



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of July 5, 2012 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.

CALL TO ORDER

Chair Fussel

PLEDGE OF ALLEGIANCE

Commissioner Adams

ROLL CALL

Commissioners Craig Adams, Foster Reif, Gerald Witcher, Vice Chair Art Mercado and Chair Jason Fussel

REORDERING OF AGENDA

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of June 21, 2012**

PUBLIC COMMENTS

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

- 2. Resolution No. 12-02 – “ A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (12-FDP-01) for a Driveway, Parking, Landscaping, and a Temporary Outdoor Entertainment Area**

and Approving a Preliminary Development Plan (12-PDP-01) for a Future Building Envelope, Parking, and Landscaping Located at 71 Industrial Way (Assessor's Parcel Number 099-690-037), and Making Findings in Support Thereof"

OTHER BUSINESS

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, July 19, 2012, at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

* Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

**Regular Meeting of June 21, 2012 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

CALL TO ORDER

Chair Fussel called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Witcher led the Pledge of Allegiance

ROLL CALL

Present: Commissioner Gerald Witcher, Vice Chair Art Mercado and Chair Jason Fussel

Absent: Commissioners Craig Adams and Foster Reif

Staff: Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PUBLIC COMMENTS

None

CONSENT CALENDAR

1. Minutes of the regular Planning Commission meeting of May 17, 2012
2. Minutes of the special joint City Council/Planning Commission meeting of June 6, 2012
3. Remove from Agenda: Conceptual Review of Proposed Drive-thru Lanes, 234 East Hwy 246

MOTION:

Vice Chair Mercado moved and Commissioner Witcher seconded the motion to approve the Consent Calendar.

VOTE:

Motion passed by a 3-0 voice vote.

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

WRITTEN COMMUNICATIONS

None

OTHER BUSINESS

None

PLANNING DIRECTOR REPORT

None

PLANNING COMMISSIONER COMMENTS

None

ADJOURNMENT

Chair Fussel adjourned the meeting at 6:02 p.m. to the next regular scheduled meeting of the Planning Commission to be held July 5, 2012 at the City Council Chambers, 140 West Highway 246, Buellton, CA.

Jason Fussel, Planning Commission Chairman

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No: 2

To: The Honorable Chair and Commission Members

From: Angela Perez, Assistant Planner

Date: July 5, 2012

Subject: Resolution No. 12-02 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (12-FDP-01) for a Driveway, Parking, Landscaping, and a Temporary Outdoor Entertainment Area and Approving a Preliminary Development Plan (12-PDP-01) for a Future Building Envelope, Parking, and Landscaping Located at 71 Industrial Way (Assessor's Parcel Number 099-690-037), and Making Findings in Support Thereof"

BACKGROUND/DISCUSSION

John Petersen, Santa Ynez Valley Properties ("Applicant") has submitted a Final Development Plan (12-FDP-01) and a Preliminary Development Plan (12-PDP-01) for development of a driveway, parking, landscaping, a temporary outdoor entertainment area and a future industrial building with additional parking and landscaping. The project site is located at 71 Industrial Way, which is to the south of 73 and 75 Industrial Way on Assessor's Parcel Number 099-690-037 (see Attachment No. 1 - Vicinity Map). There are two existing industrial buildings located at 73 and 75 Industrial Way. The property is zoned M (Industrial and Manufacturing). The project consists of the following applications:

- **Final Development Plan (12-FDP-01):** Approval of a driveway, parking, landscaping, and a temporary outdoor entertainment area. The outdoor entertainment area is for Figueroa Mountain Brewery, which is located to the east of the project site at 45 Industrial Way (see Attachment No. 2 - Site Plan for the Figueroa Mountain Brewery Outdoor Entertainment Area, Attachment No. 3 – Site Plan for the FDP and PDP, and Attachment No. 4 - Irrigation and Planting Plans).
- **Preliminary Development Plan (12-PDP-01):** Approval of a future building envelope of approximately 9,000 square feet, parking, and landscaping. (see Attachment No. 3 - Site Plan for the FDP and PDP and Attachment No. 4 - Irrigation and Planting Plans)

12-FDP-01

Currently there are two industrial buildings located at 73 and 75 Industrial Way. They are 4,800 square feet and 6,400 square feet, respectively. There are 10 parking spaces and approximately 4,544 square feet of landscaping that will remain.

The proposed Final Development Plan includes the development of a driveway from Industrial Way, a paved driveway, 9 parking spaces, landscaping adjacent to the parking spaces, a drainage basin, and sidewalks along Industrial Way. The drainage on the site has been designed to direct most of the stormwater to Industrial Way through a landscaped basin at the east side of the site.

The Final Development Plan includes a temporary 3,500 square foot outdoor entertainment area for Figueroa Mountain Brewery (see Attachment No. 2 – Site Plan for the Figueroa Mountain Brewery Outdoor Entertainment Area). The entertainment area includes seating, bocce ball, horseshoe pits, and fire pits. It has a 6 foot high black vinyl coated chain link fence with privacy screen mesh, decomposed granite surface, some lawn, and lighting.

When this application was originally submitted the entertainment area included a stage where live music could be played. The stage is no longer included in the proposal. The entertainment area is located on the southeast corner of the project site. The hours of operation for the entertainment area are Monday through Friday, 4:00 pm to 9:00 pm, and Saturday and Sunday, 11:00 am to 9:00 pm. The entertainment area is temporary because it would only remain until the building that is proposed in the Preliminary Development Plan is developed. The entertainment area is located in the same area where the building will be developed.

There are a total of 12 parking spaces required for the entertainment area. The parking spaces are proposed as parallel parking spaces on an existing driveway from Industrial Way that is directly south of the entertainment area. This driveway serves the buildings that are addressed as 45 through 67 Industrial Way. The CC&R's for this subdivision require the approval of all the property owners for any alteration of the driveway. Figueroa Mountain Brewery has submitted signed letters from the property owners that say they agree with the proposed parking. The signed letters are on file at the City. The Fire Department has reviewed the plans and does not have any issues with the addition of parallel parking to the driveway. The driveway would still meet Fire Department standards for width.

12-PDP-01

The proposed Preliminary Development Plan includes a future building envelope of 9,000 square feet, 39 parking spaces to support a 6,400 square foot building, and landscaping. The size, design, and specific location of the future building will be determined as part of a future Final Development Plan. The applicant anticipates a 6,400 square foot building with architecture and height that will be similar to the surrounding buildings. The use of the building will be determined at a later date, however it is anticipated that it will include offices, storage, and/or warehousing in accordance with M

zoning designation. The following is a table showing the building development standards for the M zone and how the proposed improvements meet the standards.

Development Standard	Ordinance Requirement	Proposed Project
Minimum Lot Size	None required	67,200 square feet
Front Setback	20 feet	Unknown until submittal of FDP
Side Setback	None required	n/a
Rear Setback	None required	n/a
Floor Area	No maximum	n/a
Site Coverage	50% maximum	Existing: 20% Total (With Building in PDP): 31.4%
Height Limit	45 feet	Unknown until submittal of FDP
Landscaping	10%	Existing: 4,544 square feet, 6.8% Proposed: 5,200 square feet Total: 9,744 square feet, 14.5%
Parking	R&D, Manufacturing and Processing: 1 space per 1.5 employees, minimum 1 per 500 s.f. Wholesaling, warehousing, and storage: 1 space per 1,000 s.f. and 1 per 4 employees Industrial uses: 1 space per 4 employees	10 spaces existing 9 spaces provided in FDP 39 spaces provided in PDP 58 total spaces with FDP and PDP Final number to be developed with FDP when uses are known

Because the exact size and location of the proposed building are not known at this time some of the development standards are unknown. A Final Development Plan that shows all of these details will be required before the building can be constructed pursuant to the Municipal Code. The standards for landscaping, site coverage, and parking are met. The number of parking spaces can vary according to the type of business in the building. Taking the requirement of 1 parking space per 500 square feet of building, which is the maximum, then 36 parking spaces are required. The total of 58 spaces meets this requirement.

The architecture of the proposed building will be determined as part of a Final Development Plan in the future. It is anticipated that the architecture will be Contemporary Ranch. The exterior walls will be masonry, concrete panel, or stucco. The owner prefers split face masonry block. The roof will be non-reflective metal or membrane.

The drainage on the site has been designed to flow to Industrial Way through a landscaped basin to the east of the proposed building. The basin will be developed as part of the Final Development Plan.

The Planning Commission reviewed this proposal at a conceptual review on March 15, 2012. The Planning Commission requested more details regarding the Figueroa Mountain Brewery outdoor entertainment area, such as fencing, parking, hours of operation, etc. A site plan has been provided with all the details. The Planning Commission did not have any comments on the proposed building during the conceptual review.

ENVIRONMENTAL REVIEW

The Project is being processed with a Class 32 (In-Fill Development) Categorical Exemption for environmental review in accordance with the California Environmental Quality Act.

RECOMMENDATION

That the Planning Commission consider the adoption of Resolution No. 12-02, "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (12-FDP-01) for a Driveway, Parking, Landscaping, and a Temporary Outdoor Entertainment Area and Approving a Preliminary Development Plan (12-PDP-01) for a Future Building Envelope, Parking, and Landscaping Located at 71 Industrial Way (Assessor's Parcel Number 099-690-037), and Making Findings in Support Thereof" by title only and waive further reading.

ATTACHMENTS

Attachment No. 1 – Vicinity Map

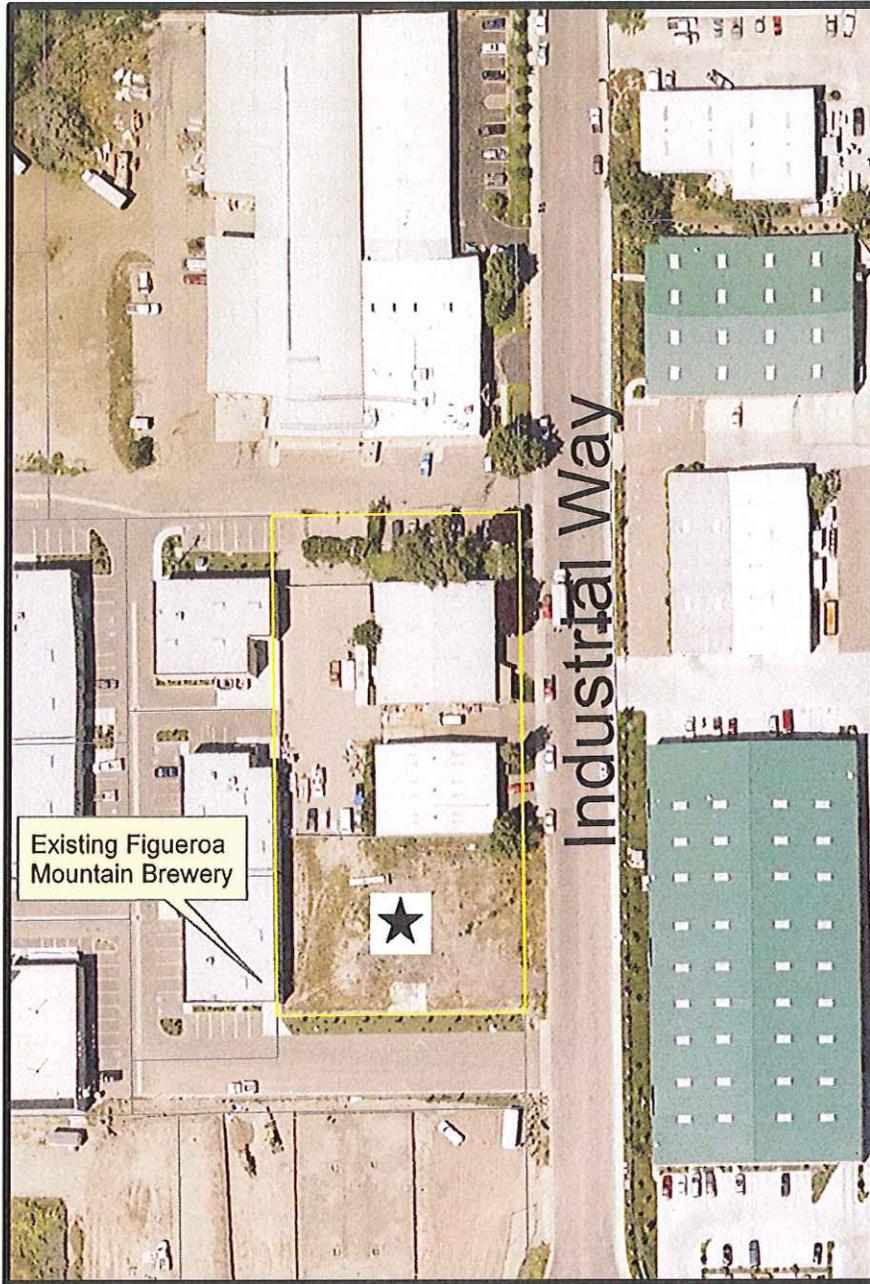
Attachment No. 2 – Site Plan for the Figueroa Mountain Brewery Outdoor Entertainment Area

Attachment No. 3 – Site Plan for the FDP and PDP

Attachment No. 4 – Irrigation and Planting Plans

Resolution No. 12-02

Attachment No. 1: Vicinity Map



Legend

★ Project Location



0 50 100 150 Feet

A horizontal scale bar with four segments. The first segment is labeled "0", the second "50", the third "100", and the fourth "150 Feet".

48 INDUSTRIAL WAY
BULLLTON, CA 95427

1177 COURT VALDERRA,
MONTICELLO, CA 95104
R.O.S. 5.5.1.4.4.0

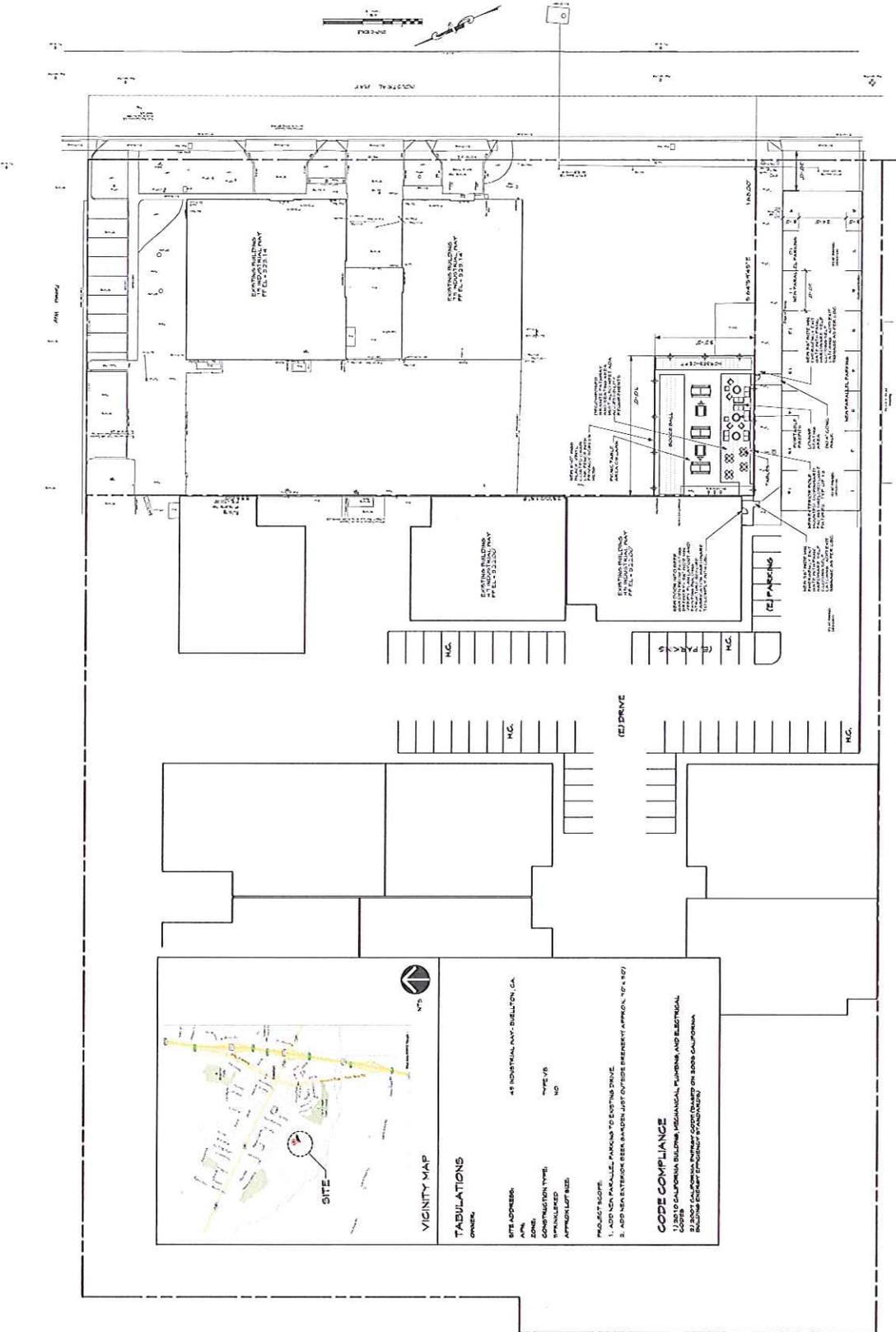
PACIFIC
ARCHITECTS



DATE	DESCRIPTION

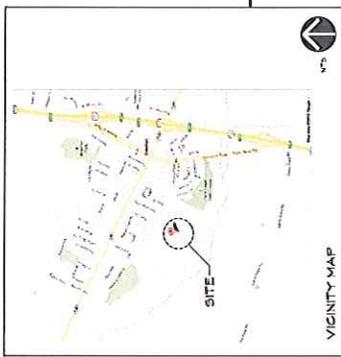
A1

TOPGRAPHIC MAP OF BULLLTON, CALIFORNIA, 1978
SECTION, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
BY JOHN P. BROWN



PROJECT NORTH

SITE PLAN



VICINITY MAP

TABULATIONS

OWNER: 48 INDUSTRIAL WAY, BULLLTON, CA

SITE ADDRESS: 48 INDUSTRIAL WAY, BULLLTON, CA

ZONE: TYPE US

CONSTRUCTION TYPE: UNPLUMBED

APPROX. LOT SIZE: NO

PROJECT SCOPE

1. ADD NEW PARKING, PARKING TO EXISTING DRIVE

2. ADD NEW EXTERIOR BEER GARDEN LOT OUTSIDE PRESENT APPROVAL (10' x 8')

CODE COMPLIANCE

1) 2015 CALIFORNIA BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL CODES

2) 2015 CALIFORNIA FIRE CODE

3) 2015 CALIFORNIA ELECTRICAL CODE

4) 2015 CALIFORNIA PLUMBING CODE

5) 2015 CALIFORNIA MECHANICAL CODE

6) 2015 CALIFORNIA FIRE CODE

7) 2015 CALIFORNIA FIRE CODE

8) 2015 CALIFORNIA FIRE CODE

OWNERS
 Palm Valley Properties, LP
 4100 Granddaisy Way, P.O.
 Suite 200, Dallas, TX 75247
 Contact: John Strawn
 jstrawn@palmvalley.com

Parcel 2 of PM No. 31,019
 71 Industrial Way, P.O.
 Suite 200, Dallas, TX 75247
 Contact: John Strawn
 jstrawn@palmvalley.com

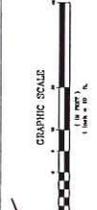
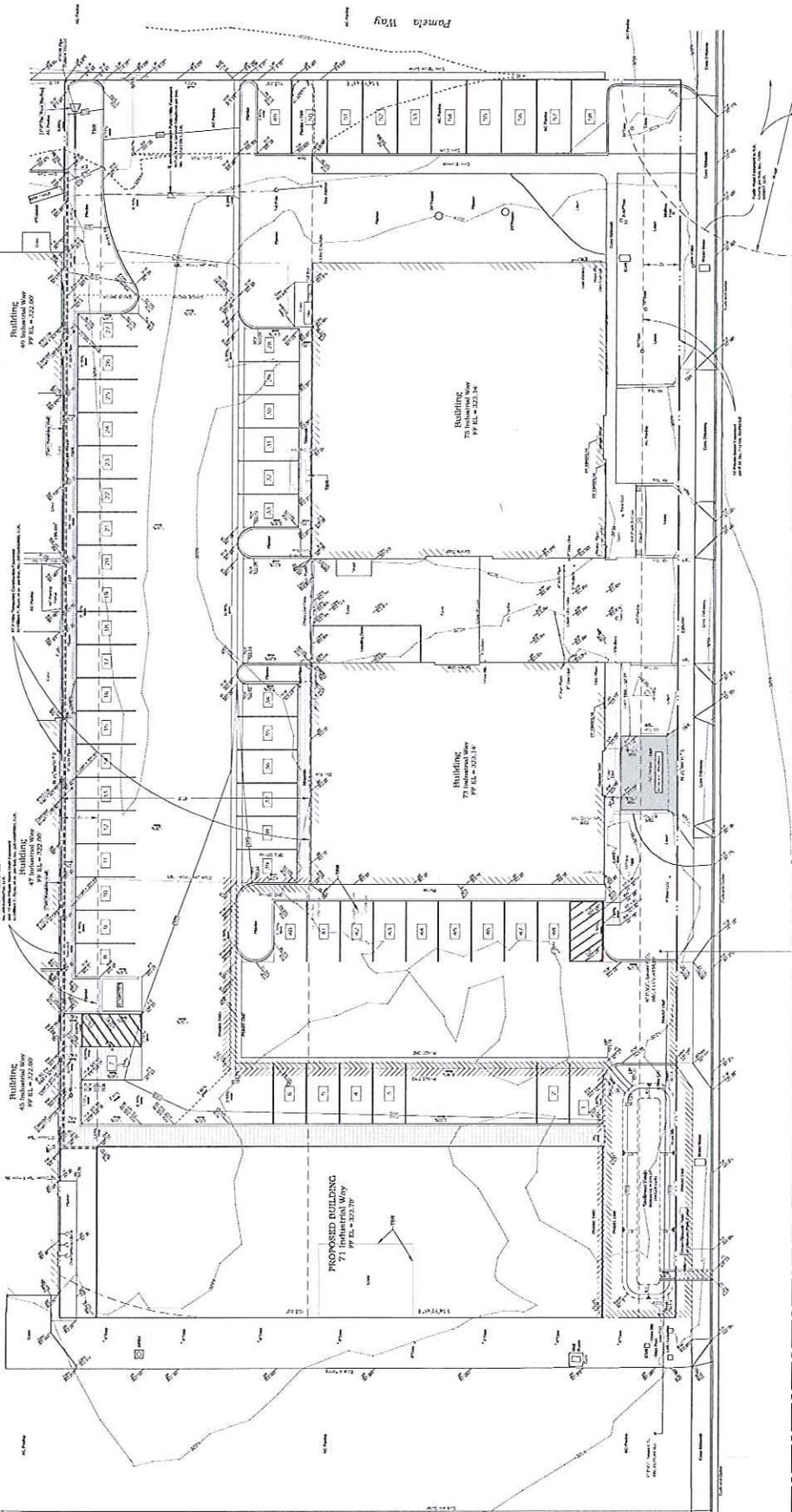
Building Coverage:
 Existing: 73 Industrial Way
 Proposed: 71 Industrial Way
 Total: 1,094 Sq. Ft.

Parking:
 Existing: 10
 Proposed: 20
 Total: 30
 1,094 Sq. Ft.

Landscaping Coverage:
 Existing: 4,234 Sq. Ft.
 Proposed: 3,200 Sq. Ft.
 Total: 7,434 Sq. Ft.

Estimated Earthwork Quantities:

Item	Quantity
Excavation	48 CY
Grading	210 CY
Fill	20 CY
Asphalt	36 CY
Concrete	475 CY
Clear Earthwork	138 CY
Gravel	620 CY
Grass	330 CY
Topsoil	10 CY



DATE PREPARED	11/27/2011
PROJECT NO.	2011006
DRAWN BY	JP
CHECKED BY	JP
SCALE	1"=10'
SHEET NO.	1 OF 1

Topographic Map of Parcel 2, PM 31019 per 55/PM/4-5, City of Euellton,
 County of Santa Barbara, State of California
 for John Petersen

Prepared by
Wells Land Surveys
 200 Rockwood Ave., Suite C
 Buena Vista, CA 92627
 (714) 938-8818
 www.wellsland.com

Surveyor's Statement
 This map is a true and correct copy of the original map as prepared and filed with the County of Santa Barbara, California, on 11/27/2011.

Professional Engineer Seal for John Petersen, License No. 10000, State of California. The seal is circular with the text 'JOHN PETERSEN', '10000', 'STATE OF CALIFORNIA', and 'REGISTERED PROFESSIONAL ENGINEER'.

Professional Engineer Seal for John Petersen, License No. 10000, State of California. The seal is circular with the text 'JOHN PETERSEN', '10000', 'STATE OF CALIFORNIA', and 'REGISTERED PROFESSIONAL ENGINEER'.

Printed on Recycled Paper

INDUSTRIAL WAY PROPERTY
 BUELLTON CA
 FOR SANTA VNEZ VALLEY PROPERTIES
 PO BOX 65, BUELLTON, CA

IRRIGATION PLAN
 PARCEL 2, PM 31019 PER 55.PM-4-5

LISA M. COGAN
 LICENSED ARCHITECT
 10000 N. GARDEN STREET
 SUITE 100
 BUELLTON, CA 93022

Scale: 1" = 10'-0"

DATE: 11/20/21

PROJECT: IRRIGATION PLAN

OWNER: LISA M. COGAN

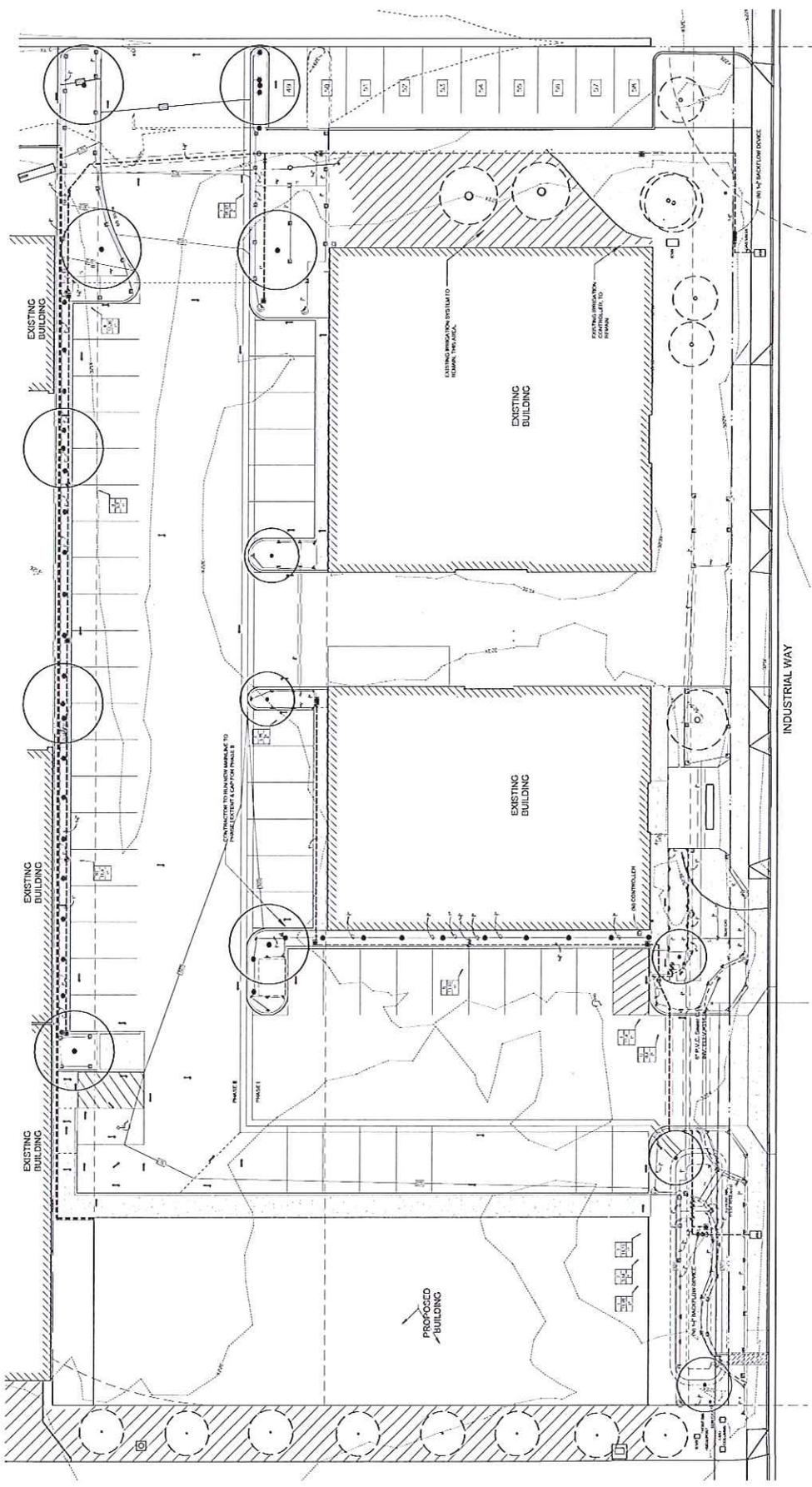
PROJECT: INDUSTRIAL WAY PROPERTY

PARCEL 2, PM 31019 PER 55.PM-4-5

Sheet: 1 of 3 Sheets

IRRIGATION PLAN

NORTH



- IRRIGATION NOTES:**
1. EXISTING IRRIGATION SYSTEMS TO REMAIN UNLESS OTHERWISE NOTED.
 2. EXISTING IRRIGATION SYSTEMS TO REMAIN UNLESS OTHERWISE NOTED.
 3. CONTROLLER WALL MOUNTED, VERIFY LOCATION WITH OWNER.
 4. CONTROLLER WALL MOUNTED, VERIFY LOCATION WITH OWNER.
 5. VERIFY TO WHAT SPECIFICATIONS ATTACHED TO THESE PLANS.
 6. ALL IRRIGATION PIPING SHALL BE 1/2" OR 3/4" POLYETHYLENE GLYCOL (PE) PIPE.
 7. ALL IRRIGATION PIPING SHALL BE 1/2" OR 3/4" POLYETHYLENE GLYCOL (PE) PIPE.
- IRRIGATION NOTES:**
1. VERIFY IRRIGATION SYSTEMS WITH EXISTING PROJECTS.
 2. VERIFY IRRIGATION SYSTEMS WITH EXISTING PROJECTS.
 3. VERIFY IRRIGATION SYSTEMS WITH EXISTING PROJECTS.
 4. VERIFY IRRIGATION SYSTEMS WITH EXISTING PROJECTS.
 5. VERIFY IRRIGATION SYSTEMS WITH EXISTING PROJECTS.
 6. VERIFY IRRIGATION SYSTEMS WITH EXISTING PROJECTS.
 7. VERIFY IRRIGATION SYSTEMS WITH EXISTING PROJECTS.

IRRIGATION HEADS LEGEND

SYM	MODEL	MPF	APC	HAZARD	SPM	PSI	NOTES
1	100GAL/HR	100	100	100	100	100	100
2	100GAL/HR	100	100	100	100	100	100
3	100GAL/HR	100	100	100	100	100	100
4	100GAL/HR	100	100	100	100	100	100
5	100GAL/HR	100	100	100	100	100	100
6	100GAL/HR	100	100	100	100	100	100
7	100GAL/HR	100	100	100	100	100	100
8	100GAL/HR	100	100	100	100	100	100
9	100GAL/HR	100	100	100	100	100	100
10	100GAL/HR	100	100	100	100	100	100
11	100GAL/HR	100	100	100	100	100	100
12	100GAL/HR	100	100	100	100	100	100
13	100GAL/HR	100	100	100	100	100	100
14	100GAL/HR	100	100	100	100	100	100
15	100GAL/HR	100	100	100	100	100	100
16	100GAL/HR	100	100	100	100	100	100
17	100GAL/HR	100	100	100	100	100	100
18	100GAL/HR	100	100	100	100	100	100
19	100GAL/HR	100	100	100	100	100	100
20	100GAL/HR	100	100	100	100	100	100
21	100GAL/HR	100	100	100	100	100	100
22	100GAL/HR	100	100	100	100	100	100
23	100GAL/HR	100	100	100	100	100	100
24	100GAL/HR	100	100	100	100	100	100
25	100GAL/HR	100	100	100	100	100	100
26	100GAL/HR	100	100	100	100	100	100
27	100GAL/HR	100	100	100	100	100	100
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29	100GAL/HR	100	100	100	100	100	100
30	100GAL/HR	100	100	100	100	100	100
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44	100GAL/HR	100	100	100	100	100	100
45	100GAL/HR	100	100	100	100	100	100
46	100GAL/HR	100	100	100	100	100	100
47	100GAL/HR	100	100	100	100	100	100
48	100GAL/HR	100	100	100	100	100	100
49	100GAL/HR	100	100	100	100	100	100
50	100GAL/HR	100	100	100	100	100	100

IRRIGATION EQUIPMENT LEGEND

SYM	DESCRIPTION	MODEL	SIZE	NOTES
1	BACKFLOW PREVENTER	100	100	100
2	RELAY CONTROL	100	100	100
3	WATER CONTROL	100	100	100
4	WATER CONTROL	100	100	100
5	WATER CONTROL	100	100	100
6	WATER CONTROL	100	100	100
7	WATER CONTROL	100	100	100
8	WATER CONTROL	100	100	100
9	WATER CONTROL	100	100	100
10	WATER CONTROL	100	100	100
11	WATER CONTROL	100	100	100
12	WATER CONTROL	100	100	100
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44	WATER CONTROL	100	100	100
45	WATER CONTROL	100	100	100
46	WATER CONTROL	100	100	100
47	WATER CONTROL	100	100	100
48	WATER CONTROL	100	100	100
49	WATER CONTROL	100	100	100
50	WATER CONTROL	100	100	100

PLANNING COMMISSION RESOLUTION NO. 12-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (12-FDP-01) FOR A DRIVEWAY, PARKING, LANDSCAPING, AND A TEMPORARY OUTDOOR ENTERTAINMENT AREA AND APPROVING A PRELIMINARY DEVELOPMENT PLAN (12-PDP-01) FOR A FUTURE BUILDING ENVELOPE, PARKING, AND LANDSCAPING LOCATED AT 71 INDUSTRIAL WAY (ASSESSOR'S PARCEL NUMBER 099-690-037), AND MAKING FINDINGS IN SUPPORT THEREOF

BE IT RESOLVED by the Planning Commission of the City of Buellton as follows:

SECTION 1: An application has been filed by John Petersen, Santa Ynez Valley properties ("Applicant"), for a Final Development Plan (12-FDP-01) to allow the development of a driveway, parking, landscaping, and a temporary outdoor entertainment area and for a Preliminary Development Plan (12-PDP-01) to allow the development of a future building envelope, parking, and landscaping. All of the improvements are proposed at 71 Industrial Way (APN 099-690-037).

SECTION 2: The proposed Project consists of two land use applications:

Final Development Plan (Case No. 12-FDP-01): Approval of a driveway, 9 parking spaces, landscaping, and a temporary 3,500 square foot outdoor entertainment area to the south of the existing buildings located at 73 and 75 Industrial Way. The entertainment area is an outdoor area with seating, bocce ball, horseshoe pits, and fire pits for Figueroa Mountain Brewery. The outdoor entertainment area is temporary because it is located in the same location where a building will be built in the future.

Preliminary Development Plan (Case No. 12-PDP-01): Approval of a future building envelope of approximately 9,000 square feet, 39 parking spaces, and landscaping to the south of the existing buildings located at 73 and 75 Industrial Way.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

A. Record. Prior to rendering a decision on any aspect of the Project, the Planning Commission considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on July 5, 2012 ("Public Hearing").
2. All oral, written and visual materials presented in conjunction with the Public Hearing.

3. The following informational documents which, by this reference, are incorporated herein.
 - a. The Project file for 12-FDP-01 and 12-PDP-01 and the set of Project plans date stamped May 14, 2012.
 - b. Planning Commission staff report of July 5, 2012.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance and Government Code Section 65091 have been lawfully satisfied:

1. A notice of public hearing was published in a newspaper on June 21, 2012 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on June 21, 2012, a minimum of ten (10) days in advance of the Public Hearing.
3. The Public Notice was posted in three public locations on June 21, 2012, a minimum of ten (10) days in advance of the Public Hearing.

C. Environmental Clearance. The Planning Commission exercises its judgment and finds that, pursuant to Title 14 of the California Code of Regulations, Section 15332 (In-Fill Development Projects), that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a project that is consistent with Buellton's General Plan, is located on a site that is less than 5 acres, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects, and can be adequately served by utilities and public services.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments and outside Agencies, (iii) testimony and comments received in connection with the public hearing and (iv) adoption of the conditions of approval set forth hereof, the Planning Commission does hereby declare as follows:

1. Final Development Plan (12-FDP-01).

a. Findings:

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed because the size of the site and its location are appropriate for this type of use and the required number of parking spaces to support the outdoor entertainment area are provided.

- ii. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and it has been determined to be exempt from CEQA.
- iii. That streets and highways are adequate and properly designed. No additional streets are required and no additional right-of-way dedications are necessary, however sidewalks will be provided on Industrial Way.
- iv. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the project. The Fire and Sheriff's Departments have no concerns with the Project.
- v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for industrial and manufacturing land uses and currently contains two industrial buildings. The project is allowed in the industrial and manufacturing zone and would not conflict with the surrounding area and land uses.
- vi. That the Project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the Project complies with both the General Plan and Title 19 (Zoning).
- vii. That the project will not conflict with any easements required for public access through, or public use of a portion of the property. There are no easements.
- viii. That the proposed development is in conformance with the Community Design Guidelines. Outdoor patios are encouraged in the Community Design Guidelines.

2. **Preliminary Development Plan (12-PDP-01).**

a. **Findings:**

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed because the

size of the site and its location are appropriate for this type of use and the required number of parking spaces to support the use are provided.

- v. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and it has been determined to be exempt from CEQA.
- vi. That streets and highways are adequate and properly designed. No additional streets are required and no additional right-of-way dedications are necessary, however sidewalks will be provided on Industrial Way.
- vii. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the project. The Fire and Sheriff's Departments have no concerns with the Project.
- v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for industrial and manufacturing land uses and currently contains two industrial buildings. The project is allowed in the industrial and manufacturing zone and would not conflict with the surrounding area and land uses.
- vi. That the Project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the Project complies with both the General Plan and Title 19 (Zoning).
- vii. That the project will not conflict with any easements required for public access through, or public use of a portion of the property. There are no easements.
- viii. That the proposed development is in conformance with the Community Design Guidelines. The architectural style of the proposed building is anticipated to be Contemporary Ranch, which is the same as the buildings on the neighboring properties.

SECTION 4: Based on the findings set forth in Section 3 and subject to the attached conditions of approval, the Planning Commission hereby approves the Final Development Plan (12-FDP-01) and Preliminary Development Plan (12-PDP-01).

PASSED, APPROVED, AND ADOPTED this 5th day of July 2012.

Jason Fussel
Chair

ATTEST:

Clare Barcelona
Planning Commission Secretary

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) **SS**
CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the foregoing Resolution No. 12-02 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 5th day of July 2012.

Clare Barcelona
Planning Commission Secretary

**CONDITIONS OF APPROVAL
PETERSEN DEVELOPMENT PLANS
FINAL DEVELOPMENT PLAN (12-FDP-01)
PRELIMINARY DEVELOPMENT PLAN (12-PDP-01)**

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description contained in the application received February 21, 2012 and conditions of approval set forth below. The Project Description is as follows: A request by John Petersen, Santa Ynez Valley Properties (the "Applicant") Final Development Plan (12-FDP-01) to develop a driveway, parking, landscaping, and a temporary outdoor entertainment area and for a Preliminary Development Plan (12-PDP-01) for a future building envelope, parking, and landscaping (the "Project"). The Project is located at 71 Industrial Way (APN 099-690-037) (the "Property"). The project plans that are included in this approval include the Figueroa Mountain Brewery Outdoor Entertainment Area Site Plan dated April 26, 2012, FDP and PDP Site Plan date stamped May 14, 2012, and Irrigation and Planting Plans date stamped May 23, 2012. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval. The following are the approvals:

- **Final Development Plan (Case No. 12-FDP-01):** A Final Development Plan (12-FDP-01) for the development of a driveway, 9 parking spaces, landscaping, and a temporary 3,500 square foot outdoor entertainment area to the south of the existing buildings located at 73 and 75 Industrial Way. The entertainment area is an outdoor area with seating, bocce ball, horseshoe pits, and fire pits for Figueroa Mountain Brewery. The outdoor entertainment area is temporary because it is located in the same location where a building will be built in the future.
- **Preliminary Development Plan (Case No. 12-PDP-01):** A Preliminary Development Plan (12-PDP-01) for the development of a future building envelope of approximately 9,000 square feet with a building of approximately 6,400 square feet, 39 parking spaces, and landscaping to the south of the existing buildings located at 73 and 75 Industrial Way.

2. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

- a. **“Applicant”** means John Petersen, Santa Ynez Valley Properties, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project.
- b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
- c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
- d. **“County”** means the County of Santa Barbara.
- e. **“Final Building Inspection Clearance”** means acknowledgement by the Building and Safety Division of the County that construction of the Project has been completed in full compliance with plans and specifications approved by the Building and Safety Division of the County. Such acknowledgement is typically evidenced by signature of appropriate Building and Safety Division staff on the building permit inspection form.
- f. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of a special district.
- g. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- h. **“Project”** means and includes all of the actions described in the Project Description above.
- i. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.
- j. **“Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.
- k. **“Property”** means the land and improvements identified in the Project Description.
- l. **“Property Owner”** means Santa Ynez Valley Properties, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project.
- m. **“Zoning Clearance”** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.

3. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
4. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
5. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.
6. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.
7. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.
8. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.

9. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.
10. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City
11. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the fee schedules adopted by the City and then in effect at the time such fees become payable.
12. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. PLANNING CONDITIONS (12-FDP-01 and 12-PDP-01)

13. **Zoning Clearance.** As a condition precedent to obtaining building permits, and prior to improving any portion of the Property or commencing any work pertaining to the Project approved herein, the Applicant shall obtain Zoning Clearance from the Planning Director. Zoning Clearance shall only be granted upon satisfying all conditions precedent to construction as stated in these conditions of approval.
14. **Performance Standards.** The design, operation, and use of the Project and Property shall comply with all outdoor storage, trash collection design, performance standards, landscaping requirements, and lighting provisions of the Buellton Municipal Code. All exterior lighting shall be located and designed so as to avoid creating substantial off-site glare, light spillover onto adjacent properties, or upward illumination into the sky. In addition, the Property shall be maintained in strict compliance with the following additional standards:
 - a. **Use Limitations.** No building or other improvement upon the Property shall be constructed, maintained, or used for any purpose other than that which is allowed by the Buellton Municipal Code or otherwise stipulated in the conditions of approval herein. Furthermore, the Property shall be maintained in strict compliance with the following additional standards:
 - (1) **Unobstructed Access.** All driveways and areas designated for off-street parking shall remain accessible at all times. Except as

allowed by revocable license approved by the City, parking shall not be allowed on driveways at any time.

- (2) Vehicle Repair. No disassembly, repair or any other work shall be performed on any vehicle, machine, motor, appliance or other similar device shall be allowed on any portion of the Property except or unless such work and device is wholly removed from public view.
 - (3) Exterior Storage. No storage of any goods, materials or equipment shall be permitted on the Property except within the confines of fully enclosed buildings or as approved in the Final Development Plan.
- b. Prohibited Activities. No person owning, leasing, occupying or having charge or possession of the Property, or any portion thereof, shall maintain or use the premises in such a manner that any of the following conditions are found to exist:
- (1) Fire and Explosion Hazards. Storage and transportation of flammable or explosive materials, as defined by the County of Santa Barbara Fire Department, which are provided without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices, standard in the industry.
 - (2) Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances, affecting the operation at any point of any equipment other than that of the creator of such disturbance.
 - (3) Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, or humidity, heat or cold that is produced and is perceptible without instruments by the average person at the Property line.
 - (4) Liquid and Solid Wastes. Discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction over such activities.

- (5) Odors. Emissions of odorous gases or other odorous matter that is produced in nuisance quantities at the Property line.
 - (6) Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectable without instrument by the average person at the Property line which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point.
 - (7) Vibration. Ground vibration that is produced and is discernible without instruments to the average person at the Property line. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard.
 - (8) Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.
 - (9) Noise. Unless otherwise provided for, no person shall operate or cause to be operated any source of sound at or on the Property, or allow the creation of any noise on the Property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any receiving property to exceed the noise level limits set forth by the Buellton Municipal Code as adopted and amended.
15. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency. The Fire Department approves the Final Development Plan and Preliminary Development Plan as described in the Project Description received February 22, 2012 and as shown on the plans date stamped May 14, 2012.
16. **Building Codes.** All building construction shall be designed and performed in accordance with the currently adopted California Building Code, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.

17. **Grading and Drainage.** All building construction, grading and drainage shall be designed and performed in accordance with the currently adopted Excavation and Grading Code and all other appropriate sections of the Buellton Municipal Code and Santa Barbara Flood Control Design Standards dealing with grading, drainage and public improvements. Prior to construction, necessary plans and documentation shall be submitted for review and approval by the City Engineer including, but not limited to, complete civil engineering drawings, public improvement plans, utility specifications and appropriate engineering calculations prepared by a California Registered Civil Engineer.
18. **Construction Noise Reduction.** Prior to issuance of building permit, the Developer shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition. Stationery noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor. Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.
19. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction is completed and all improvements and landscaping associated with the Project are installed in accordance with the plans approved and the conditions specified herein. Exceptions to this requirement may be granted subject to: (i) approval of the City Engineer and Planning Director; (ii) assurance that unfinished items will be completed within a reasonable period of time (including, but not limited to, the posting of appropriate performance security to assure such completion); (iii) essential infrastructure necessary to serve the entire Project is fully installed; and (iv) public safety and convenience is appropriately protected.
20. **Property Maintenance.** The Project and Property, including the landscaping, shall be maintained in a continuous state of good condition and repair, in full compliance with all approved plans, specifications and conditions of approval. Corrective improvements shall be undertaken as necessary to continuously conform with and implement conditions of Project approval including, as applicable, repair, repainting and/or replacement of Project components as needed. Where a Project is found to be non-compliant, the Applicant shall adhere to City recommendations to bring the Project into compliance.
21. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
22. **Landscape Surety.** Prior to issuance of a building permit, a surety for installation of the landscaping and irrigation, and for maintenance for one year, shall be posted in a form acceptable to the City. The surety estimate shall be submitted as part of the building permit submittal.
23. **Landscape Installation.** Prior to obtaining Final Building Inspection Clearance, all landscaping and irrigation shall be completed and fully installed in accordance with the approved landscape plan. A letter from the landscape architect shall be submitted

verifying compliance with the plans. The landscape and irrigation surety, less the one year maintenance portion, can be released at this time.

24. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than one year or until such time that all plant material has been completely established. The Planning Director shall inspect or cause to be inspected all landscaped areas after the one year maintenance period. If the landscaping is healthy and established, the one year maintenance portion of the surety may be released.
25. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.
26. **Lighting.** All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies.
27. **Signage.** All signage shall require a sign permit from the City and shall conform to Municipal Code requirements.

C. PLANNING CONDITIONS (12-FDP-01)

28. **Final Development Plan.** Approval of the Final Development Plan (Case No. 12-FDP-01 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.
29. **Development Time Frame.** Building construction must be started not later than five years after approval of the Final Development Plan, or if a Permit is issued within the five year period, construction must be diligently pursued thereafter, or this approval will be revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project. Start of construction is defined as:
 - a. All zoning and related approvals are effective; and
 - b. All required building and grading permits have been issued; and
 - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the California Building Code have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place.

Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.

30. **Zoning Clearance.** Approval of 12-FDP-01 allows the development of a driveway, parking, landscaping, a temporary outdoor entertainment area. A zoning clearance is required prior to submittal of building permits to the County for the development approved in 12-FDP-01.
31. **Parking.** 12 parking spaces shall be maintained for the Figueroa Mountain Brewery outdoor entertainment area at all times. All parking spaces shall be striped in accordance with City of Buellton standards prior to issuance of the occupancy permit. An accessible path of travel from the entertainment area to the right-of-way without obstruction by parked vehicles shall be provided. Required Fire Department clearance shall be maintained at all times.

D. PLANNING CONDITIONS (12-PDP-01)

32. **Final Development Plan Required.** Prior to applying for grading permits or a zoning clearance for the development proposed in the Preliminary Development Plan, the Applicant shall prepare and submit a Final Development Plan for review and approval by the Planning Director pursuant to Section 19.08.120.E. of the Buellton Municipal Code. The Final Development Plan shall be submitted within 24 months of the effective date of approval of the Preliminary Development Plan (12-PDP-01). Failure to do so will result in the approval being revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project, provided the initial 12-month period has not already expired. The Final Development Plan shall be reviewed for consistency with the approved Preliminary Development Plan and shall include all of the plans and reports required by the Planning Director in order to approve the Final Development Plan. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project
33. **Building Permit.** The County Building Department will require a plumbing fixture analysis to determine the minimum number of restrooms to be required in the building proposed in the Preliminary Development Plan. Pending review of the floor plans for the proposed building, an elevator may be required.
34. **Parking.** The parking requirements for the proposed development in the Preliminary Development Plan will be established as part of the Final Development Plan. Depending on the use of the building, the number of parking spaces that are required could be from 7 to 36 parking spaces.

E. ENGINEERING CONDITIONS (12-FDP-01)

Prior To Grading Permit Issuance:

35. **Grading and Utility Improvement Plans.** Applicant shall cause to be prepared by a

Civil Engineer, registered in the State of California, grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.

36. **Frontage Improvement Plans.** Plans for the frontage improvements shall be drawn by a California Registered Civil Engineer. Drawings shall be prepared on 24-inch by 36-inch mylar (4 mil) showing all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, utilities, and street trees.
37. **Soils Report.** At the time that Improvement Plans and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, two copies of a Soils Report, prepared by a California Registered Geologist or Soils Engineer, shall be submitted. The report shall address soils engineering and compaction requirements, R-values, and other soils and geology related issues (including liquefaction) and shall contain recommendations as to foundation design, and paving sections, where applicable for the project.
38. **Erosion Control Plans.** Erosion Control Plans shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at *all* times.
39. **Hydrology Report.** At the time that Improvement and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, a complete hydrology/hydraulic report shall be submitted by the applicant's engineer determining the adequacy of the proposed drainage system and the adequacy of the existing downstream system. A rain fall frequency of twenty-five (25) years shall be used for sizing piping and inlet structures. In addition, the report shall discuss the required stormwater management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references.
40. **Stormwater Management.** Development shall be undertaken in accordance with conditions and requirements of the State of California Regional Water Quality Control Board. Project Grading and Storm Drain Improvement Plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted on-site and during construction to effectively mitigate storm water pollution during construction as well as post-construction.

Stormwater management shall be incorporated in the improvement plans (low impact development). Pre and post development hydrology shall be consistent, considering flow volume and discharge. Design measures that minimize storm water run-off shall be incorporated. When possible, grading and drainage shall be designed so that the Effective Impervious Area is minimized. Examples include curb openings integration to enable run-off direction towards landscaped areas and impervious surfaces for infiltration. A maintenance/water quality control plan shall be submitted and include an

owner's statement that maintenance of facilities will occur regularly (at least annually) and will be ongoing.

41. **Final Plans.** Upon approval of the final plans, the applicant shall furnish original stamped mylars to the City Engineer for signature and reproduction for permitting purposes. A final Engineer's estimate shall be prepared (updated from the original submittal) and permit/inspection fees paid.
42. **Grading and Utility Bonds.** A faithful performance and labor/material bond for the grading and utilities (each to be equal to 100% of the City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year.

Prior To Building Permit Issuance:

43. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.

Prior To Occupancy Clearance:

44. **Improvement Plans.** The applicant shall complete all required improvements to the satisfaction of the City Engineer. The applicant shall furnish the mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "As-Built Record Drawings."

General Conditions:

45. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans prior to issuance of building permits.
46. **Utilities.** All other utilities shall be shown on the plans.

F. ENGINEERING CONDITIONS (12-PDP-01)

47. **Grading and Utilities Improvement Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements. In addition, all applicable studies including soils report and Hydrology/Hydraulics report shall be submitted.
48. **Stormwater Management.** The Project shall conform to the required Storm Water analysis and design and incorporate the required stormwater management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references. Applicant will be responsible to mitigate for all non-pervious surfaces in accordance with the State of California Regional Water Quality Control Board stormwater permit.

- 49. **Stormwater Management BMPs.** Development shall be undertaken in accordance with conditions and requirements of the State of California Regional Water Quality Control Board. Project Grading and Storm Drain Improvement Plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted on-site and during construction to effectively mitigate water pollution during construction as well as post-construction.
- 50. **Title Report.** Applicant shall submit a preliminary title report for the site. All existing and proposed easements should be shown on the plans, including locations of all utilities.

G. FINANCE DEPARTMENT CONDITIONS

- 51. **Outstanding Fees.** The Applicant shall pay all fees including, but not limited to, outstanding balances for processing by the City Engineer, Planning Department, Building Department, traffic mitigation fees, water connection fees, sewer fees, school fees, Fire Department mitigation fees, and any additional processing deposits as required prior to zoning clearance.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

_____	_____
Property Owner Signature	Date
_____	_____
Project Applicant/Agent/Representative Signature	Date