

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: December 11, 2001
Department Name: Planning & Development
Department No.: 053
Agenda Date: January 23, 2002
Placement: Departmental
Estimate Time: 2 hours
Continued Item: NO
If Yes, date from:
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05cp058\copyofboardletter.doc

TO: Board of Supervisors

FROM: Rita Bright
Deputy Director, Development Review Division

STAFF CONTACT: Reza Tabatabai, Development Review Division
568-2033

SUBJECT: **Summerland Certified Farmers Market, 01-CP-058, 01APL-00000-00022**

Recommendation(s):

That the Board of Supervisors confirms the Zoning Administrator's approval of August 28, 2001 and approves the above referenced project:

1. Adopt the required findings for the project specified in the Zoning Administrator action letter dated August 29, 2001;
2. Accept the exemption pursuant to Section 15304(e)[Minor temporary use of land], of the State CEQA Guidelines as shown in Attachment B of staff's report dated August 3, 2001;
3. Approve the project, 01-CP-058, subject to the amended conditions of approval included as Attachment B of this report.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or routine business necessity.

Executive Summary and Discussion:

01-CP-058 is a proposal to allow the operation of a Certified Farmers Market in Summerland. A Minor Conditional Use Permit is requested to allow a Certified Farmers Market (CFM) along an approximately 300 foot portion of the road right of way on Lillie Avenue, between Evans Avenue and Hollister Street, entirely within a public right of way. The market area would be an approximately 300 foot by 40-foot area and

would have between 30 and 50 farmers and vendors. The Market would operate once a week on Wednesdays between 3 P.M. and 7 P.M. during the summer and between 2 P.M. and 6 P.M. during the winter. Approximately 30 parking spaces would be provided in the Summerland Beach Café lot, with an additional 20 spaces available on Lillie Avenue in front of the CFM.

No permanent structures would be required for this use. Producers would sell their produce from trucks or tables set up within each designated space. Barricades will be placed on either side of the market area to block unauthorized vehicles from entering. Additionally, barricades will be placed in such a manner to maintain a 12-foot wide access way to a private residence located adjacent to the market area. All barricades and directional signs would be removed after each CFM day. The CFM would provide two 30-gallon trash receptacles for waste disposal. During the winter months the producers' florescent display lights would provide temporary night lighting. These display lights are powered from the producers' vehicle batteries and only illuminate the immediate tables or stand.

At the regular hearing of the Santa Barbara County Zoning Administrator on August 13, 2001, the Summerland Certified Farmers Market was continued to the hearing of August 28, 2001. The case was continued in order to give staff time to work on the conditions of approval. Specifically, a condition that requires a Traffic Control Plan and an evaluation of that Traffic Control Plan at the end of the first 6 months of operation was added to the project before the Zoning Administrator heard the project again.

On August 28, 2001, the Zoning Administrator considered 01-CP-058. Following the staff report and testimony from the applicant and public, the Zoning Administrator concurred with staff and adopted the required findings, accepted the CEQA exemption, and approved the project subject to the revised conditions.

Although the area proposed for the Certified Farmers Market is located within a commercially zoned district (C-1) and is surrounded by commercial properties, there is one private residence located on the street proposed as the market area. (Please refer to the site plan, attached to the last page of Exhibit B Staff Report, dated August 3, 2001). The appellant, who resides in this residence, has concerns about access to their property during operation of the Certified Farmer's Market. Pursuant to Chapter 9, Division 11 of the California Vehicle Code, the front of a public or private driveway may not be blocked, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device. The Certified Farmers Market has been designed to prevent this private driveway from having its access blocked. To insure that access would continue to be provided to the private residence during the Market activities the project was conditioned to require a Traffic Control Plan to ensure that the appellant has full access to her property. The Traffic Control Plan requires that barricades (per County Roads standards) maintain a 12-foot wide access lane. The barricades will be erected at the point where the Market starts on Lillie in front of the Summerland Beach Café, to the western property line of the private residence at 2274 Lillie (Please see attached site and traffic plan). Additionally, the Certified Farmers Market is required to designate one person for full time traffic control, to ensure that the dedicated access way is kept clear. The designated person would ensure that the only person(s) to use this access way would be the residents and their visitors of 2274 Lillie Avenue and any emergency vehicles that maybe necessary (please refer to attached condition letter from the Transportation Division, dated August 1, 2001). After the appellant raised concerns at the first public hearing a condition was added to the project that requires that after the first 6 months of operation, a noticed public Zoning Administrator's hearing will be held to ensure compliance with the Traffic Control Plan.

A facilitation meeting was held on October 18, 2001 between staff, county counsel, the applicant, and appellant. The appellant voiced concerns regarding the purpose and effectiveness of the Traffic Control Plan. The appellant also stated that persons visiting the Certified Farmers Market would block access and come on to her property. The appellant's opposition to the Farmers Market remained at the conclusion of the facilitation meeting and both parties agreed that the matter should be scheduled for a hearing by your Board (please refer to County Counsel Memo in Exhibit C for a more detailed discussion of the facilitation meeting and its effectiveness).

After consideration of the appellant's concerns, including efforts of facilitation, staff recommends that the Board of Supervisors uphold the decision of the Zoning Administrator and adopt the findings and conditions of 01-CP-058.

Mandates and Service Levels:

The appeal was filed pursuant to Section 35-182.3 of Article II of Chapter 35 of the County Zoning Ordinances, which states that the decisions of the Zoning Administrator may be appealed to the Board of Supervisors within ten days after the Zoning Administrator's actions

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

Pursuant to Section 35-182.3.1 of Article II of Chapter 35 of the County Zoning Ordinance, that developments which are appealable to the Coastal Commission will not be charged an appeal fee.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, attn: Hearing Support, Cintia Mendoza.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: County Counsel

ATTACHMENTS: Exhibit A: Zoning Administrator's action letter dated August 29, 2001
Exhibit B: Staff Memo dated August 16, 2001 and Staff Report dated August 3, 2001
Exhibit C: County Counsel Memo dated December 26, 2001
Exhibit D: Appeal dated September 5, 2001
Exhibit E: Public Comment Letters

