



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 24, 2024
AGENDA DATE: May 2, 2024
PROJECT ADDRESS: 137 E De La Guerra Street (PLN2023-00485)
 The Eddy
TO: Planning Commission
FROM: Planning Division
 Megan Arciniega, Senior Planner
 Pilar Plummer, Associate Planner

I. PROJECT DESCRIPTION

The 1,048-square-foot lot is currently developed with a two-story mixed-use building comprised of a 645-square-foot commercial retail space on the first floor and a 748-square-foot residential unit on the second floor; the building is part of a series of commercial storefronts (131-137 East De La Guerra Street) constructed in 1927 in the Spanish Colonial Revival style and designated as a Structure of Merit. The project involves a new ABC license (Type 20) for The Eddy, a specialty food store at the corner of East De La Guerra Street and Santa Barbara Street. The Type 20 license allows the store to sell wine and beer for off-site consumption under the Alcoholic Beverage Control Act. No exterior changes are proposed. See Attachments B and C for project plans and applicant letter, respectively.

II. REQUIRED APPLICATIONS

The discretionary applications required at this hearing under the purview of the Planning Commission are:

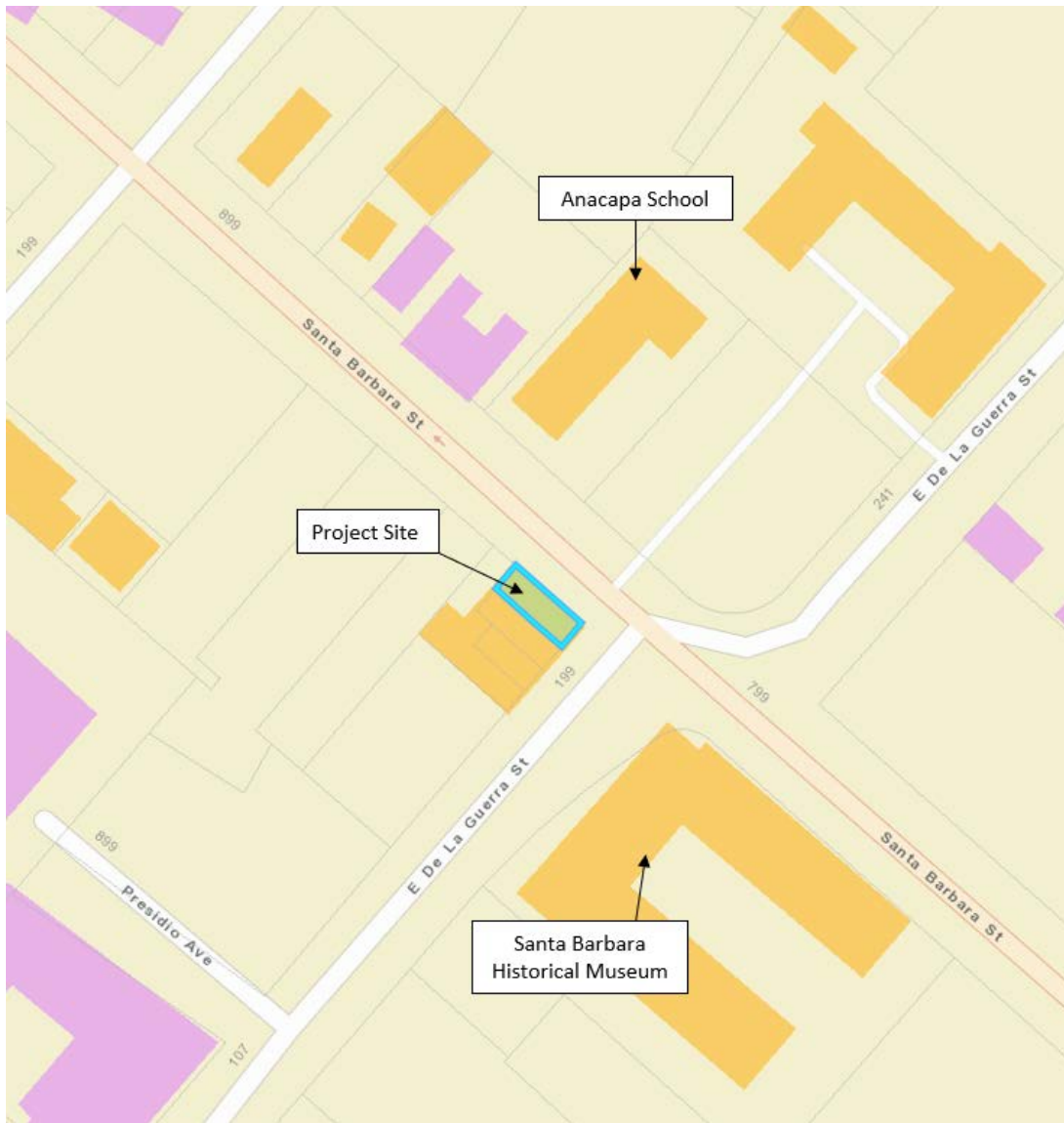
- A. A Conditional Use Permit to allow for off-site sale of alcoholic beverages with a Type 20 license under the Alcoholic Beverage Control Act (SBMC §30.185.075 & SBMC §30.215)

APPLICATION DEEMED COMPLETE: April 2, 2024

DATE ACTION REQUIRED: July 1, 2024

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Attachment A.



Vicinity Map: 137 E De La Guerra Street – The Eddy (outlined in blue)
Structure of Merit (orange), City Landmark (purple)

IV. BACKGROUND

Pursuant to Ordinance No. 6027 and No. 6026, adopted by the City Council on October 5, 2021, amending sections of the Santa Barbara Municipal Code, inland (Title 30) and coastal (Title 28) zoning ordinances, respectively, a Conditional Use Permit (CUP) is required for businesses with an ABC Type 20 or Type 21 license issued by the California Department of Alcoholic Beverage Control (ABC) for off-site consumption. A Type 20 License authorizes the sale of beer and wine for off-site consumption, and a Type 21 License authorizes the sale of beer, wine, and distilled spirits for off-site consumption, and are required for off-sale alcoholic establishments including but not limited liquor stores, convenience markets, and retail sales establishments.

The Ordinances specifically apply to alcoholic beverage retail establishments that have a *substantial modification* or are *new*, whereas all existing alcoholic beverage retail establishments existing prior to the effective date of the ordinances, and licensed by ABC, are allowed to be continued, repaired, and maintained, provided there is no substantial modification in operations, or the use becomes discontinued, ceases to be licensed, or creates nuisance conditions. As the project involves a *new* ABC Type 20 license to allow for the sale of alcohol for off-site consumption, a CUP is required.

A Pre-Application was filed on December 19, 2022. At that time, staff indicated general support, given that the site is zoned Commercial General (C-G), which allows for retail sale of food and beverages, and based on feedback from the Police Department that alcohol sales were not anticipated to cause a nuisance to the area.

Interior tenant improvements for the store were completed under BLD2022-02949 and received final inspection on July 27, 2023. Operationally, The Eddy is a retail establishment that sells specialty food items, household essentials, books, unique gift items, baked goods and sandwiches from local bakeries, and other grab-and-go foods, and does not include an onsite kitchen or patio for outdoor seating.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Alexandra Suhadolnik & Jennifer Steinwurtzel		
Property Owner:	State of California / Dena Bellman		
Site Information			
Parcel Number:	031-011-009	Lot Area:	0.02 acres (~1,048 s.f.)
General Plan:	Parks and Open Space	Zoning:	C-G (Commercial General)
Existing Use:	Specialty Retail Shop	Topography:	4%
Adjacent Zoning and Land Uses			

North:	C-G	Retail & Parking Lot
East:	C-G	Public Right-of-Way (Santa Barbara Street) and Anacapa School and Multi-Unit Residential Apartments
South:	C-G	Public Right-of-Way (De La Guerra Street) and Santa Barbara Historical Museum
West:	C-G	Retail Stores

B. PROJECT STATISTICS

	Existing	Proposed
Commercial Floor Area	645 s.f.	No Change

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

1. CONDITIONAL USE PERMIT REQUIREMENTS

To approve a CUP, several findings must be made. The required findings speak to the desirability of the use to the public’s general welfare and its compatibility with the General Plan, as well as a focus on the architecture, site plan development, and traffic and circulation. Additionally, a CUP may only be granted for alcoholic beverage retail establishments, located, developed, and operated in compliance with performance and development standards applicable to the type of operation, unless a variation is approved by the Planning Commission to prevent an unreasonable hardship, requiring significant difficulty or expense or for any other reason consistent with the alcoholic beverage retail establishments criteria in the Zoning Ordinance. A summary as to the project’s compliance with the standards is outlined below. Additional analysis as to the project’s consistency with the General Plan is outlined below in VI.B.

Location and Distance

The Ordinance contains criteria for new and non-transferred licenses restricting establishments to sites with capacity for additional off-sale licenses, as defined by ABC, with low to average crime rates, and distanced a minimum 500 feet away from a residentially zoned lot, or a lot that contains a public or private elementary or high school, health care facility, social services facility, substance abuse treatment center, religious facility, park, or playground, unless a variation to these standards is approved by the Planning Commission. The applicant is requesting a variation to the distance requirements, as the establishment is approximately 155 feet from Anacapa School, a private Junior High and High School campus on the opposite side of Santa Barbara Street as well as residential uses. The request is to allow a small portion of the store to be allocated for wine and beer sales as it is a typical inquiry for customers to the store and the applicant considers it to be an important component of the future success of the business, and therefore is to avoid an unreasonable hardship. Staff is supportive of the requested variation in this case, because based on feedback from the

Police Department, the site has low to average crime rates, so there isn't anticipated concern relative to the license for alcohol sales. Additionally, the applicant has communicated with the Board at Anacapa School, and its members did not express objection to the intent to sell wine and beer and provided a letter of support. As part of their due diligence the applicant also contacted the tenant for the residential unit on the upper floor and received a letter of support for the CUP (Attachment C – Applicant Letter).

Containers & Product Display

The sale, distribution, and display of alcoholic beverages is limited in terms of the type and size of containers. Wine must be in a container with a volume of 750 milliliters or greater in size, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume. This size represents the standard bottle size for wine, approximately 25 ounces. Beer, ale, and malt liquor is required to be in a container with a volume greater than 32 ounces, and multipacks in containers of 32 ounces or less shall not be sold in units less than one three-pack for off-site consumption. Additionally, alcohol cannot be displayed for sale within five feet from any store entrance or at a check-out counter or display case located adjacent to a check-out counter. As demonstrated on the floor plan, there will be a small refrigerator for wine and beer and a shelf for wine at the back of the store, not in proximity to the store entrance or check-out area. The applicant is proposing to comply with all requirements pertaining to container size under the CUP.

Lighting, Noise, and Other Operational Criteria

Alcoholic beverage retail establishments include standards pertaining to lighting, noise, litter, window obstructions, and signage, which are intended to address issues related to potential nuisance impacts associated with off-sale alcohol. The project complies with all standards as the establishment is not proposed to sell or advertise drug or tobacco paraphernalia, and will not include a payphone, or drive-through or walk-up window. Receptacles for waste and recycling are available for customer use, store windows are not tinted or blocked to prevent viewing from the exterior of the building entrance. All lighting is required to comply with the Outdoor Lighting Ordinance pursuant to SBMC Chapter 22.75 and noise levels outlined in SBMC Chapter 9.16. There are no current enforcement cases related to noise, and lighting onsite complies with the City's Outdoor Lighting Ordinance.

2. ALCOHOLIC BEVERAGE RETAIL ESTABLISHMENTS

In addition to the CUP, there are specific findings under the City's Ordinance that must be made for an alcoholic beverage retail establishment. This includes that the use shall not potentially have a significant adverse effect on the crime rate or nuisance activities, with particular attention to crimes involving public drunkenness, illegal sale or use of narcotics, drugs, or alcohol, disturbing the peace and disorderly conduct, and alcoholic beverage sales to minor. Also, that the businesses upkeep and operating characteristics are compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood.

The Police Department reviewed calls for service for the 100 block of East De La Guerra Street over a four-year period. There were five calls for service to the subject address during that time; all five resulted in no police action; three were related to a burglary alarm that was cancelled and two related to a disturbance involving an unhoused person that had left before the police arrived. Police Department staff did not note any concerns regarding alcohol specifically at this location. A Local Letter of Public Convenience or Necessity (PCN) was issued by the Santa Barbara Police Department on March 20, 2023, associated with the proposed liquor license determining that the business operation will satisfy the public convenience and necessity (Attachment D). There are no current enforcement cases associated with The Eddy, and the current operation is in good standing with the City of Santa Barbara.

3. PARKING

The project site is nonconforming to parking with no onsite vehicle or bicycle parking. As the project only involves licensing by ABC for the sale of alcoholic beverages for off-site consumption to an existing store, no changes are required relative to vehicle parking. A waiver for bicycle parking was approved during the building permit review for tenant improvements by the City's Transportation Division due to the inability to provide new bicycle parking onsite as the building occupies the lot. Customers to the store typically utilize the 75-minute curb zones, nearby parking structures, and bicycle racks in proximity along the sidewalk.

B. GENERAL PLAN CONSISTENCY

1. LAND USE ELEMENT

The project site is in the C-G (Commercial General) zone and has a General Plan Land Use designation of Parks and Open Space as the project site is part of the State owned El Presidio de Santa Barbara State Historic Park. The project site is also in the Downtown Neighborhood of the General Plan, bounded on the north by Sola Street; on the south by Ortega Street; on the east by Santa Barbara Street; and on the west by De La Vina Street. The Downtown Neighborhood represents the most intensively used part of the City, serving as a commercial center, with a balance of retail, office, historical features, restaurant, institutional, financial, and cultural arts, as well as mixed use and residential land uses. The Land Use Element of the General Plan includes LG4. Principles for Development that encourages a mix of land uses in commercial areas, and the project is consistent with this policy accordingly by providing a retail space with various goods in the Downtown. Additionally, LG15. Sustainable Neighborhood Planning, notes that neighborhoods shall be encouraged to preserve and enhance the sense of place, provide opportunities for healthy living and accessibility, while reducing the community's carbon footprint. Neighborhood-serving commercial uses are encouraged, and the project is consistent with this policy because in addition to the sale of household goods and gifts, the store sells grab-and-go food options that are of benefit to the public.

2. ECONOMY & FISCAL HEALTH ELEMENT

Some applicable policies of the Economy and Fiscal Health Element include:

EF2. **Environmental Effects of Commercial Growth.** Manage commercial growth to protect the City’s environment and unique qualities.

EF4. **Existing Businesses.** Give priority to retaining existing enterprises as the best source of business expansion and local job growth, and encourage government, businesses and residents to patronize local businesses and contractors, by working with local businesses to initiate a “Buy Local” program, with the City setting the example.

EF14. **Local Needs.** Encourage enterprises that serve the needs of existing local residents, workers, and businesses.

The project manages commercial growth as The Eddy is an existing retail establishment in Santa Barbara, and the project does not include additions to the commercial building to facilitate the sale of wine and beer. Rather it provides a “buy local” option for patrons that want to purchase specialty food items, including wine and beer, as well as household essentials from a small-scale corner store. Therefore, the project is consistent with the Economy & Fiscal Health Element.

VII. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 [Existing Facilities] of the California Environmental Quality Act (CEQA) Guidelines. Section 15301 allows for operation, permitting, licensing, or minor alteration of existing private structures involving negligible or no expansion of former use. Staff has reviewed the proposal and site conditions and has determined that the project complies with all conditions of this exemption.

Based on review of the project, there would be no significant project-specific or cumulative impact on the environment due to unusual circumstances, the project does not have the potential to damage scenic highways or historic resources, and the project site is not identified as a hazardous waste site. None of the exceptions to the exemption under CEQA Guidelines Section 15300.2 apply.

VIII. RECOMMENDED FINDINGS

The Planning Commission finds the following:

A. ENVIRONMENTAL REVIEW (SBMC §22.100.160.C; CEQA GUIDELINES)

The determination of exemption, as discussed in the staff report dated April 24, 2024, is appropriate, because Section 15301 allows for operation, permitting, licensing, or minor alteration of existing private structures involving negligible or no expansion of former use. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15301, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. CONDITIONAL USE PERMIT (SBMC §30.175.075 & §30.215)

1. The proposed use is allowed with a Conditional Use Permit within the applicable zone district and complies with all specific requirements for the Conditional Use Permit, as well as all other applicable provisions of this title and all other titles of the municipal code;

The retail sale of food and beverages is an allowed use by right in the Commercial General zone. As the purpose of the zone is to provide a wide range of commercial uses, serving as the City's major retail, professional, and service zone, the sale of wine and beer in the store is not inconsistent with the zoning designation. The operation meets the specific requirements of the Conditional Use Permit for alcoholic beverage retail establishments, with approval of the variation to distance.

2. The proposed use and development is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan and any applicable specific plan;

The proposed use is deemed desirable to the public convenience because the use involves a specialty store that provides specialty goods for purchase including food items, household essentials, unique gifts, baked goods and sandwiches from local bakeries, and other healthy grab-and-go foods in the Downtown Neighborhood. Inclusion of wine and beer in the store inventory provides a public convenience to patrons of the store, providing an alternative and buy local option in a commercial area of the city.

3. The proposed use and development will not be adverse to the public health, safety, or general welfare of the community, nor materially detrimental to surrounding properties or improvements;

Operationally, the existing business operates in a manner that is not materially detrimental to surrounding properties as the site is in a commercial area of the city, surrounded by a mix of land uses, particularly other retail uses. Based on feedback from the Police Department the licensing to allow wine and beer sale for off-site consumption as a small component to the store satisfies the public convenience and necessity and will not be a detriment.

4. 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;

Setbacks for nonresidential uses are not applicable in the Commercial General zoning district. The existing commercial building will not be altered as part of the project, therefore the character of the land and the proposed development will not be a detrimental impact on surrounding properties.

5. The design and operation of the project and its components, including hours or manner of operation, outdoor lighting and noise generating equipment, will not be a nuisance to the use of property in the area, particularly residential use;

The design and operation and its components will not be a nuisance to the use of property in the area. With approval of the variation to distance requirements, allowing for an alcoholic beverage retail establishment within 500 feet away from a residentially zoned

lot, or a lot that contains a public or private elementary or high school, the project complies with the performance and development standards applicable to alcoholic beverage retail establishments. Current hours of operation are between 10:00 a.m. and 6:00 p.m. on weekends, and 11:00 a.m. to 7:00 p.m. on weekdays, and have not created a nuisance to the surrounding area.

6. 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; and

The existing site is nonconforming in that there is no onsite parking as the building occupies the entirety of the lot and is allowed to remain nonconforming as the licensing only applies to the sale of wine and beer for off-site consumption to an existing retail business.

7. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the structures, location of parking areas, landscaping, open space and other features is compatible with the character of the area.

No changes are proposed to the exterior of the building, therefore the appearance of the developed site in terms of arrangement, height, scale and architectural style, location of parking and other features remains compatible with the character of the area, that is comprised of a mix of uses.

C. ALCOHOLIC BEVERAGE RETAIL ESTABLISHMENTS

1. The proposed alcoholic beverage retail establishment shall not have a significant adverse effect on the crime rate based on feedback from the Police Department that the alcoholic beverage licensing will serve the public convenience, and because crimes involving public drunkenness, illegal sale or use of narcotics, drugs or alcohol, were not noted at the subject location.
2. The upkeep and operating characteristics of the retail establishment are compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, because the retail establishment exists and has operated without being adverse to the surrounding area. The store provides a benefit by provides various goods for the public including food items, household essentials, unique gifts, baked goods and sandwiches from local bakeries, and other healthy grab-and-go foods in the Downtown Neighborhood.

D. OTHER FINDINGS

1. The Planning Commission finds that the requested variation to the distance requirements requiring that new non-transferred licenses only be located on a lot that is a minimum of 500 feet away from any residentially zoned lot, or any lot that contains a public or private elementary or high school, health care facilities, social services facility, substance abuse treatment centers, religious facilities, parks or playgrounds, is appropriate to avoid an unreasonable hardship to the establishment, based on feedback from the Police Department that the establishment has a low crime rate, and the sale of alcoholic

beverages for off-site consumption represents a small component of the overall product category and is not anticipated to be a nuisance to nearby schools or residential properties.

Attachments:

- A. Draft Conditions of Approval
- B. Project Plans
- C. Applicant's Letter, dated December 5, 2023
- D. Public Convenience and Necessity Letter, dated March 30, 2023
- E. Applicable General Plan Policies

Contact/Case Planner: Pilar Plummer, Associate Planner
(PPlummer@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 4551

DRAFT PLANNING COMMISSION CONDITIONS OF APPROVAL

137 E DE LA GUERRA STREET
CONDITIONAL USE PERMIT
MAY 2, 2024

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner and occupant 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. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Record any required documents (see Recorded Conditions Agreement section).
2. Obtain the appropriate license from the California Department of Alcoholic Beverage Control (ABC).
3. Contact City of Santa Barbara Police Department to create a Police Department file for the subject property including agreement to payment of fees for annual inspection services.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney and Community Development Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 2, 2024, is for a new ABC license (Type 20) for The Eddy, a specialty retail store at the corner of East De La Guerra Street and Santa Barbara Street to allow the store to sell wine and beer for off-site consumption under the Alcoholic Beverage Control Act. No exterior changes are proposed, as described in the Applicant Letter dated December 5, 2023, and as shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
 - a. Lighting shall comply with the Outdoor Lighting Ordinance (SBMC Chapter 22.75) in order to maintain a safe and secure environment.
 - b. Noise levels generated by the operation of the supermarket shall comply with the City's Noise Ordinance (SBMC Chapter 9.16). Amplified sound at the property line shall not exceed 60 dB(A).
 - c. A change in use or increase in intensity of use related to the off-site sale of alcoholic beverages could have potential land use impacts. Prior to initiating a change of use or an increase in intensity of use, a report shall be submitted by the supermarket to the Community Development Director to determine whether additional City approvals are necessary such as Temporary Use

Permits or an Amendment to the Conditional Use Permit, or any other appropriate review procedure.

2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

C. **General Conditions.**

1. **Mandatory Training.** All new store owners shall complete the Responsible Beverage Service (RBS) Training or the Licensee Education on Alcohol and Drugs program (LEAD) Training within 60 days from the start of their business or employment and are required to carry a valid certification while selling alcoholic beverages. To satisfy this requirement, a certified program must meet the standards of the ABC Responsible Beverage Service Advisory Board or other certifying or licensing body designated by the State of California
2. **Presentation of Documents.** A copy of any City conditions of approval, applicable California Department of Alcoholic Beverage Control conditions and licenses, and any required training requirements, shall be posted in at least one prominent place within the interior of the establishment where it will be readily and legible to the employees and patrons of the establishment; and shall be presented to any City, County, or State enforcement officer or official upon request.
3. **Containers.** The sale, distribution, dispensation, and display of alcoholic beverages is limited to the following type and size of containers.
 - a. **Wine and Wine Coolers.** Wine must be in a container with a volume of 750 milliliters or greater in size, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume. Multipack wine and wine coolers shall not be sold in containers smaller than 12 ounces and in units of less than one four-pack for off-site consumption.
 - b. **Beer, Ale, and Malt Liquor.** Beer, ale, and malt liquor must be in a container with a volume greater than 32 ounces. Multipack beer, ale, and malt liquor in containers of 32 ounces or less shall not be sold in units less than one three-pack for off-site consumption.
4. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met.
5. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

- b. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
6. **Public Nuisance.** A public nuisance shall be deemed to exist if the following activities are repeated within the premises or in close proximity of the premises from or related to the sale and consumption of alcohol such as: disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct. The City Administrator may take any action necessary to abate such public nuisance, including but not limited to revocation proceedings.
7. **Reporting.** If the City Administrator or the Chief of Police determine there has been a violation of this chapter or any of the conditions set forth in the Conditional Use Permit issued in compliance with SBMC §30.185.75, a report of those violations shall be presented to the Planning Commission for review that may include the date, time, and specificity of the violations. The Planning Commission shall require an annual review of any new and existing alcoholic beverage retail establishments.
8. **Responsibility to Enforce.** The provisions of this Conditional Use Permit shall be administered and enforced by the City Administrator in conjunction with the Chief of Police. Such officer, or their duly authorized representatives, may enter upon private or public property to examine an alcoholic beverage retail establishment for the purposes of enforcement and regulation of the conditions of approval, performance standards, and other applicable regulations.
9. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall

become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

II. Time Limits:

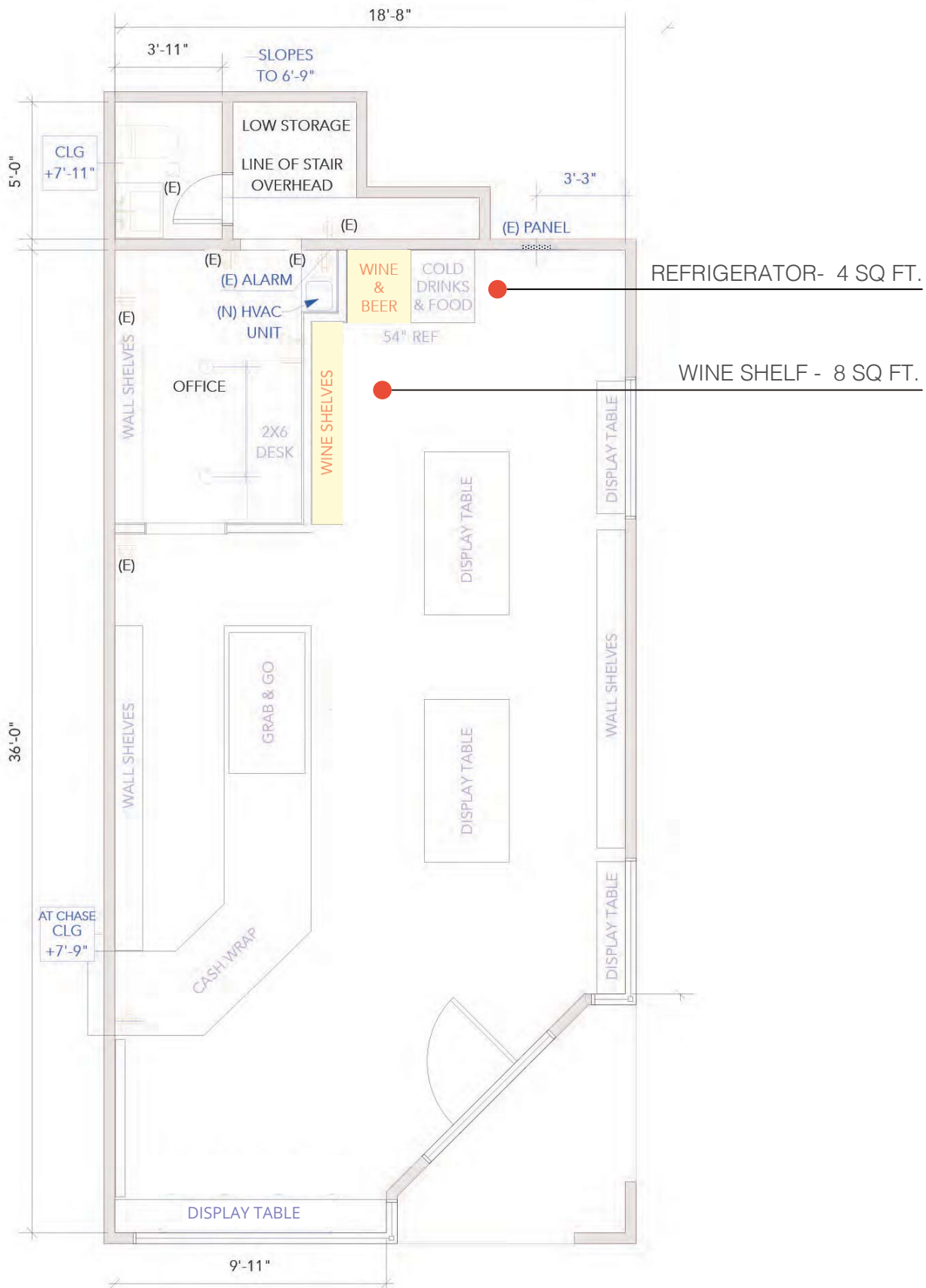
A. NOTICE OF CONDITIONAL USE PERMIT TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit shall terminate three (3) years from the effective date of the approval, per Santa Barbara Municipal Code §30.205.120, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. The City is in receipt of the recorded agreement for the Conditional Use Permit allowing for continued sale of alcoholic beverages for off-site consumption.

FLOOR PLAN

TOTAL SQUARE FOOTAGE FOR WINE & BEER = 12 SQ FT



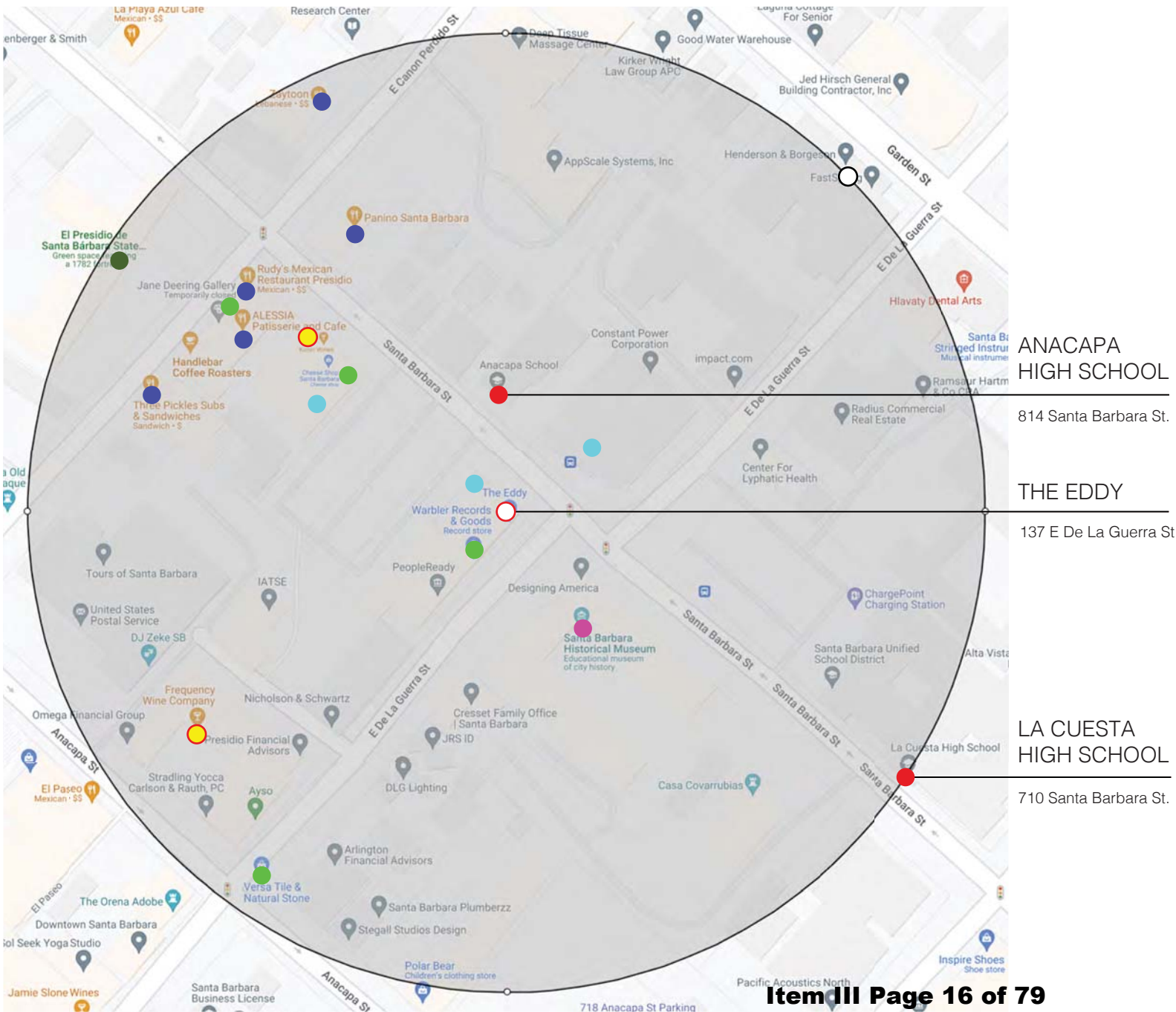
500 FT RADIUS MAP

KEY

- THE EDDY
- SCHOOL*
- RETAIL
- FOOD ESTABLISHMENT
- WINERY
- RESIDENTIAL*
- SUBSTANCE ABUSE TREATMENT CENTERS*
- STATE HISTORIC PARK
- MUSEUM

*Coordinating addresses for requested uses

- Anacapa School - 814 Santa Barbara St.
- La Cuesta High School - 710 Santa Barbara St.
- Luxury Apartments - 800 Santa Barbara St.
- Santa Barbara Recovery - 801 Garden St.



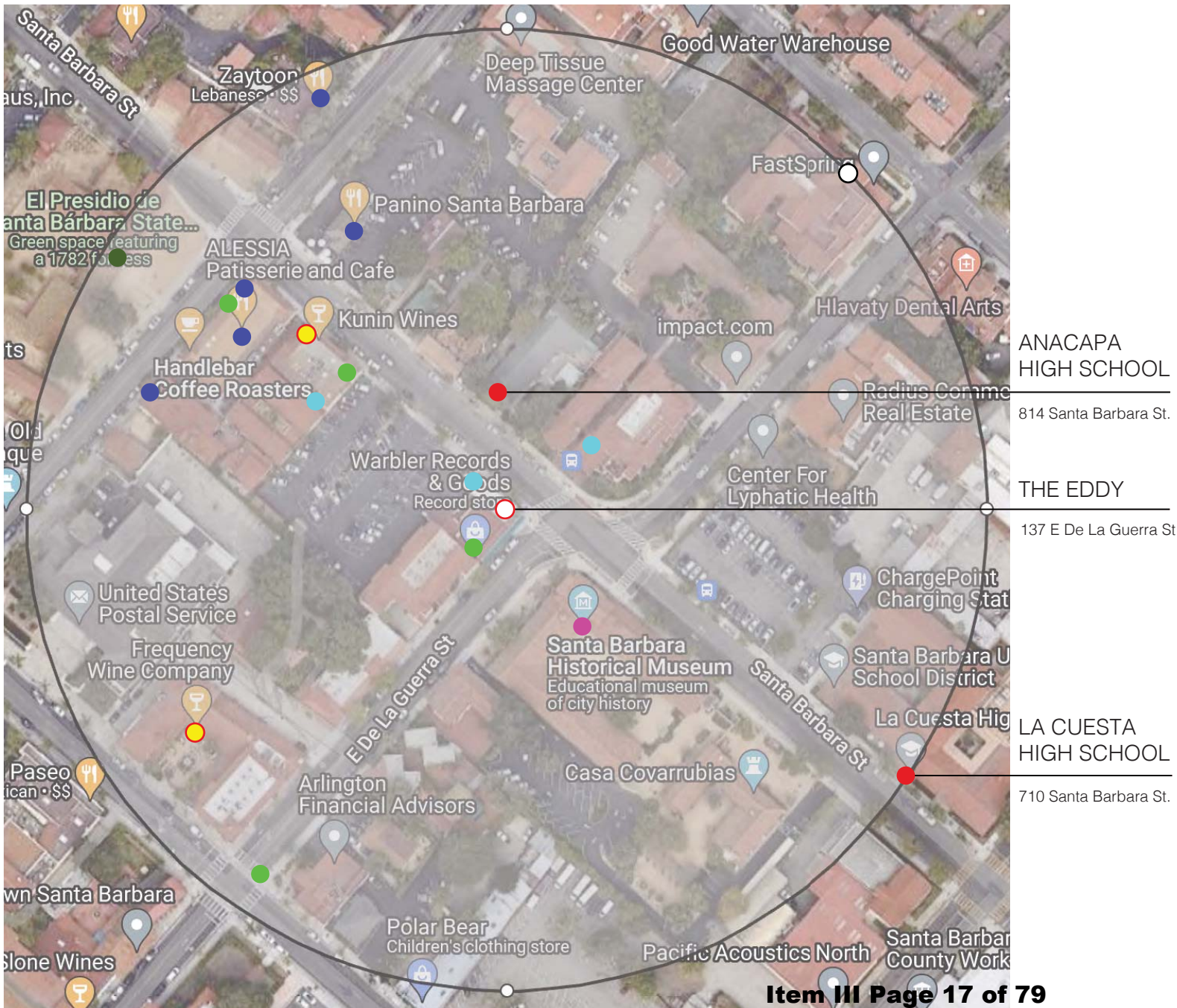
500 FT RADIUS MAP - SATELLITE VIEW

KEY

- THE EDDY
- SCHOOL*
- RETAIL
- FOOD ESTABLISHMENT
- WINERY
- RESIDENTIAL*
- SUBSTANCE ABUSE TREATMENT CENTERS*
- STATE HISTORIC PARK
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- Luxury Apartments - 800 Santa Barbara St.
- Santa Barbara Recovery - 801 Garden St.



The Eddy - 137 East De La Guerra Street - Photos

1. Entry Doors to The Eddy



2. View of The Eddy (former Bead Store) Facing NW from the intersection of East De La Guerra and Santa Barbara Streets, and Mailbox Express to the left, Parking lot to the right



3. View from Santa Barbara Street Facing West towards The Eddy



4. View of The Eddy (former Bead Store) from East De La Guerra Steet Facing North (south elevation)



5. View from The Eddy facing East across Santa Barbara Street to the multi-family housing complex - 800 Santa Barbara St



5. View from The Eddy Facing South across De La Guerra towards the Santa Barbara Historical Museum



Existing Exterior Light to Remain (no other outdoor lighting exists)



THE EDDY – Interior Photos







The team behind The Eddy:



December 5, 2023

City of Santa Barbara
Community and Development
630 Garden Street
Santa Barbara, CA 93101

**SUBJECT: Conditional Use Permit and Modification Request for a Type 20 Business License for The Eddy Specialty Food Store
137 E. De La Guerra Street; APN 031-011-009
22PRE-00217 & 22BLD-02949**

Dear Planning Staff & Planning Commissioners:

The enclosed Conditional Use Permit (“CUP”) application is for “The Eddy”, a new specialty food store that opened in July of 2023. The Eddy is located at 137 East De La Guerra Street in the former Bead Store retail space located at the corner of Santa Barbara Street and De La Guerra Street (“Subject Property”). A CUP and Type 20 off-sale license are required to allow The Eddy to sell beer and wine. This letter provides an overview of the property and the business, provides justification for a modification request, and describes how the project meets each of the required findings for a CUP and performance and development standards.

This Applicant Letter has been uploaded to Accela, as well as the following items:

- Planning (PLN) Application
- Alcoholic Beverage Retail Establishments Supplemental Application
- Owner Applicant Authorization Form

Additionally, the following required items are attached to this letter as exhibits:

- Site Photos
- Responsible Beverage Service Training Certificates for Business Owners and Manager
- Letter of Public Convenience and Necessity from Santa Barbara Police Department
- Floor Plan

1.0 Property Description

The Subject Property is a 1,048 square foot (“sf”) lot zoned commercial general (“G-C”) located within the City’s Presidio Neighborhood, and within the El Pueblo Viejo and Central Business Districts. The APN map is included in **Exhibit A**. The Subject Property was developed in 1927 as a

single-story Spanish-style commercial building and in 1949, a second story residential unit was added. The Subject Property was designated a City Structure of Merit in 2020.

The Eddy is located within the 645 sf commercial space on the first floor of the two story mixed-use building. The 748 sf residential unit on the second floor is not part of this application.

The immediate vicinity is developed with a mix of commercial and residential uses including retail stores, wineries, restaurants, professional offices, multi-family residential, Anacapa School, Santa Barbara School District office and the Santa Barbara Historical Museum. The table below describes the immediately adjacent uses, but all uses within 500 feet are shown in **Exhibit B**.

Address:	137 E. De La Guerra Street
Lot Size:	0.02 acres; approx. 1,048 sq. ft.
Average Slope:	10% (est. from City GIS)
General Plan Designation:	Parks and Open Space
Zoning:	C-G (Commercial General)
Surrounding Uses:	NW: Parking lot, Commercial Retail, Winery, Restaurant NE: Multi-family Residential, School, Restaurant SW: Mailbox Express, Commercial & Professional Office Spaces SE: Museum, School District Administration Office
Building Area:	Retail Space (1st Floor): <i>Net</i> : 645 sq. ft. // <i>Gross</i> : 736 sq. ft. Apartment Unit (2 nd Floor): <i>Net</i> : 748 sq. ft. // <i>Gross</i> : 850 sq. ft.
Parking (Bike & Vehicular):	The site is legal nonconforming with no vehicular parking spaces. City Transportation Staff approved a waiver due to the inability to provide new bicycle parking spaces tenant improvements when permitted. Customers utilize the 75-minute curb zones and nearby bicycle parking racks.
Historical Designation:	Structure of Merit

2.0 The Eddy Business Description

Tenant improvements for The Eddy were permitted and constructed in early 2023 (BLD2022-02949), and the store opened in late July of 2023. For reference, the floor plan is included in **Exhibit C** and interior and exterior photos are in **Exhibit D**.

The Eddy sells specialty food items, household essentials, books, unique gift items, baked goods and sandwiches from local bakeries, and other healthy grab-and-go foods. Since the shop opened in July, the response from the neighbors and community has been very positive. Many patrons have said the small corner store is a perfect addition to this beloved Presidio neighborhood. With the return of workers to office spaces downtown, the neighborhood is highly trafficked during business hours by professionals. Additionally the nearby residents, customers from other retail spaces, and visitors from the museums and nearby hotels now have this convenience store in close proximity. The target hours of operation are estimated to be Monday through Sunday, 9 am to 7 pm. Currently, however, the store is open from 11 am to 7 pm on weekdays and 10 am to 6 pm on weekends.

The proprietors behind The Eddy are Jen Steinwurtzel and Alexandra Suhadolnik. We are also the team behind Jake & Jones, which includes two clothing boutiques at 136 E. Canon Perdido and 135 E. De La Guerra Street. We are responsible professionals who have already made a great contribution to the neighborhood with the clothing boutiques and now The Eddy. We are both mothers of young children and are acutely aware of the importance of following all safety precautions to keep the children in our community safe.

3.0 Requested Beer & Wine License

We would like to offer the sale of beer and wine, specifically organic and natural wines from the Central Coast, along with craft beers. In order to do so, the City's Planning Commission must first approve a CUP to allow the Owners to seek a Type 20 license from Alcohol Beverage Control. A Type 20 license allows for retail sales of beer and wine to be consumed off the premises, and does not allow retail sales of distilled spirits.

To obtain initial feedback from City staff, we submitted a pre-application in 2022. The feedback letter we received is included for reference in **Exhibit E**. We have added responses to each item on the document itself.

The 2021 zoning ordinance amendment included a new provision to require a CUP for applicants seeking a Type 20 or Type 21 license. From what we understand, the goal was to more easily regulate liquor stores and minimize public nuisances. Liquor stores require a Type 21 license but

we are seeking a Type 20 license which does not allow for the sale of distilled spirits, only beer and wine. Additionally, The Eddy will differ from a liquor store by not operating past 7 pm daily.

4.0 Justification For Modification

The success of The Eddy business plan will undoubtedly suffer without a Type 20 license. We know the demand is there, as we receive inquiries from customers looking for beer and wine almost daily. This product category will make up less than 10% of the inventory but is expected to yield approximately 25% of the overall profit. We feel it is critical for the financial success of The Eddy to allow for a modification to one of the required performance standards, that pertains to the sale of alcohol within 500 feet to a school. The Eddy is approximately 155 feet from the small private Anacapa School, and approximately 500 feet from La Cuesta High School. There are however, other existing businesses that sell alcohol within 500 feet from Anacapa School, including Kunin Wines, Frequency Wine Company, The Cheese Shop, and Handlebar Coffee Roasters.

The license type being sought does not allow for the sale of distilled spirits, and includes minimum container size standards to ensure the products cannot be easily concealed (there would be no single-serving “airport bottles” sold). The location of the wine and beer products within the store would not be displayed near an exit, as shown in the floor plan in **Exhibit C**. These standards significantly reduce the risk that alcohol could get stolen or end up in the wrong hands. Additionally The Eddy will differ from a liquor store by not operating past 7 pm daily.

Young students are not the target demographic for The Eddy. Our most common customers are young professionals, foodies, and tastemakers looking to find products, including organic wine, that cannot be found at other retailers locally.

We have presented our business plan to the Board at Anacapa School, and its members expressed no objection to our intent to sell wine and beer. In fact, they have provided a letter of support included in **Exhibit F**. Additionally, we reached out to the administration at La Cuesta High School twice but did not receive a response or learn of any expressed concerns.

5.0 Consistency with the Required Findings for Approval for a CUP

Below is a summary of how The Eddy meets the required findings for a CUP per section 30.125.070 of the City’s Municipal Code.

A. The proposed use is allowed with a Conditional Use Permit within the applicable zone district and complies with all specific requirements for the Conditional Use Permit, as well as all other

applicable provisions of this title and all other titles of the municipal code;

The Eddy's retail use is consistent with the uses allowed in the C-G zone, and is consistent with the previous commercial uses since the building was constructed in 1927.

The City's Municipal Code outlines Performance and Development Standards prior to the approval of new establishment with a CUP and Type 20 or 21 license. As described in further detail in Section 6.0 below, The Eddy complies with all but one of these development standards. The request for a modification being sought is for the "Distance" standard, due to the proximity of Anacapa and La Cuesta schools within 500 feet. The justification for the modification to the Development Standard is described in Section 4.0 above and 6.0 below.

B. The proposed use and development is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan and any applicable specific plan;

The Police Department has expressly determined that The Eddy will satisfy public convenience and necessity in the letter **Exhibit G**.

Business professionals, museum visitors, shoppers of other nearby retail shops and neighborhood residents are all within walking distance to The Eddy. The Eddy offers the convenience of grab-and-go lunches, snacks, beverages and baked goods. Many nearby businesses close at 5 or 6 pm, but The Eddy does not close until 7 pm on weekdays, which provides convenience for after-work shoppers.

The ability to sell wine and beer in addition to the aforementioned goods provides an added benefit in that it rounds out the store's offering. Retail sales of natural wine and craft beers will increase public convenience by saving people time and resources that they would otherwise spend on multiple trips around town for their grocery needs. In fact, countless neighbors who shop at The Eddy have commented that the only category missing from the store is wine and beer. We get customer inquiries about this almost daily.

The General Plan designation for the property is Parks and Open Space, which we expect is due to the proximity of Casa Covarrubias Santa Barbara Historic Museum and the Presidio. Because no changes are proposed to the building's exterior, which is considered by the City as a Structure of Merit, the historic nature of the Presidio Neighborhood will be preserved.

C. The proposed use and development will not be adverse to the public health, safety, or general welfare of the community, nor materially detrimental to surrounding properties or improvements.

Police Department does not find that a Type 20 license would be materially detrimental to the neighborhood, or create an adverse impact to public health, safety or general welfare of the

community, as shown in **Exhibit G**.

We have completed the Responsible Beverage Training and received certification, as shown in **Exhibit H**.

D. 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 Eddy is situated within an existing building, and no changes to the exterior are proposed. The building in no way negatively impacts the surrounding properties.

E. The design and operation of the project and its components, including hours or manner of operation, outdoor lighting and noise generating equipment, will not be a nuisance to the use of property in the area, particularly residential use;

The current operating hours of 10 am to 6 pm on weekends, and 11 am to 7 pm on weekdays, have not created a nuisance for the tenant in the residential unit above on the second floor as described in his letter of support in **Exhibit F**. No complaints been received from the residents in the neighborhood. No new exterior lighting is proposed. The only noise generating equipment is the HVAC air conditioning condenser, but the unit does not exceed the 53 decibel limit at the property line required by the City's noise ordinance, and the unit was permitted (22BLD-02949) and installed as part of the tenant improvements for The Eddy.

F. 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; and

The location of The Eddy, downtown and within the Central Business District, is conveniently within walking distance of many businesses, offices, museums, hotels and residences. Although there are no onsite parking spaces, customers who drive to The Eddy park within the 75-minute and 15-minute parking zones along Santa Barbara Street and De La Guerra Street, or in one of the nearby City parking structures.

G. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the structures, location of parking areas, landscaping, open space and other features is compatible with the character of the area.

As described above, The Eddy is located on the first floor of a building with a City's Structure of Merit designation. Other than signage, no changes to the exterior of the building are proposed, thus the historical character will be preserved. The proposed signage in **Exhibit I** is being processed under a separate permit (SGN2023-00067), and will be reviewed by the City's Sign Committee.

6.0 Consistency with the Required Findings for Approval and Development Standards for an Alcohol Business Retail Establishment.

The Planning Commission must also make the following findings for an Alcohol Business Retail Establishment pursuant to SBMC §30.185.075.G.

G.1 The proposed use shall not potentially have a significant adverse effect on the crime rate or nuisance activities as provided under subsection M below in the area of the proposed site. Particular attention shall be given to those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct, and alcoholic beverage sales to minors.

Prior to providing the approval letter from the Chief of Police in **Exhibit G**, Police Department staff reviewed calls for service for the 100 block of East De La Guerra St. from January 1, 2019 through January 17, 2023. They reported 97 calls for service on the block of the Subject Property. Police Department staff did not note any issues regarding alcohol specifically, despite other businesses and restaurants selling and serving alcohol within a one-block radius. There were five calls for service to the Subject Property in the four-year period reviewed and all five resulted in no police action; 3 were related to a burglary alarm that was canceled, and 2 were related to a disturbance involving a homeless individual that had left before police arrived. As evidenced by this review, the crime rates, particularly those related to alcohol and public nuisance, are not a cause for concern.

G.2 That its upkeep and operating characteristics are compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood.

No complaints have been received from the tenant that resides upstairs from The Eddy, nor from the adjacent offices and businesses. In fact, we have received many letters of support from neighbors and members of the community, as shown in **Exhibit F**.

The addition of beer and wine sales will not adversely affect the neighborhood. School children will obviously not be able to purchase alcohol, given their age and State law. Beer and wine will comprise approximately 10% of the total products sold, and will be displayed in the corner of the store furthest away from the entry & exit door, as shown on the floor plan in **Exhibit C**. Additionally, alcoholic beverage container sizes are regulated by the ordinance, which outlines the following requirements for beer and wine:

- *Wine and Wine Coolers.* Must be 750mL or greater in size, except multipacks (minimum four-pack) containing no more than 6% ABV of at least 12oz.

- *Beer, Ale, and Malt Liquor.* Must be greater than 32oz in size, except multipacks (minimum three-pack). Kegs two or more gallons are allowed.

Given these required container sizes, it would be difficult for the alcohol to be concealed or stolen and end up in the wrong hands.

Below is a summary of how The Eddy will be consistent with the Performance and Development Standards for Alcoholic Beverage Retail Establishments pursuant to SBMC §30.185.075.F.

F.1 Location: Alcoholic beverage retail establishments requesting non-transferred licenses may only be permitted on a site located in an area with capacity for additional off-sale licenses, as defined by ABC, with low to average crime rates, as defined annually by the Santa Barbara Police Department, provided that the site is not subject to a moratorium.

As described above and in the letter from the City Police Department in **Exhibit G**, this area does not have any record of public nuisance or alcohol-related incidents, despite the fact there are two wineries, Kunin Wines and Frequency Wine Company, and several restaurants that serve alcohol including The Cheese Shop, Handlebar Coffee Roasters and Zaytoon that serve alcohol within a one-block radius.

F.2 Distance: Alcoholic beverage retail establishments requesting new non-transferred licenses may only be located on a lot that is a minimum of 500 feet away from any residentially zoned lot, or any lot that contains a public or private elementary or high school, health care facilities, social services facility as defined in Section 30.295.030, substance abuse treatment centers, religious facilities, parks or playgrounds. However, an alcohol retail establishment may apply for a modification and obtain approval from the Planning Commission to be located within 500 feet of the above referenced sensitive locations. The distance shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property to the nearest point on the other property line. [emphasis added]

We are requesting a modification to this performance standard due to the proximity of Anacapa School and La Cuesta School. Please see their locations in the 500 ft radius map included in **Exhibit B**. We contacted both schools with our business plan to seek input and address any concerns. The Anacapa School Board and its representative, Warner Ebbink, provided a letter of support for The Eddy and the proposed sale of beer and wine, see **Exhibit F**. We also reached out to the administration of La Cuesta School to inform them of this CUP application for the proposed sale of beer and wine, but did not receive any feedback or learn of any concerns.

Additionally, we have completed the Responsible Beverage Service Training, and currently carry valid certification, as shown in **Exhibit H**. We understand we must renew this certification every three years, and all employees must also be certified within 60 days of hire.

Please refer to Section 4.0 for further justifications for this modification request.

F.3 Containers: The sale, distribution, dispensation, and display of alcoholic beverages is limited to the following type and size of containers [applicable portions only]:

a. Wine and Wine Coolers.

i. Wine must be in a container with a volume of 750 milliliters or greater in size, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.

ii. Multipack wine and wine coolers shall not be sold in containers smaller than 12 ounces and in units of less than one four-pack for off-site consumption.

c. Beer, Ale.

i. Beer and ale must be in a container with a volume greater than 32 ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings.

ii. Multipack beer, ale, and malt liquor in containers of 32 ounces or less shall not be sold in units less than one three-pack for off-site consumption.

The products sold at The Eddy will comply with these container size requirements.

F.4 Drive-Through Facilities: Alcoholic beverages shall not be sold or distributed from a drive-through facility or a walk-up window.

Not applicable. No walk-up windows or drive-through facilities are proposed.

F.5 Product Displays: The display of alcoholic beverages is subject to the following standards:

a. Alcoholic beverages may not be sold from an ice tub, ice chest, ice barrel or similar stand-alone container;

b. Alcoholic beverages may not be within five feet from any store entrance or exit;

c. Alcoholic beverages may not be on a check-out counter or any display case or rack located adjacent to a checkout counter or checkout waiting area.

This subdivision does not prohibit display of alcoholic beverages from behind a counter or from a built-in refrigerated display case that is accessible only by store employees.

Our product display will comply with these requirements. Refer to the floor plan in **Exhibit C** where we propose to display the wine and beer on shelves and in the refrigerator which are located in the corner furthest most from the entry/exit door.

F.6 Lighting: Lighting shall comply with the Outdoor Lighting Ordinance (Santa Barbara Municipal Code Chapter 22.75); adequate external lighting shall be provided on site in order to maintain a safe and secure environment.

No new exterior lighting is proposed. A photo of the existing exterior lighting fixture is included in the photos in **Exhibit D**.

F.7 Noise: Noise levels generated by the operation of such establishments shall comply with the City's Noise Ordinance (Santa Barbara Municipal Code Chapter 9.16). Amplified sound at the property line shall not exceed 60 dB(A).

The only noise generating equipment is the HVAC air conditioning condenser, but the unit does not exceed the 53 decibel limit at the property line required by the City's noise ordinance, and the unit was permitted (22BLD-02949) and installed as part of the tenant improvements for The Eddy. Any music played in the store will not be amplified outdoors.

F.8 Litter: Business owners shall be responsible for keeping their premises clean of any litter or debris and shall provide adequate trash and recycling receptacles for customer use on site.

Within the store we have trash and recycling bins for customers to use, and our staff maintains the premises of our building by removing sidewalk litter on a daily basis. Marborg trash service includes two 95 gallon trash bins and two 95 gallon recycling bins, which has been adequate to serve the tenant upstairs and the current operations of The Eddy. If the quantity of trash and recyclables increases, the Store Owners will request additional bins from Marborg.

F.9 Pay Phones: Pay phones are not permitted outside of the alcoholic beverage retail establishment.

No pay phones exist on site and none are proposed.

F.10 Signage: There shall be no advertising of alcoholic products, or tobacco and paraphernalia, or similarly controlled products visible from the exterior of the building.

The Eddy does not be sell tobacco, tobacco paraphernalia, or any similarly controlled products. Thus there will be no advertisement of such products. The proposed signage in **Exhibit I** will be reviewed by the City's Sign Committee and processed under a separate permit.

F.11 Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, windows shall not be tinted and no more than 15% of windows and entry doors shall be blocked by either interior or exterior obstructions such as signs, vending machines, refrigerators, coolers, shelves, racks, or storage.

As shown in the photos in **Exhibit D**, the store windows are not tinted and we do not block more than 15% of the windows/entry door with shelving, signage, racks, or storage.

F.12 Drug Paraphernalia: An alcoholic beverage retail establishment shall be prohibited from selling drug or tobacco paraphernalia products as defined in Santa Barbara Municipal Code Section 9.45.010, and Health and Safety Code Sections 11014.5 and 11364.5.

We do not sell drug or tobacco paraphernalia, and can confirm that no merchandise listed in SBMC §9.45.010 is proposed to be sold at The Eddy.

Thank you for your consideration of the CUP and request for a modification one of the twelve Performance and Development Standards which would allow us to obtain a Type 20 license. If you have any questions or concerns, please do not hesitate to give me a call at (805) 680-8869 or send me an e-mail at alex@shoptheeddy.com.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is on the left, appearing to be 'AS' for Alex Suhadolnik. The second signature is on the right, appearing to be 'J.S.' for Jen Steinwurtzel.

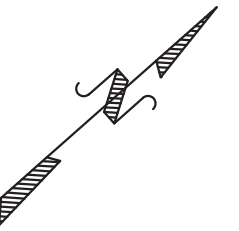
Alex Suhadolnik & Jen Steinwurtzel
Co-Owners of The Eddy

Attached:

- **Exhibit A** - APN Map
- **Exhibit B** - Floor Plan
- **Exhibit C** - Radius Map
- **Exhibit D** - Photos
- **Exhibit E** – Pre-Application Feedback Letter from City Staff
- **Exhibit F** – Letters of Support
- **Exhibit G** - Local Letter of Public Convenience or Necessity from Police Department
- **Exhibit H** – Responsible Beverage Service Certificates
- **Exhibit I** - Proposed Signage

EXHIBIT A

031-01



rotation = 48° 30'

1" = 100'
scale



E'ly Corner Deed H.W.T. Ross and E.H. Whittaker 10/21/1933, OR 290/281

E'ly Corner Deed B. Orella to F. Miratti 3/30/1900, OR 73/92

NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Santa Barbara
Assessor's Map Bk, 031 -Pg, 01
County of Santa Barbara, Calif.

LD/22 MAP UPDATES

EXHIBIT B

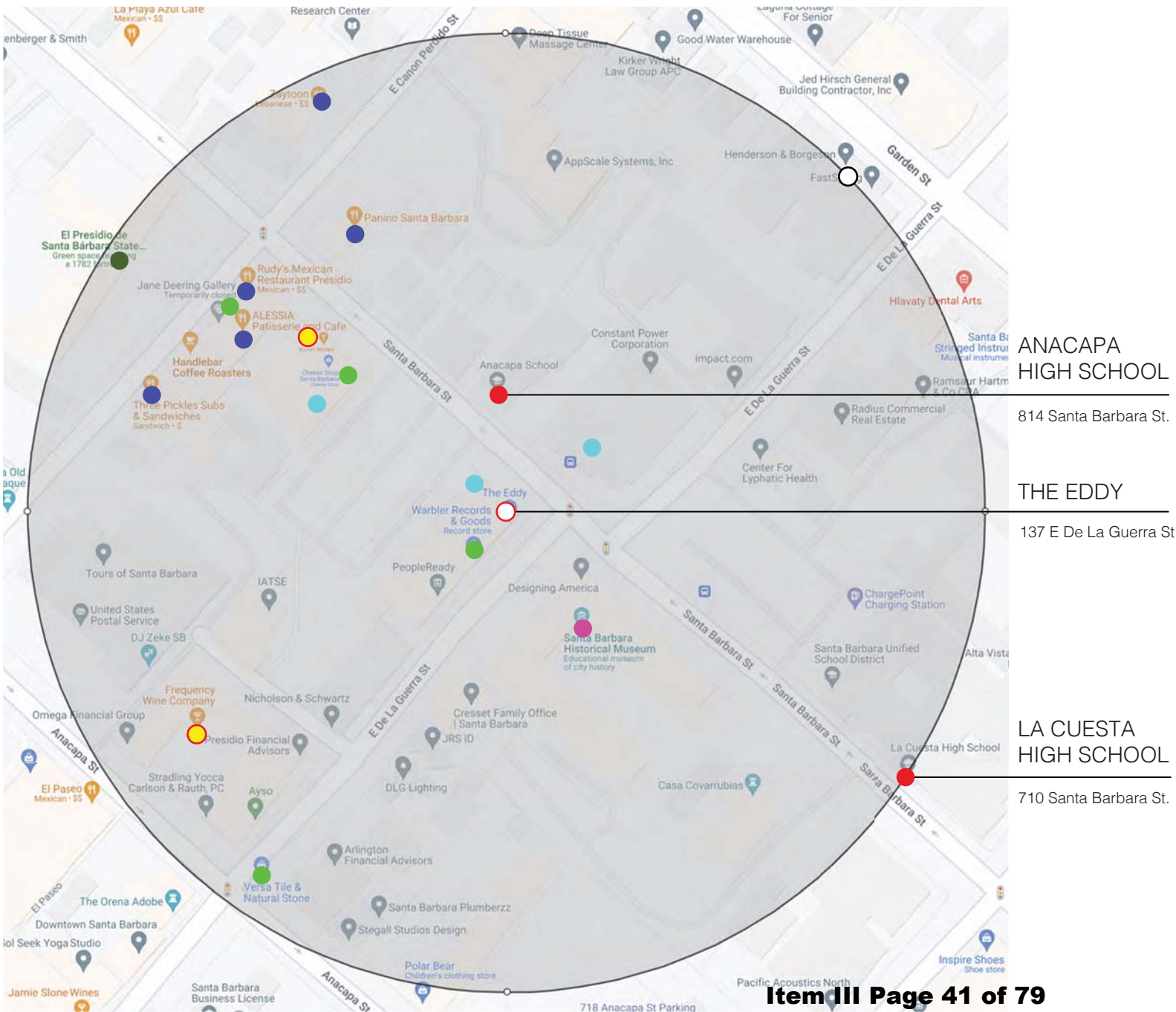
500 FT RADIUS MAP

KEY

- THE EDDY
- SCHOOL*
- RETAIL
- FOOD ESTABLISHMENT
- WINERY
- RESIDENTIAL*
- SUBSTANCE ABUSE TREATMENT CENTERS*
- STATE HISTORIC PARK
- MUSEUM

*Coordinating addresses for requested uses

- Anacapa School - 814 Santa Barbara St.
- La Cuesta High School - 710 Santa Barbara St.
- Luxury Apartments - 800 Santa Barbara St.
- Santa Barbara Recovery - 801 Garden St.



500 FT RADIUS MAP - SATELLITE VIEW

KEY

- THE EDDY
- SCHOOL*
- RETAIL
- FOOD ESTABLISHMENT
- WINERY
- RESIDENTIAL*
- SUBSTANCE ABUSE TREATMENT CENTERS*
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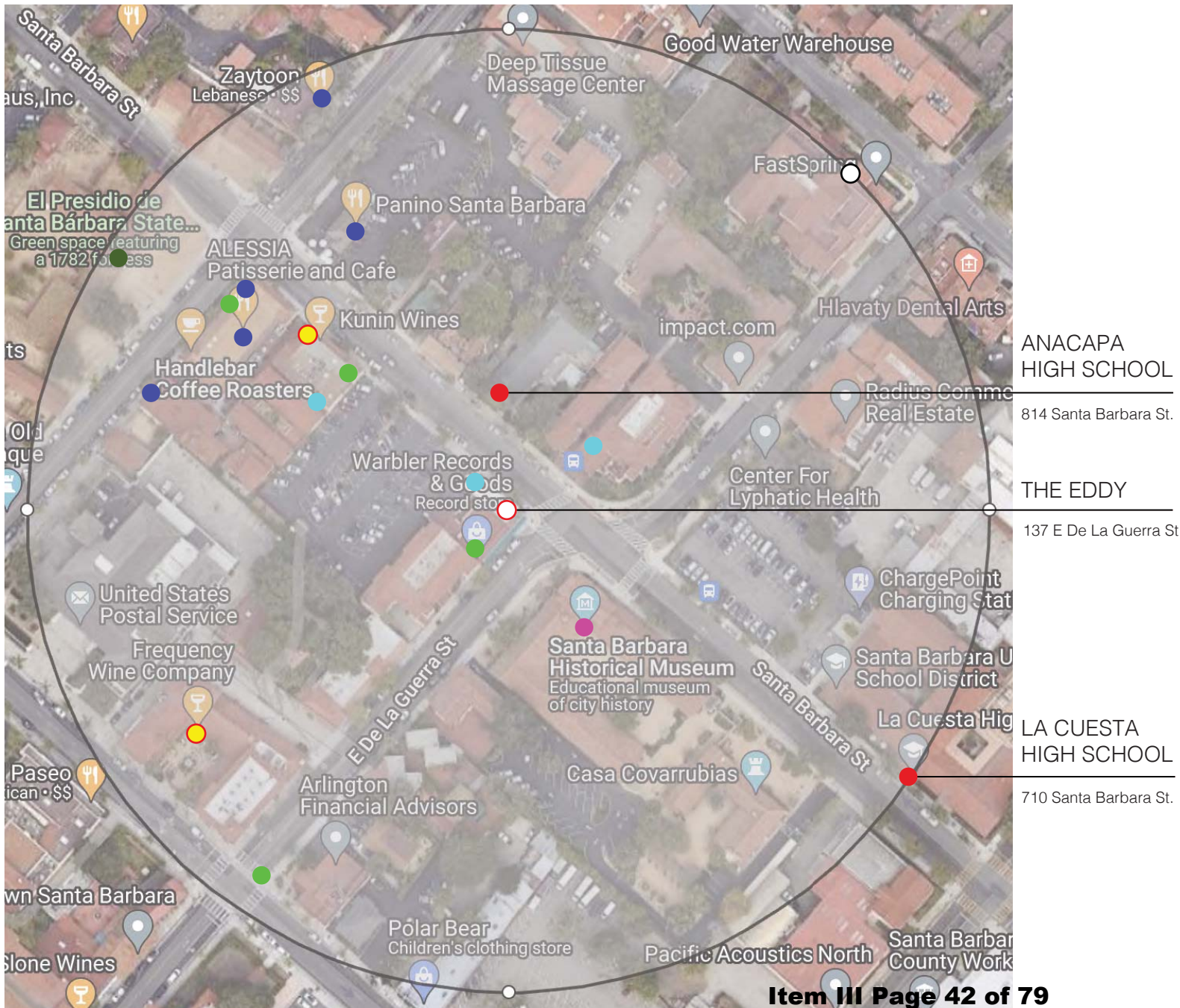


EXHIBIT C

FLOOR PLAN

TOTAL SQUARE FOOTAGE FOR WINE & BEER = 12 SQ FT

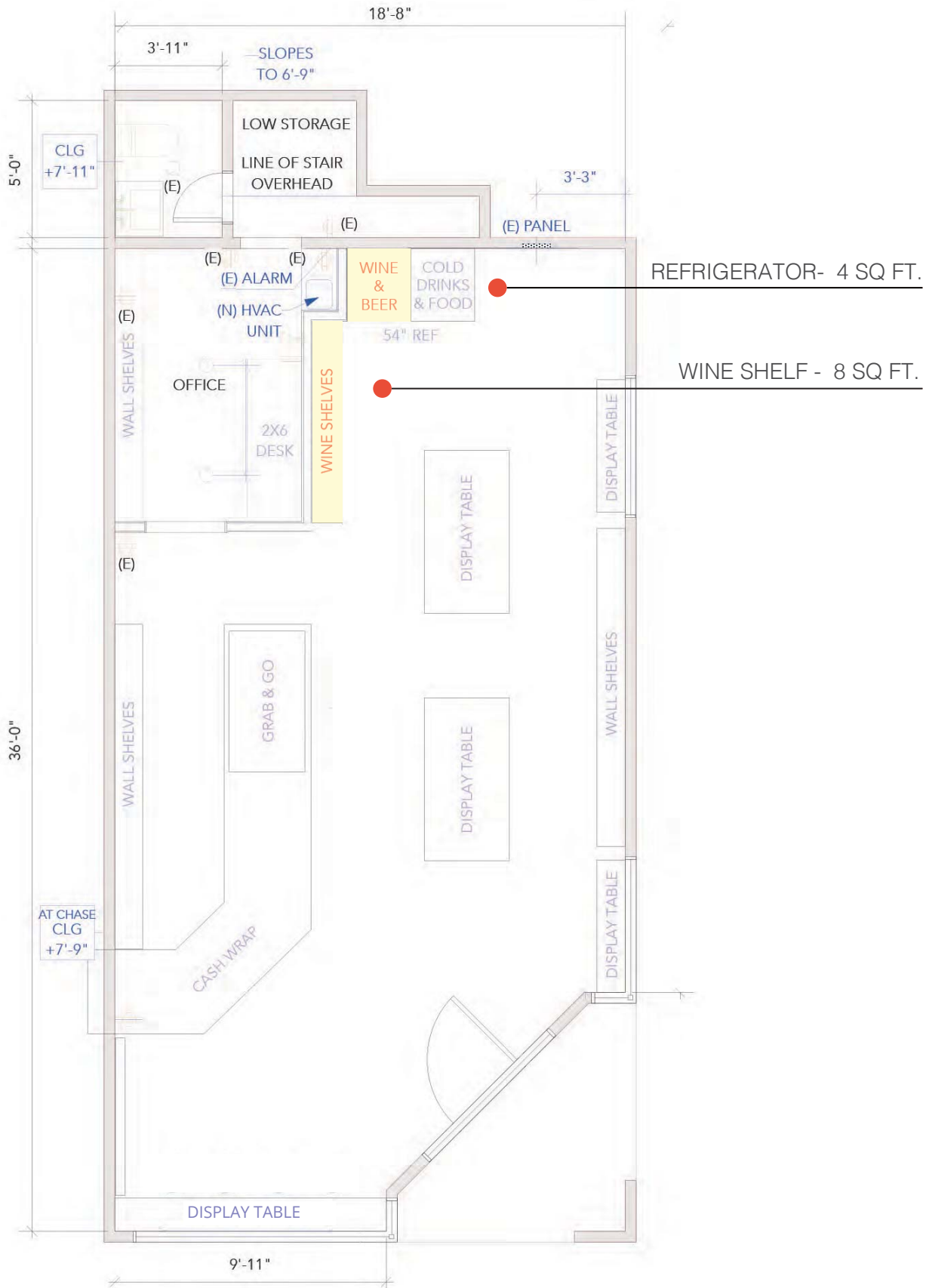


EXHIBIT D

The Eddy - 137 East De La Guerra Street - Photos

1. Entry Doors to The Eddy



2. View of The Eddy (former Bead Store) Facing NW from the intersection of East De La Guerra and Santa Barbara Streets, and Mailbox Express to the left, Parking lot to the right



3. View from Santa Barbara Street Facing West towards The Eddy



4. View of The Eddy (former Bead Store) from East De La Guerra Steet Facing North (south elevation)



5. View from The Eddy facing East across Santa Barbara Street to the multi-family housing complex - 800 Santa Barbara St



5. View from The Eddy Facing South across De La Guerra towards the Santa Barbara Historical Museum



Existing Exterior Light to Remain (no other outdoor lighting exists)



THE EDDY – Interior Photos







The team behind The Eddy:



EXHIBIT E



City of Santa Barbara

Community Development Department

SantaBarbaraCA.gov

Director's Office
Tel: (805) 564-5502
Fax: (805) 564-5477

Administration, Housing
& Human Services
Tel: (805) 564-5461
Fax: (805) 564-5477

Building & Safety
Tel: (805) 564-5485
Fax: (805) 564-5476

Planning
Tel: (805) 564-5470
Fax: (805) 564-5477

Rental Housing
Mediation Program
Tel: (805) 564-5420
Fax: (805) 564-5477

630 Garden Street
PO Box 1990
Santa Barbara, CA
93102-1990

PRE-APPLICATION REVIEW LETTER

137 East De La Guerra Street

Friday, January 27, 2023

John Cuykendall

jcuykendall@dmicre.com

Dear Mr. Cuykendall:

Thank you for submitting a pre-application request under Record #PRE2022-00217. The following information constitutes a preliminary review as required prior to submitting a formal Conditional Use Permit application for an Alcoholic Beverage Retail Establishment for the subject address. This information has been obtained from plans and other materials submitted on Tuesday, December 20, 2022 and in-house records only.

Pre-application review is intended to help applicants identify relevant project issues, explore project viability, and determine the correct planning process for a project before filing a formal development application with the City. Pre-application review does not represent a complete review of the proposed project, nor does it grant or supersede any required project approvals.

Staff recommendations are not a guarantee of approval or denial of the request. Any discretionary decisions required will be made at a public hearing after thorough review of the application, site visit, public input, and consideration of all other relevant information.

Comments and recommendations from this pre-application letter are valid for a period of 12-months from the date of this letter. New information, changes to the plans, or revised project description that could affect the recommendations or conclusions would require a new pre-application request.

Contact your **Assigned Planner** if you have any questions about the information in this letter.

Assigned Planner: Stephanie Swanson, Associate Planner
(SSwanson@SantaBarbaraCA.gov) (805) 564-5470 Ext. 4562

PROJECT DESCRIPTION

Pre-Application for a change of use for an alcoholic beverage retail establishment. The project will require a Conditional Use Permit (CUP) from the Planning Commission pursuant to Santa Barbara Municipal Code (SBMC) Section 30.185.075.

SITE DETAILS

Assessor's Parcel Number (APN):	031-011-009
Zoning District:	C-G (Commercial General)
General Plan:	Parks/Open Space
Lot Size:	0.02 acres; approx. 1,048 sq. ft.
Avg. Slope:	10% (est. from City GIS)

KEY POLICY CONSIDERATIONS

The information below is a summary of the required Planning process and the required findings to approve the project.

1. **Required Approval.** The project requires a CUP from the Planning Commission. CUPs are subjective and Planning Commission has flexibility in making a decision on the project, based on the required findings (see 2 and 3 below). Based on feedback from the Police Department, Planning staff is supportive of the Conditional Use Permit because alcohol sales are not anticipated to cause a nuisance to the area and development standards appear to be met (however, clarification and confirmation is need, see Plan Review Comments, below).
 - a. Please note, the Pre-Application letter requested feedback on reducing fees for the required CUP. Staff does not have the authority to waive or reduce fees for a required approval as fees are set by City Council. Please note, a "Minor CUP" fee would be applicable for this project, which is less than a typical CUP. Per SBMC §30.185.075.F, development standards, but not fees, may be reduced or waived by the Planning Commission due to unreasonable hardship. [Understood, thanks for clarifying.](#)
 - i. "Unreasonable hardship is defined as an action requiring significant difficulty or expense when considered in light of a number of factors that can include, but is not limited to, the nature and cost of the standard imposed in relation to the size, resources, nature, and structure of the alcohol retailer operation." (SBMC §30.185.075.F)
2. **Required Findings for all CUPs.** The Planning Commission must make the following findings pursuant to SBMC §30.215.070):
 - a. The proposed use is allowed with a Conditional Use Permit within the applicable zone district and complies with all specific requirements for the Conditional Use Permit, as [Please see the applicant letter for a discussion on how the project meets these required findings for approval.](#)

well as all other applicable provisions of this title and all other titles of the municipal code;

- b. The proposed use and development is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan and any applicable specific plan;
 - c. The proposed use and development will not be adverse to the public health, safety, or general welfare of the community, nor materially detrimental to surrounding properties or improvements;
 - d. 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;
 - e. The design and operation of the project and its components, including hours or manner of operation, outdoor lighting and noise generating equipment, will not be a nuisance to the use of property in the area, particularly residential use;
 - f. 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; and
 - g. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the structures, location of parking areas, landscaping, open space and other features is compatible with the character of the area.
3. **Required Findings for CUPS related to Alcoholic Beverage Retail Establishments.** The Planning Commission must make the following findings pursuant to SBMC §30.185.075.G:
- a. The proposed use shall not potentially have a significant adverse effect on the crime rate or nuisance activities as provided under subsection M below in the area of the proposed site. Particular attention shall be given to those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct, and alcoholic beverage sales to minors.
 - b. That its upkeep and operating characteristics are compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood.

PLAN REVIEW COMMENTS

The following comments are regarding the information shown on the preliminary plans. Please note this pre-application has been reviewed by the Planning Division only. It is the applicant's responsibility to consult with other City departments and divisions for compliance with applicable building codes or other requirements.

1. **Application.** For your formal project submittal, please submit:
 - a. A completed [Alcoholic Beverage Retail Establishments Supplemental Application](#).
 - Please note, per SBMC §30.175.075.D, an issued Local Letter of Public Convenience or Necessity (PCN) is required prior to the application for a CUP and must be included in your initial submittal. Contact the Police Department and California Department of Alcoholic Beverage Control (ABC) to confirm the submittal and processing information for the PCN. Per Police Department staff, applicants submit to ABC directly and then the Police Department is requested to issue the PCN by ABC. [Both are enclosed](#).
 - b. A completed [Planning Application](#). [Application enclosed](#).
 - c. Your application should include all the required submittal information, including plans, photographs, sign inventory, floor plans, applicant letter, and evidence of Responsible Beverage Service Training if applicable.
2. **Scope of Work**
 - a. Include the change of use in the Scope of Work and specify that the new use will include an Alcoholic Beverage Retail Establishment that requires a Conditional Use Permit. [n/a](#)
 - b. In the Scope of Work, specify that no exterior alterations are proposed.
 - Review by the Historic Landmarks Commission would be required for any exterior alterations. [No exterior changes are proposed](#).
3. **Zoning Violation**
 - a. There is an outstanding violation in ENF2019-01151 related to prohibited signs. Please remove the prohibited signage and contact the Building and Safety Division to have the case closed. [This violation has been fully abated](#).
4. **Project Data**
 - a. The lot size, per City GIS data, is approximately 200 square feet larger than what is listed on the cover sheet (noted above on page 2). Please confirm the correct lot size and update plans accordingly. [This was provided on the plans as part of 22BLD-02949](#)
 - b. Provide both the **net** and **gross** floor area of all buildings. [part of 22BLD-02949](#)
5. **Parking** (SBMC Chapter [30.175](#))
 - a. Please correct the vehicle parking data on the cover sheet. One space is required; however, the site is nonconforming. As the existing and proposed uses have the same parking requirements, no Parking Modification is required to allow any reduction in parking (SBMC §30.175.020.2.a). [Noted](#).

- b. Please confirm the bicycle parking on-site. It is assumed that no bicycle parking exists and the site is nonconforming. Conforming bicycle parking is required for a change of use (SBMC §30.175.020.3.c). For the proposed use, 1 short-term bicycle parking space is required. SBMC §30.175.070.C does allow for reductions or waivers of required bicycle parking spaces. Staff recommends consulting with Transportation Planning to see if a waiver would be supported for this project.

6. Waste, Recycling and Outdoor Storage (SBMC §[30.140.240](#))

- a. When submitting your CUP application, include confirmation from the Environmental Services Division that the existing waste receptacles are sufficient for the proposed change of use. [EHS provided their clearance prior to certificate of occupancy for](#)

7. Mechanical Equipment Noise (SBMC Chapter [9.16](#)) ^{22BLD-02949}

- a. Advisory: New exterior mechanical equipment (e.g., air conditioner, heat pump, pool equipment) must comply with the City's Noise Ordinance. The noise limitation for mechanical equipment is 53 dB(A) at the property line of any adjacent parcel used or zoned for residential, public, or semi-public uses. Include manufacturer specifications showing the sound levels of the equipment. You can use this online calculator for the amount of attenuation, in decibels, you can expect with a change in receiver distance: <http://www.mcsquared.com/dbframe.htm>. [No new equipment is proposed since 22BLD-02949](#)

8. Performance and Development Standards (SBMC §30.185.075.F).

- a. In your formal submittal, specifically in your applicant letter to the Planning Commission, outline how you meet each of the required development standards for the required CUP. Recommendations of how to address each of these standards is included below.
 - Location: Coordination with the Police Department will be necessary to confirm crime rates in the area. As part of this consultation, Police Department staff initially reviewed calls for service for the 100 block of East De La Guerra from January 1, 2019 through January 17, 2023. There were 97 calls for service on the subject block; Police Department staff did not note any concerns regarding alcohol specifically. There were five calls for service to the subject address in the four year period reviewed and all five resulted in no police action; 3 were related to a burglary alarm that was cancelled and 2 were related to a disturbance involving a homeless individual that had left before police arrived.
 - Distance: It is understood that you are requesting a variation of this standard since the Anacapa School is in close proximity to the subject site. Per Section 23789 and Rule 61.4 of the Business & Professions Code mere proximity is not reason for ABC to deny an ABC license. You are encouraged to reach out to the Anacapa School with your business plan to seek input and address any concerns prior to submitting your CUP application. Per SBMC §30.185.075.F, a variation of this standard may be approved by the Planning Commission in order to prevent an unreasonable hardship or for any other reason consistent with the purpose of this section. Unreasonable hardship is defined as an action requiring significant difficulty or expense when considered in light of a number of factors that can include, but is not limited to, the nature and cost of the standard imposed in relation to the size, resources, nature, and structure of the alcohol retailer operation.

- Containers: Confirm the proposed alcohol is limited to those types and sizes allowed in SBMC §30.185.075.F.3.
- Drive-Through Facilities: Not applicable as there is no drive-through.
- Product Displays: Highlight on the floor plan where alcohol is proposed to be located.
- Lighting: Include an exterior lighting plan in your submittal packet.
- Noise: Confirm if amplified noise is proposed as part of the project.
- Litter: Confirm with Environmental Services if the existing waste room is adequate for the proposed development.
- Pay Phones: Confirm if any pay phones exist on-site and that none are proposed.
- Signage: Confirm that no prohibited signage is proposed.
- Window Obstructions: Include proposed elevations for the proposed development.
- Drug Paraphernalia: Confirm that no merchandise listed in SBMC §9.45.010 are proposed to be sold at the subject development.

Please see Section 6.0 of the applicant letter.

FEES

The following fees would be required for the proposed project. Please note that fees are subject to change every year, typically in August.

Conditional Use Permit.....	\$14,210.00
Environmental Review Fee - MEA.....	\$415.00
Mailing List Service Fee (Per Noticed Hearing).....	\$190.00
Design Review Fee*.....	TBD
Building Permit Fee.....	TBD

* = only required if exterior alterations are proposed

Other Fees:

- Records Management - 7% of Planning and Building fees.
- Cashier Services - \$15 per transaction, not charged against fee transactions of less than \$200. Cashier Services Fee is charged against Planning, Building, Public Works, and all other land development fees.

APPLICANT'S NEXT STEPS

This letter concludes staff's review of your pre-application request. The next step, if you choose to proceed with the CUP request, is to submit a PLN application online. If you have any questions about the information provided in this letter, please contact your Assigned Planner listed on the cover page. Review of revised plans will not be accepted without a new pre-application request. If you choose to proceed with either a planning application or building permit application, the required forms, applications, and handouts may be found online at: [Planning Forms & Applications](#).

EXHIBIT F

814 Santa Barbara Street
Santa Barbara, CA 93101
805 965 0228

anacapa@anacapaschool.org
www.anacapaschool.org

May 4, 2023

City of Santa Barbara
Community Development Department
Attn: Allison Debusk, Senior Planner
Stephanie Swanson, Associate Planner
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Letter in Support of CUP for Proposed Neighborhood Market at 137 E. De La Guerra Street, City of Santa Barbara

Dear Planning Commission,

My name is Warner Ebbink. I am a representative and board member of Anacapa School. I am writing this letter in support of the proposed opening of The Eddy at 137 E De La Guerra St. Anacapa School is located across the street from the Eddy and in the Presidio neighborhood.

We believe a small corner store that serves the everyday grocery needs of local residents, creates a space for the community to gather and discover, and supports local makers will be a perfect addition to our beloved neighborhood. Given the proposed hours of operation, nature of the business, and the fact that alcohol will not be sold for consumption on site, I approve of wine and beer sales through 137 E De La Guerra LLC and am not concerned about this project becoming a public nuisance.

Thank you for considering my supportive stance on this matter when making a determination for CUP approval.

Sincerely,



Warner Ebbink
Board Member and Representative of Anacapa School
814 Santa Barbara Street
Santa Barbara, CA 93101

October 2, 2023

City of Santa Barbara
Community Development Department
Attn: Allison Debusk, Senior Planner
Stephanie Swanson, Associate Planner
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Letter in Support of CUP for Proposed Neighborhood Market at 137 E. De La Guerra Street,
City of Santa Barbara

Dear Planning Commission,

My name is Joseph McDermott and I am writing this letter in support of the proposed opening of The Eddy at 137 E De La Guerra St. I live in the Presidio neighborhood, in the unit above The Eddy.

I believe a small corner store that serves the everyday grocery needs of local residents, creates a space for the community to gather and discover, and supports local makers will be a perfect addition to our beloved neighborhood. Given the nature of the business and the fact that alcohol will not be sold for consumption on site, I approve of wine and beer sales through 137 E De La Guerra LLC and am not concerned about this project becoming a public nuisance.

Thank you for considering my supportive stance on this matter when making a determination for CUP approval.

Sincerely,

Joseph McDermott
137 E De La Guerra Unit B

City of Santa Barbara
Community Development Department
Attn: Allison Debusk, Senior Planner
Stephanie Swanson, Associate Planner
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Letter in Support of CUP for Proposed Neighborhood Market at 137 E. De La Guerra Street,
City of Santa Barbara

Dear Planning Commission,

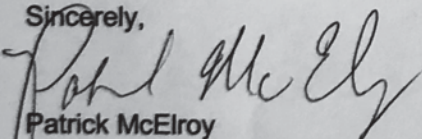
My name is Pat McElroy and I am writing this letter in support of the proposed opening of The Eddy at 137 East De La Guerra Street. I lived and worked downtown for 37 years adjacent to The Presidio neighborhood.

I believe a small corner store that serves the everyday grocery needs of local residents, creates a space for the community to gather and discover, and supports local makers will be a perfect addition to this beloved neighborhood. Given the proposed hours of operation (11am-7pm), the nature of the business, and the fact that alcohol will not be sold for consumption on site, I approve of wine and beer sales through 137 E De La Guerra LLC and am not concerned about this project becoming a public nuisance.

I feel it is vital to support small, locally based business as we try to restore vitality to downtown Santa Barbara. I think The Eddy is a strong example of such a business.

Thank you for considering my supportive stance on this matter when making a determination for CUP approval.

Sincerely,



Patrick McElroy
Pmcelroy4@gmail.com

May 7th, 2023

City of Santa Barbara
Community Development Department
Attn: Allison Debusk, Senior Planner
Stephanie Swanson, Associate Planner
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Letter in Support of CUP for Proposed Neighborhood Market at 137 E. De La Guerra Street,
City of Santa Barbara

Dear Planning Commission,

My name is Nicole Wasserman and I am writing this letter in support of the proposed opening of The Eddy at 137 E De La Guerra St. I own Frequency Wines in the Presidio neighborhood.

I believe a small corner store that serves the everyday grocery needs of local residents, creates a space for the community to gather and discover, and supports local makers will be a perfect addition to our beloved neighborhood. Given the proposed hours of operation (11am-7pm), the nature of the business, and the fact that alcohol will not be sold for consumption on site, I approve of wine and beer sales through 137 E De La Guerra LLC and am not concerned about this project becoming a public nuisance.

Thank you for considering my supportive stance on this matter when making a determination for CUP approval.

Sincerely,

Nicole & Zac Wasserman
Owners, Frequency Wines

May 10, 2023

City of Santa Barbara
Community Development Department
Attn: Allison Debusk, Senior Planner
Stephanie Swanson, Associate Planner
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Letter in Support of CUP for Proposed Neighborhood Market at 137 E. De La Guerra Street,
City of Santa Barbara

Dear Planning Commission,

My name is Jeremy Bassan, and I am writing this letter in support of the proposed opening of The Eddy at 137 E De La Guerra Street. I've been working nearby for many years and love this neighborhood, both during the week and on weekends. Weekend's come alive with makers markets, family's enjoying brunch and cultural events at the El Presidio de Santa Barbara State Historic Park.

I believe a small corner store would be a great addition to the neighborhood and would serve the needs of the people who live and work in the area. I imagine myself walking over there after work to pick up groceries for dinner, instead of getting in my car and stopping at a supermarket on the way home. Beer and wine production is very much a part of Santa Barbara's DNA. Given that there will be no alcohol consumption on site and that the store plans to close by 7 pm, I approve of wine and beer sales at this location and am not concerned about this project becoming a public nuisance. On the contrary, I am positive it will be a benefit to the neighborhood.

Thank you for considering my supportive stance on this matter when making a determination for CUP approval.

Sincerely,

Jeremy Bassan

5/17/2023

City of Santa Barbara
Community Development Department
Attn: Allison Debusk, Senior Planner
Stephanie Swanson, Associate Planner
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Letter in Support of CUP for Proposed Neighborhood Market at 137 E. De La Guerra Street,
City of Santa Barbara

Dear Planning Commission,

My name is Jessica Zacarias and I am writing this letter in support of the proposed opening of The Eddy at 137 E De La Guerra St. I live in and work in the Presidio neighborhood.

I believe a small corner store that serves the everyday grocery needs of local residents, creates a space for the community to gather and discover, and supports local makers will be a perfect addition to our beloved neighborhood. Given the proposed hours of operation (11am-7pm), the nature of the business, and the fact that alcohol will not be sold for consumption on site, I approve of wine and beer sales through 137 E De La Guerra LLC and am not concerned about this project becoming a public nuisance.

Thank you for considering my supportive stance on this matter when making a determination for CUP approval.

Sincerely,

Jessica Zacarias

232 E Canon Perdido St. Apt A, Santa Barbara CA 93101

May 12, 2023

City of Santa Barbara
Community Development Department
Attn: Allison Debusk, Senior Planner
Stephanie Swanson, Associate Planner
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: Letter in Support of CUP for Proposed Neighborhood Market at 137 E. De La Guerra Street,
City of Santa Barbara

Dear Planning Commission,

My name is Peter Zacarias and I am writing this letter in support of the proposed opening of The Eddy at 137 E De La Guerra St. I live right around the corner on Garden and work in the same area as the Presidio neighborhood.

I believe a small corner store that serves the everyday grocery needs of local residents, creates a space for the community to gather and discover, and supports local makers will be a perfect addition to our beloved neighborhood. Given the proposed hours of operation (11am-7pm), the nature of the business, and the fact that alcohol will not be sold for consumption on site, I approve of wine and beer sales through 137 E De La Guerra LLC and am not concerned about this project becoming a public nuisance.

Thank you for considering my supportive stance on this matter when making a determination for CUP approval.

Sincerely,

Peter Zacarias
Neighborhood resident, worker and customer

A handwritten signature in black ink that reads "Peter Zacarias". The signature is written in a cursive style with a large, stylized initial "P".

EXHIBIT G



City of Santa Barbara Police Department

www.sbpd.com

March 30, 2023

Jennifer Steinwurtzel
The Eddy
137 E. De La Guerra
Santa Barbara, CA 93101

Chief's Office
805.897.2395

Dear Ms. Steinwurtzel:

General Information
805.897.2300

In accordance with provision 30.185.075 D of the **City of Santa Barbara Off Sale Alcohol Regulation Ordinance**, the Santa Barbara Police Department has determined that the proposed liquor license application:

Animal Control
805.963.1513

Bus. Loc: 137 E. De La Guerra St.
Type: 20: Off-Sale Beer & Wine (Store)
Business Name: The Eddy
Applicant(s): Jennifer Steinwurtzel

Business Office
805.897.2400

will satisfy the public convenience and necessity.

Community Services
805.897.3717

Sincerely,

Dispatch
805.897.2410

Kelly Gordon
Chief of Police

Office of Emergency
Services
805.897.3725

Parking
805.897.2360

Joshua Morton
Commander
Strategic Operations Division

Patrol
805.897.2392

Records
805.897.2355

215 E. Figueroa St.
Santa Barbara, CA
93101

PO Box 539
Santa Barbara, CA
93102

EXHIBIT H

Alexandra Suhadolnik, Co-owner



Server Certificate Details

Status: Certified
Server ID: 313287121
Renewal Date: 03/30/2026

This is your digital RBS certificate. You will need to provide your Server ID number to your employer for verification in the RBS Portal. A physical or downloadable certificate will not be issued to you.

Server Profile

Name: Alexandra Suhadolnik
DOB: 08/08/1988
Zip Code: 93103

Jennifer Steinwurtzel, Co-owner



Server Certificate Details

Status: Certified
Server ID: 313269790
Renewal Date: 04/02/2026

This is your digital RBS certificate. You will need to provide your Server ID number to your employer for verification in the RBS Portal. A physical or downloadable certificate will not be issued to you.

Server Profile

Name: Jennifer Steinwurtzel
DOB: 03/21/1980
Zip Code: 93105

Lea Kirchhoff, Store Manager



Server Certificate Details

Status: Certified
Server ID: 313266290
Renewal Date: 03/06/2026

This is your digital RBS certificate. You will need to provide your Server ID number to your employer for verification in the RBS Portal. A physical or downloadable certificate will not be issued to you.

Server Profile

Name: Lea Kirchhoff
DOB: 07/02/1993
Zip Code: 93109

EXHIBIT I

SIGN PLACEMENT ON SANTA BARBARA ST.



LETTER HEIGHT

6" 4.5" 3.6"

The
EDDY

5.7" 5.7" 5.5" 6.8"

OVERALL DIMENSIONS

The
EDDY

13.9"

18"

COMBINED SIGNAGE DIMENSIONS

The
EDDY

The
EDDY

24"

27"

SIGN PLACEMENT ON DE LA GUERRA ST.



THE EDDY WALL MURAL - SANTA BARBARA ST



HEX CODE: fad44e

4'

4'



City of Santa Barbara

Police Department

www.sbpd.com

March 30, 2023

Jennifer Steinwurtzel
The Eddy
137 E. De La Guerra
Santa Barbara, CA 93101

Chief's Office
805.897.2395

Dear Ms. Steinwurtzel:

General Information
805.897.2300

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Business Office
805.897.2400

will satisfy the public convenience and necessity.

Community Services
805.897.3717

Sincerely,

Dispatch
805.897.2410

Kelly Gordon
Chief of Police

Office of Emergency
Services
805.897.3725

Parking
805.897.2360

Joshua Morton
Commander
Strategic Operations Division

Patrol
805.897.2392

Records
805.897.2355

215 E. Figueroa St.
Santa Barbara, CA
93101

PO Box 539
Santa Barbara, CA
93102

**General Plan Policies
The Eddy
PLN2023-00485**

Land Use Element (2011)

LG2. **Limit Non-Residential Growth.** Establish the net new non-residential square-foot limitations through the year 2030 at 1.35 million square feet, and assess the need for increases in non-residential square footage based on availability of resources, and on economic and community need through a comprehensive Adaptive Management Program.

The 1.35 million square feet of non-residential development potential shall be allocated to the three following categories:

<u>Category</u>	<u>Square Footage</u>
Small Additions	400,000
Vacant	350,000
Community Benefit	600,000

Non-residential square footage associated with Minor Additions, demolition and replacement of existing square-footage on-site, projects that are pending and approved as of time of ordinance adoption, government buildings, and sphere of influence annexations with existing development are not included in the 1.35 million square feet established above.

Existing permitted square footage not in the City, but in the sphere of influence, that is part of an annexation shall not count as new square footage necessitating a growth management allocation. However, once annexed, all development or developable parcels that propose net new square footage are subject to the limitations of the City's growth management ordinance.

Possible Implementation Actions to be Considered

LG2.1 Amount of Non-Residential Growth. Provided it is demonstrated that it can be supported by available resources capacities, amend the City's Development Plan Ordinance (SBMC Section 28.87.300) to limit net new non-residential growth to 1.35 million square feet. Amend the non-residential development categories and allocation amounts to reflect this new development potential.

LG2.2 Set Aside. Any square footage which is not utilized in any category shall be set aside for possible use after twenty years, or used during that twenty year period for a project approved by the voters.

LG2.3 Findings. Develop findings to assure that resources will be available and public benefit improvements will be in place at the time the project is ready for occupancy.

LG2.4 Transfer of Existing Development Rights (TEDR). Study the existing TEDR Ordinance and the disposition of future demolished non-residential square footage that is not rebuilt.

LG4. **Principles for Development.** Establish the following Principles for Development to focus growth, encourage a mix of land uses, strengthen mobility options and promote healthy active living.

- Focus Growth. Encourage workforce and affordable housing within a quarter mile of frequent transit service and commercial services through smaller units and increased density, transit resources, parking demand standards, targeted infrastructure improvements, and increased public areas and open space. Incorporate ideas as a result of an employee survey.
- Mix of Land Uses. Encourage a mix of land uses, particularly in the Downtown to maintain its strength as a viable commercial center, to include retail, office, restaurant, residential, institutional, financial and cultural arts, encourage easy access to basic needs such as groceries, drug stores, community services, recreation, and public space.
- Mobility and Active Living. Link mixed-use development with main transit lines; promote active living by encouraging compact, vibrant, walkable places; encourage the use of bicycles; and reduce the need for residential parking.

LG7. **Community Benefit Non-Residential Land Uses.** Community Benefit Land Uses are determined and defined by City Council and shall include the following categories:

- Community Priority,
- Economic Development,
- “Green” Economic Development,
- Small and Local Business, or
- Development of Special Needs

Possible Implementation Action to be Considered

LG7.1 Findings. Develop project level findings of approval for the following Community Benefit Non-residential development uses:

- a. Community Priority Development. This type of project addresses a present or projected need directly related to public health, safety or general welfare including but not limited to:
 - Parks and recreation facilities;
 - Community centers;
 - Educational institutions and uses including schools;
 - Public cultural or arts facilities;
 - Youth development programs and childcare facilities; and
 - Community gardens and urban farming; or
- b. Economic Development. This type of project enhances the standard of living for City and South Coast residents and/or strengthens the local and regional economy by expanding economic diversity, such as providing a new or under-represented service or commodity; or
- c. “Green” Economic Development. Business that provides “green” products or “green-collar” jobs (e.g., sustainable water, energy and waste management

facilities, or green building products, or climate change research, but not solely a green building or structure); or

- d. Small and Local Business. A small and/or local business in the community that is started, maintained, relocated, redeveloped or expanded; or
- e. Development for Special Needs. A project that meets the present or projected needs of people with disabilities, the workforce that provides them direct support, and the agencies or organizations providing programs and services to them.

LG15. **Sustainable Neighborhood Planning.** Neighborhoods shall be encouraged to preserve and enhance the sense of place, provide opportunities for healthy living and accessibility, while reducing the community's carbon footprint.

Possible Implementation Actions to be Considered

LG15.1 Sustainable Neighborhood Plans (SNPs). Develop comprehensive SNPs through-out the City (where desired by residents). A SNP may incorporate goals, objectives, policies and implementation actions addressing the following components, as applicable:

- a. A variety of housing types and affordability ranges;
- b. Neighborhood-serving commercial uses, especially retail food establishments such as small markets, green groceries, coffee shops;
- c. New grocery stores in underserved areas;
- d. Parks, recreational facilities, trails;
- e. Community gardens;
- f. Street tree planting program;
- g. Watershed protection, creeks restoration, public access to creeks;
- h. Transit, bicycle (including new Class 1 bike paths) and vehicle connectivity;
- i. Walkable streets with an appealing and comfortable pedestrian environment that promote physical activity and can be used safely by people of all ages or abilities including wheelchairs;
- j. Traffic calming along walkable and bicycle routes to school;
- k. Reduced impervious area (such as street and parking areas);
- l. Community services (e.g., schools, branch library, community center, clinics, etc.);
- m. Childcare and senior serving facilities;
- n. General safety (e.g., lighting); and
- o. Infrastructure needs.

Economy and Fiscal Health Element (2011)

EF2. **Environmental Effects of Commercial Growth.** Manage commercial growth to protect the City's environment and unique qualities.

EF4. **Existing Businesses.** Give priority to retaining existing enterprises as the best source of business expansion and local job growth, and encourage government, businesses

and residents to patronize local businesses and contractors, by working with local businesses to initiate a “Buy Local” program, with the City setting the example.

- EF6. **Minority Businesses.** Support minority-owned/operated businesses to assist in preserving cultural diversity through focused promotional programs.
- EF14. **Local Needs.** Encourage enterprises that serve the needs of existing local residents, workers, and businesses.
- EF21. **Small Businesses.** Continue to recognize the economic importance of small business in the community and promote programs to encourage their continued economic vitality and flexibility in future expansion.

Environmental Resources Element (2011)

- ER7. **Highway 101 Set-Back.** New development of residential or other sensitive receptors (excluding minor additions or remodels of existing homes or one unit on vacant property) on lots of record within 250 feet of U.S. Hwy 101 will be prohibited in the interim period until California Air Resources Board (CARB) phased diesel emissions regulations are implemented and/or until the City determines that diesel emission risks can be satisfactorily reduced or that a project’s particulate exposure level is sufficiently reduced. The City will monitor the progress of CARB efforts and progress on other potential efforts or measures to address diesel emissions risks.

Possible Implementation Actions to be Considered

- ER7.1 Review Criteria. Prepare project review criteria for the set-back area.
- ER7.2 Barriers and Sound Walls. Pursue funding and installation of sound walls, trees and shrubs along unprotected areas of U.S. Hwy 101 to create a barrier to reduce particulate transmissions. Barriers and sound walls to be consistent with the Highway Santa Barbara Coastal Parkway Design Guidelines.

Conservation Element (1979, prior amendment 1994)

AIR QUALITY

- 2.0 Improve the attractiveness and safety of bicycle use as an alternate mode of travel for short- and medium-distance trips.
 - 2.1 Revise the zoning ordinance to require the installation of secure bicycle storage facilities for all new commercial development and redevelopment.
- 4.0 Discourage and, where possible, prohibit land uses which unnecessarily contribute to air quality degradation.
 - 4.1 Prohibit the construction of, and/or conversion to, drive-through facilities.
 - 4.2 Develop a program to equitably phase out all existing drive-through facilities.
 - 4.3 Institute controls that will address the construction of any new facilities which add significantly or will cumulatively result in a significant increase in air quality degradation.

- 4.4 Encourage cooperation between City and County jurisdictions to develop additional air quality monitoring stations to obtain better information regarding air quality.

Circulation Element (1997, original 1964)

NEIGHBORHOOD SERVING USES

13.5 Determine the need for residential neighborhood services and commercial uses that support the City's mobility goals. Provide opportunities to address those needs, while preserving and protecting the neighborhood character.

13.5.1 Allow small scale neighborhood serving commercial uses in residential areas if supported by affected property owners. Ensure that the character of the surrounding neighborhood is protected.

13.5.2 Consider amending the Zoning Ordinance to:

- reduce or eliminate automobile parking requirements for small scale neighborhood serving commercial uses,
- encourage the establishment of new social/neighborhood centers, and
- grandfather existing non-conforming uses.