



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 14, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department / City Attorney's Office

SUBJECT: Adoption Of Appeal Findings Resolution For 3052 State Street – BevMo! Project.

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal of the Architectural Board of Review's Final Approval of the Proposed Bevmo! Project Design Located at 3052 State Street and Granting a Revised Final Design Approval of the Bevmo! Project, Making Findings that the BevMo! Project Meets the Compatibility Criteria Set Forth in Santa Barbara Municipal Code Section 22.68.040.

DISCUSSION:

On July 27, 2010, a City Council appeal hearing was held regarding the appeal of the May 17th Final ABR design approval for the proposed BevMo! project located at 3052 State Street. During this hearing, the Council considered the ABR review of the Project and its "Final Approval" decision (in the form of ABR Minutes), and the Council considered the appeal letters (and supporting materials) filed by attorney, Mark Chytilo, on behalf of an appellant group calling itself "Breathe Easy Santa Barbara."

During the appeal hearing the Council also received a staff report, a Traffic Study presented for the Applicants by Scott Schell of ATE and an Air Quality Analysis for the Project presented by Dudek & Associates. Upon completion of the appeal hearing, the Council indicated that it had fully considered all of the evidence presented by both the Appellants and the Applicants and it denied the Appeal, and confirmed the staff's use of a CEQA categorical exemption as being appropriate and reflective of the independent judgment of the City Council.

In denying the appeal, the Council approved a revised Final ABR Design Approval of the Project (including the consideration of compatibility criteria per Santa Barbara Municipal Code section 22.68.040.) The Council also imposed two express Conditions of Approval relating to the manner of operation for the required employee parking area and how loading and unloading for the BevMo! Project should be conducted.

At the conclusion of the appeal hearing, the City Council directed the City Staff to prepare written draft findings and conclusions (both with respect to legal conclusions and other factual determinations) and to submit the draft findings and conclusions along with draft language for the two new Conditions of Approval to the Council. The attached resolution represents the draft findings recommended to the Council by Community Development staff and by the City Attorney's office.

PREPARED BY: City Attorney's Office
SUBMITTED BY: Stephen P. Wiley, City Attorney
APPROVED BY: City Administrator's Office