



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: September 26, 2013
AGENDA DATE: October 3, 2013
PROJECT: Santa Barbara Certified Farmer's Markets - State Street, Cota Commuter Lot, and Coast Village Road (MST2013-00149 & CDP2013-00006)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4550
 Renee Brooke, AICP, Senior Planner *RLB*
 Daniel Gullett, Associate Planner *DPG*

I. PROJECT DESCRIPTION

The project consists of permitting the Santa Barbara Certified Farmer's Market Association's continued operations of the existing Certified Farmer's Markets on the 500 and 600 blocks of State Street, at the Cota Commuter Lot (119 E. Cota St.), and on the 1100 and 1200 blocks of Coast Village Road. No operational changes are proposed.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Coastal Development Permit (CDP2013-00006) to allow the Farmer's Market to operate on the 1100 and 1200 blocks of Coast Village Road in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44,150); and
- B. A Conditional Use Permit Amendment to allow the continued operations of the State Street, Cota Commuter Lot, and Coast Village Road Farmer's Markets (SBMC §28.94.030.O).

APPLICATION DEEMED COMPLETE: July 17, 2013
DATE ACTION REQUIRED: October 15, 2013

III. RECOMMENDATION

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



Figure 1: Downtown Farmer's Market Locations

IV. BACKGROUND

Downtown Markets

The Santa Barbara Certified Farmer's Market Association currently operates two weekly markets in the Santa Barbara downtown area: Tuesday evenings on the 500 & 600 blocks of State Street and Saturday Mornings at the Cota Commuter Lot (119 E. Cota St.). The following is a summary of the historic operation and permitting of these markets.

- The Saturday Market has been in operation at the 119 E. Cota St. site since 1978, originally at Lincoln School.
- After the Cota Commuter Lot replaced Lincoln School, the City's Redevelopment Agency granted the Market a Use Permit to continue to operate in the lot on Saturday mornings.

- In April 1989, a Special Events Permit was issued by the City Council for the operation of the Farmer's Market on the 400 block of State St.
- In June 1990, the Planning Commission approved a Conditional Use Permit (CUP) for the operation of the Farmer's Market on the 400 block of State St. until the completion of the Crosstown Freeway.
- In July 1990, City Council reinstated on-street parking on the 400 block of State St. and authorized the Farmer's Market to relocate to the 500 block of State St.
- In December 1990, the Planning Commission approved a Conditional Use Permit for the Farmer's Market to use the public right-of-way on the 500 block of State St. as an open air market.
- In October 1991, the Planning Commission approved a time extension of the Conditional Use Permit for a year-round Tuesday market on the 500 block of State St.
- In 1992, City Council amended the Zoning Ordinance and added provisions for Certified Farmer's Markets, street markets and other approved sales to the list of allowable uses with a Conditional Use Permit.
- In November 1993, the Planning Commission approved a Conditional Use Permit for the Tuesday Market on the 500 and 600 blocks of State St. and the Saturday Market at 119 E. Cota St. to bring the markets into conformance with the new Conditional Use Permit requirement. The Planning Commission approval included a three-year status review to allow for modifications of the Conditions of Approval, if deemed appropriate.
- In November 1996, the Planning Commission held the three year status review for the Tuesday and Saturday markets. The existing operations were found to be satisfactory and no new amendments were proposed.
- In November 1998, the Planning Commission approved a five year CUP for the continued operation of the Tuesday and Saturday Markets.
- In October 2003, the Planning Commission extended the CUP for five years and changed the hours of operation and the list of saleable products to include alcohol, poultry and livestock products.
- In January 2009, the Planning Commission extended the Conditional Use Permit for an additional five years, to October 2013.
- In April 2010, a Substantial Conformance Determination was granted to allow the Farmer's Market to extend Saturday operations for a half hour to 1:00 pm.

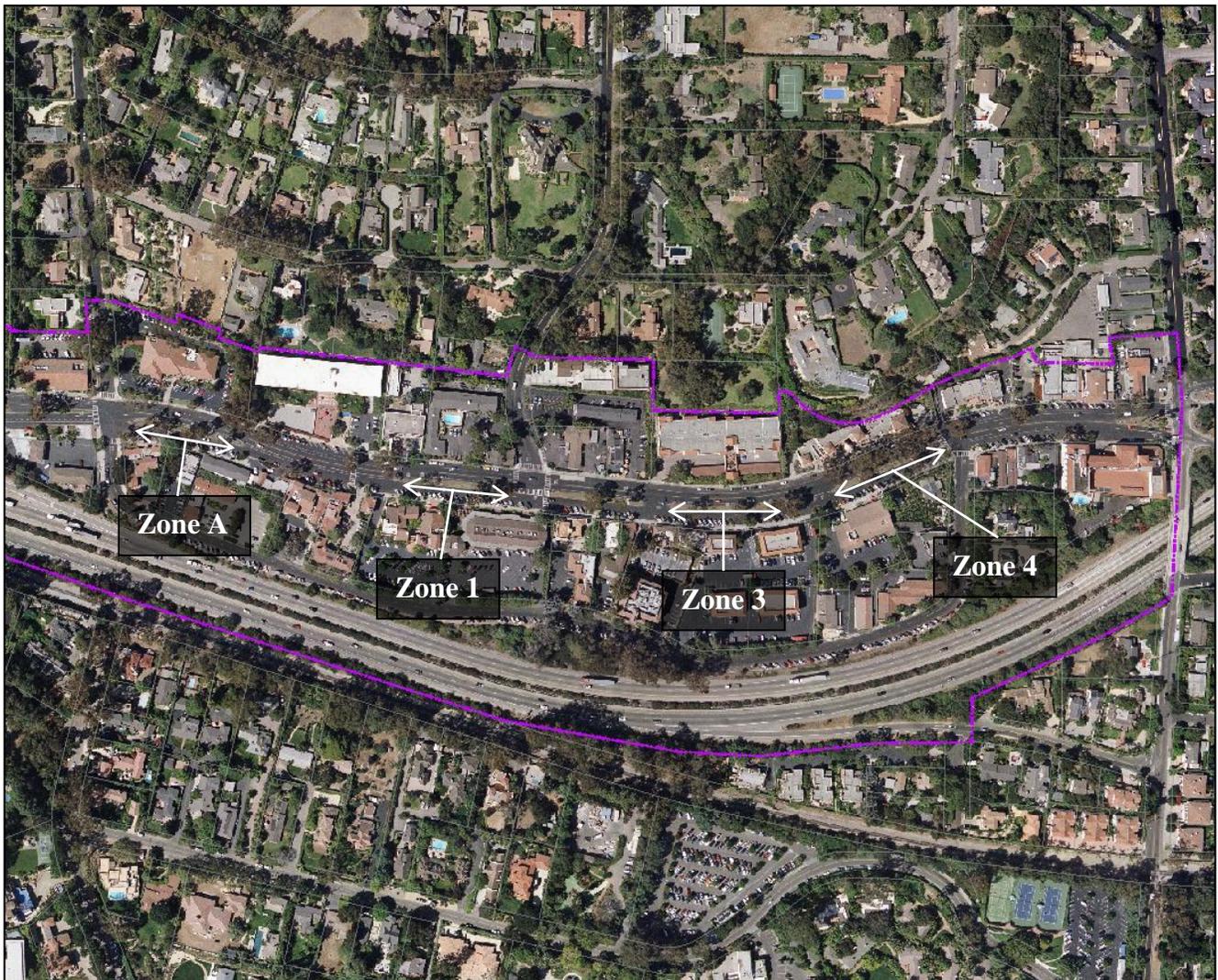


Figure 2: Coast Village Road Market Locations

Coast Village Road Market

Since 1994, the Santa Barbara Certified Farmer's Market Association has operated a Friday market on the 1100 and 1200 blocks of Coast Village Road. The following is a summary of the historic operation and permitting of this market.

- In July 2001, the Planning Commission approved a Conditional Use Permit, which included changes to the street closure hours that were allowed at that time.
- In September 2001, the City Council, on appeal, upheld a Planning Commission five-year CUP approval of the Friday morning rotational Farmer's Market. The approval required a status report in February 2002.
- In February 2002, the Planning Commission heard a status report on congestion and parking concerns.

- On July 20, 2006, the Planning Commission approved a five year extension to the Conditional Use Permit with a condition change to allow the Market to be held on the Friday following Thanksgiving Day.
- On July 20, 2011, the permits for the Coast Village Road Market expired.

V. SITE INFORMATION

500 & 600 Blocks of State St.	
Parcel Number: n/a	Lot Area: ~0.60 acres
General Plan: General Commerce/Central Business District	Zoning: C-M (Commercial Manufacturing)
Existing Use: Public Street	Topography: Gradual slope
Adjacent Land Uses	
North – Commercial South - Commercial	East – Commercial West - Commercial
Cota Commuter Lot – 119 E. Cota St.	
Parcel Number: 031-151-018	Lot Area: 1.61 acres
General Plan: General Commerce/Central Business District	Zoning: C-M (Commercial Manufacturing)
Existing Use: Parking Lot	Topography: Generally Flat
Adjacent Land Uses	
North – Office/Parking Lot South - Residential/Park (Plaza Vera Cruz)	East – Office/Commercial/Residential West - Commercial/Residential
1100 & 1200 Blocks of Coast Village Road	
Parcel Number: n/a	
General Plan: General Commerce/Street/Buffer/Bikeway	Zoning: C-1, Limited Commercial / SD-3, Coastal Overlay Zones
Existing Use: Parking Lot	Topography: Generally Flat
Adjacent Land Uses	
North – Coast Village Rd. right-of-way South – Commercial	East - Commercial West - Commercial

VI. POLICY CONSISTENCY

A. GENERAL PLAN

The Environmental Resources Element contains a narrative history of the Farmer's Market and includes a discussion of benefits of the Farmer's Market:

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

In addition, the City's Circulation Element cites the shared use of the Farmer's Market and the Cota Commuter Lot as a desirable example of the multipurpose use of a parking facility.

B. LOCAL COASTAL PLAN CONSISTENCY

Since the Coast Village Road Market is in the City's Coastal Zone, its operations must be found consistent with applicable policies of the Coastal Act and the Local Coastal Plan (LCP).

The 1100 and 1200 blocks of Coast Village Road are located in Component 7 of the LCP, which states that issues related to recreational facilities and visitor-serving uses on Coast Village Road should be examined.

The following policies are applicable to the continued use:

Coastal Act Policy 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided...

Coastal Act Policy 30250(a)

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Local Coastal Plan Policy 4.3

Public amenities which provide unique lower cost visitor-serving experiences, such as the Arts & Crafts Show, channel and boat viewing at the Harbor, and any other special uses shall be protected and encouraged.

VII. CONDITIONS

The conditions of the three Farmer's Markets have been combined for efficient and consistent review of continued operations. There are general conditions that apply to all three Markets and specific conditions for each Market. Minor changes and clarifications were made to several of the conditions. A new condition was added to address wash water, trash and other pollutants resulting from cleanup activities, consistent with SBMC Chapter 16.15 (Urban Pollution Controls - Non-Point Source Discharge Restrictions). The condition requiring that the Farmer's Markets provide complaint brochures with Farmer's Market and Planning Division contact information previously only applied to the Coast Village Road Market. This condition would now apply to all three Markets. Staff has removed the conditions for the Parking and Business Improvement Area charge and the charge for use of downtown parking lots, since these are redundant with the requirements of the license agreement and more appropriately addressed in the license agreement rather than the Conditional Use Permit.

The Farmer's Market Conditional Use Permits have included conditions that expire the permits after a period of time, most recently five year increments. Because these three Farmer's Markets are now well established in the community, have a positive history of working with neighbors to resolve issues, and operate under a License Agreement approved by City Council for use of City property, staff recommends that the Conditional Use Permit has no expiration date. Any substantial future changes to Farmer's Market operations will require Planning Commission approval for amendments to the Conditional Use Permit.

The three Farmer's Markets have operated under a single City License Agreement, which would be considered for renewal by City Council with approval of the requested permits. The current License Agreement allows the City to revoke the license for any or all of the Farmer's Markets for failure to comply with any condition, the Santa Barbara Municipal Code, or with any other laws or rules applicable to the operation of each Market. The agreement also includes a clause that automatically terminates the agreement for any of the three locations if the Farmer's Market ceases to operate for two or more weeks at that location. Staff recommends retaining this language in future License Agreements.

The City has received operational complaints related to the downtown markets since 2009; the complaints received have been condition compliance-related and handled at staff level in cooperation with the Santa Barbara Certified Farmer's Market Association. The City has no record of complaints related to the Coast Village Road Market since 2006. The Coast Village Road Market permits expired in 2011. Planning Staff became aware that these permits expired earlier this year and prompted the Association to reapply. To help prevent similar situations in the future, staff instituted a permit tracking system to monitor and alert applicants of upcoming permit expirations.

VIII. ENVIRONMENTAL REVIEW

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

IX. RECOMMENDED FINDINGS

The Planning Commission finds the following:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act.

The project is consistent with the policies of the California Coastal Act. The Coastal Act requires that lower-cost visitor-serving facilities, such as the Coast Village Road Farmer's Market, are protected and encouraged. The Coast Village Road Market is located in an existing developed commercial area with adequate services for the use. The Coast Village Road Farmer's Market does not inhibit public beach access, recreation, or detrimentally affect any environmentally sensitive habitat area.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

The project is consistent with the City's Local Coastal Program. The Coast Village Road Farmer's Market is a public amenity in the Coastal Zone that provides a low-cost visitor-serving experience, which Local Coastal Plan Policy 4.3 protects and encourages. The Coast Village Road Farmer's Market is a temporary use that is harmonious with the surrounding commercial area.

B. CONDITIONAL USE PERMIT (SBMC §28.94.020)

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The Farmer's Markets provide desirable, convenient locations for the public to purchase fresh agricultural products and a marketplace for local farmers and fishermen to sell their goods. The Farmer's Markets have been operating at these locations for many years without major issues. As discussed in Section VI above, the General Plan refers to the benefits of the Farmer's Market to the buyers, sellers, and surrounding area and describes the desirable conjunctive use of the Cota Commuter Lot with the Saturday Farmer's Market.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The operation of the Markets is accommodated by available public parking spaces including within City Parking Lots 10, 11, and 12 and within surrounding neighborhoods. The Farmer's Market and the City make efforts to minimize the disruption in City traffic patterns through implementation of traffic diversion plans and encouraging use of public parking. The Market also provides restroom facilities and recycling and trash receptacles for customers.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

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

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

During the times of each of the Markets, there is adequate parking in surrounding City parking lots and on City streets to accommodate the patrons of the Farmer's Markets. The Markets inform patrons of available parking in proximate City parking lots with signage. Additionally, the project provides bicycle parking within the Cota Commuter Lot during the Saturday market to encourage and facilitate bicycle use.

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

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

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

The Zoning Ordinance limits Certified Farmer's Markets to Commercial Zones. All Market locations are zoned commercial. No other specific Conditional Use Permit requirements apply to the use.

Exhibits:

- A. Conditions of Approval
- B. Applicant's letter
- C. Planning Commission Resolutions 001-09 and 031-06

PLANNING COMMISSION CONDITIONS OF APPROVAL

STATE STREET, COTA COMMUTER LOT, AND COAST VILLAGE ROAD FARMER'S MARKETS
CONDITION USE PERMIT AND COASTAL DEVELOPMENT PERMIT (COAST VILLAGE ROAD LOCATION ONLY)
OCTOBER 3, 2013

I. **Said approval is subject to the following conditions:**

A. **The following conditions shall be imposed on the continued use of the operation of the three Farmer's Markets authorized by this Conditional Use Permit (CUP). Updated copies of all of the agreements and information required below shall be submitted to City Staff within 30 days of the approval of this CUP:**

1. **Certified Status.** The Santa Barbara Certified Farmers Market Association (herein after, the "Market") shall maintain its status as a Certified Farmers Market as defined, authorized and permitted in accordance with the California Code of Regulations Sections 1392 –1392.8 and the California Food and Agricultural Code, Sections 47,000 through 47,026, collectively, the Direct Marketing Law.
2. **License Agreement.** The Market shall provide and maintain in good standing for the duration of the allowed use a signed License Agreement with the City of Santa Barbara. Said Agreement shall be submitted for approval by the City Council.
3. **Saleable Products.** The list of saleable products shall be limited to Agricultural Products (Certified and Non-Certified) as defined in the Direct Marketing Law. The following Non-agricultural Products are allowed: ocean fish, pesto, hummus, nut brittle, whole pies, and promotional items with the Farmers Market logo such as bags and caps; however, no handcrafted items shall be allowed.
4. **Non-agricultural Sales.** Each person selling non-agricultural goods shall at all times maintain and display the certificate required pursuant to Municipal Code Section 5.32.035.C.2.(ii). The certificate shall be placed in a location that is clearly visible to all persons purchasing permitted non-agricultural goods and at a distance not greater than five feet from the non-agricultural goods being sold pursuant to the certificate.
5. **Environmental Health Services Standards.** All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Environmental Health Standards.
6. **Health Permits.** The Market shall maintain in good standing all necessary health permits for the operation of the market and shall be responsible for requiring all vendors be in possession of necessary health permits for all products sold.
7. **Food Preparation.** No food preparation will be allowed at the Market, with the exception of cooking demonstrations, providing free raw cut samples to customers, and the portioning of raw produce for sale, in accordance with the County Health and Safety Code.
8. **Fire Department Regulations.** The Market shall meet all current and future Fire Department regulations and conditions including:
 - a. Maintain a minimum 16 foot wide fire access lane,

- b. Maintain adequate access to fire hydrants, and
 - c. Maintain required exit areas from businesses in operation during the hours of the Market's operation.
9. **Traffic Diversion and Pedestrian Safety Plan.** The Market shall submit to the City Engineer a Traffic Diversion and Pedestrian Safety Plan for each site for review and approval. Submit the Plan to the Public Works Department for a permit. The Plan shall provide that the Market will be operated and maintained in a manner that appropriately protects the public, Market patrons, and Market participants from any and all unsafe traffic or vehicular risks which may occur in connection with using the licensed City property to the fullest extent reasonably possible. The Market shall operate at all times in accordance with the Plan, except for modifications to the Plan pre-approved in writing by the City Engineer. A copy of the approved Plan shall also be provided to the City's Risk Manager.
 10. **Barricades and Detour Signs.** The Market shall be responsible for the set-up, take down and maintenance of any barricades and detour signs used.
 11. **Access Maintenance.** The Market shall avoid blockage of curb ramps and any other path of travel that specifically provides access for the disabled community.
 12. **Private Parking Lots.** The Market shall provide proof of owner authorization for any private parking lot used by the Market.
 13. **Towing.** If the towing of vehicles is deemed necessary, the Market shall comply with procedures for towing vehicles in accordance with applicable California Vehicle Code requirements, to ensure that a Police Officer of the City authorizes such towing.
 14. **Waste Management and Maintenance.** The Market shall be fully responsible for providing recycling bins and necessary trash receptacles and disposal of such trash as required by County Environmental Health Services and the City. The Market shall comply with the terms of a standard reimbursement contract for cleaning services in the event that the site is not properly cleaned.
 15. **Site Cleanup.** All cleanup methods must prevent wash water and any trash or other pollutants from entering the street and/or storm drains/drop inlets. Wash water must be properly disposed of to the sanitary sewer or adjacent landscaping.
 16. **Oil Spots.** The Market shall be responsible for the cleaning of oil spots left by Market vehicles.
 17. **Utility Equipment.** All equipment that is used within the Farmers Market designated area that provide utility services, such as generators, compressors for refrigeration, etc., shall meet all Federal, State, County and City regulations, codes and ordinances regarding operation and use during the Farmers Market operational hours.

18. **Signs.** The Market shall have no authority to place or erect any sign anywhere within the City except as permitted by the Sign Ordinance.
19. **Restrooms.** The Market shall provide separate men's, women's, and handicapped restroom facilities on site during the operation of the Farmers Market if the Community Development Director deems that there is a need.
20. **Complaint Brochure.** The Market shall publish and distribute an informational brochure on how to submit a complaint regarding the operation. It shall include contact information for the Market and City Planning Division. The brochure shall be subject to the review and approval by City Planning Staff. The brochure shall be distributed to all adjacent businesses and shall be available at each Market location.
21. **State Street Market Conditions.** The following conditions apply only to the State Street Market.
 - a. **Times and Location.** The Market shall be allowed to operate on Tuesdays in the street public right-of-way of the 500 and 600 blocks of State Street, between Haley and Ortega Streets, between the hours of 3:30 p.m. and 7:30 p.m. when Daylight Savings Time is in effect, and between the hours of 2:30 p.m. and 6:30 p.m. the remainder of the year. Street closure shall be allowed between the hours of 3:00 p.m. and 8:30 p.m. when Daylight Savings Time is in effect, and between the hours of 2:00 p.m. and 7:30 p.m. the remainder of the year.
 - b. **Alternating Vendor Orientation.** The Market shall alternate the orientation of the grower sales tables and parking on a weekly basis between the tables facing east with the trucks on the west side; and the tables facing west with the trucks on the east side.
 - c. **Non-agricultural Products.** The sale of Non-agricultural Products shall be limited to no more than 10% of the participants at each market place. The sellers of value-added products must also sell the raw agricultural product at the same market.
 - d. **Wine Sales.** Certified wine may be sold in conjunction with the Market, and no more than two such booths shall be allowed.
 - e. **Sidewalks and Crosswalks.** The Market shall limit its operation to the street public right-of-way of the 500 and 600 blocks of State Street on Tuesdays. No sidewalk sales are permitted. The sidewalks and mid-block crosswalk access to the sidewalks on State Street shall remain open and unobstructed, and the Market shall not block pedestrian traffic.
 - f. **Cota Street.** The cross-street (Cota Street) that bisects the Market shall remain open to pedestrian and vehicle traffic.

- g. **City Parking Lots.** The Market shall encourage patrons to utilize the following parking areas, or such other locations as the Transportation and Parking Manager may designate, in the Markets' advertising efforts:
 - (1) Parking Lot 10--corner of Ortega and Anacapa Streets
 - (2) Parking Lot 11--corner of Anacapa and Haley Streets
 - (3) Parking Lot 12--corner of Gutierrez and State Streets
 - h. **Lighting.** The Market shall pay for any additional lighting determined to be necessary by the Police Chief. If additional lighting is determined to be necessary, a lighting plan must be reviewed and approved in writing by the Building Official and be found consistent with the existing Outdoor Lighting Design Guidelines.
22. **Cota Commuter Lot Market Conditions.** The following conditions apply only to the Santa Barbara Certified Farmers Market insofar as it has been authorized to operate on Saturdays at the 119 E. Cota St. parking lot.
- a. **Time and Location.** The Market shall be allowed to operate on Saturdays at 119 East Cota Street, the Cota Commuter parking lot, between the hours of 8:30 a.m. and 1:00 p.m. Parking lot closure shall be allowed between the hours of 6:00 a.m. and 1:30 p.m.
 - b. **Non-Agricultural Products.** The sale of Non-agricultural Products shall be limited to no more than 10% of the participants at each market place. The sellers of value-added products must also sell the raw agricultural product at the same market.
 - c. **Wine Sales.** Certified wine may be sold in conjunction with the Market, and no more than two such booths shall be allowed.
 - d. **Sidewalks.** The Market shall limit its operation to the Cota Commuter parking lot at 119 East Cota Street on Saturdays. No sidewalk sales are permitted. The sidewalks on Cota and Santa Barbara Streets shall remain open and unobstructed, and shall not be blocked by the Market to pedestrian traffic during the Saturday morning Market.
 - e. **Bicycle Parking.** The Market shall provide bicycle parking within the Cota Commuter parking lot or adjacent parkway.
 - f. **Adjacent Parking Lot.** The Market shall provide proof of owner authorization for public use of the parking lot at 130 E. Ortega Street during Market operational hours.
 - g. **City Parking Lots.** The Market shall encourage patrons to utilize the following parking areas, or such other locations as the Transportation and Parking Manager may designate, in the Markets' advertising efforts:
 - (1) Parking Lot 10--corner of Ortega and Anacapa Streets

(2) Parking Lot 11--corner of Anacapa and Haley Streets

(3) Parking Lot 12--corner of Gutierrez and State Streets

23. **Coast Village Road Market.** The following operational conditions apply only to the Coast Village Road Market.

a. **Locations and Times.** The Market shall be allowed to operate on Fridays on a 4-zone weekly rotational basis in the street public right of-way of the 1100 and 1200 blocks of Coast Village Road. The Market shall have the discretion to define the specific hours of their operation, as long as the street closure hours are strictly adhered to. Street closure shall be allowed between the hours of 6:00 a.m. and 11:45 a.m.

The boundaries of each zone are as follows:

- Zone A - The 1100 Block of Coast Village Road public right-of-way and median strip adjacent to Coast Village Circle (westernmost zone).
- Zone 1 – The 1100 Block of Coast Village Road public right-of-way and median strip adjacent to Paseo Mariposa and Coast Village Plaza.
- Zone 3 – The 1200 Block of Coast Village Road public right-of-way and median strip adjacent to Olive Mill Plaza.
- Zone 4 – The 1200 Block of Coast Village Road public right-of-way and median strip adjacent to Coast Village Square (easternmost zone).

b. **Holiday Restrictions.** There shall be no Market held on Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day Holidays.

c. **Non-agricultural Sales.** The sale of Non-Agricultural Products shall be limited to no more than 10% of the participants or no more than five stalls whichever is greater. The sellers of value-added products must also sell the raw agricultural product at the same market.

d. **Prohibition of Alcohol Sales.** No alcohol shall be sold in conjunction with the Market.

e. **View Corridor.** There shall be a 12-foot wide view corridor from the road to the shops facing Coast Village Road in each zone.

f. **High Profile Vehicles.** Box trucks and trucks with high profile campers (taller than seven feet) shall be prohibited from the Market.

g. **Sidewalks.** The Farmers Market shall limit its operation to the street public right-of-way of the 1100-1200 blocks of Coast Village Road on Fridays. No sidewalk sales are permitted. The sidewalks on Coast Village Road shall remain open, and the Market shall not block pedestrian traffic during

the Friday Market. There shall be no vehicle parking, stopping, or standing on the curbs, sidewalks, parking medians, City parkways or street medians.

- h. **Parking Signage.** The Market shall provide directory signage advising of the Market and available parking opportunities. "No Farmers Market Parking" signage shall be placed at all access points of the adjoining private lots, where allowed, during the Market with the day and times listed. Additional signage shall be placed on the permanent 90-minute parking signs in each corresponding zone. These permanent signs will rotate with the operation and be installed no earlier than the Saturday prior to the Friday Market.
- i. **Restroom Access Agreement.** The Market shall provide the Community Development Director a written agreement showing that the surrounding merchants will provide access to adequate restroom facilities for vendors participating in the Market.

B. General Conditions.

- 1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolutions 031-06 and 001-09.
- 2. **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. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
- 3. **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.
- 4. **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. NOTICE OF CONDITIONAL USE PERMIT APPROVAL TIME LIMITS:

The validity of a Planning Commission action approving the Conditional Use Permit shall terminate if the use authorized by the approval is discontinued, abandoned, or unused for a period of six (6) months following two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360.



Dear City of Santa Barbara Planning Commission,

The Santa Barbara Certified Farmers Market Association (SBCFMA) is seeking to renew our Conditional Use Permit (CUP) with the City of Santa Barbara for three of our weekly Certified Farmers Markets. They are located at; 500-600 Blocks of State Street, the commuter parking lot at 119 East Cota Street, and rotationally along the 1100-1200 Blocks of Coast Village Road.

It has been a pleasure to offer a farm-direct outlet for California certified agricultural producers for the past 30 years. We have experienced an impressive increase in local resident support for our farmers markets over the years, and would be privileged to continue to offer our exceptional local resources to the community.

The SBCFMA is completely satisfied with the outline of our current Conditional Use Permit for each market and are not requesting any major changes to the stated conditions. We greatly appreciate your consideration for this renewal and thank you for the opportunity.

Sincerely,

Sam Edelman
General Manager, SBCFMA

RECEIVED
APR 18 2013
CITY OF SANTA BARBARA
PLANNING DIVISION

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

Exhibit B



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

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

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

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

The discretionary application required for this project is:

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

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

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

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

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

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

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

A. Conditional Use Permit (SBMC §28.94.020)

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan;

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

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

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

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

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

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

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

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

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

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

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

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

II. Said approval is subject to the following conditions:

A. The following conditions shall be imposed on the continued use of the operation of the Farmers Market authorized by this Conditional Use Permit (CUP). This supersedes PC Resolution No. 061-03, approved on October 16, 2003. Updated copies of all of the agreements and information required below shall be submitted to City Staff within 30 days of the approval of this CUP:

1. The Santa Barbara Certified Farmers Market Association (herein after, the "Market") shall maintain its status as a Certified Farmers Market as defined, authorized and permitted in accordance with the California Code of Regulations Sections 1392 –1392.8 and the California Food and Agricultural Code, Sections 47,000 through 47,026, collectively, the Direct Marketing Law.
2. The manager of the Market shall return at a Planning Commission lunch meeting with a report of discussions with neighbors in the Arcadia Studios building as to how the parking situation could be improved for that building.

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

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

the terms of a standard reimbursement contract for cleaning services in the event that the site is not properly cleaned.

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

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

- t. Each person selling non-agricultural goods shall at all times maintain and display the certificate required pursuant to Municipal Code Section 5.32.035.C.2.(ii). The certificate shall be placed in a location that is clearly visible to all persons purchasing permitted non-agricultural goods and at a distance not greater than five feet from the non-agricultural goods being sold pursuant to the certificate.
 - u. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Environmental Health Standards.
 - v. No food preparation will be allowed at the Market, with the exception of cooking demonstrations, providing free raw cut samples to customers, and the portioning of raw produce for sale, in accordance with the County Health and Safety Code.
 - w. Certified wine may be sold in conjunction with the Market, and no more than two such booths shall be allowed.
 - x. The Market shall maintain in good standing all necessary health permits for the operation of the market and shall be responsible for requiring all vendors be in possession of necessary health permits for all products sold.
 - y. The Market shall comply with all State, County and City laws as they pertain to the operation of a Certified Farmers Market.
 - z. All equipment that is used within the Farmers Market designated area that provide utility services, such as generators, compressors for refrigeration, etc., shall meet all Federal, State, County and City regulations, codes and ordinances regarding operation and use during the Farmers Market operational hours.
6. The Market shall provide proof of owner authorization for usage of the parking lot at 130 E. Ortega Street, adjacent to the Cota Commuter parking lot at 119 East Cota Street, or any other private parking lot used by the Market. A Parking and Circulation Plan shall be submitted, for each site, to the Transportation and Parking Manager for review and approval.

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

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

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

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

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

Gabriela Feliciano
Gabriela Feliciano, Commission Secretary

February 12, 2009
Date

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



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 031-06

1100-1200 BLOCKS OF COAST VILLAGE ROAD

FARMERS MARKET

CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT

JULY 20, 2006

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

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

The discretionary applications required for this project are:

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

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

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

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

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

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

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

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

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

B. *Conditional Use Permit*

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

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

II. Said approval is subject to the following conditions:

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

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

The boundaries of each zone are as follows:

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

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

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

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

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

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

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

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

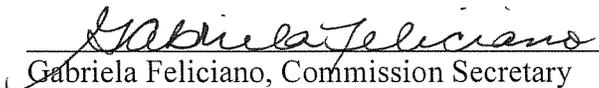
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- C. The failure to comply with any of these conditions of approval may result in the revocation of this permit following a noticed hearing before the Planning Commission.

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

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

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



Gabriela Feliciano, Commission Secretary



Date

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

