



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 031-06

1100-1200 BLOCKS OF COAST VILLAGE ROAD

FARMERS MARKET

CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT

JULY 20, 2006

APPLICATION OF SANTA BARBARA CERTIFIED FARMERS MARKET, 1100 – 1200 BLOCKS OF COAST VILLAGE ROAD, APN 009-291-RW, C-1 LIMITED COMMERCIAL / SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/ STREET BUFFER / BIKEWAY (MST2006-00156)

Since 1994, the Santa Barbara Certified Farmers Market (SBCFM) has operated on Friday mornings in various areas along the 1100-1200 blocks of Coast Village Road. On July 19, 2001, the Planning Commission approved a Conditional Use Permit (CUP) for a five-year period, for the operation of a certified farmers market on Fridays on a 4-zone weekly rotational basis in the street public right-of-way of the 1100 and 1200 blocks of Coast Village Road. The market operates from 8:00 a.m. to 11:15 a.m., with street closure allowed between the hours of 6:00 a.m. and 11:45 a.m. The only requested amendment to the CUP is to allow the market to operate the day after Thanksgiving. This application is for the renewal of the CUP for the continuance of the operation of the weekly farmers market.

The discretionary applications required for this project are:

1. A Conditional Use Permit to allow the public right-of-way on the 1100-1200 blocks of Coast Village Road to be used for a Farmers Market on Friday mornings (SBMC §28.94.030.N); and
2. A Coastal Development Permit to allow the public right-of-way on the 1100-1200 blocks of Coast Village Road to be used for a Farmers Market on Friday mornings in the Non-Appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15304 (e).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 13, 2006.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

A. *Coastal Development Permit (SBMC §28.45.009)*

The proposed project is consistent with the policies of the California Coastal Act and all applicable policies of the City's Local Coastal Plan, is consistent with all applicable implementing guidelines, and all applicable provisions of the Code. The project would maintain a transitory visitor-serving use on Coast Village Road and would not alter the character of the public streets in the area since no permanent alterations are proposed.

B. *Conditional Use Permit*

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan. The Markets provide a place for the public to shop for fresh produce, have provided an arena for local farmers and fisherman to sell their goods, and have been operating in these locations for several years. Additionally, the Markets are located in a commercial area, which encourages commercial use;
2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The operation of the Market is accommodated by available public on-street parking in the surrounding neighborhood and efforts are made to minimize the disruption in City traffic patterns;
3. The total area of the Market and the location of the operations from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. The location of the Market vendors has been carefully considered to minimize conflicts with businesses in the area, and provides emergency access. Placement of barricades does not block traffic on any of the cross streets. Cleanup of the site following the Market is also conditioned and has been accomplished in a satisfactory manner;
4. Adequate access and off street parking including parking for patrons is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. There is an adequate amount of parking in the surrounding public parking areas to accommodate the patrons of the Farmers Market.
5. The appearance and character of the Market is compatible with the commercial nature of the neighborhood. The Market is a temporary use, no physical change is necessary to accommodate the Market, and the operators are responsible for the cleaning of the area prior to the re-opening of these areas, and after use on-going basis.

6. The proposal is in compliance with any additional specific requirements for a conditional use permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.

II. Said approval is subject to the following conditions:

- A. The following conditions shall be imposed on the continued use and operation of the Farmers Market authorized by this Conditional Use Permit (CUP). These Conditions shall supersede Planning Commission Resolution No. 041-01 effective July 20, 2006 and shall remain in effect for the duration of this permit. Updated copies of all of the agreements and information required below shall be submitted to City Staff within 30 days of the approval of this CUP:

1. The Santa Barbara Certified Farmers Market Association (herein after, the "Market") shall maintain its status as a Certified Farmers Market as defined, authorized and permitted in accordance with the California Code of Regulations Sections 1392 –1392.8 and the California Food and Agricultural Code, Sections 47000 through 47026, collectively the "Direct Marketing Law."
2. The development of the Real Property approved by the Planning Commission in the public right-of-way is limited to the areas and improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The Market shall be allowed to operate on Fridays on a 4-zone weekly rotational basis in the street public right-of-way of the 1100 and 1200 blocks of Coast Village Road. The Market shall have the discretion to define the specific hours of their operation, as long as the street closure hours are strictly adhered to. Street closure shall be allowed between the hours of 6:00 a.m. and 11:45 a.m.

The boundaries of each zone are as follows:

Zone A - The 1100 Block of Coast Village Road public right-of-way and median strip adjacent to Haywards Home and Santa Barbara Travel (westernmost zone).

Zone 1 – The 1100 Block of Coast Village Road public right-of-way and median strip adjacent to Paseo Mariposa and Coast Village Plaza.

Zone 3 – The 1200 Block of Coast Village Road public right-of-way and median strip adjacent to Olive Mill Plaza.

Zone 4 – The 1200 Block of Coast Village Road public right-of-way and median strip adjacent to Hessellund Nursery and Coast Village Square (easternmost zone).

3. There shall be no Market held on Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day Holidays.

4. The following operational conditions apply only to the Santa Barbara Certified Farmers Market insofar as it has been authorized to operate at the above time and place.
 - a. The Farmers Market shall limit its operation to the street public right-of-way of the 1100-1200 blocks of Coast Village Road on Fridays. No sidewalk sales are permitted. The sidewalks on Coast Village Road shall remain open, and the Market shall not block pedestrian traffic during the Friday Market. There shall be no vehicle parking, stopping, or standing on the curbs, sidewalks, parking medians, City parkways or street medians.
 - b. There shall be a 12-foot wide view corridor from the road to the shops facing Coast Village Road in each zone.
 - c. Box trucks and trucks with high profile campers (taller than seven feet) shall be prohibited from the Market.
 - d. The Market shall be responsible for the set-up, takedown and maintenance of any barricades used.
 - e. The Market shall have no authority to place or erect any sign anywhere within the City except as permitted by the Sign Ordinance.
 - f. The Market shall avoid blockage of curb ramps and any other path of travel that specifically provides access for the disabled community.
 - g. The Friday Market shall meet all current and future Fire Department regulations and conditions including:
 - (1) Maintain a minimum 16' fire access lane;
 - (2) Maintain adequate access to fire hydrants, (no parking in front of hydrants); and
 - (3) Maintain required exit areas from businesses in operation during the hours of the Market's operation.
 - h. A traffic detour plan shall be prepared and implemented by the Market after review by the Transportation and Parking Manager. The detour plan shall be subject to revision by the Transportation and Parking Manager in order to respond to changes in traffic and parking patterns during the Market operation. The Market shall submit an updated traffic detour plan for review, on or before December 31st of each year. The detour plan shall include the following:
 - (1) All related traffic signage; and
 - (2) Parking signage in order to reduce confusion about "no parking" the day before the Market, listing the applicable hours as well as the location of the Market.

- i. The Market shall work with the Coast Village Business Association and surrounding property owners to revise parking signage to reduce confusion and better inform customers of parking availability for the businesses.
- j. The Market shall provide directory signage advising of the SBCFM and available parking opportunities. “No Farmers Market Parking” signage shall be placed at all access points of the adjoining private lots, where allowed, during the Market with the day and times listed. Additional signage shall be placed on the permanent 90-minute parking signs in each corresponding zone. These permanent signs will rotate with the operation and be installed no earlier than the Saturday prior to the Friday Market.
- k. The Market shall provide barriers in the form of a temporary fence along the outer edge of the medians to prevent pedestrians from crossing Coast Village Road at mid-blocks.
- l. The Market shall publish and distribute an informational brochure on how to submit a complaint regarding the operation. It shall include contact information from the SBCRM and City Planning Division. The brochure shall be subject to the review and approval by City Planning Staff. The brochure shall be distributed to all businesses along the road and shall be available in the Market within two weeks of the commencement of the Market.
- m. If the towing of vehicles is deemed necessary, the Market shall comply with procedures for towing vehicles in accordance with applicable California Vehicle Code requirements, to ensure that a Police Officer of the City authorizes such towing.
- n. The Market shall be responsible for the cleaning of oil spots left by Market vehicles at all locations.
- o. The Market shall provide the Community Development Director a written agreement showing that the surrounding merchants will provide access to adequate restroom facilities for farmers participating in the Market. The Market shall provide restroom facilities in the vicinity during the operation of the Farmers Market if the Community Development Director deems that there is a need.
- p. The Market shall be fully responsible for providing recycling bins and necessary trash receptacles and disposal of such trash as required by County Environmental Health Services and the City. The Market shall comply with the terms of a standard reimbursement contract for cleaning services in the event that the site is not properly cleaned.

- q. The list of saleable products shall be limited to Agricultural Products (Certified and Non-Certified) as defined in the Direct Marketing Law, with the exception of poultry, livestock products, and alcohol. The following Non-Agricultural Products are allowed: ocean fish, nut brittle, whole pies, and promotional items with the Farmers Market logo, such as bags and caps, however, no craft items shall be allowed.
 - r. The sale of Non-Agricultural Products shall be limited to no more than 10% of the participants or no more than five stalls whichever is greater. The sellers of value-added products must also sell the raw agricultural product at the same market.
 - s. Each person selling non-agricultural goods shall at all times maintain and display the certificate required pursuant to Municipal Code Section 5.32.035.C.2.(ii). The certificate shall be placed in a location that is clearly visible to all persons purchasing permitted non-agricultural goods and at a distance not greater than five feet from the non-agricultural goods being sold pursuant to the certificate.
 - t. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Environmental Health Standards.
 - u. No food preparation will be allowed at the Market with the exception of providing free raw cut samples to customers and the portioning of raw produce for sale, in accordance with the County Health and Safety Code.
 - v. No alcohol shall be sold in conjunction with the Market.
 - w. The Market shall maintain in good standing all necessary health permits for the operation of the market and shall be responsible for requiring all vendors be in possession of necessary health permits for all products sold.
 - x. The Market shall comply with all State, County and City laws as they pertain to the operation of a Certified Farmers Market.
 - y. All equipment that is used within the Farmers Market designated area that provide utility services, such as generators, compressors for refrigeration, etc., shall meet all Federal, State, County and City regulations, codes and ordinances regarding operation and use during the Farmers Market operational hours.
- B. The Conditional Use Permit and Coastal Development Permit shall remain valid for five (5) years from the date of issuance, expiring on July 20, 2011. The Market shall submit all of the required information six months prior to the expiration of this Conditional Use Permit in order to schedule the item before the Planning Commission, prior to the expiration of the current approval.

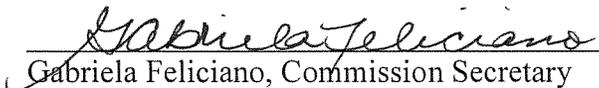
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- C. The failure to comply with any of these conditions of approval may result in the revocation of this permit following a noticed hearing before the Planning Commission.

This motion was passed and adopted on the 20th day of July, 2006, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Gabriela Feliciano, Commission Secretary



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.