

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, August 22, 2011**

ROLL CALL

The meeting was called to order at 5:30 p.m. by Mayor Al Clark.

Councilmembers present:

Councilmember Carty
Councilmember Reddington (arrived at 5:35 p.m.)
Councilmember Armendariz
Vice Mayor Stein
Mayor Clark

Staff members present:

Dave Durlfing, City Manager
Peter Brown, City Attorney
Fidela Garcia, City Clerk
Nick Bobroff, Associate Planner
Jackie Campbell, Community Development Director
Steve Goggia, Senior Planner
Charles Ebeling, Public Works Director/City Engineer
John Thornberry, Administrative Services/Finance Director
Kevin Silk, Assistant to the City Manager
Matt Roberts, Parks and Recreation Director

PLEDGE OF ALLEGIANCE

All present were led in the salute to the flag by Mayor Clark.

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS – None

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS – None

CITY MANAGER'S REPORT

- Seeking volunteers for the September 23 and 24, 2011, Carpinteria Triathlon to be held at Linden Field.
- Summerland Fire Protection District will host a 9/11 Memorial Service on September 11, 2011, 9:00 a.m., at Fire Station No. 1

Jackie Campbell, Community Development Director, noted that the following animals were ready for adoption: Enzo a male Pit Bull, Darcy a white female Boxer, and Yoda a male Chihuahua.

AGENDA MODIFICATIONS – None

CONSENT CALENDAR

Motion by Vice Mayor Stein, seconded by Councilmember Clark, to approve the Consent Calendar as presented.

A voice vote was taken, and the motion carried.

1. Expenditures for the Period Ending August 17, 2011
2. Award of Construction Contract in the Amount of \$148,327.00 to Construct the Palm to Linden Trail on Assessor's Parcel Number 004-105-014 in the City of Carpinteria
3. Adopt **Resolution No. 5332** entitled, A Resolution of the City of Carpinteria City Council Approving Parking Restriction (No Parking) at Specified Locations Within the City
4. Designation of a Voting Delegate for the 2011 League of California Cities' Annual Conference and Approve Councilmember Kathleen Reddington's Travel to the Conference

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT

Pat Horowitz announced that the Avon Walk for Breast Cancer was coming to Santa Barbara County and participants would end their two day walk in Carpinteria. She mentioned that they were seeking volunteers and volunteer forms were available online at www.avonwalk.org.

ADMINISTRATIVE MATTERS: None

PUBLIC HEARINGS:

5. Request for Waiver or Adjustment of Development Impact Fees (DIFs) for the Carpinteria Arts Center Located at 855 Linden Avenue (**Cont. from 7/25/11, Agenda Item No. 5; Cont. from 8/8/11, Agenda Item No. 4**)

Recommendation: a) Open the public hearing and take public comment; and b) Grant an adjustment to the three applicable Transportation-related DIFs, pursuant to CMC §15.80.100.

Mayor Clark recused himself due to a perceived conflict of interest as he serves as an officer on the Carpinteria Arts Council.

Vice Mayor Stein recused himself due to a perceived conflict of interest as his wife is in charge of fundraising for the Carpinteria Arts Center.

Mayor Clark asked Councilmember Carty to serve as the Acting Mayor for this item.

Mayor Clark and Vice Mayor Stein stepped down from the dais and exited the Council Chambers.

Nick Bobroff, Associate Planner, presented the staff report. He noted that a letter was received from the Carpinteria Valley Arts Council indicating that if the Council wished to help them with their development impact fees that their preferred option would be that the City Council make a contribution to help pay the fees, and that if the City were to choose to make a grant or waive or reduce the fees then they would ask the City to implement a deed restriction or similar legal agreement to ensure that community benefits are provided in exchange for waiver, reduction, or contribution towards those fees.

No ex parte communications were disclosed.

Gary Campopiano, Carpinteria Arts Council Board Member, thanked the City Council for consideration of this request. He stated that the Board supported staff's recommendation of an 83 percent reduction in transportation mitigation fees. He also stated that the Board's choice in regards to the open space fee would be an option for the City to contribute the amount to the Arts Council rather than negotiating any legal contracts; however, they would be happy to commit to providing arts for the community. He inquired whether their request to convert the driveway in front of the building to a loading zone would be granted. City Manager Dave Durflinger responded that this request would be considered by the Traffic Safety Committee, who would subsequently make a recommendation to the City Council.

Councilmember Reddington stated that she agreed to a reduction for the Arts Council's applicable transportation fees in the amount of \$94,808.51; however, she believed the open space fee should not be waived. She spoke in support of a grand total of fees in the amount of \$110,695.71 and not taking any funds from the City's General Fund.

Mayor Clark inquired whether these figures were correct. Mr. Bobroff responded that if the City Council were to grant the 83 percent reduction to the transportation fees the Arts Council's fee amount would be \$94,808.51, and if the City Council were to grant the reduction in the transportation fee and waive the open space fee then total fees would be \$79,020.31.

Councilmember Reddington suggested that the development impact fees could be divided in half so that the total fees would be approximately \$110,000.00. Mr. Durflinger responded that any reduction in fees would need to be based on finding of fact and must have a rational basis in the nexus between potential project impacts and the manner in which the fees are calculated. Councilmember Reddington inquired whether the fees could be lowered by 80 percent. Mr. Durflinger responded that if the City Council did not agree with the methodology used for the 83 percent reduction that the Council could make a motion that the reduction should be based on some other traffic impact basis.

Councilmember Armendariz expressed concern with asking the Arts Council to pay \$218,000 in development impact fees. He stated that he believed that the cost for public works projects was too high and that the fees for subsidizing these projects were a burden to the private sector. He also stated that he believed asking the Arts Council to pay approximately \$80,000 in fees was too high; however, he would go along with that recommendation. He inquired regarding the location and fee for open space. Councilmember Reddington suggested that the fee could go towards a skate park. Councilmember Armendariz expressed concern with asking the Arts Council to pay fees to acquire a skate park. Councilmember Reddington responded that open space fees would go toward whatever the community needs and that the fees could be used to fund a skate park, Tomol Park, or any other park. She stated that she believed it was important for the City to acquire open space.

Councilmember Armendariz stated that he did not agree with tasking the Arts Council with paying fees for open space. He also stated that he believed staff had done a good job with creating the appropriate nexus and that he would support the total fees in the amount of \$79,020.31.

Councilmember Reddington stated that she believed the total fees in the amount of \$94,808.51 were more appropriate. She noted that the open space fee would be earmarked to preserve open space

Acting Mayor Carty inquired whether there would be legal issues in the future due to the reduction of fees and if there were to be a change of use of the building. Mr. Bobroff responded that there would be no requirement for the Arts Council to pay repay the transportation fees and if there were to be a change of use in the future that required additional parking then the new use would need to pay the development impact fees on the new net increase in parking.

Acting Mayor Carty expressed his support for the 83 percent reduction in fees. He stated that he believed that the City was very supportive of the project and that there were too many legal issues to consider regarding the open space acquisition fees.

Councilmember Armendariz stated that he did not believe it was justified to ask the Arts Council to contribute to the acquisition fees for this particular project at this time. Acting

Mayor Carty noted that he originally had the same belief; however, Mr. Campopiano had indicated that the Arts Council would rather have the cash contribution than having to have the site acquisition taken away because of legal issues.

Councilmember Reddington stated that as long as no funds were being taken from the General Fund then she would agree with Acting Mayor Carty.

Motion by Councilmember Reddington, seconded by Councilmember Armendariz, to adjust the Development Impact Fees for the new Carpinteria Arts Center located at 855 Linden Avenue per the staff recommendation at \$94,808.51.

A voice vote was taken and the motion carried.

At 6: 15 p.m. Mayor Clark and Vice Mayor Stein returned to the Council Chambers and took their seats at the dais.

6. Albertsons Grocery Store Expansion Project and Casitas Plaza Remodel; Request of Albertsons, Inc., Representative Kent Heasley to Expand the Existing Grocery Store at Casitas Plaza Into an Adjacent Vacant Retail Space of 21,440 Square Feet and to Remodel the Existing Shopping Center, Increasing the Floor Area of Albertsons From 20,062 Square Feet to 40,290 Square Feet; Case No. 10-1547-CUP/DPR/CDP **(Cont. from 8/8/11, Agenda Item No. 5)**

Recommendation: Adopt Resolution No. 5331, as read by title only, to approve Project Number 10-1547-CUP/DPR/CDP to allow the expansion of Albertsons grocery store and upgrades to the Casitas Plaza Shopping Center with the amendment to page 9-27 of the Final EIR as presented in the staff report.

Steve Goggia, Senior Planner, presented the staff report and PowerPoint presentation.

Jackie Campbell, Community Development Director, noted that the staff's recommendation was modified from the previous meeting to exclude the tower and any sign component associated with the tower element. She also noted that staff was not recommending any modifications on the monument signs, but was proposing that the City Council could approve the monument signs consistent with the City's sign code which has a maximum height of eight feet and requires only that the shopping center name be on that sign rather than individual tenant names. She stated that the City Council could grant a modification; however, staff's recommendation was for approval of the sign consistent with the City's signs regulation. She noted that a change in use would require a subsequent review process and any type of building improvement to change the interior from a grocery store to other use would go through the same conditional use permit development plan process.

Councilmember Armendariz inquired regarding the bias against individual store signs. Ms. Campbell responded that she was not aware of the reason that the code was

written in this manner and suggested that it could be to geographically orient the shopping center rather than naming the tenants of the shopping center.

Mayor Clark noted that the environmental impact report (EIR) discussed a 30,000 square foot store and that a letter submitted by the attorney representing the shopping center owner stated they would not do their part if the store were to only be 30,000 square feet store. Mr. Goggia responded that there were assumptions in the EIR when looking at alternative sites and that often when looking at alternatives under the California Environment Quality Act (CEQA) it is to find a project that would have fewer significant impacts. He noted that in this case the proposed project does not have any significant impacts and when looking at the various alternatives he was aware that one of the impacts noted was the need to install new lighting in the parking lot.

Kent Heasley, representing Albertsons, noted that the project was presented to the Architectural Review Board and the Planning Commission, and that recommendations of approval were made by both bodies. He also noted that the project had gone through the EIR process and the applicant had agreed to some of the minor conditions. He stated that they received 1,800 survey cards in support of the project and seven against the project. He stated that approval of a 40,000 square foot expansion would allow a green store, improvements to the shopping center, pedestrian pathway, and enhanced landscaping. He asked that the City Council consider the project as it was originally proposed with the freeway sign, street signs, and the 40,000 square foot expansion. He stated that the street sign was more important to them than the freeway sign because they believed it would be a safety issue at the street. He noted that the Architectural Review Board and the Planning Commission recommended approval of the eight-foot height signs and suggested that the decorative trellis could be eliminated to make the sign eight feet in height. He stated that the street signs were critical because the building is set back 450 feet to the sidewalk and 475 feet to the street. He noted that it was mentioned at the previous meeting that Whole Foods and Lazy Acres do not have street signs; however, they have verified that they do have street signs, the stores are much closer to the streets, and the stores are more visible from the streets. He stated that when Albertsons was approached to purchase the pharmacy there were 19 jobs involved which they intend to fold into the expanded store, and that Albertsons was proposing 60 new jobs for the grocery store.

Greg Reich, architect for the property owner, noted that a comment was made at the previous meeting regarding the two handicapped parking spaces next to IHOP Restaurant and stated that the Albertsons project would have more handicapped parking spaces than required by the code because of the distribution of the shopping center. He also noted that when they originally presented the idea for the sign at the Architectural Review Board the name Casitas Plaza was included; however, it was removed to make the sign smaller.

Michael Nordware, United Signs Systems, stated that when he hears the term big box retail he thinks of an 80,000 to 100,000 square foot building and that Albertsons did not

fit this model. He noted that Albertsons was actively working with the community and that the City Council was pleased with its bagless initiative, introduction of hyperlocal products, and the purchase of Sheppard's Pharmacy. He stated that in order to fit all of these into the store they would not be able to handle all of the products inside 30,000 square feet. He also stated that he believed a 40,000 square foot store would not be a large store and it would meet the needs of the community. He noted that a pylon sign was currently allowed for the shopping center; however, this type of sign was not being proposed for this project. He explained that each of the proposed signs would serve a distinct purpose and alleviate a safety issue. He noted that all the proposed signs would easily be approved in Carmel, and he encouraged the City Council to consider approving the signs. Mayor Clark inquired regarding the definition of a pylon sign. Mr. Goggia responded that it was different from a pole sign, resembles a monument sign, and is taller.

Councilmember Reddington noted that there was mention of other types of signs that could be installed and inquired whether alternatives would need to be presented to the Architectural Review Board and Planning Commission for approval. Mr. Goggia responded that one type of sign could be similar to the CVS sign, which is a wall sign that would face the freeway on the backside of the stores. He stated that this would be presented to the Architectural Review Board and the Community Development Director could render a decision.

Councilmember Reddington commented that groceries are not taxable. Councilmember Carty noted that grocery stores were one of the largest tax bases in the City.

Karl Barnett stated that when he informed the City of his intent to sell his pharmacy there were two stipulations placed with Albertsons that they include his employees and that they continue to provide the services he had been offering for nearly 30 years, which including providing durable medical equipment and compounding of prescriptions for specific needs. He noted that Albertsons had agreed to continue these services.

Ahmed Jahadhmy, Carpinteria resident and Store Director for Albertsons, stated that he wanted to clarify that 40,000 square foot would be the size of the Albertsons building and they were proposing 29,000 square feet for the sales store area. He noted that the remaining 11,000 square feet would be used for storage, refrigeration, break room, restrooms, and locker room. He also noted that many of the food items were taxable. He stated that he believed Carpinteria deserved a first class store and that the store needed to be special to reflect the beauty and the people of Carpinteria. He also stated that the store needed to keep the residents of Carpinteria from leaving to shop elsewhere and to attract people from surrounding areas to shop all of Carpinteria. He noted that they conducted a survey and received 80 percent response, and that out of that response 99.96 percent supported this project. He asked that the City Council level their playing field, show unity as the people of the community have shown for the project, and approve the project. Councilmember Armendariz inquired regarding the

current square footage of the sales floor. Mr. Jahadhmy responded that the current sales floor was 13,000 square feet.

Donna Jordan stated that due to the increased number of people in the audience the City Council could have the sense from the community. She asked for the City Council's complete unanimous support.

Richard Weinberg, Vice President of the Carpinteria Former Mayors Association, stated that this project had been discussed for two to three years and that he hoped the final decision would be made that evening. He commented that if the City Council were to approve the project the community could look forward to a nice, new, green energy, net zero Albertsons store that would not only reduce energy consumption by 30 percent but would also improve the shopping experience. He noted that if the Albertsons project moves forward the landlord had agreed to re-landscape the entire plaza, including an improved drainage system, new lighted protected pedestrian pathway with low energy lighting, and a brand new, bright, exciting, warm, and friendly shopping center. He mentioned that he spoke with Mr. Jahadhmy regarding the concern that the potential 60 new employees would come from other cities and Mr. Jahadhmy informed him that of the 60 current employees only five do not live in Carpinteria. He noted that Mr. Jahadhmy assured him that if the store expansion goes forward the same hiring policy would be used. He asked the City Council to act positively and vote yes on this project.

Jane Benefield, resident of Silver Sands Mobile Home Park, stated that she wanted to address the City Council's conceptual review, big box theory, and landscaping plan. She noted that in January 2010 a conceptual review meeting was held to inform the City Council of the impending Albertsons Expansion Project and its intention to expand to 40,000 square feet. She also noted that at the time the City Council believed it was a good idea. She mentioned that in July 2011 the Planning Commission unanimously made the findings of the conditional use permit and recommended Council approval. She questioned what had changed since then and noted that there was no industry standard definition of big box stores. She stated that she would consider a big box as huge retail, wholesale concrete building. She noted that Albertsons was in partnership with the property owner to enhance the entire shopping center and the project would not displace local stores in the area. She commented that she agreed with Councilmember Reddington regarding the landscaping and suggested that in order to avoid the appearance of big box the applicant could improve on the landscaping plan because she did not believe that palm and magnolia trees were the best for landscaping. She suggested implementing a condition of approval for landscaping, allowing public input, and considering planting of flowering or fruit trees.

Jackie Martin, six year resident coming from Los Angeles, stated that she enjoys shopping Carpinteria and was thrilled that the City Council was considering an expansion of Albertsons. She also stated that she liked the fact that Albertsons would have wide aisles, more produce, and more choice. She commented that the enhancements would improve the town.

John Welty, resident since 1962, stated that he agreed with the previous speakers. He questioned whether the City Council had considered what would happen if they were vote no on this project and stated that it would mean that Sheppard's Pharmacy would no long be in town. He mentioned that many charity events were supported by Mr. Jahadhmy and staff.

Joe Finnagan, retired press agent and publicist, stated that building a larger store would bring in more employees.

Peggy Chaney noted that when Albertsons decided to purchase Sheppard's Pharmacy and make it a part of their store that Karl Barnett's only stipulation was that Albertsons hire all of its 19 employees. She stated that the employees were very grateful and looking forward to moving across the street to their new location. She noted that there were strong bonds between the ailing community and the Sheppard's Pharmacy, and that the pharmacy's employees were the only contact some people had. She stated that the delivery people to those who are homebound provided a meaningful ray of light.

Nancy Meyer, a previous store owner in Casitas Plaza, noted that Mr. Jahadhmy always offered assistance. She expressed her support for the project

Greg Faher, proprietor of Do It Best Hardware Store, spoke in support of the project. He stated that contrary to a big box concept, this project provided the opportunity for him to bring his store to the community. He also stated that approval of this project was critical to his store's success and that anything that the City Council could do to make Carpinteria a more vibrant economic town in the scope of a beautiful beach community was very important. He expressed his hope that the City Council would approve the project.

Bob Jordan, stated that he believed it was time for the City Council's unanimous vote to approve this project, to welcome a new Albertsons store, and to move on.

Andrea Prado, 18 year resident, stated that she participated in many community events and expressed that this project must move forward. She stated that due to the current economic times, if this project was not approved Albertsons could pull everything out and the City would be left with an empty store. She further stated that the project would bring in more jobs and provide a better economy, and noted that this was the only place for the seniors who live across the street to shop as it was close for them and the new improvements would make it safer for them.

Margaret Gilcrest noted that tourism was an important source of revenue for Carpinteria. She stated that the residents needed and desired convenient services for grocery shopping and other types of shopping. She suggested that everyone do what is best for everybody in the community with regard to jobs and revenue. She noted that Albertsons wanted to expand its store into a vacant space and that Sheppard's

Pharmacy would be part of the expansion. She also noted that Albertsons and Carpinteria Beautiful joined forces to spearhead a campaign to eliminate single use plastic bags.

Mrs. Benson expressed her support for the project. She commented that a 40,000 square foot store did not appear to be a big box to her when it would be incorporating an empty store, bakery, pharmacy, and a number of other things. She stated that it would be beneficial and that she did not understand how the City Council would consider not approving the project when the large Lagunitas project was moving forward.

Jeff Sterns expressed his support for the recommendation as revised. He noted that Albertsons had an impressive track record of environmental initiatives and that this project would improve an already bagless store. He also noted that the new Albertsons would be energy efficient; committed to sourcing local organic produce, local seafood, and local flowers; committed to zero waste; and committed to rolling out 40 more stores by early 2012. He suggested that Albertsons should be given more space to allow it to have flexibility to go forward with these or similar initiatives.

Allen Waite stated that the people of Carpinteria voted the Council into office and the people want this expansion. He also stated that the City Council should vote in support of the project and get it done.

Fred Gaines, Law Office of Gaines and Stacy, Land Use Counsel for Vons, mentioned that he also serves as a Councilmember for the City of Calabasas. He stated that Vons enjoyed being in Carpinteria; they were very appreciative of its customers; and they were one of the City's largest employers. He also stated that Vons did not oppose the Albertsons project or the improvements to the Casitas Plaza as this was initially Vons' idea. He explained that Vons applied for this project in 2007; however, opposition was immediate and clear. He noted that the City did not want to lose Albertsons and it wanted to have competitive supermarkets in order to maintain local competition on a level playing field and to maintain a small town feel and character. He also noted that Vons' application was met with an urgency ordinance which would have prohibited a 40,000 square foot store. He stated that at that time one of the Councilmember said that a 40,000 square foot store was inconsistent with the small town image. He also stated that the City Council was concerned about the economic effect on downtown business. He noted that Vons was not happy but it did not fight and it pulled its application. He also noted that Vons took the City Council's unanimous direction and invested \$2 million in renovating its existing 29,612 total square foot store. He questioned who would have thought that after Vons completed its renovation that the City Council would be considering a 40,000 square foot Albertsons Store. He asked the City Council to forget the legal issues raised, the CEQA, and expert reports, and to ask whether there was a competitive advantage with having a 40,000 square foot store next to the freeway with extra signage and more parking compared to the 30,000 square foot Vons store sitting in the downtown block. He stated that there would be a competitive

advantage and the project would risk hurting the competitor. He noted that the economic reports indicated that they would see a decrease in sales to both Vons and the surrounding downtown core but not enough for them to close the Vons store. He suggested that two new renovated 30,000 square foot stores in Carpinteria were fair and the City Council should regulate the stores fairly.

Barry Horowitz stated that the buildings for the Albertsons expansion were currently there and they would not be building a new building. He commented that he did not know why Carpinteria had a substandard grocery store. He urged the City Council to go forward with this project, and allow Albertsons to expand to 40,000 square feet because the buildings were currently in place and there were no further impacts.

Mayor Clark Closed the Public Hearing.

The City Council recessed to a break at 7:45 p.m. and reconvened at 7:50 p.m.

City Attorney Peter Brown addressed letters and testimony received from Mr. Gaines regarding the history and legal parameters in which he cited statements made by Councilmembers which occurred when the City Council debated the interim ordinance, and the comments that a 40,000 square foot store would be inconsistent with the City's small town character and the need to maintain a level playing field for businesses that are in economic competition. He stated that the City adopted four ordinances when addressing the issue of larger stores and how to regulate them. He also stated that three of those ordinances were urgency ordinances and that a permanent ordinance was ultimately adopted which addresses under what circumstances the City Council may approve larger stores. He noted that the first two urgency ordinances required a conditional use permit for stores over 20,000 square feet and imposed a ban on stores over 30,000 square feet. He also noted that the final ordinance required the same conditional use permit; however, it also removed the cap and made a requirement for special findings which staff included in the staff report. He stated that when the final ordinance was adopted the Council had changed its mind and decided that larger stores could be approved but only if certain findings were made. He commented that the statements that Mr. Gaines cited were made during debate of the urgency ordinances and these statements were not relevant as a legal matter to the decision being made by the Council that evening, which was subject to an entirely different set of regulations. He noted that as Mr. Gaines indicated Vons abandoned its efforts to occupy the space currently being proposed by Albertsons; that the Vons application was never deemed complete; and that Vons removed its application before implementation of the urgency ordinance. He stated that the City had no knowledge or control of Vons' decision to withdraw its application and suggested that it could have been due to Vons' negotiations with Albertsons or the shopping center owner or Vons' assessments of the risks or rewards for continuing in the permitting process. He noted that it was important to state that other than the City informing Vons what it had to do in order to make its application complete the City did not direct Vons as to what Vons decision should be. He stated that the land use permitting process was inherently uncertain and it was unknown

whether an application will be approved or denied, and that it appeared Vons decided that it was best to improve its existing store and not go through the risk of the permit process. He also stated that if Vons had stayed in the permitting process it would be in the same situation where the adopted ordinance could have allowed a larger store. He commented that he believed that claims that the City was adopting a different process for two different stores was incorrect because the City only has one process which is preparing an environmental document, taking the project through the Architectural Review Board and the Planning Commission, preparing a full staff report, bringing recommendations to the City Council, and the City Council making a decision. He stated that since the Vons project never had a complete application the City was not aware what that project was; however, the City was aware that project currently before the City Council is different from the Vons project, which he believed involved demolition of the two spaces and rebuilding them, did not involve changes to the site plan of the shopping center as a whole, and did not go into details of net zero energy. He also stated that he did not believe there was any basis in saying that the two proposals were being treated differently or that they were identical projects. He addressed Mr. Gaines' letter in which he indicated that the EIR should have discussed Albertsons consistency with the special conditional use permit finding and he cited law that the EIR was supposed to consider regulations that were adopted for the purpose of environment protection. He stated that the special conditional use permit findings were specifically designed to address economic issues, not environmental issues, and that for these reasons it was clear that those conditional use permits findings are not regulations that are adopted for environmental review and therefore did not need to be analyzed in the EIR. He also stated that there was no requirement that the City needed to exercise its police powers to tilt economic competition one way or the other or to make that be a primary decision point. He noted that the City was not required to ensure every business has exactly the same square footage or products or ensure that there are identical outcomes for every project. He stated that in staff's opinion the proposed project could meet these objectives and that the required findings could be made. He also stated that staff did not believe there was any basis to Mr. Gaines' claim of a violation of federal and civil rights.

Mayor Clark stated that he agreed that the full expansion of the Albertsons store would make the shopping center more vital and lead to fill more vacancies. He expressed his support with eliminating the facing freeway sign. He encouraged staff to reinforce permit provisions that should another store take over in the future that it would need to go through the same permit process. He encouraged Albertsons to use as many local suppliers as possible, encouraged shoppers to buy locally whenever possible, and congratulated Albertsons on its new store.

Vice Mayor Stein commented that John Welty brought up a point that most take for granted being Mr. Jahadhmy and his volunteerism. He noted that when Vons brought forth its proposal Mr. Jahadhmy suggested that they could trade store locations. He stated that Mr. Jahadhmy puts the community first. He also stated that he has no

problem with monument signs, that he believed the freeway sign would be a waste but not a deal breaker, and that he supported the project.

Councilmember Reddington noted that the public had spoken and that Albertsons needed to be expanded. She stated that the people of Carpinteria deserved a nice new grocery store and that she would support the 40,000 square foot building. She also stated that she liked the idea that Albertsons would be bringing in local organic produce and she acknowledged Mr. Jahadhmy on his efforts. She commented that she believed signage was not needed due to current electronic technology. She stated that she would support what the community needed and wanted.

Councilmember Carty expressed that he had concerns with signage; however, he saw the point of including the names of the stores. He suggested that perhaps the sign could be a few feet shorter with the addition of Carpinteria in small letters. He stated that he did not support the tower sign and suggested a sign on Carpinteria Avenue.

Councilmember Armendariz stated that he wanted to go on record that he never changed his mind on this issue; that he did not support capping the square footage to 30,000 square feet; that the community deserved this grocery store; and that he fully supported the project

Councilmember Reddington stated that she wanted to offer a motion to leave the Casitas Plaza sign in the quaint small town. Mr. Goggia responded that the recommended motion on the front page of the staff report would approve the project without the freeway tower and that it did not include the modification to allow the Albertsons and CVS names to appear on both the Casitas Pass sign and the Carpinteria Avenue sign, nor allow the Casitas Pass sign to be higher than eight feet. He stated that the recommended motion would approve the project without the signs and have only Casitas Plaza on an eight foot sign at Casitas Pass Road.

Motion by Councilmember Reddington to adopt Resolution No. 5531 to approve Project No. 10-1547-CUP/DPR/CDP to allow the expansion of Albertsons grocery store and upgrades to the Casitas Plaza shopping center with the amendment to Page 9-27 of the Final EIR as presented in the staff report prepared for the August 8, 2011 hearing. Motion died for lack of a second.

Motion by Vice Mayor Stein to approve staff's recommendation and adopt **Resolution No. 5331**, entitled Approving a Conditional Use Permit, Development Plan Revision and Coastal Development Permit for the Expansion of the Albertsons Grocery Store into the Adjacent Vacant Retail Space of 21,440 Square Feet within the Casitas Plaza Shopping Center. The Proposal Includes Architectural Upgrades to Several Storefronts and Improvements to the Parking Lot, Landscape Lighting and Stormwater Collection/Conveyance Facilities through the Entire Casitas Plaza Shopping Center, adding a caveat approving the monument signs on Casitas Pass Road and Carpinteria Avenue with signage to be moved back so that it does not block the line of sight.

Councilmember Armendariz stated that he did not support elimination of the freeway signage. Councilmember Carty expressed his concern with the height of the monument sign. Councilmember Armendariz stated that he hoped staff would work with the Albertsons team to make sure that whatever remedy they come up with on the freeway signage was agreeable with them.

Councilmember Carty seconded by motion. He inquired regarding the height of the monument signs on Casitas Pass Road and Carpinteria Avenue. Ms. Campbell responded that the code allows for eight feet; however, the City Council could approve a sign up to ten feet in height.

Vice Mayor Stein stated that his motion would allow for the monument signs to be ten feet in height and allow for the tenants' names.

Ms. Campbell clarified that the motion was to approve the Albertsons expansion and Casitas Plaza remodel as recommended by staff; there would be no tower element; the City Council would be willing to approve a modification to allow the monument sign on Casitas Pass Road to be up to ten feet in height; allow the monument sign to include the tenant names rather than only the shopping center name; that the monument sign on Carpinteria Avenue respect the sight distance in rough proportionality in size and height smaller than the Casitas Pass Road sign; and not eliminate the option that another wall sign could be added along the northern freeway frontage or a freeway sign consistent with the sign program regulations.

Upon voice vote, motion carried unanimously.

OTHER BUSINESS:

7. Response to Santa Barbara County 2010-2011 Civil Grand Jury Report, "Local Government Post Employment Benefits in Santa Barbara County – Complicated and Costly."

Recommendation: Approve the response to the Grand Jury Findings and Recommendations.

John Thornberry, Administrative Services/Finance Director, presented the staff report.

Motion by Councilmember Armendariz, seconded by Vice Mayor Stein, to approve the response to the Grand Jury Findings and Recommendations.

Upon voice vote, motion carried.

8. 2011 Work Program Status Report

Recommendation: Receive the report and direct the City Manager as determined appropriate concerning Work Program items and priorities.

Dave Durlinger, City Manager, presented the staff report. The following staff provided status updates: Assistant to the City Manager Kevin Silk, Public Works Director Charlie Ebeling, Community Development Director Jackie Campbell, and Parks and Recreation Director Matt Roberts.

Councilmember Armendariz and Mayor Clark expressed an interest in participating in the meeting regarding issues related to Bluffs III properties.

Councilmember Reddington stated that the City needed to work with the business community to try to attract more business in the downtown. She suggested scheduling a public workshop for the Zoning Code update. She stated that she hoped the City could find a way to extend the pool hours and seek funding alternatives. She also stated that she hoped for further discussion regarding the Neighborhood Preservation Program regulations and parking restrictions.

Report was received.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Carty stated that in regards to the Albertsons expansion project that the clock in the tower should work otherwise it should be removed.

Councilmember Reddington reported that Dan VanMullen was recently hired as the new Director for the Santa Barbara County Air Pollution Control District. She expressed her hope that the City could extend the pool hours until November and perhaps hold a fundraiser to keep these additional hours. She asked that the City Council consider writing a letter in support of AB 376 which would ban the sale, trade, and distribution of shark fins. Mayor Clark stated that he would be happy to write a letter in support of this bill.

ADJOURNMENT

The meeting was adjourned at 9:27 p.m. by Mayor Clark.

Al Clark, Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk