



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: December 29, 2008
AGENDA DATE: January 8, 2008
PROJECT ADDRESS: 500 & 600 Blocks of State Street and 119 E. Cota Street (MST2008-00480)
 Tuesday and Saturday Farmer's Markets
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Dan Gullett, Associate Planner *DAG*

I. PROJECT DESCRIPTION

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 St. and the Saturday morning Santa Barbara Certified Farmer's Market at 119 E. Cota St. With the extension, the Conditional Use Permit would expire October 16, 2013.

II. REQUIRED APPLICATIONS

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 Farmer's Markets for an additional five years (SBMC §28.94.030.O).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning Ordinance and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.

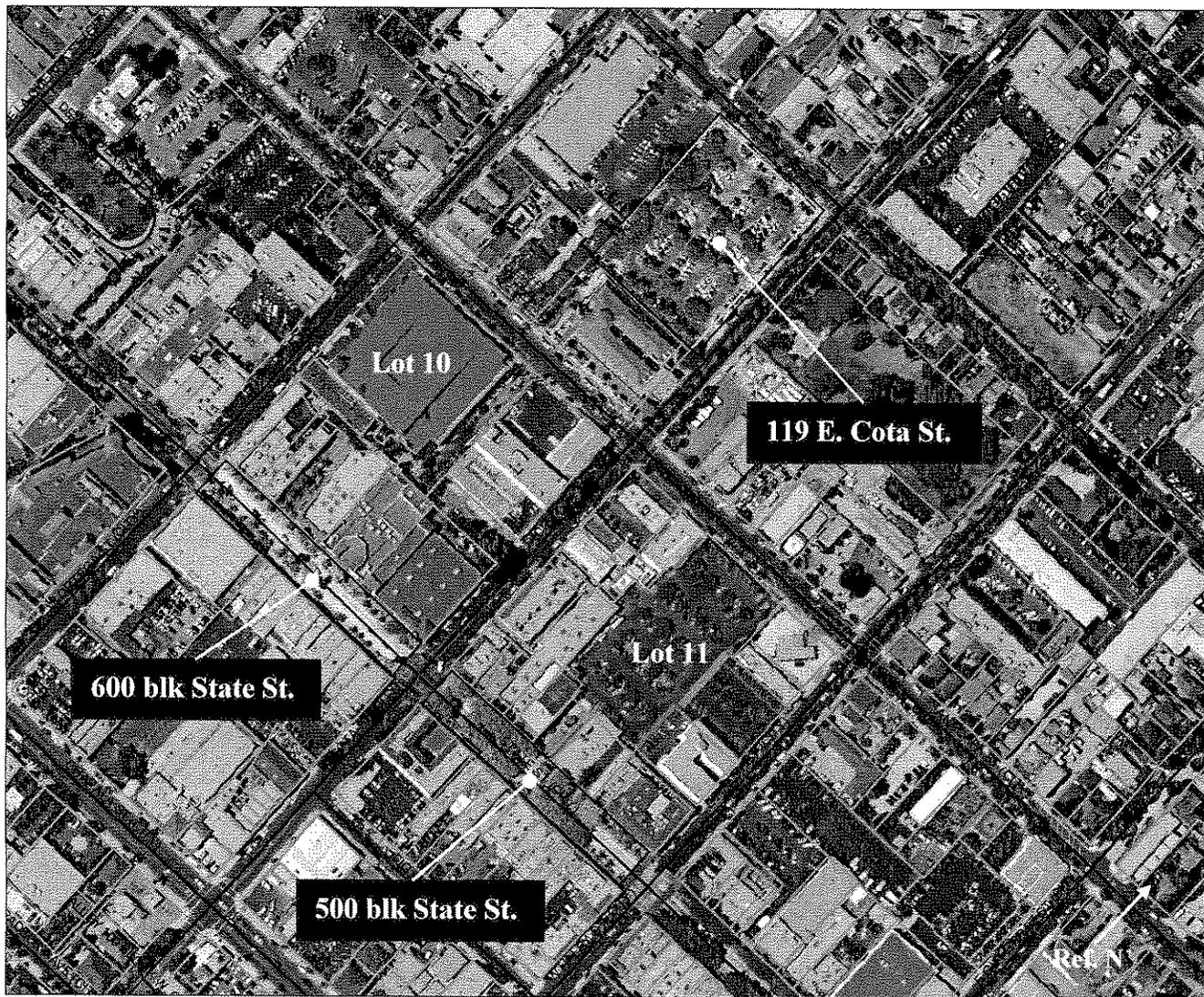


Figure 1: Project Vicinity

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

December 15, 2008
February 13, 2009

IV. SITE INFORMATION

A. 119 E. COTA ST.

Applicant: Santa Barbara Certified Farmer's Market Association	Property Owner: Santa Barbara Redevelopment Agency
Parcel Number: 031-151-018	Lot Area: 1.61 acres
General Plan: General Commerce/Central Business District	Zoning: C-M (Commercial Manufacturing)
Existing Use: Commuter Parking Lot	Topography: Flat
Adjacent Land Uses: North – Commercial/Residential South – Commercial/Residential East – Residential/Park (Plaza Vera Cruz) West - Office	

B. 500 & 600 BLOCKS OF STATE ST.

Applicant: Santa Barbara Certified Farmer's Market Association	Property Owner: City of Santa Barbara
Parcel Number: n/a	Lot Area: ~0.60 acres total
General Plan: General Commerce/Central Business District	Zoning: C-M (Commercial Manufacturing)
Existing Use: Public Street	Topography: Gradual slope
Adjacent Land Uses: North – Commercial South – Commercial East – State St. right-of-way West - State St. right-of-way	

V. BACKGROUND

The Santa Barbara Certified Farmer's Market currently operates two weekly markets in the Santa Barbara downtown area at the subject locations. The Saturday Farmer's Market has been in operation at the 119 E. Cota St. site since 1978 when Lincoln School was located on the site. The City's Redevelopment Agency granted the Farmer's Market a Use Permit for Saturday mornings after the Cota Commuter Lot replaced Lincoln School.

A Special Events Permit was issued in April 1989 by the City Council for the operation of the Farmer's Market on the 400 block of State St. In June 1990, the Planning Commission approved a Conditional Use Permit for the operation of the Farmer's Market on the 400 block of State St. until the completion of the Cross-town Freeway. In July 1990, City Council reinstated on-street parking on the 400 block of State St. and authorized the Farmer's Market to relocate to the 500 block of State St. In December 1990, the Planning Commission approved a Conditional Use Permit for the Farmer's Market to use the public right-of-way on the 500 block of State St. as an open air market. In October 1991, the Planning Commission approved a time extension of the Conditional Use Permit for a year-round Tuesday market on the 500 block of State St.

In 1992, City Council amended the Zoning Ordinance and added provisions for Certified Farmer's Markets, street markets and other approved sales to the list of Conditional Use Permits allowable uses. In November 1993 The Planning Commission approved a Conditional Use Permit for the Tuesday Market on the 500 and 600 blocks of State St. and the Saturday Market at 119 E. Cota St. to bring the markets into conformance with the Zoning Ordinance requirements. The Planning Commission approval included a three-year status review to allow for modifications of the Conditions of Approval, if deemed appropriate.

In November 1996, the Planning Commission held the three year status review for the Tuesday and Saturday markets. The existing operations were found to be satisfactory and no new amendments were proposed.

In November 1998, the Planning Commission approved a five year CUP for the continued operation of the Tuesday and Saturday Markets. On October 16, 2003 The Planning Commission extended the CUP for five years and changed the hours of operation and the list of saleable products to include alcohol, poultry and livestock products.

VI. ISSUES

A. COMPLIANCE WITH THE GENERAL PLAN

The Conservation Element contains a narrative history of the Farmer's Market and includes a discussion of benefits of the Farmer's Market as follows:

The Farmer's Market provides an alternative shopping source to area residents and tourists, generally at prices that are lower than available at the local supermarket. At the same time, the Farmer's Market provides an outlet for growers who are able to sell at prices which are higher than wholesale and with reduced packing costs, which improves their profit. It also draws people into the Downtown at times when they might not otherwise come and creates a community gathering place.

Additionally, the City's Circulation Element cites the shared use of the Farmer's Market and the Cota Commuter Lot as a desirable example of the multipurpose use of a parking facility. The City's Circulation Element contains the following Implementation Strategy regarding the use of existing parking facilities: *7.2.5 Explore the feasibility of developing parking facilities for multipurpose use by both public and private entities. For instance, a parking area can be used jointly by Santa Barbara Junior High School, the County Bowl, and Milpas area merchants and customers.*

B. ENVIRONMENTAL REVIEW

The proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15304(e), which provides an exemption for projects involving minor alterations to land including the minor temporary use of land having negligible or no permanent effects on the environment. While the Farmer's Market is a regular weekly use of the State St. right-of-way and the Cota Commuter Lot, the land use is considered

temporary with the primary use of the land being a public street and a commuter parking lot, respectively.

VII. FINDINGS

The Planning Commission finds the following:

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 Farmer's 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 Farmer's 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 Farmer's Market to the buyers, sellers, and general downtown area and describes the desirable conjunctive use of the Cota Commuter Lot with the Saturday Farmer's 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 Markets 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.

Exhibits:

- A. Conditions of Approval
- B. Applicant Letter
- C. PC Resolution 061-03

PLANNING COMMISSION CONDITIONS OF APPROVAL

500 & 600 BLOCKS OF STATE STREET AND 119 EAST COTA STREET
CONDITIONAL USE PERMIT

JANUARY 8, 2009

*Changes to conditions of the prior approval are shown as follows:
deletions are shown with strike through and additions are shown with underlining*

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- 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. ~~062-98~~ 061-03, approved on ~~November 12, 1998~~ 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 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.
 3. 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.
 4. 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 Farmers 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 Farmers 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.

~~The Market shall provide to the City, for review and approval, Certificates of Insurance for public liability insurance to protect against loss from liability for damages on account of bodily liability and property damage arising from the encroachment and use of public lands by the Applicant. Such insurance shall name on the policy, or by endorsement as additional insured, the City of Santa Barbara, its officers, employees, and agents. Unless otherwise modified by the City's Risk Manger, such insurance shall include not less than one million dollars (\$1,000,000) of Comprehensive General Liability Insurance and Automobile Liability Insurance, including Bodily Injury and Property Damage coverage, together with such other and additional coverage as the City's Risk Manager may determine to be prudent. Insurance coverage must be maintained for the duration of the Farmers Market at this location. Additionally, the insurance must be kept current and the City is to be named as the Certificate Holder of Record.~~

~~The Market shall provide a copy (approved by the City Risk Manager) of the required Certificates of Insurance to the Transportation and Parking Manager.~~

- 5. 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.
- B. The Conditional Use Permit shall remain valid for five (5) years from the date of issuance, expiring on ~~October 16, 2008~~ October 16, 2013.



Dear City of Santa Barbara,

The Santa Barbara Certified Farmers Market Association would like to request the amendment of our existing Conditional Use Permit expiration date for the Saturday Downtown and Tuesday Old Town Farmers Markets. We would greatly appreciate the support of the City of Santa Barbara for the continuation of our existing conditions stated under our current conditional use permit and would be honored to continue to supply the local community with certified farmers markets on Saturday's and Tuesday's each week. It has been a pleasure to offer a farm-direct outlet for California certified agricultural producers in Santa Barbara for the past 25 years, and would greatly value continuing to provide Santa Barbara area residents and local area family farmers this unique outlet. We have seen an overwhelming increase in local resident support for our farmers markets over the years and would be privileged to continue this wonderful service for our community.

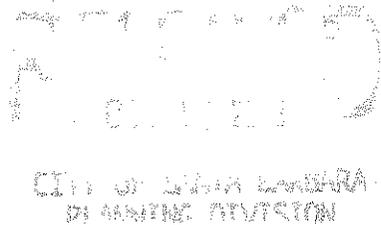
The Santa Barbara Certified Farmers Market Association is completely satisfied with the outline of our current Conditional Use Permit and are not requesting any further amendments to the C.U.P.. We greatly appreciate your consideration for this renewal and thank you for the opportunity.

Sincerely,

Sam Edelman
General Manager, SBCFMA

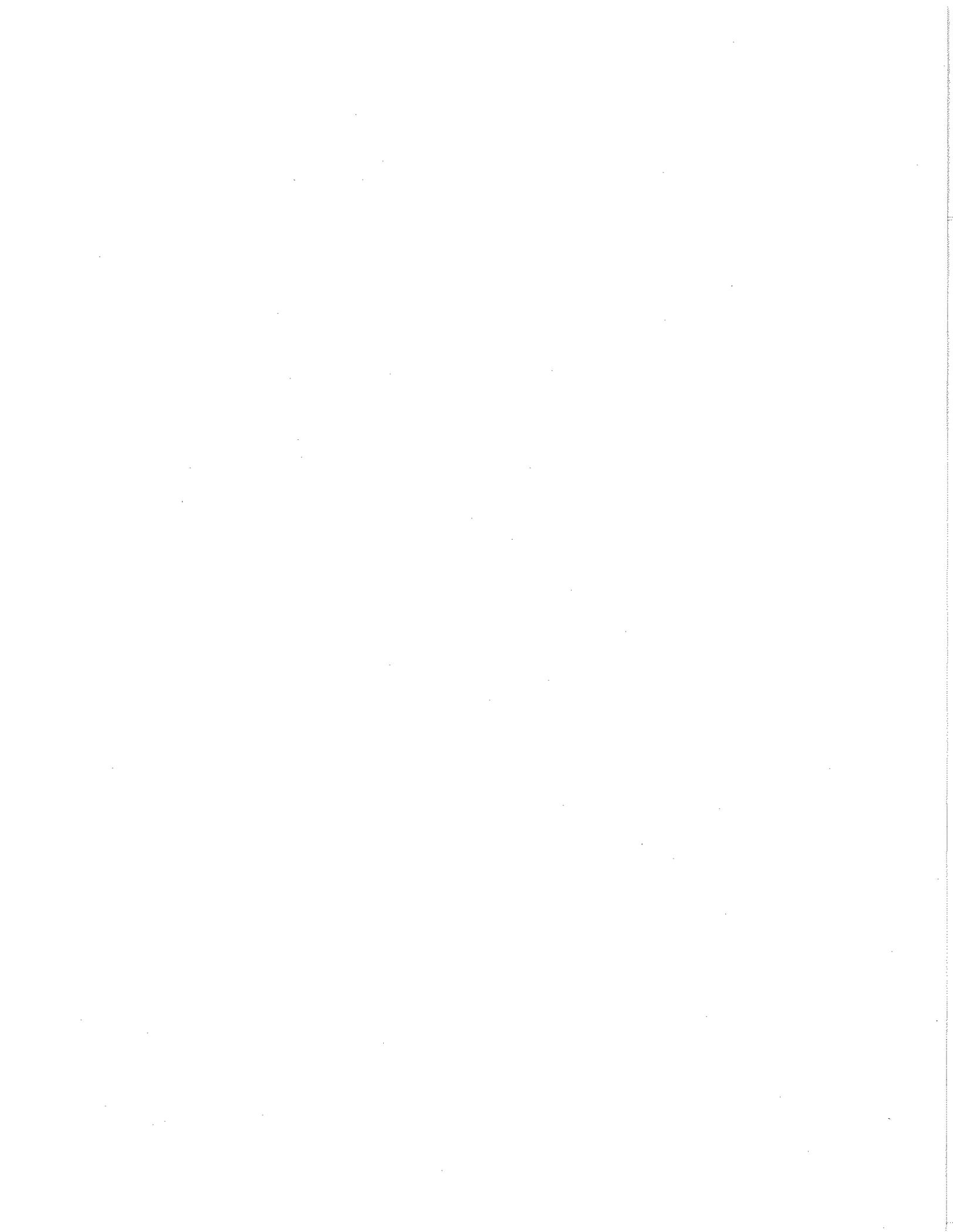


Sam Edelman General Manager, SBCFMA



232 Anacapa Street, Suite 1A, Santa Barbara, California 93101
(805) 962-5354 fax (805) 962-1435
www.sbfarmersmarket.org

EXHIBIT B





City of Santa Barbara California

CASE PLANNER

(R)

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 061-03

119 E. COTA STREET

CONDITIONAL USE PERMIT RENEWAL

OCTOBER 16, 2003

APPLICATION OF SANTA BARBARA CERTIFIED FARMERS' MARKET ASSOCIATION, 119 EAST COTA STREET AND 500 & 600 BLOCK OF STATE STREET, APNS 031-151-018, 037-131-0RW, 037-172-0RW, C-M/COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATIONS: GENERAL COMMERCE, OFFICES, AND MAJOR PUBLIC & INSTITUTIONAL (MST2003-00556)

On November 12, 1998, the Planning Commission approved a Conditional Use Permit (CUP) for the operation of the Santa Barbara Certified Farmers' Market on Tuesday afternoons in the 500-600 blocks of State Street, and on Saturday mornings at 119 East Cota Street (Cota Commuter Lot) for a five-year period, expiring on November 12, 2003. The Farmers' Market has been in operation on State Street since April 1989 and at 119 East Cota Street since 1978.

The project involves the continuation of the Farmers' Market at both locations. Changes are proposed to the current hours of operation, the list of saleable products (to include alcohol and poultry and livestock products), and a five-year extension to the approved time period. The discretionary application required for this project is a Conditional Use Permit to allow the public right-of-way on the 500-600 blocks of State Street to be used for a Farmers' Market on Tuesday evenings and to allow the Cota Commuter Parking Lot, at 119 East Cota Street, to be used for a Farmers' Market on Saturday mornings (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).

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

WHEREAS, two people appeared to speak in favor of the application, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 16, 2003
2. Site Plans

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

- I. Approved the subject application making the following findings and determinations:
 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 sale their goods, and have been operating in these locations for a number of years, and no major problems have arisen. Additionally, the Markets are located in the Central Business District, 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 parking spaces in City Parking Lots 10, 11, and 12 and the surrounding neighborhood, and efforts are made to minimize the disruption in City traffic patterns. The Market cooperates with the local merchants and is supported by them;
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 avoid conflicts with businesses in the area, provides emergency access, and allows for use of existing driveways. Placement of the barricades do not block traffic on the any of the cross streets. Clean-up of the site following the Market is also conditioned and has been completed in a satisfactory manner in the past;
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 City parking lots to accommodate the patrons of the Farmers' Markets. The Market informs patrons of available parking in the City parking lots by placing signs to advise patrons of their location. Additionally, the project has been conditioned to provide temporary bicycle racks within the Cota Commuter parking lot during the Saturday market to encourage alternative modes of transportation and the "park once" concept;
5. The appearance and character of the Market is compatible with the commercial nature of the neighborhood. The Markets is a temporary use, no physical change is necessary to accommodate the Markets, and they are responsible for cleaning the area prior to the re-opening of these areas.
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. The applicant shall amend the existing license agreements and Use Permits to reflect the Planning Commission approval.

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.062-98, approved on November 12, 1998. 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 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.
 3. 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.
 4. 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 Farmers 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 Farmers 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 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.
 - aa. The Market shall enter into an indemnification agreement by which it agrees to defend, indemnify and hold harmless the City against any and all claims, damages, costs and other expenses, including attorneys fees, arising from or as a result of any actions by the Market pursuant to this permit.
 - bb. The Market shall provide to the City, for review and approval, Certificates of Insurance for public liability insurance to protect against loss from liability for damages on account of bodily liability and property damage arising from the encroachment and use of public lands by the Applicant. Such insurance shall name on the policy, or by endorsement as additional insured, the City of Santa Barbara, its officers, employees, and agents. Unless otherwise modified by the City's Risk Manger, such insurance shall include not less than one million dollars (\$1,000,000) of Comprehensive General Liability Insurance and Automobile Liability Insurance, including Bodily Injury and Property Damage coverage, together with such other and additional coverage as the City's Risk Manager may determine to be prudent. Insurance coverage must be maintained for the duration of the Farmers Market at this location. Additionally, the insurance must be kept current and the City is to be named as the Certificate Holder of Record.
 - cc. The Market shall provide a copy (approved by the City Risk Manager) of the required Certificates of Insurance to the Transportation and Parking Manager.
5. 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.

PLANNING COMMISSION RESOLUTION NO. 061-03
119 E. COTA STREET
OCTOBER 16, 2003
PAGE 7

- B. The Conditional Use Permit shall remain valid for five (5) years from the date of issuance, expiring on October 16, 2008.

This motion was passed and adopted on the 16th day of October, 2003 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 2 (Mahan, Ehlen) 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.



Susan Gantz, Planning Commission Secretary

11/6/03

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.