



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 001-09 500 & 600 BLOCKS OF STATE STREET AND 119 EAST COTA STREET CONDITIONAL USE PERMIT JANUARY 8, 2009

APPLICATION OF SANTA BARBARA CERTIFIED FARMERS MARKET ASSOCIATION, 500 & 600 BLOCKS OF STATE STREET (NO APNS) AND 119 EAST COTA STREET (APN 031-151-018), ZONE: C-M (COMMERCIAL MANUFACTURING), GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2008-00480)

The project consists of a Conditional Use Permit Amendment for a five year continuation of the Tuesday evening Santa Barbara Certified Farmer's Market on the 500 and 600 Blocks of State Street and the Saturday morning Santa Barbara Certified Farmer's Market at 119 E. Cota Street. With the extension, the Conditional Use Permit would expire October 16, 2013.

The discretionary application required for this project is:

1. A Conditional Use Permit Amendment to allow the continuation of the Tuesday evening and Saturday Morning Farmers Markets for an additional five years (SBMC §28.94.030.O).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15304(e) [Minor Alterations to Land – Minor Temporary Use of Land].

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, December 29, 2008
2. Site Plans
3. Correspondence received in support of the project:
 - a. Jay Smiley, Santa Barbara, CA
 - b. Brenda Jones, Santa Barbara, CA
 - c. Bob Cunningham, via e-mail
4. Correspondence received in opposition to the project:
 - a. Steve Johnson, via e-mail

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

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

A. Conditional Use Permit (SBMC §28.94.020)

1. Any such 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 downtown Farmers Markets provide desirable, convenient locations for the public to purchase fresh local agricultural products and a marketplace for local farmers and fishermen to sell their goods. The downtown Farmers Markets have been operating at these locations for many years and no major problems have arisen. As discussed in Section VI above, the General Plan refers to the benefits of the Farmers Market to the buyers, sellers, and general downtown area and describes the desirable conjunctive use of the Cota Commuter Lot with the Saturday Farmers Market.

2. Such 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 parking spaces in City Parking Lots 10, 11, and 12 and within the surrounding neighborhoods. The Farmers Market and the City make efforts to minimize the disruption in City traffic patterns through implementation of traffic detour plans and encouragement of the use of the City lots for parking. The Market also provides restroom facilities and recycling and trash receptacles.

3. The total area of the site and the setbacks of all facilities 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 avoid conflicts with businesses in the area, provide emergency access, and allow for use of existing driveways. Placement of barricades does not block traffic on any cross streets. Clean-up of the site following the close of each Market is required and has been completed in a satisfactory manner in the past.

4. Adequate access and off-street parking including parking for guests 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.

During the times of each of the Markets, there is adequate parking in surrounding City parking lots to accommodate the patrons of the Farmer's Markets. The

Markets inform patrons of available parking in proximate City parking lots with signage. Additionally, the project provides temporary bicycle racks within the Cota Commuter Lot during the Saturday market to encourage and facilitate bicycle use.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The appearance and character of the Markets are compatible with the commercial nature of the surrounding areas. The Markets are a temporary use with no permanent physical change necessary for their accommodation.

6. Compliance with any additional specific requirements for a conditional use permit.

The Zoning Ordinance limits Certified Farmer's Markets to Commercial Zones. Both Market locations are zoned C-M (Commercial Manufacturing). No other specific requirements are applicable for the use.

II. Said approval is subject to the following conditions:

A. The following conditions shall be imposed on the continued use of the operation of the Farmers Market authorized by this Conditional Use Permit (CUP). This supersedes PC Resolution No. 061-03, approved on October 16, 2003. 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 47,000 through 47,026, collectively, the Direct Marketing Law.
2. The manager of the Market shall return at a Planning Commission lunch meeting with a report of discussions with neighbors in the Arcadia Studios building as to how the parking situation could be improved for that building.

3. The Market shall be allowed to operate on Tuesdays in the street public right-of-way of the 500 and 600 blocks of State Street, between Haley and Ortega Streets, between the hours of 3:30 p.m. and 7:30 p.m. when Daylight Savings Time is in effect, and between the hours of 2:30 p.m. and 6:30 p.m. the remainder of the year. Street closure shall be allowed between the hours of 3:00 p.m. and 8:30 p.m. when Daylight Savings Time is in effect, and between the hours of 2:00 p.m. and 7:30 p.m. the remainder of the year.
4. The Market shall be allowed to operate on Saturdays at 119 East Cota Street, the Cota Commuter parking lot, between the hours of 8:30 a.m. and 12:30 p.m. Parking lot closure shall be allowed between the hours of 6:00 a.m. and 1:30 p.m.
5. The following 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 Market shall limit its operation to the street public right-of-way of the 500-600 blocks of State Street on Tuesdays. No sidewalk sales are permitted. The sidewalks and mid-block crosswalk access to the sidewalks on State Street shall remain open, and the Market shall not block pedestrian traffic during the Tuesday afternoon Market.
 - b. The Market shall limit its operation to the Cota Commuter parking lot at 119 East Cota Street on Saturdays. No sidewalk sales are permitted. The sidewalks on Cota Street shall remain open, and shall not be blocked by the Market to pedestrian traffic during the Saturday morning Market.
 - c. The Tuesday Market shall alternate the orientation of the grower sales tables and parking on a weekly basis between the tables facing east with the trucks on the west side; and the tables facing west with the trucks on the east side.
 - d. The Market shall provide and maintain in good standing for the duration of the allowed use a signed License Agreement with the City of Santa Barbara. Said Agreement shall be submitted for approval by the City Council.
 - e. The Market shall be responsible for the set-up, take down and maintenance of any barricades used.
 - f. The Market shall have no authority to place or erect any sign anywhere within the City except as permitted by the Sign Ordinance.
 - g. The Market shall avoid blockage of curb ramps and any other path of travel that specifically provides access for the disabled community.
 - h. The Tuesday Market shall meet all current and future Fire Department regulations and conditions including:
 - maintain a minimum 16' fire access lane,
 - maintain adequate access to fire hydrants, (no parking in front of hydrants), and

- maintain required exit areas from businesses in operation during the hours of the Market's operation.
- i. The cross-street (Cota Street) that bisects the Tuesday Market shall remain open to pedestrian and vehicle traffic, and the traffic signal shall operate on a timing program acceptable to the Transportation and Parking Manager.
- j. The Market shall submit an updated traffic detour plan, for review by the Transportation and Parking Manager, if changes are proposed, or the configuration of nearby roads change.
- k. The Market shall encourage patrons to utilize the following parking areas, or such other locations as the Transportation and Parking Manager may designate, in the Tuesday and Saturday Markets' advertising efforts:
 - Parking Lot 10--corner of Ortega and Anacapa Streets
 - Parking Lot 11--corner of Anacapa and Haley Streets
 - Parking Lot 12--corner of Gutierrez and State Streets
- l. 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.
- m. The Market shall be subject to the Parking and Business Improvement Area (P.B.I.A.) charge as determined by the Transportation and Parking Manager. The Market shall also pay a fee to compensate for the utilization of the City's parking lots on Saturday as described in the Use Permit with the Redevelopment Agency.
- n. The Market shall be responsible for the cleaning of oil spots left by Market vehicles at both locations.
- o. The Market shall provide separate men's, women's, and handicapped restroom facilities on site during the operation of the Farmers Market if the Community Development Director deems that there is a need.
- p. The Market shall provide bicycle parking within the Cota Commuter parking lot or adjacent parkway.
- q. The Market shall pay for any additional lighting determined to be necessary by the Police Chief. If additional lighting is determined to be necessary, a lighting plan must be reviewed and approved in writing by the Building Official and be found consistent with the existing Outdoor Lighting Design Guidelines.
- r. 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.

- s. The list of saleable products shall be limited to Agricultural Products (Certified and Non-Certified) as defined in the Direct Marketing Law. The following Non-agricultural Products are allowed: ocean fish, pesto, hummus, nut brittle, whole pies, and promotional items with the Farmers Market logo such as bags and caps; however, no handcrafted items shall be allowed.

The sale of Non-agricultural Products shall be limited to no more than 10% of the participants at each market place. The sellers of value-added products must also sell the raw agricultural product at the same market.

- t. 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.
 - u. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Environmental Health Standards.
 - v. No food preparation will be allowed at the Market, with the exception of cooking demonstrations, providing free raw cut samples to customers, and the portioning of raw produce for sale, in accordance with the County Health and Safety Code.
 - w. Certified wine may be sold in conjunction with the Market, and no more than two such booths shall be allowed.
 - x. 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.
 - y. The Market shall comply with all State, County and City laws as they pertain to the operation of a Certified Farmers Market.
 - z. 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.
6. The Market shall provide proof of owner authorization for usage of the parking lot at 130 E. Ortega Street, adjacent to the Cota Commuter parking lot at 119 East Cota Street, or any other private parking lot used by the Market. A Parking and Circulation Plan shall be submitted, for each site, to the Transportation and Parking Manager for review and approval.

7. The Market shall submit to the City Engineer a Traffic and Pedestrian Safety Plan, prepared by a traffic safety expert or firm acceptable to the City Engineer, that details an operations plan to assure that the Market will be operated and maintained in a manner that appropriately protects the public, Market patrons, Market participants from any and all unsafe traffic or vehicular risks which may occur in connection with using the licensed City property to the fullest extent reasonably possible. The Farmers Market Traffic and Pedestrian Safety Plan shall be reviewed and approved by the City Engineer who shall indicate such approval in writing on the plan. The Market shall operate at all times in accordance with the Plan except for modifications to the Plan pre-approved in writing by the City Engineer. A copy of the approved Plan shall also be provided to the City's Risk Manager.

B. The Conditional Use Permit shall remain valid for five (5) years from the date of issuance, expiring on October 16, 2013.

This motion was passed and adopted on the 8th day of January, 2009, by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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
Gabriela Feliciano, Commission Secretary

February 12, 2009
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.