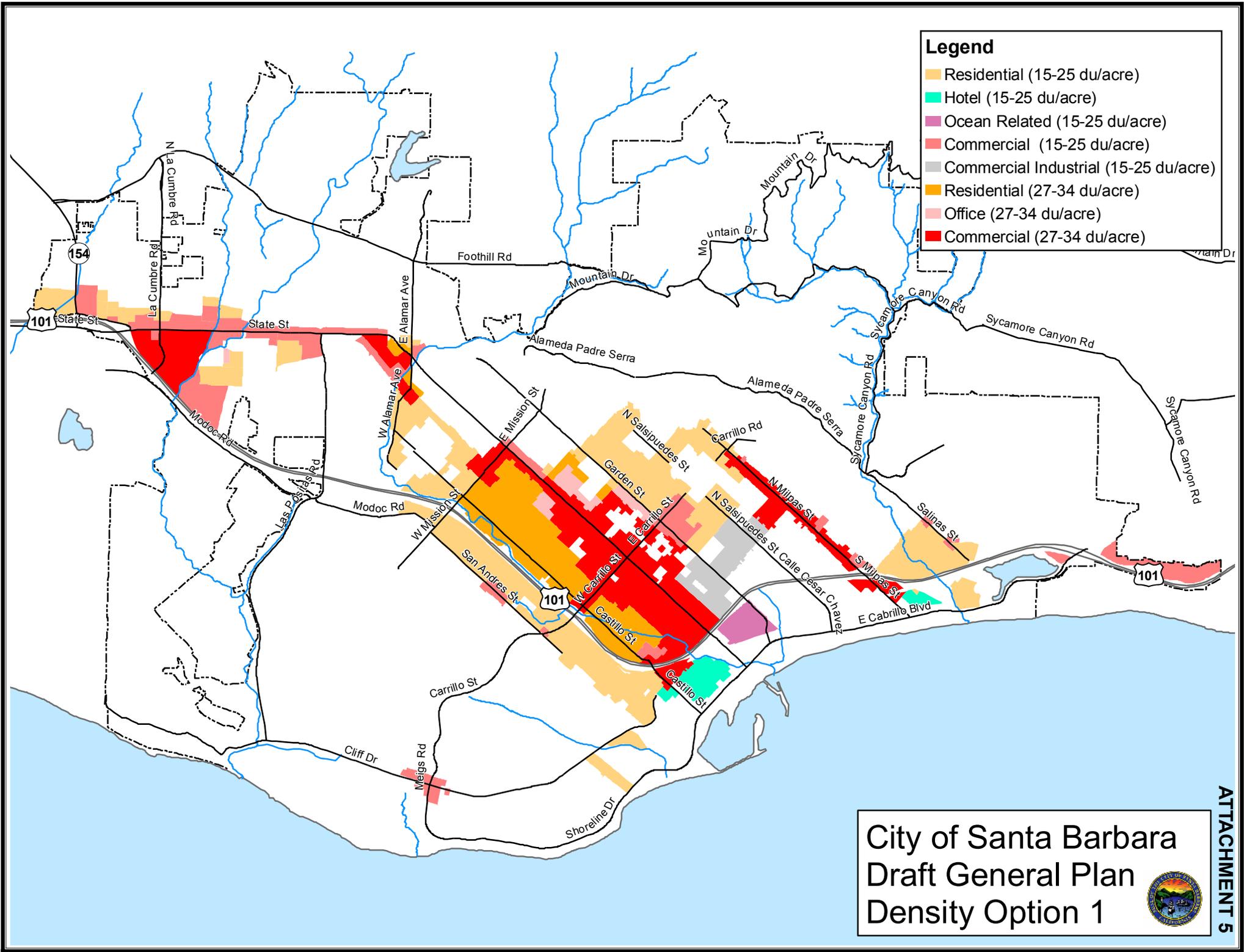
Development Plan Approval (DPA) Findings

Standards for Review - unless specifically exempt, the following findings shall be made in order to approve a development plan:

- a. The proposed development complies with all provisions of the zoning ordinance; and
- b. The proposed development is consistent with the principles of sound community planning; and
- c. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood; and
- d. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock; and
- e. The proposed development will not have a significant unmitigated adverse impact on the City's water resources; and
- f. The proposed development will not have a significant unmitigated adverse impact on the City's traffic; and
- g. Resources will be available and traffic improvements will be in place at the time of project occupancy.

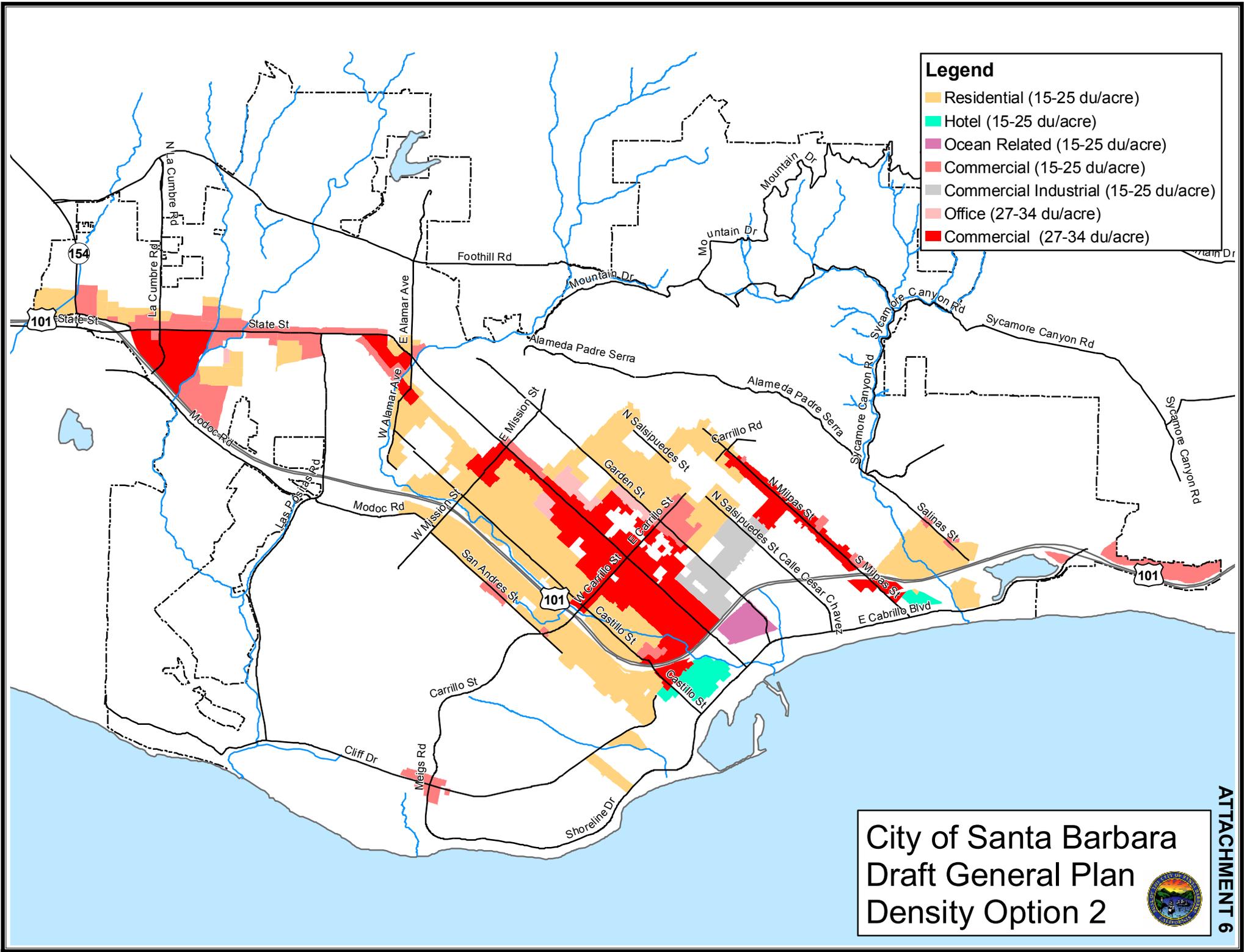
Legend

- Residential (15-25 du/acre)
- Hotel (15-25 du/acre)
- Ocean Related (15-25 du/acre)
- Commercial (15-25 du/acre)
- Commercial Industrial (15-25 du/acre)
- Residential (27-34 du/acre)
- Office (27-34 du/acre)
- Commercial (27-34 du/acre)



City of Santa Barbara
Draft General Plan
Density Option 1





- Legend**
- Residential (15-25 du/acre)
 - Hotel (15-25 du/acre)
 - Ocean Related (15-25 du/acre)
 - Commercial (15-25 du/acre)
 - Commercial Industrial (15-25 du/acre)
 - Office (27-34 du/acre)
 - Commercial (27-34 du/acre)

City of Santa Barbara
 Draft General Plan
 Density Option 2

