



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of September 17, 2015 – 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

Vice Chair Reif

PLEDGE OF ALLEGIANCE

Commissioner Dunstan

ROLL CALL

Commissioners Brian Dunstan, Art Mercado, Joe Padilla and Vice Chair Foster Reif

REORDERING OF AGENDA

PRESENTATIONS

Presentation to outgoing Commissioner Lisa Figueroa

ELECTION OF OFFICERS

1. Election of Chair and Vice Chair

APPROVAL OF MINUTES

2. Minutes of the regular Planning Commission meeting of August 6, 2015

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

- 3. **Resolution No. 15-11– “A Resolution of the Planning Commission of the City of Buellton, California, making findings concerning the Quitclaim of certain portions of excess street right-of-way easement with respect to the consistency of the proposed quitclaim with the City of Buellton General Plan pursuant to the requirements of California Government Code Section 65402 for property located on Assessor’s Parcel Numbers APN 099-820-011, and 099-820-012 and making Findings in Support Thereof”**

❖ *(Staff Contact: Public Works Director Rose Hess)*

- 4. **Resolution No. 15-08 – “A Resolution of the Planning Commission of the City of Buellton, California, approving the Mitigated Negative Declaration (15-MND-01) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project which includes a Bowling Alley/Entertainment Center and Warehouse Facility on 5.08 acres located at 39 and 41 Industrial Way, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”;**

and

Resolution No. 15-09 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (13-FDP-03), a Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02), and for the same project at the same location, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”

❖ *(Staff Contact: Contract Planner John Rickenbach)*

OTHER BUSINESS

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, October 1, 2015 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 August 6, 2015 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Figueroa led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Brian Dunstan, Art Mercado, Vice Chair Foster Reif and Chair Lisa Figueroa

Absent: Commissioner Joe Padilla

Staff: City Manager Marc Bierdzinski
Contract Planner Irma Tucker
Assistant Planner Andrea Olson
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PRESENTATIONS

City Manager Bierdzinski introduced Andrea Olson, Assistant Planner to the Commission.

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of July 2, 2015

MOTION:

Commissioner Dunstan moved and Commissioner Mercado seconded the motion to approve the Minutes of July 2, 2015.

VOTE:

Motion passed by a 4-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

- 2. **Resolution No. 15-08 – “A Resolution of the Planning Commission of the City of Buellton, California, approving the Mitigated Negative Declaration (15-MND-01) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project which includes a Bowling Alley/Entertainment Center and Warehouse Facility on 5.08 acres located at 39 and 41 Industrial Way, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”;**
and
Resolution No. 15-09 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (13-FDP-03), a Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02), and for the same project at the same location, Assessor’s Parcel Numbers 099-690-045 and 099-690-046, and Making Findings in Support Thereof”

RECOMMENDATION:

That the Planning Commission open the public hearing; close the public hearing and remove consideration of Resolution Numbers 15-08 and 15-09 from the August 6, 2015 agenda.

DOCUMENTS:

Planning Department Staff Report with attachments (Vicinity Map)

SPEAKERS/DISCUSSION:

Chair Figueroa opened the Public Hearing at 6:02 p.m., there being no speakers, Chair Figueroa closed the Public Hearing at 6:03 p.m.

MOTION:

Vice Chair Reif moved and Commissioner Mercado seconded the motion to remove consideration of Resolution Numbers 15-08 and 15-09 from the August 6, 2015 agenda.

VOTE:

Motion passed with a 4-0 voice vote.

3. **Resolution No. 15-10 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Revise Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-01) By Adding Regulations Regarding a Definition of a Fast Food Restaurant and Locational Restrictions for Fast Food Restaurants, and Making Findings in Support Thereof”**

RECOMMENDATION:

That the Planning Commission consider the adoption of Resolution No. 15-10 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Revise Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-01) By Adding Regulations Regarding a Definition of a Fast Food Restaurant and Locational Restrictions for Fast Food Restaurants, and Making Findings in Support Thereof”

DOCUMENTS:

Planning Department Staff Report
Resolution No. 15-10 with Exhibit A

STAFF REPORT:

City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:

The Commission discussed having the flexibility to make an interpretation of whether a restaurant falls within the definition set forth in subsection B of Section 19.02.230 and asked for that wording be added to the draft ordinance.

Chair Figueroa opened the Public Hearing at 6:15 p.m.

Peggy Brierton, 225 Teri Sue Lane, Buellton, expressed concerns that specialty restaurants and shops might be excluded and recommended adding “standardized ingredients” to the definition. She suggested that drive through should be included in the definition.

Chair Figueroa closed the Public Hearing at 6:20 p.m.

MOTION:

Vice Chair Reif moved and Commissioner Dunstan seconded the motion to adopt Resolution No. 15-10 by title only and waive further reading with wording added to subsections B and C regarding Planning Commission interpretations.

VOTE:

Motion passed with a 4-0 roll call vote.

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

Vice Chair Reif asked for a status on a code enforcement issue on his street.

Commissioner Dunstan asked to meet with staff for a history on the bowling alley project.

PLANNING DIRECTOR REPORT

City Manager Marc Bierdzinski updated the Commission on recent City Council actions and upcoming projects including “live streaming” of Planning Commission and City Council meetings and the installation of drought tolerant landscaping at City Hall.

ADJOURNMENT

Chair Figueroa adjourned the meeting at 6:37 p.m. to the next regular scheduled meeting of the Planning Commission to be held August 20, 2015 at the City Council Chambers, 140 West Highway 246, Buellton.

Lisa Figueroa, Planning Commission Chair

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.: 3

To: The Honorable Chair and Commission Members

From: Rose Hess, Public Works Director

Date: September 17, 2015

Subject: **General Plan Consistency Determination for an Easement Quitclaim:** Resolution No. 15-11- “A Resolution of the Planning Commission of the City of Buellton, California, making findings concerning the Quitclaim of certain portions of excess street right-of-way easement with respect to the consistency of the proposed quitclaim with the City of Buellton General Plan pursuant to the requirements of California Government Code Section 65402 for property located on Assessor’s Parcel Numbers APN 099-820-011, and 099-820-012”

BACKGROUND

The property owners of lots 11 and 12 in the Santa Rita Gateway Center at 65 and 67 Industrial Way have requested the quitclaim of excess street right-of-way easement located within the west portion of their property. The property is the remaining undeveloped portion of the Santa Rita Industrial Park.

The property was originally dedicated in the 1970’s to the Buellton Community Services District as a potential street access to serve the Buellton Wastewater Treatment Plan and adjoining properties. The City of Buellton, upon incorporation of the City acquired the rights to the Property; however, the Property has never been improved for roadway purposes and is not necessary to serve the Buellton Wastewater Treatment Plant.

The majority of the 30’ street right-of-way easement along the west side of lots 11 and 12 will not be required. During staff’s current review of the Circulation Element, the City determined that it would not build a 60’ wide road over these lots and northerly through the existing easements. The steep grade differential would restrict that access driveway from being developed as a full public road. In addition, current access to the wastewater treatment plant has been through Pamela Way (a private road which the city has been provided access rights).

Government Code Section 65402 (a) provides, in pertinent part, as follows:

“If a general plan.... has been adopted, no real property shall be...disposed of, no street shall be vacated or abandoned, if the adopted general plan or part hereof applies thereto, ...until the location, purpose and extent of such street vacation or abandonment, ...have been submitted to and reported by the planning agency as to conformity with said general plan...”

Therefore, the Planning Commission needs to make a finding that the proposed quitclaim of the easement conforms to the City’s General Plan prior to the City Council taking action on the abandonment.

Staff has reviewed the proposed quitclaim of the easement and is recommending that the Planning Commission make the finding that the proposed quitclaim will not adversely impact the Circulation Element or other planned uses of the General Plan district where the property is located. On July 9, 2015, the City Council adopted the Circulation Element Amendment that modified the “New Street” designation to a “Private Road”. This private road designation would allow a road to be built at a width less than public road requirements, suitable for access to the property south of the wastewater treatment plant.

Additionally, in discussion with the interested property owners and representatives, it is desired to retain a portion of the street easement that would sufficiently cover an existing 10’ drainage easement and also provide enough room at the northwest corner of the property for truck turning movement. Subsequent to the action of quitclaiming the 30’ street right-of-way easement, the property owners of lots 11 and 12 have agreed to grant the City a new street right-of-way easement as shown in Attachment 1.

RECOMMENDATION

That the Planning Commission consider adoption of Resolution No. 15-11 – “A Resolution of the Planning Commission of the City of Buellton, California, making findings concerning the Quitclaim of certain portions of excess street right-of-way easement with respect to the consistency of the proposed quitclaim with the City of Buellton General Plan pursuant to the requirements of California Government Code Section 65402 for property located on Assessor’s Parcel Numbers APN 099-820-011, and 099-820-012”

ATTACHMENTS

Resolution No. 15-11
Attachment 1 – Proposed Grant of Easement

PLANNING COMMISSION RESOLUTION NO. 15-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, MAKING FINDINGS CONCERNING THE QUITCLAIM OF CERTAIN PORTIONS OF EXCESS STREET RIGHT-OF-WAY EASEMENT WITH RESPECT TO THE CONSISTENCY OF THE PROPOSED QUITCLAIM WITH THE CITY OF BUELLTON GENERAL PLAN PURSUANT TO THE REQUIREMENTS OF CALIFORNIA GOVERNMENT CODE SECTION 65402 FOR PROPERTY LOCATED ON ASSESSOR'S PARCEL NUMBERS APN 099-820-011, AND 099-820-012

WHEREAS, the City of Buellton desires to quitclaim a certain portion of excess street right-of-way located within a portion of lots 11 and 12 of the Santa Rita Gateway Center, located on Assessor's Parcel Numbers APN 099-820-011, and 099-820-012 (the Property); and,

WHEREAS, the Planning Commission has been informed that the Property was originally dedicated in the 1970's to the Buellton Community Services District as a potential street access to serve the Buellton Wastewater Treatment Plan and adjoining properties. The City of Buellton, upon incorporation, acquired the rights to the Property; however, the Property has never been improved for roadway purposes and is not necessary to serve the Buellton Wastewater Treatment Plant.

WHEREAS, the Property is legally described in Exhibit "A" and depicted on the map in Exhibit "B", both of which are attached hereto and incorporated herein by this reference; and,

WHEREAS, Government Code Section 65402 (a) provides, in pertinent part, as follows:

"If a general plan... has been adopted, no real property shall be...disposed of, no street shall be vacated or abandoned, if the adopted general plan or part hereof applies thereto, ...until the location, purpose and extent of such street vacation or abandonment, ...have been submitted to and reported by the planning agency as to conformity with said general plan..."

WHEREAS, the proposed quitclaim of the Property will constitute an action within the meaning of Section 65402 (a); and,

WHEREAS, the Planning Commission has reviewed the proposed quitclaim of the Property and is fully advised with respect thereto. The proposed quitclaim will not adversely impact the Circulation Element or other planned uses of the General Plan district where the Property is located.

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

SECTION 1: The Planning Commission finds that all of the facts, findings and conclusions set forth above are true and correct.

SECTION 2: In accordance with, and pursuant to, the requirements of California Government Code Section 65402 (a), the proposed quitclaim of the Property is hereby found to conform to the General Plan of the City of Buellton.

SECTION 3: The Planning commission Secretary shall certify to the adoption of this resolution and transmit a full, true and correct copy of the City Clerk of the City of Buellton.

PASSED AND ADOPTED this 17th day of September 2015.

Quitclaim Deed with Exhibit A and B

Foster Reif
Chair

Clare Barcelona
Planning Commission Secretary

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

I, Clare Barcelona, Secretary of the Planning Commission of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 15-11 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 17th day of September 2015, by the following vote, to wit.

AYES: (0)

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September 2015.

Clare Barcelona
Planning Commission Secretary

Recording Requested by:
CITY OF BUELLTON

When Recorded Mail to:
City of Buellton
P.O. Box 1819
Buellton, CA 93427

Attn: City Clerk

APN: 099-820-011 & 009-820-012

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declares that the Documentary Transfer Tax is \$_____, based on:

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- Unincorporated area
- No Beneficial Ownership Change

QUITCLAIM DEED

CITY OF BUELLTON, a municipal corporation in the County of Santa Barbara, State of California, hereby remises, releases and quitclaims to _____, all right title and interest the City of Buellton has in that certain real property described in Exhibit A and graphically depicted in Exhibit B, which are attached hereto and incorporated herein by reference ("**Property**").

Dated: _____, 2015

CITY OF BUELLTON:

Mayor, City of Buellton

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

On this ____ day of _____, 20__, before me, _____, City Clerk for the City of Buellton, County of Santa Barbara, State of California, personally appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

APPROVED AS TO FORM:

- Attachments:
Exhibit A - Legal Description of the Property
Exhibit B – Graphic Depiction of the Property

Exhibit A
(Legal Description)

A portion of that certain easement as granted to the Buellton Community Services District per document recorded March 26, 1973 as Instrument No. 11200 in Book 2453, Pages 899-902 O.R., in the office of the County Recorder, County of Santa Barbara, State of California, and conveyed to the City of Buellton by Quitclaim Deeds recorded as Instrument No. 95-060064, O.R. and 95-060100, O.R. in the office of said County Recorder. Said portion of said easement is described as follows;

That portion of said easement lying within Lots 11 and 12 of Tract 31,034 according to the map recorded June 21, 2004 in Book 189, Pages 83 and 84 of Maps, in the Office of the County Recorder of said County.

Containing an area of 6,595 square feet, more or less.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: 
Mark E. Reinhardt, PLS

Date: 8-20-2015



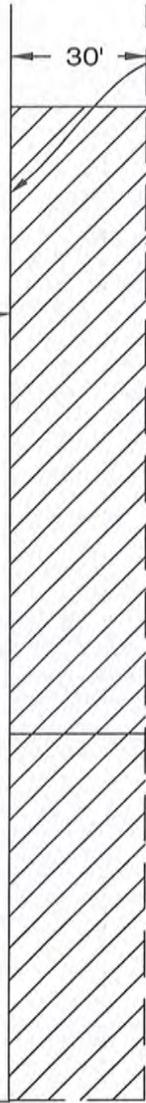
EXHIBIT "B"



QUIT CLAIM AREA
SQ FT 6,595'

#8 Book 2453, Page 899
95-060064 O.R.
95-060100 O.R.

PROPERTY LINE



Buellton Wastewater
Treatment Plant
APN 099-690-003,004

LOT 12
TRACT 31034
BK 189 PG 83-84
APN 099-820-012
SQ FT 14,585'

LOT 11
TRACT 31034
BK 189 PG 83-84
APN 099-820-011
SQ FT 14,611'

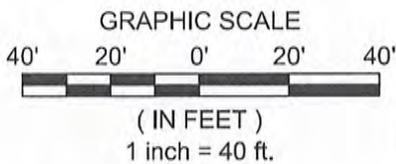


EXHIBIT SHOWING PORTION
OF EASEMENT TO
BE QUITCLAIMED.

MNS

ENGINEERS INC
201 N. Calle Cesar Chavez, Ste 300
Santa Barbara, CA 93103
805.692.6921 Phone

ENGINEERING
PLANNING
SURVEYING
CONSTRUCTION MANAGEMENT

ATTACHMENT 1

Recording Requested by:
CITY OF BUELLTON

When Recorded Mail to:
City of Buellton
P.O. Box 1819
Buellton, CA 93427

Attn: City Clerk

APN: 099-820-011

No Fee Per Government Code 6103

GRANT OF EASEMENT

(Private Road and Public Utilities)

_____ (hereinafter referred to as "Grantor"),
hereby grants to the City of Buellton, a municipal corporation, within the County of
Santa Barbara, and State of California, and its successors and assigns (hereinafter
referred to as "Grantee"), an easement for private ingress, egress and public utility
purposes, with the right to convey the same to others, on, under, over, across and
along that certain real property in the County of Santa Barbara, State of California,
described as follows:

See attached legal description, Exhibit "A" and attached sketch Exhibit "B"

Grantor: _____

EXECUTED this _____ day of _____, 20____.

By: _____

By: _____

ATTACHMENT 1

NOTARY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On this _____ day of _____, 20____, before me,
_____, a Notary Public, personally appeared

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

(SEAL)

ATTACHMENT 1

NOTARY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On this _____ day of _____, 20____, before me,
_____, a Notary Public, personally appeared

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

(SEAL)

ATTACHMENT 1

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION OF EASEMENT GRANT DEED

This is to certify that the interest in real property conveyed by the Deed of Easement dated _____ from _____ to the City of Buellton, a municipal corporation of the State of California, is hereby accepted by the undersigned City Clerk on behalf of the City Council, pursuant to the action of the City Council at its meeting of _____ and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

City of Buellton

by _____
City Clerk

APPROVED AS TO FORM:

City Attorney

Attachments:

- Exhibit A - Legal Description of the Property
- Exhibit B – Graphic Depiction of the Property

ATTACHMENT 1

Exhibit A
(Legal Description)
Easement Over Lot 11

A portion of land in the City of Buellton, County of Santa Barbara, State of California, being a portion of Lot 11 of Tract 31,034 according to the map recorded June 21, 2004 in Book 189, Pages 83 and 84 of Maps, in the Office of the County Recorder of said County.

Said portion of land is described as follows:

The portion of the following described area that lies within said Lot 11. Beginning at the northwest corner of Lot 12 of said Tract 31,034; thence,

- 1st along the westerly boundary of said Lot 12 and said Lot 11 S 25° 00' 15" W, 219.94 feet to an angle point in the westerly boundary of said Lot 11; thence,
- 2nd S 64° 59' 45" W, 10.00 feet; thence,
- 3rd along a line parallel with and 10.00 feet easterly as measured at right angles to the westerly boundary of said Lots 11 and 12, N 25° 00' 15" E, 201.00 feet; thence,
- 4th N 63° 22' 37" E, 24.16 feet to a point on the northerly boundary of said Lot 12; thence,
- 5th along said northerly boundary N 64° 59' 45" W, 25.00 feet to the point of beginning.

Containing an area of 813 square feet, more or less.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: 
Mark E. Reinhardt, PLS

Date: 9-10-2015



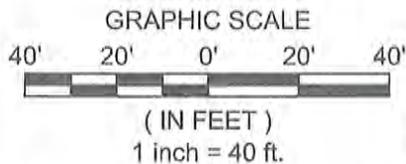
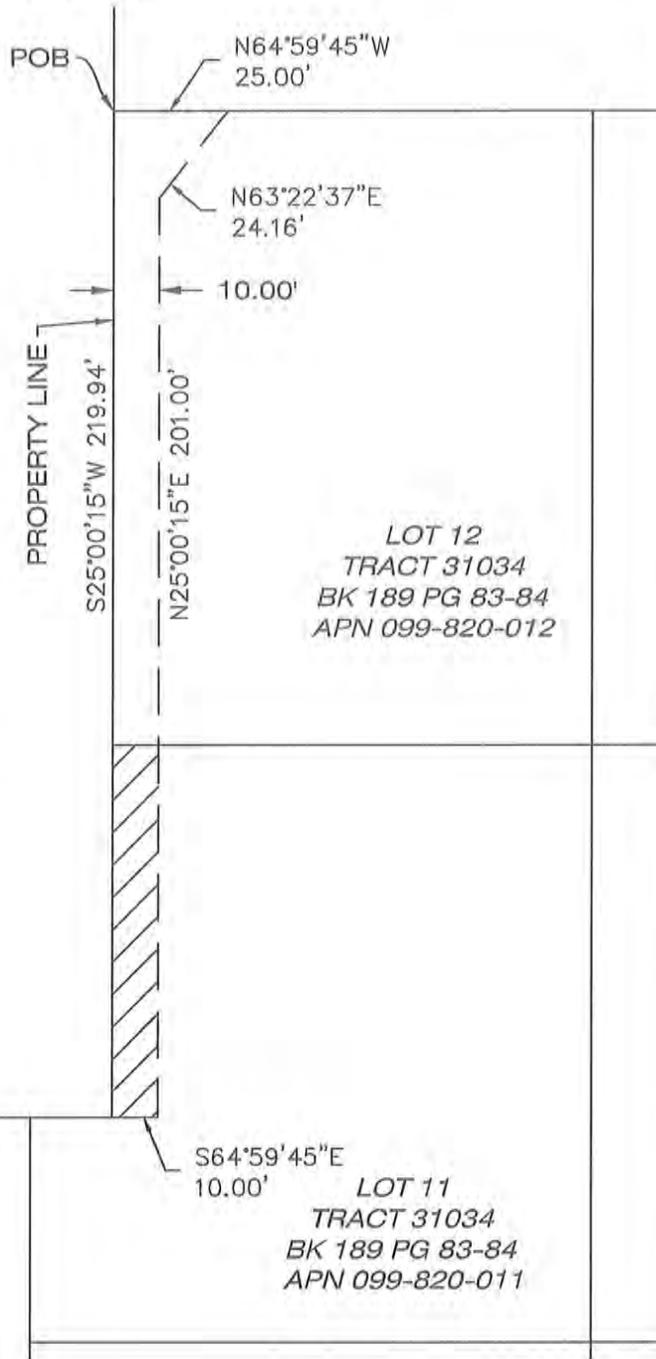
ATTACHMENT 1

EXHIBIT "B"



EASEMENT AREA

Buellton Wastewater
Treatment Plant
APN 099-690-003,004



SKETCH OF EASEMENT AREA



201 N. Calle Cesar Chavez, Ste 300
Santa Barbara, CA 93103
805.692.6921 Phone

ENGINEERING
PLANNING
SURVEYING
CONSTRUCTION MANAGEMENT

ATTACHMENT 1

Recording Requested by:
CITY OF BUELLTON

When Recorded Mail to:
City of Buellton
P.O. Box 1819
Buellton, CA 93427

Attn: City Clerk

APN: 099-820-012

No Fee Per Government Code 6103

GRANT OF EASEMENT
(Private Road and Public Utilities)

_____ (hereinafter referred to as "Grantor"),
hereby grants to the City of Buellton, a municipal corporation, within the County of
Santa Barbara, and State of California, and its successors and assigns (hereinafter
referred to as "Grantee"), an easement for private ingress, egress and public utility
purposes, with the right to convey the same to others, on, under, over, across and
along that certain real property in the County of Santa Barbara, State of California,
described as follows:

See attached legal description, Exhibit "A" and attached sketch Exhibit "B"

Grantor: _____

EXECUTED this _____ day of _____, 20____.

By: _____

By: _____

ATTACHMENT 1

NOTARY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On this _____ day of _____, 20____, before me,
_____, a Notary Public, personally appeared

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

(SEAL)

ATTACHMENT 1

NOTARY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On this _____ day of _____, 20____, before me,
_____, a Notary Public, personally appeared

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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

(SEAL)

ATTACHMENT 1

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION OF EASEMENT GRANT DEED

This is to certify that the interest in real property conveyed by the Deed of Easement dated _____ from _____ to the City of Buellton, a municipal corporation of the State of California, is hereby accepted by the undersigned City Clerk on behalf of the City Council, pursuant to the action of the City Council at its meeting of _____ and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

City of Buellton

by _____
City Clerk

APPROVED AS TO FORM:

City Attorney

Attachments:

- Exhibit A - Legal Description of the Property
- Exhibit B – Graphic Depiction of the Property

ATTACHMENT 1

Exhibit A
(Legal Description)
Easement Over Lot 12

A portion of land in the City of Buellton, County of Santa Barbara, State of California, being a portion of Lot 12 of Tract 31,034 according to the map recorded June 21, 2004 in Book 189, Pages 83 and 84 of Maps, in the Office of the County Recorder of said County.

Said portion of land is described as follows:

The portion of the following described area that lies within said Lot 12. Beginning at the northwest corner of Lot 12 of said Tract 31,034; thence,

- 1st along the westerly boundary of said Lot 12 and said Lot 11 S 25° 00' 15" W, 219.94 feet to an angle point in the westerly boundary of said Lot 11; thence,
- 2nd S 64° 59' 45" W, 10.00 feet; thence,
- 3rd along a line parallel with and 10.00 feet easterly as measured at right angles to the westerly boundary of said Lots 11 and 12, N 25° 00' 15" E, 201.00 feet; thence,
- 4th N 63° 22' 37" E, 24.16 feet to a point on the northerly boundary of said Lot 12; thence,
- 5th along said northerly boundary N 64° 59' 45" W, 25.00 feet to the point of beginning.

Containing an area of 1,528 square feet, more or less.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature:  Date: 9-10-2015
Mark E. Reinhardt, PLS



ATTACHMENT 1

EXHIBIT "B"



EASEMENT AREA



25' RADIUS
(REFERENCE ONLY)

POB
N64°59'45"W
25.00'

N63°22'37"E
24.16'

10.00'

PROPERTY LINE

S25°00'15"W 219.94'

N25°00'15"E 201.00'

LOT 12
TRACT 31034
BK 189 PG 83-84
APN 099-820-012

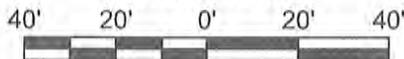
Buellton Wastewater
Treatment Plant
APN 099-690-003,004

S64°59'45"E
10.00'

LOT 11
TRACT 31034
BK 189 PG 83-84
APN 099-820-011



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



SKETCH OF EASEMENT AREA



201 N. Calle Cesar Chavez, Ste 300
Santa Barbara, CA 93103
805.692.6921 Phone

ENGINEERING
PLANNING
SURVEYING
CONSTRUCTION MANAGEMENT

CIBUE.140209 * EXB.dwg * 8/11/2015 * RCS * E-FILE

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No: 4

To: The Honorable Chair and Commission Members

From: Marc P. Bierdzinski, Planning Director

Meeting Date: September 17, 2015

Subject: Resolution No. 15-08 – “A Resolution of the Planning Commission of the City of Buellton, California, approving the Mitigated Negative Declaration (15-MND-01) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project which includes a Bowling Alley/Entertainment Center and Warehouse Facility on 5.08 acres located at 39 and 41 Industrial Way, Assessor’s Parcel Numbers 099-690-045 and 099-690-046”; and

Resolution No. 15-09 - “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (13-FDP-03), a Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02), for a 49,790 square foot Family Entertainment Center and 18,470 square foot Warehouse Facility Located at 39 and 41 Industrial Way, Assessor’s Parcel Numbers 099-690-045 and 099-690-046”

BACKGROUND/DISCUSSION

Owner: Carol Leshler-Peterson
Agent: Sid Goldstien
General Plan Designation: Industrial and Open Space, Parks & Recreation
Zoning: M (Industrial and Manufacturing) and Open Space (OS)
APN: 099-690-045 and -046

Carol Leshler-Peterson, property owner, and Sid Goldstien, agent (“Applicant”) have submitted a Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02) and Conditional Use Permit (13-CUP-02). The 5.08-acre property is located at the south end of Industrial Way, on two parcels: Assessor’s Parcel Numbers 099-690-045 and 099-690-046 (Attachment 1 - Vicinity Map).

The proposed project consists of a Final Development Plan (13-FDP-03) and Conditional Use Permit (13-CUP-02) for a single building that that encompasses a 49,790 square foot Family Entertainment Center (which includes a bowling alley and other amenities as

described below), an 18,470 square foot warehouse facility, and parking and landscaping in support of those facilities. There would also be a lighted 5-stall batting cage outside the building next to the Family Entertainment Center. The property is currently vacant. A Lot Line Adjustment (13-LLA-02) is also proposed in order to modify the boundary between the two parcels, to facilitate a more logical configuration of the facilities onsite. The larger “Parcel 1” (4.01 acres) will be developed into the Family Entertainment Center and required parking, while the smaller “Parcel 2” (1.07 acres) will be developed with the industrial storage facility.

Under the City’s General Plan, the southern portion of the property is designated as OS (Open Space) and the northern portion is M (Industrial and Manufacturing). All habitable structures are located on the northern portion of the site (outside the floodway of the Santa Ynez River), which is has a zoning designation of M (Industrial and Manufacturing). Parking and access areas are located on the southern portion of the site.

The project consists of the following applications:

- **Final Development Plan (13-FDP-03):** Proposal for a 49,790 square foot Family Entertainment Center (which includes a bowling alley and other amenities as described below), an 18,470 square foot warehouse facility, and parking and landscaping in support of those facilities.
- **Lot Line Adjustment (13-LLA-02):** Proposed in order to modify the boundary between the two parcels, to facilitate a more logical configuration of the facilities onsite. The larger “Parcel 1” (4.01 acres) will be developed into the Family Entertainment Center and required parking, while the smaller “Parcel 2” (1.07 acres) will be developed with the warehouse facility.
- **Conditional Use Permit (13-CUP-02):** Required for “sports facilities and outdoor public assembly” uses. Both the proposed batting cages and the outdoor deck for the restaurant are considered “sports facilities and outdoor public assembly”, triggering this requirement.

The complete set of project plans, including master sign program, is provided as Attachment 2. Full size plans have been provided to the Planning Commission.

General Plan and Zoning Consistency

The project site is designated as M (Industrial and Manufacturing) and OS (Open Space) under the City’s General Plan. All development, with the exception of a portion of the parking lot, will take place in the northern portion of the site designated as Industrial Manufacturing, with a corresponding zoning of Industrial and Manufacturing (M). Proposed uses have been determined to be consistent with the General Plan and zoning designations, subject to project conditions to allow for “sports facilities and outdoor public assembly” for the batting cage and exterior patio components of the project. A Conditional Use Permit is also needed for recreation centers.

The consistency of the proposed project with the applicable General Plan policies is described in the paragraphs below.

Land Use Element

Policy L-5: New development shall not be allowed unless adequate public services are available to serve such new development.

Consistent: Adequate infrastructure exists in the area to serve the proposed project.

Policy L-11: New development shall incorporate a balanced circulation network that provides safe, multi-route access for vehicles, bicycles and pedestrians to neighborhood centers, greenbelts, other parts of the neighborhood and adjacent circulation routes.

Consistent: The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River, which is planned to accommodate a future multi-purpose trail under the City's 2012 Bicycle and Pedestrian Master Plan.

Policy L-12: All exterior lighting in new development shall be located and designed so as to avoid creating substantial off-site glare, light spillover onto adjacent properties, or upward into the sky. The style, location, and height of the lighting fixtures shall be submitted with building plans and shall be subject to approval by the City prior to issuance of building or grading permits, as appropriate.

Consistent: Lighting fixtures consistent with this policy and the Community Design Guidelines are shown on the project plans.

Policy L-34: Industrial development shall be encouraged in the area east of McMurray Road on Easy Street and Commerce Drive, and on Industrial Way.

Consistent: The warehouse/storage facility is appropriately located in this generally industrial portion of the city.

Circulation Element

Policy C-2: Facilities that promote the use of alternate modes of transportation, including bicycle lanes and connections, pedestrian and hiking trails, park-and-ride lots and facilities for public transit shall be incorporated where feasible into new development, and shall be encouraged in existing development.

Consistent: The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River, which is planned to accommodate a future multi-purpose trail under the City's 2012 Bicycle and Pedestrian Master Plan.

Policy C-5: Level of Service “C” or better traffic conditions shall be generally maintained on all streets and intersections, lower levels of service may be accepted during peak times or as a temporary condition, if improvements to address the problem are programmed to be developed.

Consistent: Based on the traffic study prepared for the project, all roads and intersections would operate at LOS “C” or better.

Policy C-7: The City should discourage new commercial or industrial development that allows customers, employees, or deliveries to use residential streets. The circulation system should be designed so that non-residential traffic (especially truck traffic) is confined to non-residential areas.

Consistent: No residential streets are needed to access the property.

Policy C-16: The City shall require the provision of adequate off-street parking in conjunction with all new development. Parking shall be located convenient to new development and shall be easily accessible from the street.

Consistent: The on-site parking meets Municipal Code requirements.

Policy C-20: In the process of considering development proposals the City shall use the full amount of discretion authorized in the municipal code and CEQA for setting conditions of approval to require new development to provide bicycle storage and parking facilities on-site as well as reserve an offer of dedication of right-of-way necessary for bikeway improvements.

Consistent: The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River, which is planned to accommodate a future multi-purpose trail under the City’s 2012 Bicycle and Pedestrian Master Plan.

Conservation and Open Space Element

Policy C/OS-2: Encourage implementation of Best Management Practices to eliminate/minimize the impacts of urban runoff and improve water quality.

Consistent: Development must follow all applicable regulations set forth by the Regional Water Quality Control Board and the City’s Stormwater Ordinance and Post Construction Requirements.

Policy C/OS-8: Support state and federal laws and policies to preserve populations of rare, threatened, and endangered species and sensitive habitats or by mitigating adverse effects in accordance with state and federal regulations.

Consistent: There are no federal or state-listed species associated with the site, as identified through a search of the California Natural Diversity

Database as part of the 2005 General Plan Update EIR, and as confirmed in a biological resources assessment performed by Kevin Merk Associates in October 2014. The site is not within identified critical habitat area for the California red-legged frog (CRLF). The nearest CRLF Critical Habitat Unit, STB 5, is located about 3.5 miles south of the site, and would not be affected by the proposed project (KMA, October 2014). The site is also not within identified critical habitat areas for other federally listed species associated with the region, such as Southern California coast steelhead, California tiger salamander, or least Bell's vireo. Although designated critical habitat for the southwestern willow flycatcher is located along the Santa Ynez River south of the site, the site itself is outside the critical habitat boundaries, and no impacts to this habitat would occur as a result of project site disturbance and development (KMA, October 2014).

As described in the KMA biological resources assessment, no direct impacts to California red-legged frog are anticipated. However, project construction activities (noise and vibration) could potentially indirectly disturb CRLF adjacent to work areas, since CRLF is presumed to be present offsite within the Santa Ynez River corridor, and possibly at times in the drainage basin adjacent to the project site. Noise has the potential to cause individual frogs to move away from noise, thus temporarily abandoning potential offsite habitat. The KMA report concluded this would be an adverse impact, but not significant with the incorporation of mitigation measures.

The entire developed site is outside of the 200 foot Santa Ynez River setback area.

Program C/OS-6: Require new development to protect, maintain, and/or restore creeks and riparian habitat to protect the community's water quality, wildlife diversity, aesthetic values, and recreation opportunities, where feasible and where protection or restoration does not interfere with good flood control practices.

Consistent: The project does not encroach into any creek, river, or riparian habitats.

Program C/OS-7: If a project proposed to encroach into a creek corridor or creek setback, the City shall require public and private development to: (1) replace riparian vegetation in accordance with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG)e standards, as applicable, (2) restore another section of creek, and/or (3) pay a mitigation fee for restoration elsewhere.

Consistent: The project does not encroach into the 200-foot river setback area.

Program C/OS-9: Require developers of properties located within 500 feet of watercourses, including Zaca Creek and the Santa Ynez River, to conduct surveys for State and/or federally listed sensitive species (e.g. southwestern will flycatcher, least Bell's vireo in areas near the Santa Ynez River) and require the provision of appropriate buffers or other mitigation necessary to protect the habitat for listed species.

Consistent: There are no federal or state-listed species associated with the site, as identified through a search of the California Natural Diversity Database as part of the 2005 General Plan Update EIR, and as confirmed in a biological resources assessment performed by Kevin Merk Associates in October 2014. The site is not within identified critical habitat area for the California red-legged frog (CRLF). The nearest CRLF Critical Habitat Unit, STB 5, is located about 3.5 miles south of the site, and would not be affected by the proposed project (KMA, October 2014). The site is also not within identified critical habitat areas for other federally listed species associated with the region, such as Southern California coast steelhead, California tiger salamander, or least Bell's vireo. Although designated critical habitat for the southwestern willow flycatcher is located along the Santa Ynez River south of the site, the site itself is outside the critical habitat boundaries, and no impacts to this habitat would occur as a result of project site disturbance and development (KMA, October 2014).

As described in the KMA biological resources assessment, no direct impacts to California red-legged frog are anticipated. However, project construction activities (noise and vibration) could potentially indirectly disturb CRLF adjacent to work areas, since CRLF is presumed to be present offsite within the Santa Ynez River corridor, and possibility at times in the drainage basin adjacent to the project site. Noise has the potential to cause individual frogs to move away from noise, thus temporarily abandoning potential offsite habitat. The KMA report concluded this would be an adverse impact, but not significant with the incorporation of mitigation measures.

The entire developed site is outside of the 200 foot Santa Ynez River setback area.

Noise Element

Policy N-4: New commercial and industrial development should incorporate design elements to minimize the noise impact on surrounding residential neighborhoods.

Consistent: The project is in an industrial area with no nearby residents. Although the project includes certain uses that may produce noise (outdoor music, batting cages), the building itself would act as a barrier that would screen noise from distant residential areas to some extent. The

analysis included in the MND for the project indicates that noise impacts would be less than significant.

Policy N-7: Noise generated by construction activities should be limited to daytime hours to reduce nuisances at nearby noise receptors in accordance with the hours and days set in the adopted Standard Conditions of Approval.

Consistent: The project is subject to the construction restrictions outlined in the Standard Conditions of Approval.

Public Facilities and Services Element

Policy PF-3: New development shall pay its fair share to provide additional facilities and services needed to serve such development.

Consistent: The project is required to pay all development impact fees.

Policy PF-6: All new development shall connect to City water and sewer systems.

Consistent: The project proposes to connect to the City's water and sewer systems.

Policy PF-9: Engineered drainage plans may be required for development projects which: (a) involve greater than one acre, (b) incorporate construction or industrial activities or have paved surfaces which may affect the quality of stormwater runoff, (c) affect the existing drainage pattern, and/or (d) has an existing drainage problem which requires correction. Engineered drainage plans shall incorporate a collection and treatment system for stormwater runoff consistent with applicable federal and State laws.

Consistent: The project is within the 100-year floodplain of the Santa Ynez River. The project's grading and drainage plan shows how runoff from the site will be directed to an existing retardation basin of which the City of Buellton holds a drainage easement. Onsite improvements will be constructed under the direction of the Public Works Department, and will be required to comply with all applicable regulations of the Regional Water Quality Control Board.

Safety Element

Policy S-1: New development (habitable structures including commercial and industrial buildings) shall be set back at least 200 feet from the bank of the Santa Ynez River. A lesser setback may be allowed if a hydro-geologic study by a qualified professional can certify that a lesser setback will provide an adequate margin of safety from erosion and flooding due to the composition of the underlying geologic unit, to the satisfaction of the County Flood Control District, and a lesser setback will not adversely impact sensitive riparian corridors or associated plant and animal habitats, as determined by a qualified biologist, or

planned trail corridors. Passive use trails may be allowed within setback areas.

Consistent: Buildings within the project area will be setback at least 400 feet from the river bank. A small portion of the paved parking lot will be about 340 feet from the river bank. No other uses will be closer than that to the river.

Policy S-4: As a condition of approval, continue to require any new development to minimize flooding problems identified by the National Flood Insurance Rate Program.

Consistent: Onsite grading and fill will ensure that buildings will be located at least two feet above the elevation of the 100-year flood zone.

Policy S-7: All new development shall satisfy the requirements of the California Building Code regarding seismic safety.

Policy S-9: Geologic studies shall be required as a condition of project approval for new development on sites with slopes greater than 10%, and in areas mapped by the Natural Resource Conservation Service (NRCS) as having moderate or high risk of liquefaction, subsidence and/or expansive soils.

Policy S-10: Require that adequate soils, geologic and structural evaluation reports be prepared by registered soils engineers, engineering geologists, and/or structural engineers, as appropriate, for all new development proposals for subdivisions or structures for human occupancy.

Consistent: A soils report will be prepared for the project (which must address the liquefaction issue in particular) and the project is subject to the California Building Code.

Policy S-12: New development should minimize erosion hazards by incorporating features into site drainage plans that would reduce impermeable surface area, increase surface water infiltration, and/or minimize surface water runoff during storm events. Such features may include:

- *Additional landscape areas,*
- *Parking lots with bio-infiltration systems,*
- *Permeable paving designs, and*
- *Storm water detention basins.*

Consistent: The project incorporates many of the features called for in this policy, including landscaping and stormwater infiltration beds in the parking areas. Runoff will drain to an offsite retardation basin, which will minimize erosion potential.

The following table summarizes the project's consistency with applicable zoning standards.

Project Consistency with M Zoning District Standards

Development Standard	Zoning Requirement	Proposed	Project Consistency
Minimum Lot Area	No minimum	5.08 acres	Consistent
Front Setback	20 feet	22.5 feet	Consistent
Side Setback	None	32 feet	Consistent
Rear Setback	None	73 feet	Consistent
Landscaping	10% ; 5 feet along side and back, 10 feet along front	11.4%	Consistent
Site Coverage	50% maximum	20.4%	Consistent
Height Limits	45 feet	41 Feet	Consistent (an architectural feature will extend to 49 feet, but has been determined to be consistent with building height policies because it is not considered a building)
Parking	Storage: 1 per 1,000 sf gross floor area; 1 per 4 employees (20 spaces) Bowling Alley: 8 per lane (128 spaces for 16 lanes) 1 loading space per facility (2 spaces) = 148 total, plus 2 loading	175 spaces (including 10 accessible and 5 for RV/bus) plus 2 loading bays Reciprocal parking agreement between onsite uses 6-space bike rack	Consistent

Source: City of Buellton Municipal Code, Title 19, Zoning.

Project Components

Each major project component is described in more detail below. The architectural, landscape, and civil plans are included as Attachment 2.

Family Entertainment Center (Live Oak Lanes)

The 49,790 square foot Family Entertainment Center will be built on reconfigured 4.01-acre “Parcel 1”, and will include the following functions:

- A 16-lane bowling alley (Live Oak Lanes), four of which are in a section that can be closed off for private parties and functions
- Game/Arcade section
- Sports bar and lounge with an outdoor deck area and a full commercial kitchen
- Party and corporate meeting rooms
- Office space, with additional offices provided on a second floor mezzanine

- Restrooms

In addition to the indoor uses, the development includes a five-station batting cage and three bocce ball courts, as well as landscaping around the entire property. Parking is proposed to be provided adjacent to the building in a paved lot in the floodway south of the building, roughly seven feet below the level of the building floor. Access from the parking area to the building is by stairs and a ramp through a landscaped entry area.

Hours of operation for the entertainment center will be approximately 9 AM to midnight, Monday through Thursday, 9 AM to 2 AM on Friday and Saturday, and 10 AM to 10 PM on Sunday. The batting cages would be open 11 AM to 8 PM Monday through Thursday, and 10 AM to 10 PM Friday through Sunday. The maximum shift would be staffed by an estimated 15 to 25 employees.

Warehouse Facility

The 18,470 square foot warehouse facility will be built on reconfigured 1.07-acre “Parcel 2”, and will consist of a single large space for lease; it is possible this space may be divided in the future for multiple users. There will be two overhead doors and two man-doors to provide access to the building. The warehouse space, while contiguous to the Family Entertainment Center, is located in a separate building and parcel (consistent with the Lot Line Adjustment), and will be provided with the required parking and landscaping. Access and some of the required parking will be from an easement across the adjacent Live Oak Lanes parcel. There will be a reciprocal parking agreement between the bowling alley and warehouse facility.

Hours of operation are proposed to be 7 AM to 7 PM, seven days a week, and six to eight employees are expected to be on the site at any one time.

Architecture and Visual Quality

The architecture of the proposed project is considered Contemporary Ranch as defined in the City’s Community Design Guidelines.

The building includes masonry, and a combination of wood and metal architectural features, consistent with the industrial area in which the project is located (Attachment 2). A color and materials board will be provided at the Planning Commission meeting along with 3-D renderings.

Development of the project site would result in a new building, parking areas, and landscaping that would replace a vacant parcel bounded on the north and east by existing industrial uses. The project would reduce the potential effects of a monolithic building front through the use of awnings, lighting, and other architectural features that provide some degree of articulation. Landscaping on the site (as shown in accompanying documentation) would further soften the visual presentation of the site, which would only be publicly visible to those within the parking lot for the facility, as well as cars entering the site from Industrial Way.

Signage

The proposed master sign program is provided within Attachment 2. Wall-mounted signs would be included on the north, south and east building elevations of the bowling alley. These include individually lit letters (“Live Oak Lanes Family Entertainment Center”) on the north and south building sides, as well as a unique lit sign depicting three bowling pins and the word “Bowl”. The east elevation includes two wall mounted signs identifying the warehouse facility, 37.5 SF each. Finally, there will be two dome-lit monument signs on a single monument at the entrance to the center (“Live Oak Lanes” and “Live Oak Industrial Center”). The two sign boards will be 12 SF and 9 SF, mounted on a monument six feet high (from the ground), eight feet wide, all on a 9’4”-wide pedestal.

The following summarizes the project signage:

Project Signage		
Location	Sign Characteristics	Sign Area
Bowling Alley – North Wall	Type: Wall mounted; interior lit Information: three bowling pins and the word “BOWL”	127 SF
Bowling Alley – North Wall	Type: Wall mounted; interior lit Information: “LIVE OAK LANES FAMILY ENTERTAINMENT CENTER”	150 SF
Bowling Alley – South Wall	Type: Wall mounted; interior lit Information: three bowling pins and the word “BOWL”	127 SF
Bowling Alley – South Wall	Type: Wall mounted; interior lit Information: “LIVE OAK LANES FAMILY ENTERTAINMENT CENTER”	150 SF
Warehouse – East Wall	Type: Wall mounted tenant signs; not lit Information: two total; to be determined	75 SF (two signs, each 37.5 SF)
Project Entrance	Type: Monument sign; dome lit Information: two signs mounted on single 6-foot high monument, stating “LIVE OAK LANES SPORTS BAR & GRILLE” and “LIVE OAK INDUSTRIAL CENTER”	21 SF (two signs; one is 12 SF, the other 9 SF). Monument face is 48 SF; pedestal is 14 SF
TOTAL SIGN AREA		650 SF
TOTAL AREA OF SIGNS FACING INDUSTRIAL WAY (East façade)		96 SF

The proposed sign program is generally consistent with City standards described in Section 19.04.172 of the Municipal Code. The six-foot high monument sign is consistent with the City’s maximum height limit of six feet.

Within Industrial zones, there is a maximum limit of 200 square feet of wall-mounted signage along the street frontage. However, this project is difficult to evaluate against that standard because the property is set back from Industrial Way by nearly 300 feet, and visually blocked to a large extent by intervening industrial buildings. In addition, there are two entrances to the family entertainment center—the north and south sides—and the south side faces the proposed parking lot, not a street.

The unusual “bowling pin” signs are also difficult to evaluate. The lettering on the signs measures about 40 SF, while the full extent of the lighted area is up to 127 SF. However, since these signs do not face Industrial Way, they do not count as square footage facing a street frontage as it relates to the City’s standard.

The intent of the code is to minimize signs that are out of scale, visually intrusive, or inappropriate for the area. The proposed sign program appears to be tastefully done and generally unobtrusive, and features an innovative “bowling pin” sign appropriate for the proposed use.

Staff recommends that the sign program be approved as proposed with the additional square footage, and that the applicant work with staff on additional details that may be needed to clarify the presentation of the signs.

Access

The primary vehicular access to the entertainment center and warehouse is through existing access easements to Industrial Way (Attachment 2). Customers to the entertainment center would take the northerly access point into the parking lot north of the building and then continue around to the southern parking lot. Staff is recommending that the most southerly access point with the proposed gate be used for only the following purposes: emergency ingress and egress and deliveries. No direct customer access would be allowed. I have spoken to the applicant and they are agreeable to this recommendation.

Access to the warehouse building would be from the existing paved driveway along the east side of the side of which the applicant has the appropriate easements.

Compatibility

At prior Planning Commission meetings on the project there have been discussions between the applicant and adjoining property owner on the compatibility of the two projects. The applicant has included the following to resolve this issue:

- The warehouse building and a wall/fence along the east side of the property preclude any pedestrian access to the Terravant property to the east
- The existing pavement area currently used by Terravant is being left in place. The applicant and Terravant still need to work out the easement details. It would, however, be a shared access

Staff also recommends that the southern access point be restricted to only emergency ingress and egress and deliveries. As noted previously, the applicant is in agreement with this change. A keypad would be required on both sides of the gate.

Also, staff recommends that the fencing on top of the wall along the southern property line be split rail consistent with the fencing at River View Park. This will be a fence visible by people using the future river trail and staff would like it to be visually appealing.

Trail Access

Staff also recommends that the private 10-foot trail pathway from the river trail to the actual building be delineated on the pavement.

Drainage

The Public Works Director and City Attorney have reviewed the appropriate easement documents and have determined that this project may drain into the adjoining retardation basin. The City of Buellton has control of the drainage basin and its use for other properties in the area through a drainage easement. The basin has adequate capacity to accommodate the storm water flow from this project.

ENVIRONMENTAL REVIEW

In accordance with the requirements of the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Buellton (collectively, “CEQA”), the City prepared an Initial Study and a Mitigated Negative Declaration for the project (the “Initial Study/Mitigated Negative Declaration”).

The Initial Study/Mitigated Negative Declaration was originally circulated for public and agency review and comment from April 10, 2014 through May 12, 2014. However, the Draft MND was not adopted, because the project applicant wished to modify the project. The modified project now under consideration required a new environmental document.

The revised draft Initial Study/Mitigated Negative Declaration was circulated for public and agency review and comment on July 2, 2015. However, because it was subsequently determined the project description included in that document did not match the currently proposed project, the environmental document was revised to be consistent with that project description and recirculated again, from **August 17, 2015 through September 15, 2015** (dates based on the posting date of the document on the State Clearinghouse website). Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on August 13, 2015, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies, and is included as Attachment 3. On August 13, 2015, a Notice of Availability of the Initial Study/Mitigated Negative Declaration, including the time and place of the Planning Commission meeting to review the Application and Initial Study/Mitigated Negative Declaration, was published in the local newspaper and posted in three public locations.

Two letters were received during the original circulation of the document in July 2015. These were from the Air Pollution Control District (dated July 22, 2015) and the California Department of Fish and Wildlife (dated July 29, 2015).

During the public recirculation period, two additional letters were received from the California Department of Fish and Wildlife, via email, dated August 26, 2015, and the

County of Santa Barbara Fire Department dated September 4, 2015. The Fish and Wildlife letter stated that all comments contained in their letter of July 29, 2015, in response to the previously circulated MND still apply to this version of the MND. The Fire Department comment letter just restates their conditions of approval. These letters have been included with Attachment 3.

The Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in several significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level. The issues requiring mitigation include biological resources, cultural resources, geological resources, site hazards, and traffic. The required mitigation measures have been incorporated as conditions of approval for the project, along with monitoring requirements. The Mitigation Monitoring and Reporting Program is included as Attachment 4.

CONDITIONS OF APPROVAL

The project is subject to several conditions of approval. These include:

- General Provisions (Standard City Conditions);
- Mitigation Measures from the MND for the project;
- Engineering Conditions;
- Planning Conditions;
- Fire Department Conditions;
- County of Santa Barbara Department of Building and Safety Conditions; and
- Finance Department Conditions

The complete list of conditions is included within Planning Commission Resolution No. 15-09.

A letter from the Buellton Chamber of Commerce supporting the project is provided as Attachment 5.

RECOMMENDATION

That the Planning Commission consider the adoption of Resolutions No. 15-08 and 15-09 as follows (separate motion for each):

Resolution No. 15-08 - "A Resolution of the Planning Commission of the City of Buellton, California, approving the Mitigated Negative Declaration (15-MND-01) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project which includes a Bowling Alley/Entertainment Center and Warehouse Facility on 5.08 acres located at 39 and 41 Industrial Way, Assessor's Parcel Numbers 099-690-045 and 099-690-046"; and

Resolution No. 15-09 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (13-FDP-03), a Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02), for a 49,790 square

foot Family Entertainment Center and 18,470 square foot Warehouse Facility Located at 39 and 41 Industrial Way, Assessor's Parcel Numbers 099-690-045 and 099-690-046"

ATTACHMENTS

Planning Commission Resolution No. 15-08 (adopting MND)

Planning Commission Resolution No. 15-09 (approving project with conditions of approval)

Attachment 1: Vicinity Map

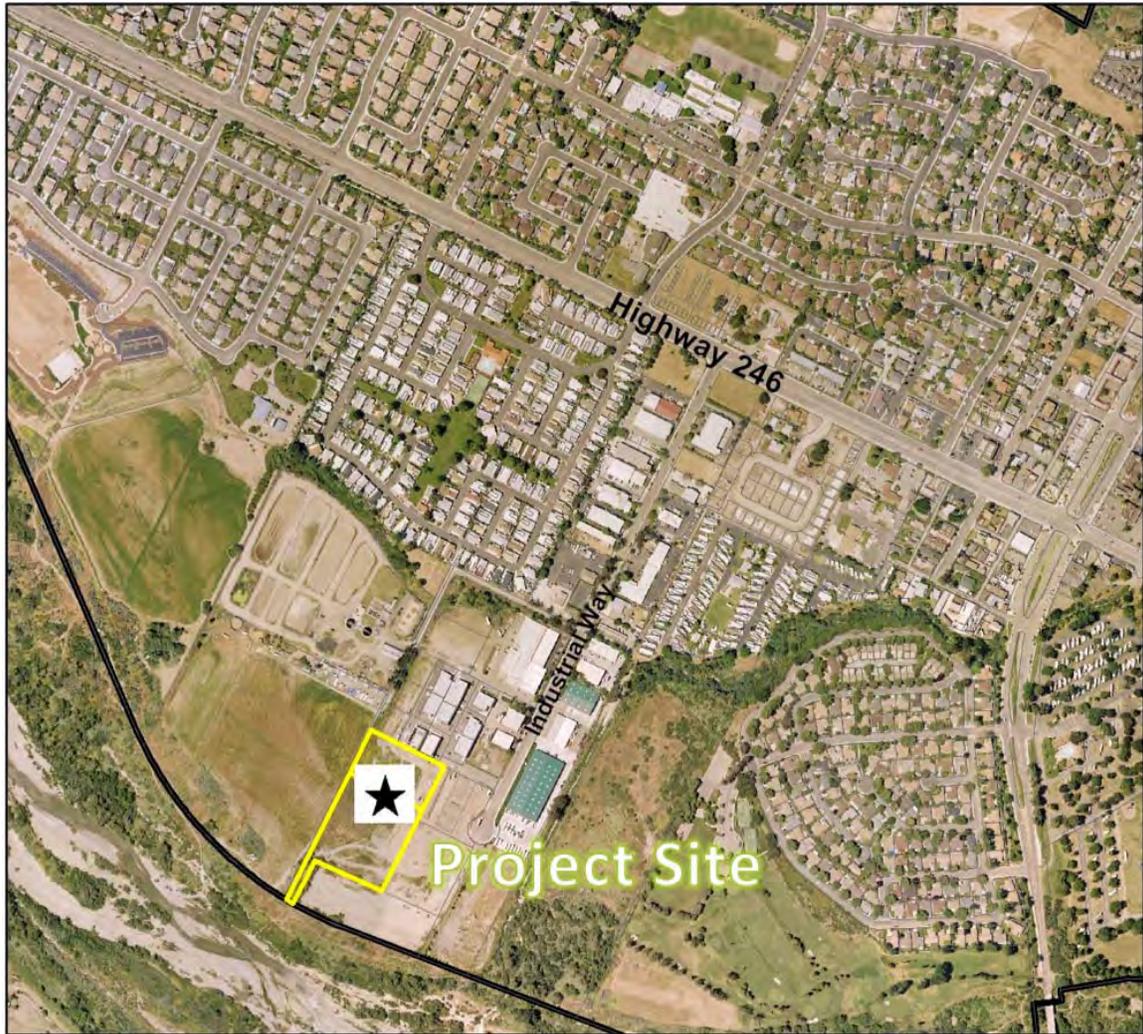
Attachment 2: Project Plans

Attachment 3: Initial Study/Mitigated Negative Declaration/comments received

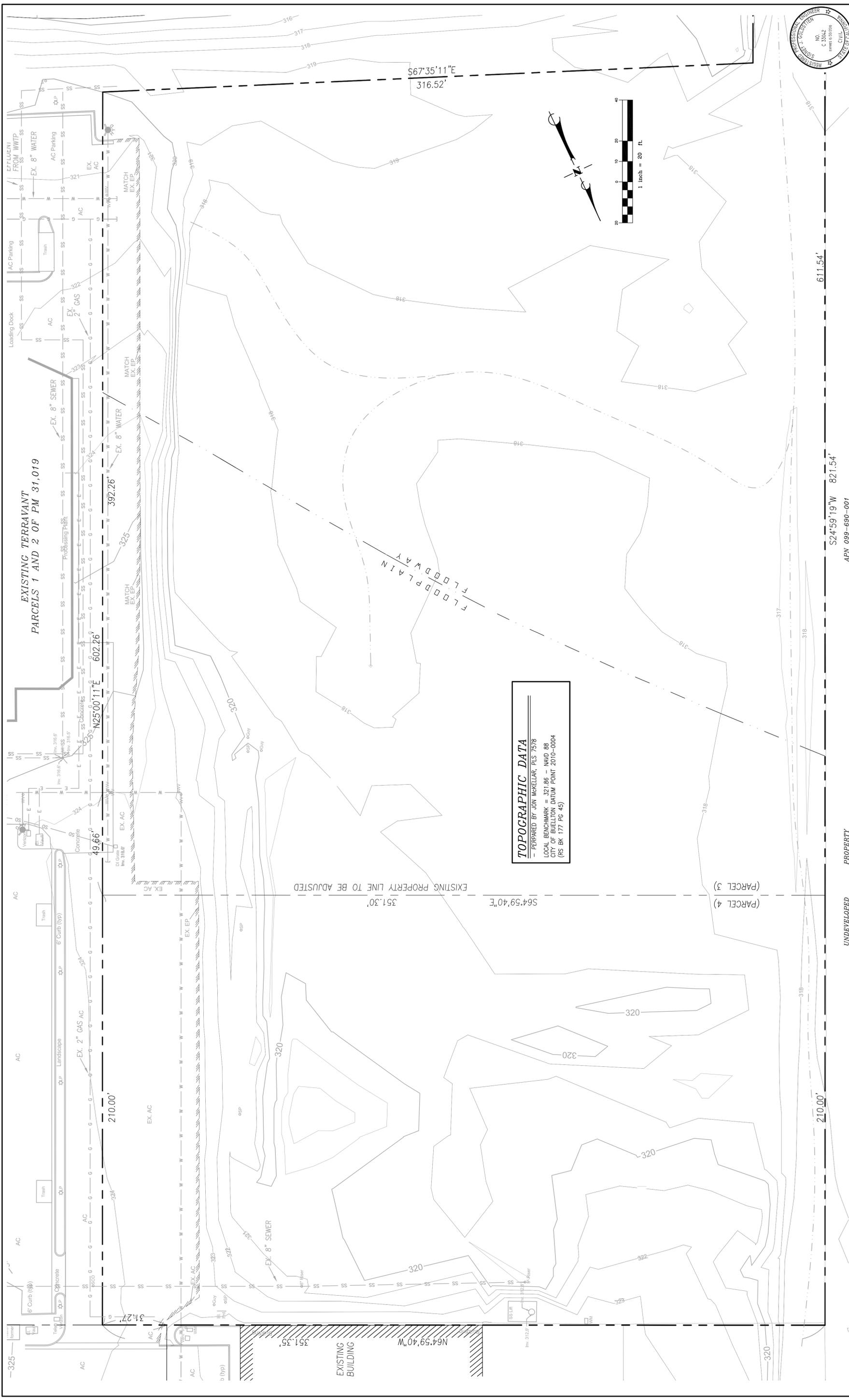
Attachment 4: CEQA Mitigation Monitoring and Reporting Program

Attachment 5: Letter from Chamber of Commerce

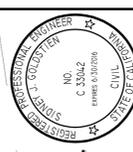
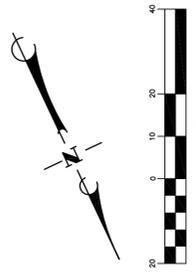
Attachment 1: Vicinity Map



ATTACHMENT 2

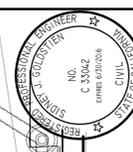
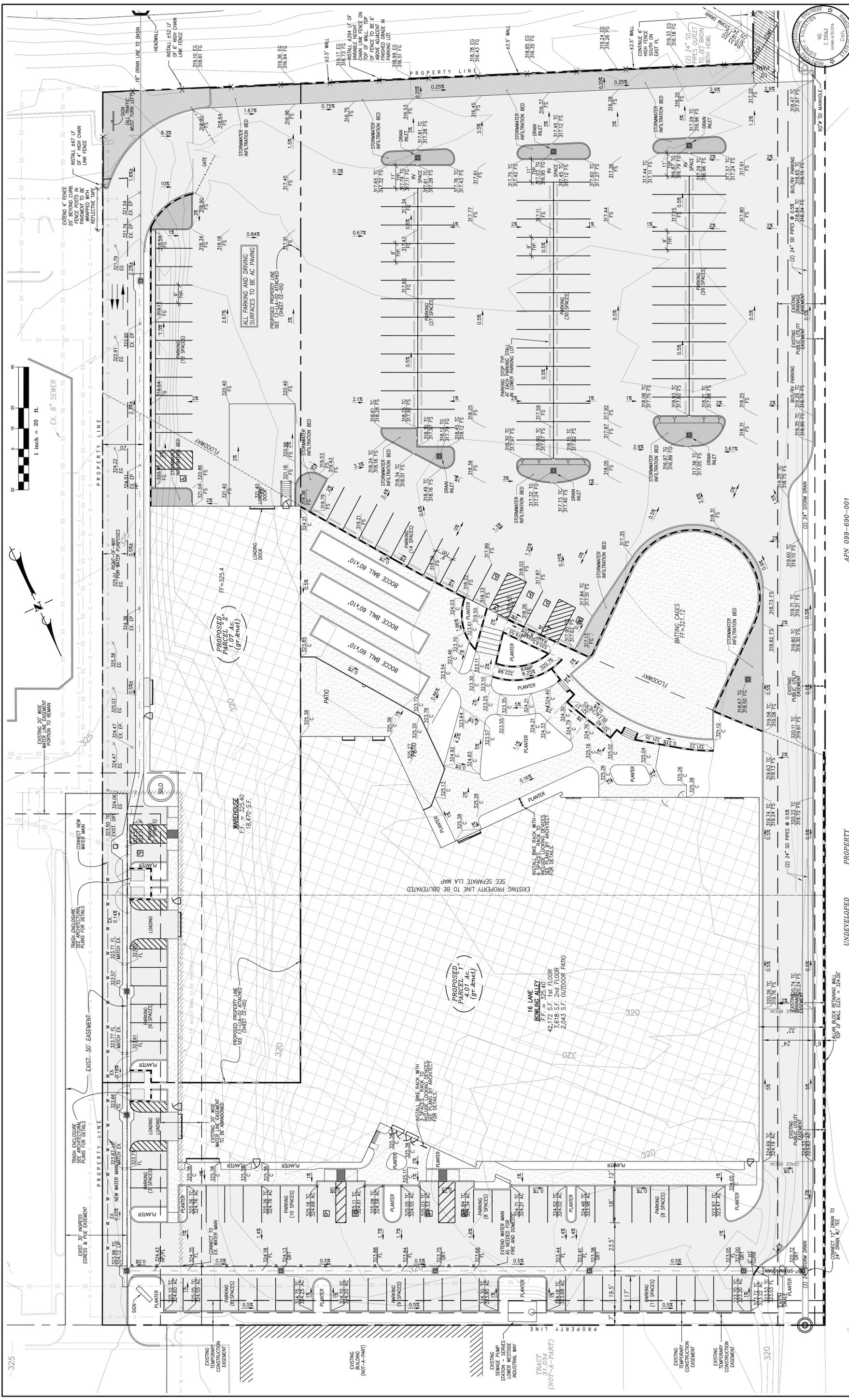


TOPOGRAPHIC DATA
 - PREPARED BY JON MCKELLAR PLS 7578
 LOCAL BENCHMARK = 321.86 - NAVD 88
 CITY OF BUELLTON DATUM POINT 2010-0004
 (RS BK 177 PG 45)



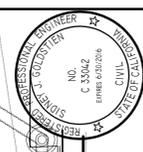
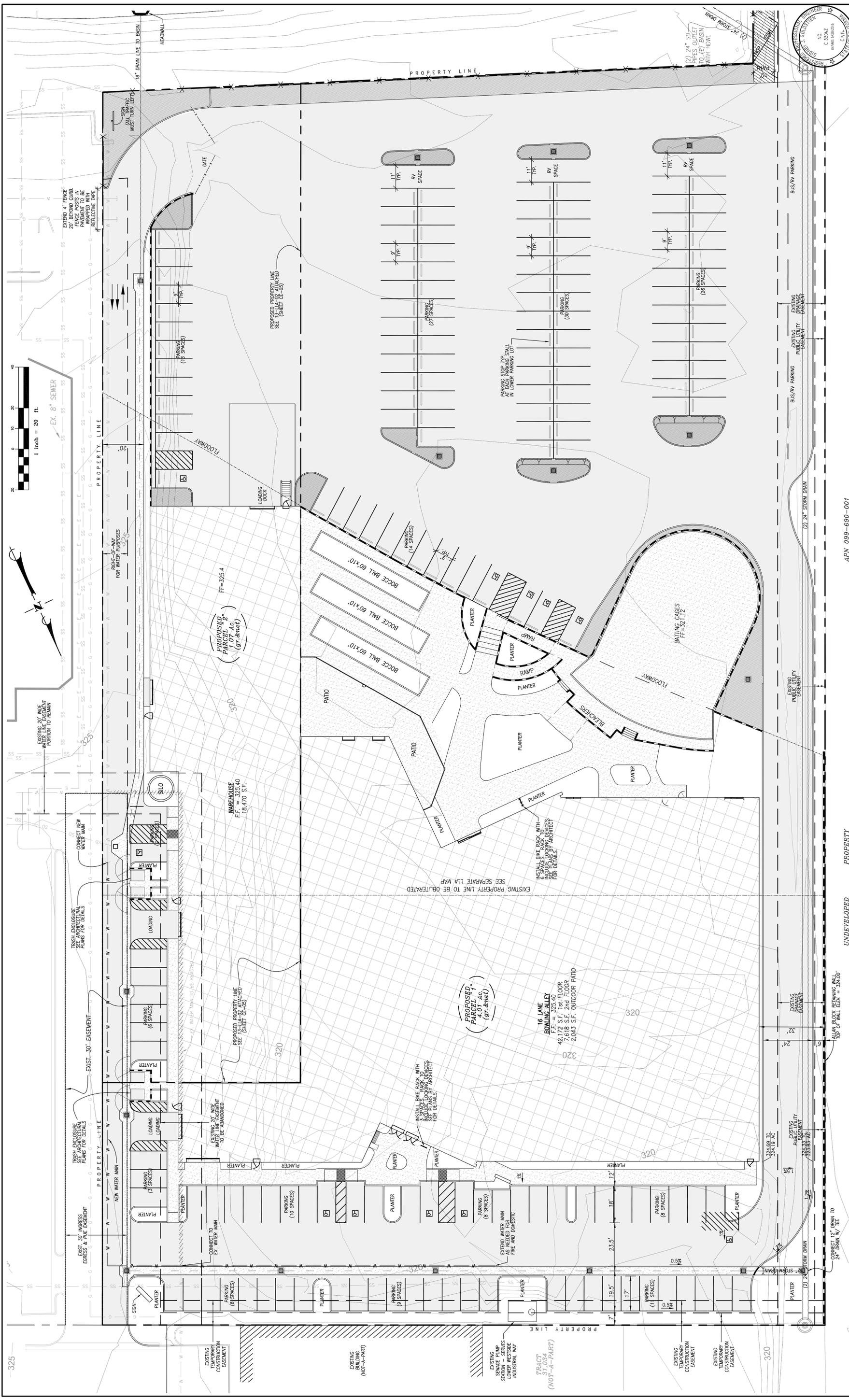
<p>CAUTION: UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.</p>	<p>DATE: _____</p>	<p>REVISIONS</p>	<p>REVIEWED BY: _____</p>	<p>SID GOLDSTIEN - CIVIL ENGINEER, INC. PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT 650 ALVARO PINTADO ROAD SUITE 302 SOLVANG, CA 93463 TEL: (805) 688-1539 FAX: (805) 688-6582 WWW.SIDGOLDSTIEN.COM</p>	<p>APN 099-680-001</p>	<p>PROPERTY</p>	<p>UNDEVELOPED</p>	<p>DEVELOPED</p>
	<p>EXISTING TOPOGRAPHY for LIVE OAK LANES & INDUSTRIAL CENTER BUELLTON, CA. 93427</p>	<p>SCALE: 1" = 20'</p>	<p>DATE: 20 MAY 2015</p>	<p>DRAWN BY: AMP</p>	<p>DESIGNER: S/JC</p>	<p>SHEET NO. CE-02</p>	<p>FILE NO. 14-10-100</p>	

ATTACHMENT 2



CAUTION: UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.	DATE: _____ REVISIONS: _____	REVIEWED BY: _____ PROPERTY: UNDEVELOPED	APN 099-690-001	DRAWN BY: AMP DATE: 20 MAY 2015	SCALE: 1" = 20'	SHEET NO. CE-03
	PROJECT: COMPOSITE PLAN FOR: LIVE OAK LANES & INDUSTRIAL CENTER BUELLTON, CA. 93427	DESIGNER: S/JC R.C.E. 33,042 (EXPIRES 6-30-16)	PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT 650 BLAND PINTADO ROAD SUITE 302 SOLVANG, CA 93463 TEL: (805) 688-1509 FAX: (805) 688-6882 WWW.SIDGOLDSTIEN.COM	FILE NO. 14-10-100	SHEET NO. CE-03	

ATTACHMENT 2



<p>CAUTION: UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.</p>	<p>REVIEWED BY:</p>	<p>DATE:</p>	<p>REVISIONS</p>
	<p>APN 099-690-001</p>	<p>UNDVELOPED</p>	<p>PROPERTY</p>
<p>SID GOLDSTIEN - CIVIL ENGINEER, INC. PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT</p>	<p>650 ALAMO PINTADO ROAD SUITE 302 SOLVANG, CA 93463</p>	<p>tel: (805) 688-1509 art@sidgic.com web: www.sidgic.com</p>	<p>APN 099-690-001</p>
<p>DESIGNED BY: S/JC</p>	<p>DATE: 20 MAY 2015</p>	<p>SCALE: 1" = 20'</p>	<p>SHEET NO. CE-04</p>
<p>FILE NO. 14-10-100</p>	<p>DESIGNER: R.C.E. 33,042 (expires 6-30-16)</p>	<p>DRAWN BY: AMP</p>	<p>SITE PLAN for LIVE OAK LANES & INDUSTRIAL CENTER BUELLTON, CA. 93427</p>

PARCEL INFORMATION	
EXISTING:	PARCEL 3: 3.39 AC. PARCEL 4: 1.69 AC. TOTAL: 5.08 AC.
PROPOSED:	PARCEL 1: 4.01 AC. PARCEL 2: 1.07 AC. TOTAL: 5.08 AC.

EXISTING EASEMENT INFORMATION

(NUMBER CORRESPONDS TO ITEM NUMBER IN PRELIMINARY TITLE REPORT NO. 12-401508198-C-DW PREPARED BY FIDELITY NATIONAL TITLE COMPANY, DATED NOVEMBER 16, 2012. NOT ALL EXCEPTION ITEMS ARE NOTED.)

- 13** EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT FOR DEDICATION ON THE RECORDED MAP SHOWN BELOW MAP OF: IN BOOK 59, PAGES 19 AND 20 RECORDED: JANUARY 2, 1974 IN BOOK 12, PAGE 91 AFFECTS: PUBLIC UTILITIES EASEMENT PURPOSE: PUBLIC UTILITIES
- 14** EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT FOR DEDICATION ON THE RECORDED MAP SHOWN BELOW MAP OF: JANUARY 2, 1974 IN BOOK 12, PAGE 91 AFFECTS: PUBLIC UTILITIES EASEMENT PURPOSE: PUBLIC UTILITIES
- 15** EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT FOR DEDICATION ON THE RECORDED MAP SHOWN BELOW MAP OF: JANUARY 2, 1974 IN BOOK 12, PAGE 91 AFFECTS: PUBLIC UTILITIES EASEMENT PURPOSE: PUBLIC UTILITIES
- 16** EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT FOR DEDICATION ON THE RECORDED MAP SHOWN BELOW MAP OF: JANUARY 2, 1974 IN BOOK 12, PAGE 91 AFFECTS: PUBLIC UTILITIES EASEMENT PURPOSE: PUBLIC UTILITIES
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- 22** EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT FOR DEDICATION ON THE RECORDED MAP SHOWN BELOW MAP OF: JANUARY 2, 1974 IN BOOK 12, PAGE 91 AFFECTS: PUBLIC UTILITIES EASEMENT PURPOSE: PUBLIC UTILITIES

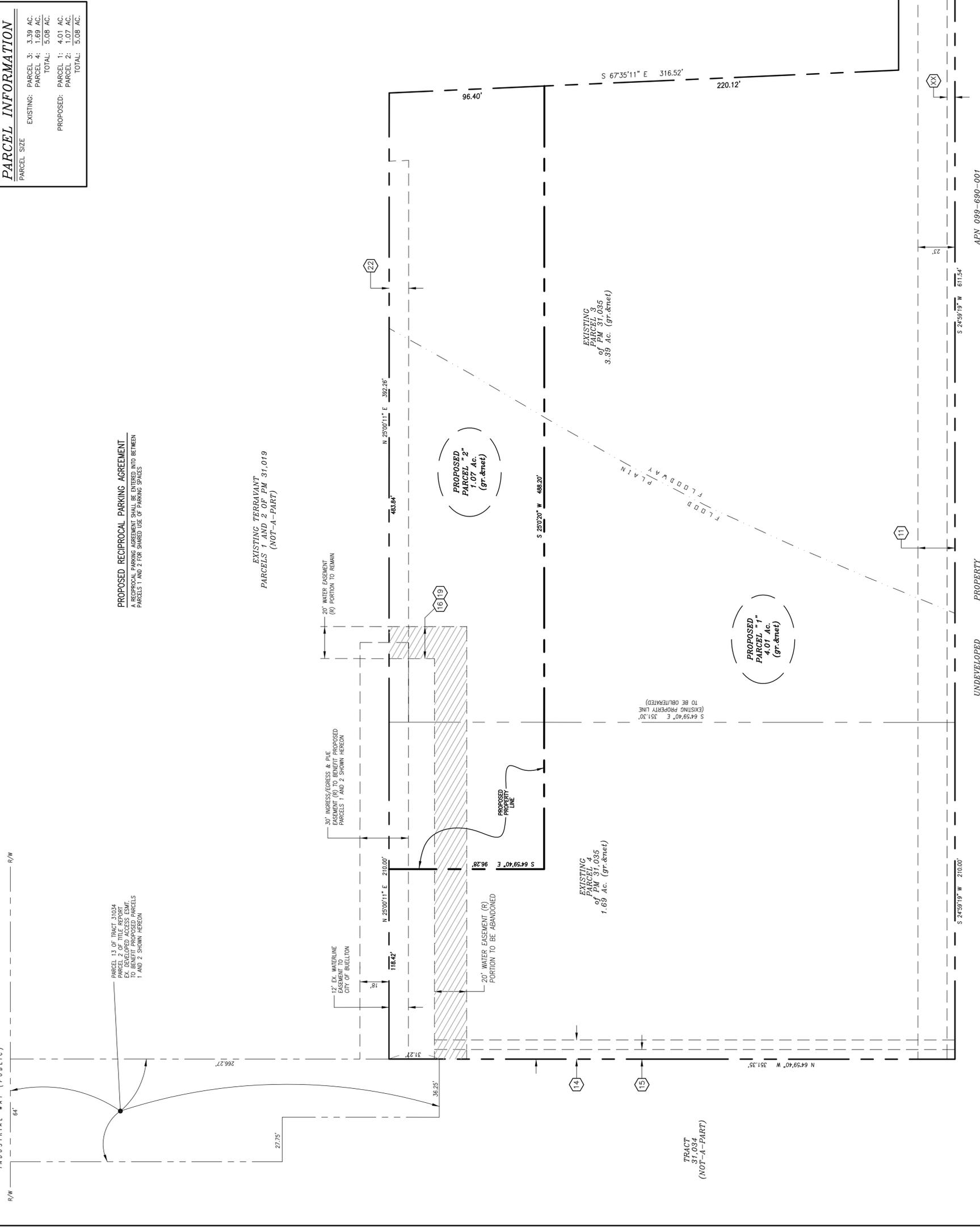
PROPOSED RECIPROCAL PARKING AGREEMENT

A RECIPROCAL PARKING AGREEMENT SHALL BE ENTERED INTO BETWEEN PARCELS 1 AND 2 FOR SHARED USE OF PARKING SPACES

EXISTING TERRAVANT PARCELS 1 AND 2 OF PM 31,019 (NOT-A-PART)

PROPOSED PARCEL "2" 1.07 Ac. (gr.&met)

PROPOSED PARCEL "1" 4.01 Ac. (gr.&met)



THIS LOT LINE ADJUSTMENT IS PROPOSED BETWEEN PARCELS 3 AND 4 OF PARCEL MAP NO. 31,035 RECORDED IN PARCEL MAP BOOK 59, PAGES 19 & 20, SANTA BARBARA COUNTY RECORDER, STATE OF CALIFORNIA.

I HEREBY APPROVE OF AND CONSENT TO THE FILING OF THIS LOT LINE ADJUSTMENT.

OWNER: CAROLYN LESHER PETERSON DATE: _____

EXISTING RETARDATION BASIN
PARCEL 4 OF PM 31,019
(NOT-A-PART)



13-LLA-02

LOT LINE ADJUSTMENT
for
LIVE OAK LANES & INDUSTRIAL CENTER
BUELLTON, CA. 93427

DRAWN BY: AMP
DESIGNER: S/JC

DATE: 20 MAY 2015

SCALE: 1" = 30'

SID GOLDSTIEN
R.C.E. 33,042
(expires 6-30-16)

APN 099-690-001

SID GOLDSTIEN - CIVIL ENGINEER, INC.
PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT
650 ALAMO PINTADO ROAD
SUITE 302
SOLVANG, CA 93463
PHONE: (805) 688-1509
FAX: (805) 688-6382
email: sid@sgcinc.com
web: www.sginc.com

REVIEWED BY:

REVISIONS

DATE:

C A U T I O N :
UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.

PROPOSED EASEMENTS

① 15' WIDE DRAINAGE EASEMENT TO BENEFIT...
A RECIPROCAL PARKING AGREEMENT SHALL BE ENTERED INTO
BETWEEN PARCELS 1 AND 2 FOR SHARED USE OF PARKING SPACES.

EXISTING EASEMENT INFORMATION

(NUMBER CORRESPONDS TO ITEM NUMBER IN PRELIMINARY TITLE REPORT No. 12-401508198-C-DW PREPARED BY FIDELITY NATIONAL TITLE COMPANY, DATED NOVEMBER 16, 2012. NOT ALL EXCEPTION ITEMS ARE NOTED.)

⑫ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: JANUARY 2, 1974 IN BOOK 12, PAGE 91 RECORDED: JANUARY 2, 1974 IN BOOK 12, PAGE 91 MAP OF: 11763
EASEMENT PURPOSE: PUBLIC UTILITIES
AFFECTS: PARCEL 1

⑬ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: HUSBAND AND WIFE, AS COMMUNITY PROPERTY CONSTRUCTION EASEMENT RECORDED: SEPTEMBER 20, 2001, INSTRUMENT No. 2001-0807096, OF OFFICIAL RECORDS. AFFECTS: 12 FOOT STRIP OF PARCEL 4

⑭ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: WILLIAM P. RYAN AND LORI M. RYAN, HUSBAND AND WIFE, AS COMMUNITY PROPERTY CONSTRUCTION EASEMENT RECORDED: SEPTEMBER 20, 2001, INSTRUMENT No. 2001-0807096, OF OFFICIAL RECORDS. AFFECTS: 12 FOOT STRIP OF PARCEL 4

⑮ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: HUSBAND AND WIFE, AS COMMUNITY PROPERTY CONSTRUCTION EASEMENT RECORDED: SEPTEMBER 20, 2001, INSTRUMENT No. 2001-0807096, OF OFFICIAL RECORDS. AFFECTS: 6 FOOT WIDE PORTION OF PARCEL 4

⑯ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
PURPOSE: STORM WATER DRAINAGE FACILITIES, INCLUDING STORM WATER DRAINAGE FACILITIES, INCLUDING STORM WATER DRAINAGE FACILITIES, INCLUDING AND A DETENTION BASIN
RECORDED: MAY 2, 2006, INSTRUMENT No. 2006-0035314, OF OFFICIAL RECORDS. AFFECTS: PARCELS 1, 2, 3 AND 4 OF PM 31035

⑰ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 30, 2008, INSTRUMENT No. 2008-0045488, OF OFFICIAL RECORDS. AFFECTS: PARCEL MAP 31035

⑱ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 30, 2008, INSTRUMENT No. 2008-0045488, OF OFFICIAL RECORDS. AFFECTS: PARCEL MAP 31035

⑲ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 30, 2008, INSTRUMENT No. 2008-0045488, OF OFFICIAL RECORDS. AFFECTS: PARCEL MAP 31035

⑳ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 30, 2008, INSTRUMENT No. 2008-0045488, OF OFFICIAL RECORDS. AFFECTS: PARCEL MAP 31035

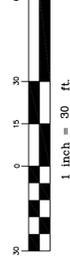
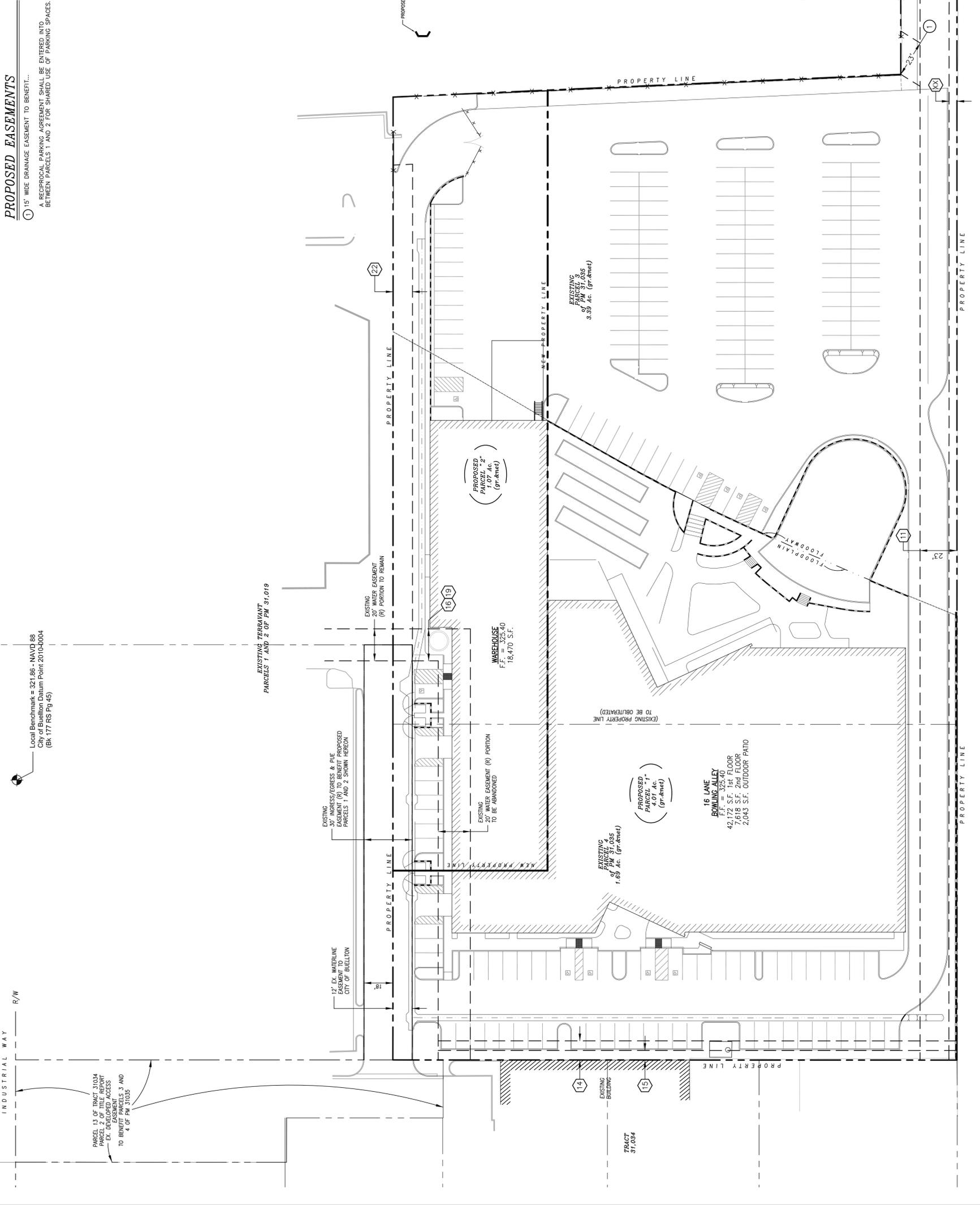
㉑ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
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PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 30, 2008, INSTRUMENT No. 2008-0045488, OF OFFICIAL RECORDS. AFFECTS: PARCEL MAP 31035

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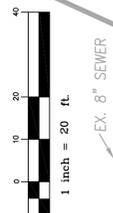
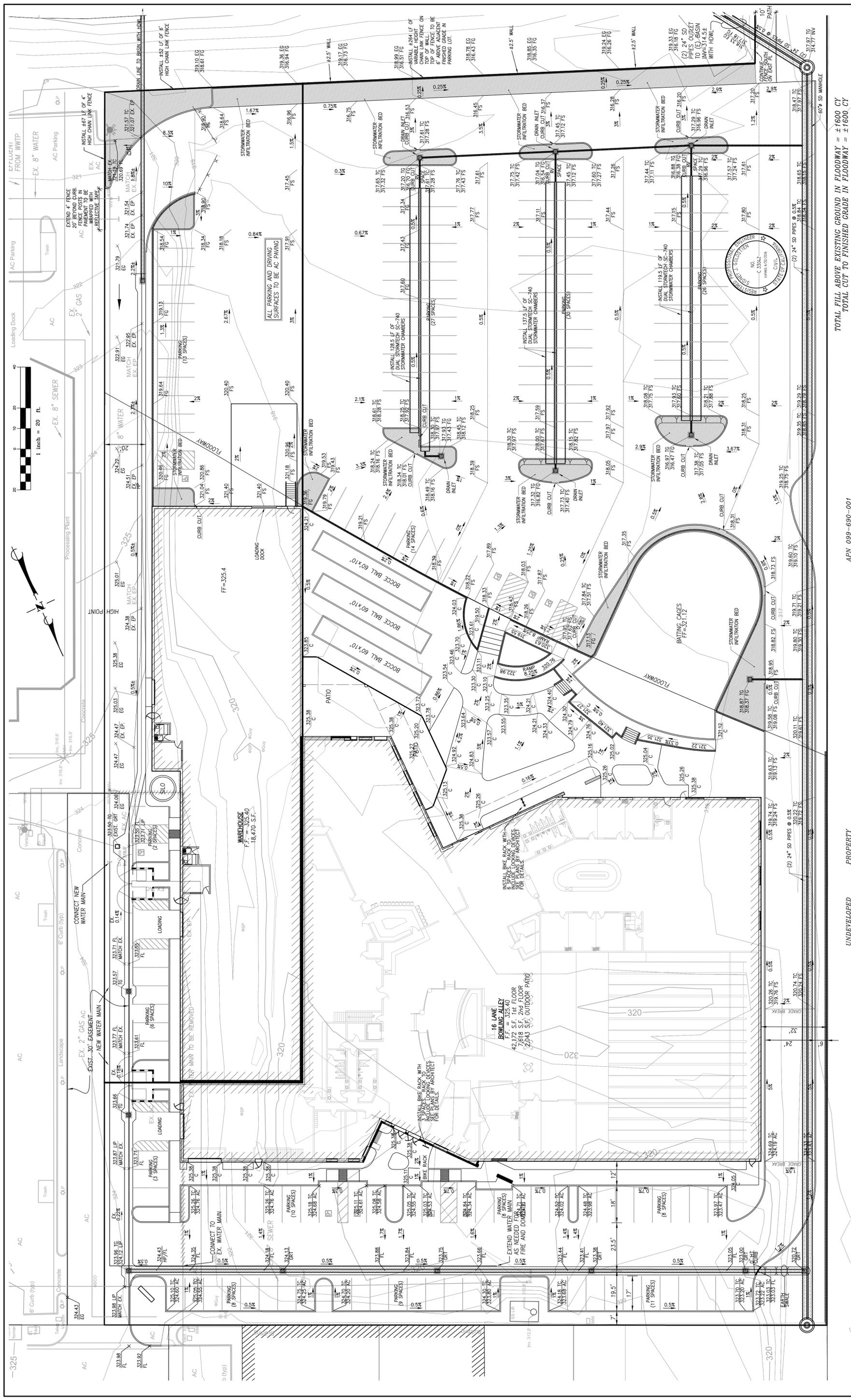
㉔ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
PURPOSE: PUBLIC UTILITIES
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㉕ EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 30, 2008, INSTRUMENT No. 2008-0045488, OF OFFICIAL RECORDS. AFFECTS: PARCEL MAP 31035



<p>CAUTION: UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.</p>	<p>REVISIONS</p>	<p>REVIEWED BY:</p>	<p>SID GOLDSTIEN—CIVIL ENGINEER, INC. PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT 650 ALAMO PINO ROAD SUITE 302 SOLVANG, CA 93463 art@sidgipce.com web: www.sidgipce.com PHONE: (805) 688-1509 FAX: (805) 688-6362</p>	<p>DRAWN BY: AMP DATE: 20 MAY 2015 DESIGNER: S/JC</p>	<p>EASEMENTS for LIVE OAK LANES & INDUSTRIAL CENTER BUELLTON, CA. 93427</p>	<p>SHEET NO. CE-06 FILE NO. 14-10-100</p>	
<p>SCALE: 1" = 30'</p>		<p>DATE: 20 MAY 2015</p>		<p>SCALE: 1" = 30'</p>		<p>SCALE: 1" = 30'</p>	

ATTACHMENT 2



1 inch = 20 ft

<p>CAUTION: UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.</p>	<p>REVISIONS</p>	<p>REVIEWED BY:</p>	<p>APN 099-690-001</p>	<p>DESIGNER: S/JC</p>	<p>DATE: 20 MAY 2015</p>	<p>SCALE: 1" = 20'</p>	<p>PROJECT NO. CE-07</p>
	<p>DATE:</p>	<p>DESIGNED BY: AMP</p>	<p>PROJECT NO. CE-07</p>	<p>FILE NO. 14-10-100</p>	<p>DRAWN BY: AMP</p>	<p>DESIGNER: S/JC</p>	<p>SCALE: 1" = 20'</p>

PRELIMINARY GRADING PLAN
for
LIVE OAK LANES & INDUSTRIAL CENTER
BUELLTON, CA. 93427

SID GOLDSTIEN - CIVIL ENGINEER, INC.
PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT
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SUITE 302
SOLVANG, CA 93463
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SID GOLDSTIEN - CIVIL ENGINEER, INC.
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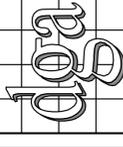
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SUITE 302
SOLVANG, CA 93463
PHONE: (805) 688-1559
FAX: (805) 688-6882
www.sidgsc.com

ATTACHMENT 2

DAVID GOLDSTEN ARCHITECT INC.
AIA

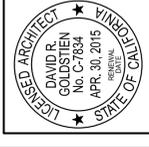
680 Alamo Plimado
Suite 305
Sausalito, CA 94965
805-688-1530



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LIVE OAK LANES

BUELLTON, CA

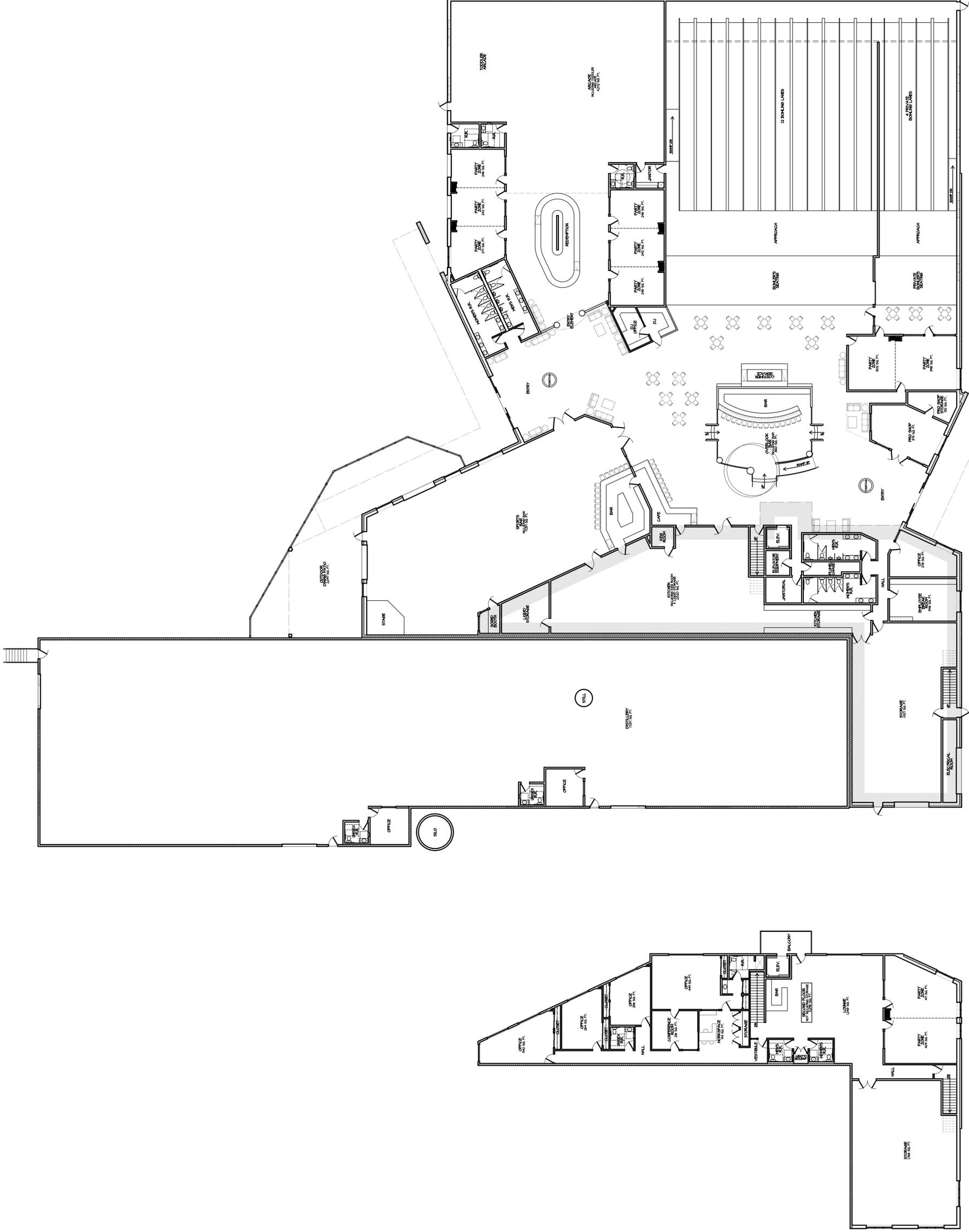


REVISIONS

5-22-15 D.P. REV.
4-7-15 D.P. SUB.

PRINTED
PLOTTED 5-21-15
DRAWN MH
JOB 1302

SHEET
A4.0



NOTE: CIVIL PLANS TO SHEETS FOR DETAILED PARKING AND SITE INFORMATION



FIRST FLOOR PLAN
F= 16'-0"



FIRST FLOOR PLAN
F= 16'-0"

DAVID GOLDSTEN ARCHITECT INC.
 680 Alamo Pkwy
 Suite 301
 San Diego, CA 92108
 619-444-1330

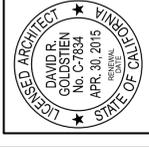
ARCHITECT



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LIVE OAK LANES

BUELLTON, CA



REVISIONS
5-22-15 D.P. REV.
4-7-15 D.P. SUB.
PRINTED
PLOTTED 5-21-15
DRAWN MH
JOB 1302
SHEET

A8.0

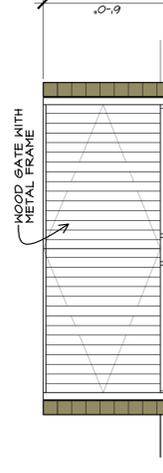
- MATERIAL & FINISH KEY**
- NOTE: SEE EXTERIOR COLORS & MATERIALS BOARD FOR SAMPLES AND COLORS.
- A ROOFING - SINGLE PLY PVC, HEAT BONDED MEMBRANE, WHITE
 - B GUTTER & DOWNSPOUT - PREFINISHED ALUMINUM FASCIA GUTTER & ROUND DOWNSPOUT, HANSARD BROWN
 - C MASONRY - SPLIT FACE CMU, AIR VOL. BLOCK, DARK TAN # 60B607E1
 - D MASONRY - SMOOTH FACE CMU, AIR VOL. BLOCK, STANDARD GREY #60-101
 - E METAL ANNING - 1/2" CORRUGATED METAL, WESTERN STATES METAL CO. COLORED METAL ANNING, FINISH: ANNING FRAME, STEEL, FRENCH ROAST SM #6061
 - F METAL SIDING - R1 PANEL INSULATED METAL PANEL, MCBI, ALMOND (10N)
 - G WINDOWS - ALUMINUM SLIDERS OR FIXED, ANODIZED BRONZE
 - H ALUMINUM STOREFRONT - RUSTIC RED FINISH
 - J DOORS - SOLID, PAINTED TO MATCH ADJACENT SIDING COLOR
 - K DOORS - HALF GLASS, STEEL, PAINTED, RUSTIC RED SM #7513
 - L OVERHEAD SECTIONAL DOORS - WITH OR WITHOUT GLASS PANELS, RUSTIC RED FINISH
 - M GRAIN SILO - PREFABRICATED METAL, RUSTIC RED FINISH
 - N METAL RAILINGS & HANDRAILS - FABRICATED METAL RAIL, PAINTED, FRENCH ROAST SM #6061
 - O DISTILLERY STACK - METAL SIDING, RUSTIC RED FINISH
 - P MALL MOUNTED LIGHT FIXTURE - BRONZE PONDOR COAT FINISH



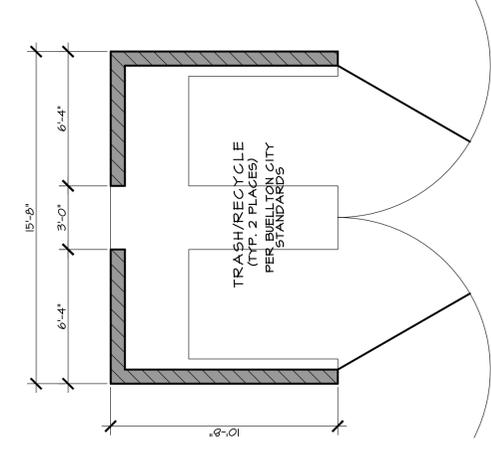
TYP. SIDE ELEVATION
 1/2" = 1'-0"



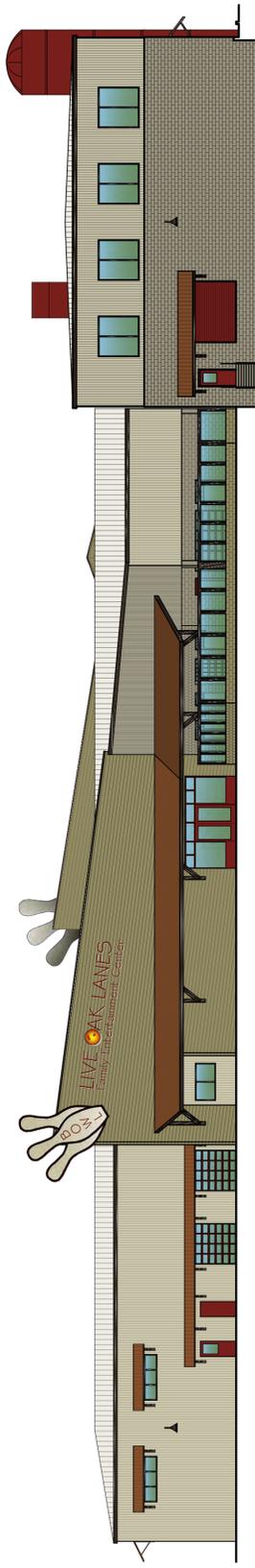
BACK ELEVATION
 1/2" = 1'-0"



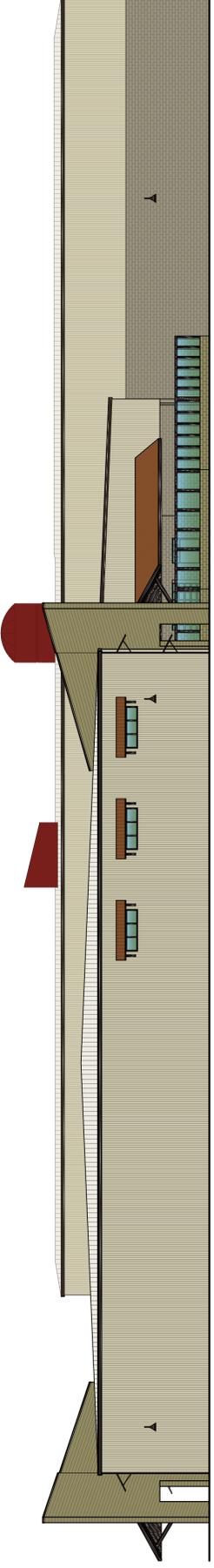
FRONT ELEVATION
 1/2" = 1'-0"



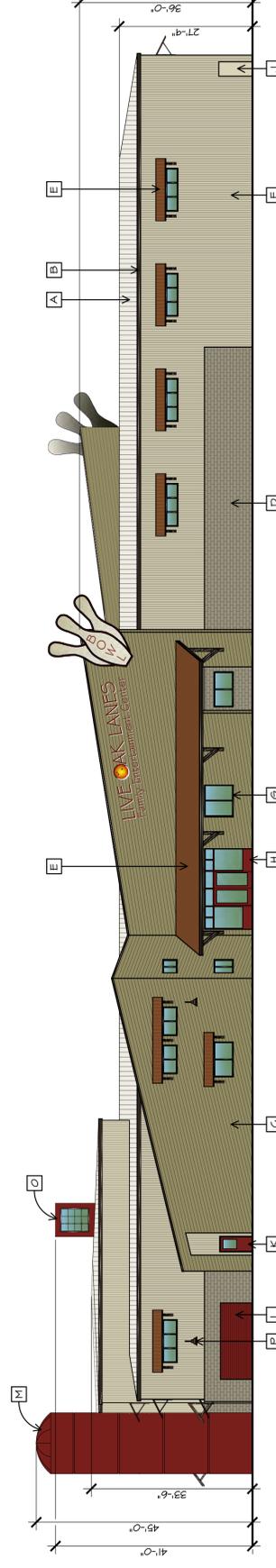
TYP. TRASH AREA PLAN
 1/2" = 1'-0"



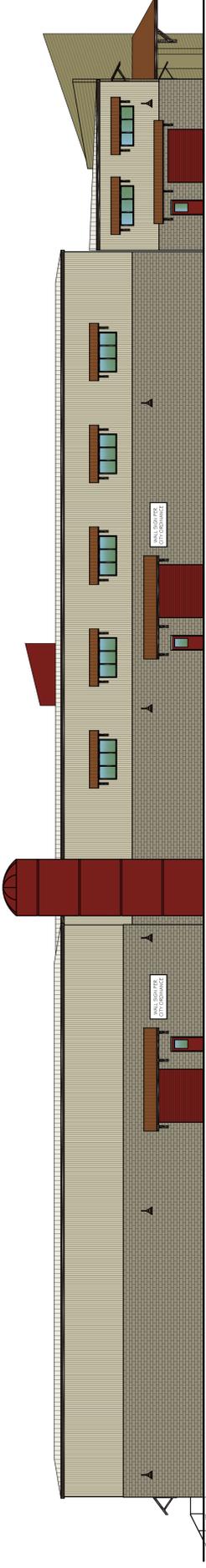
SOUTH ELEVATION
 1" = 16'-0"



WEST ELEVATION
 1" = 16'-0"



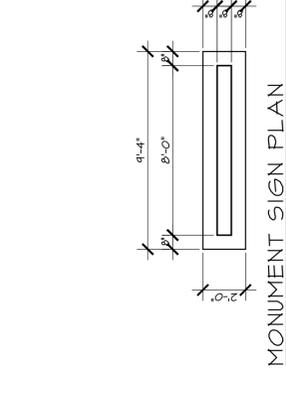
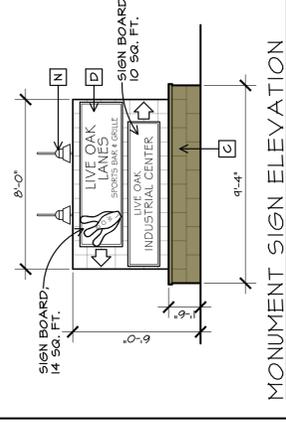
NORTH ELEVATION
 1" = 20'-0"



EAST ELEVATION
 1" = 16'-0"

SIGN DATA

COMMON SIGNAGE	TYPE	SIZE SQ. FT.	LIT	REMARKS
MONUMENT F.E.C. I.C.	NORTH WALL	14	YES	WALL MOUNTED ON MASONRY WALL
	SOUTH WALL	10	YES	WALL MOUNTED ON MASONRY WALL
INDUSTRIAL CENTER (I.C.)	NORTH WALL	127	LIT	REMARKS
	SOUTH WALL	127	NO	WALL MOUNTED



FAMILY ENTERTAINMENT CENTER (F.E.C.)				
TYPE	SIZE SQ. FT.	LIT	REMARKS	
WALL SIGN	NORTH WALL	150	YES	OFFSET LETTERS
	SOUTH WALL	150	YES	WALL MOUNTED
BOWLING PIN GRAPHIC	NORTH WALL	127	YES	WALL MOUNTED
	SOUTH WALL	127	YES	WALL MOUNTED

SUSTAINABLE DESIGN PRINCIPLES AND CONCEPTS

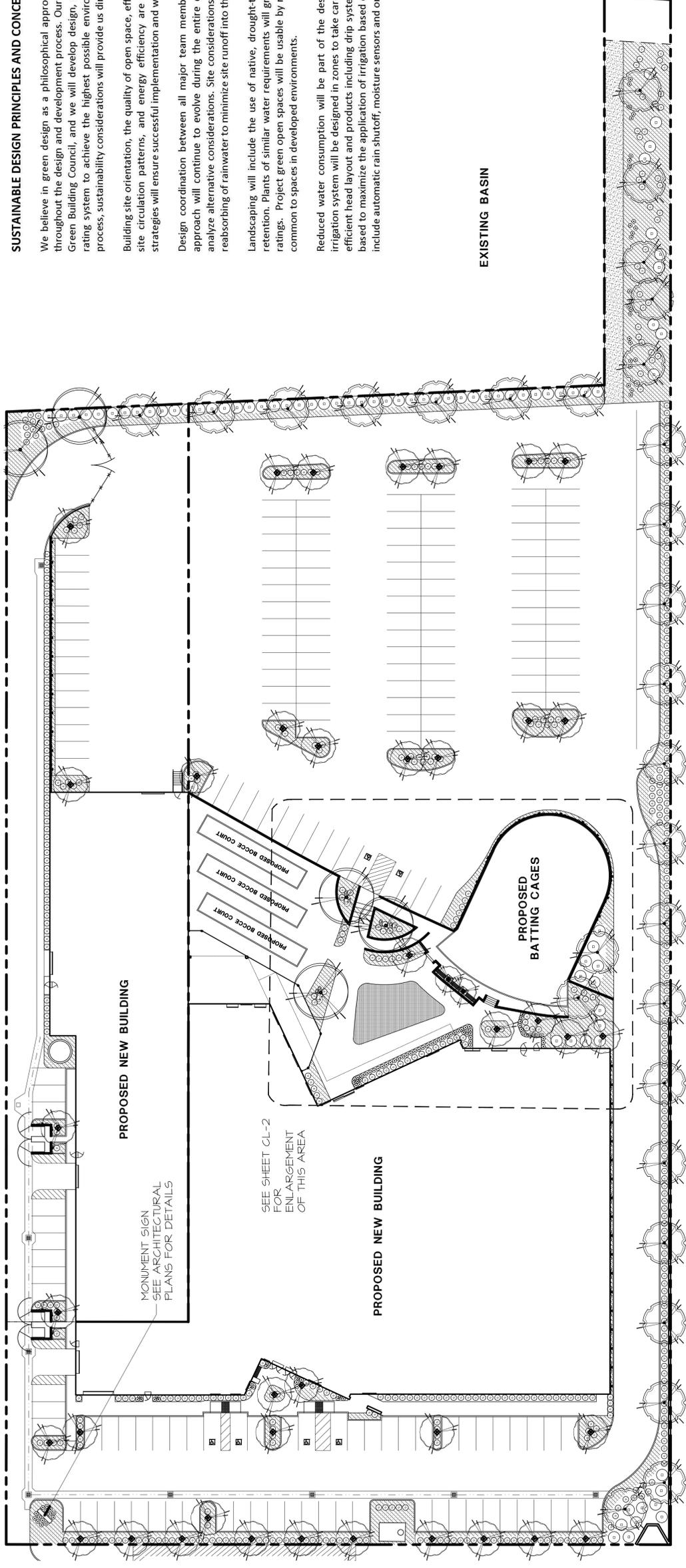
We believe in green design as a philosophical approach. Sustainability considerations will guide our team throughout the design and development process. Our design and construction team are members of the US Green Building Council, and we will develop design, construction and operating strategies consistent with LEED rating system to achieve the highest possible environmental efficiency. Beginning with the programming process, sustainability considerations will provide us direction.

Building site orientation, the quality of open space, efficient use of environmentally friendly materials, logical site circulation patterns, and energy efficiency are all considerations. Early integration of sustainability strategies will ensure successful implementation and will control costs.

Design coordination between all major team members has been part of the initial design process. The approach will continue to evolve during the entire development process, and will help us to continually analyze alternative considerations. Site considerations include reduction of impervious materials to enhance reabsorbing of rainwater to minimize site runoff into the creek.

Landscaping will include the use of native, drought-tolerant planting materials, bio swales and site water retention. Plants of similar water requirements will be grouped together to form hydro-zones based on WUCOLS ratings. Project green open spaces will be usable by residents and will help to reduce the heat island effect common to spaces in developed environments.

Reduced water consumption will be part of the design and construction process for the landscape. The irrigation system will be designed in zones to take care of the planting hydro-zones. The system will include efficient head layout and products including drip systems where appropriate. The controller will be weather based to maximize the application of irrigation based on the plants specific needs. Additional equipment will include automatic rain shutoff, moisture sensors and or wind sensors.



CONCEPTUAL LANDSCAPE PLAN - CLP-01

GENERAL NOTES:

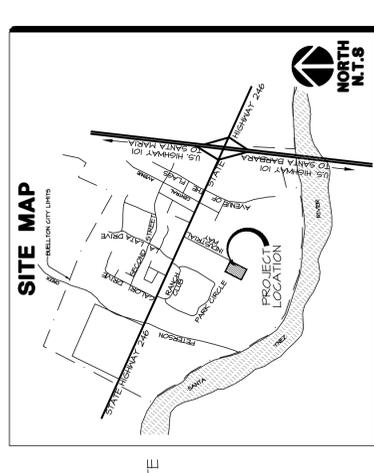
- MINIMUM PLANT SIZES:
TREES - 24" BOX
SHRUBS - 1 GAL
GROUNDCOVER - FLATS
- IRRIGATION SYSTEM TO BE INSTALLED AS A PART OF SITE CONSTRUCTION. SYSTEM SHALL BE UNDERGROUND, AUTOMATIC WITH POP-UP SPRAY HEADS, "SMART" CONTROLLER AND AUTOMATIC RAIN SHUTOFF. LOW PRECIPITATION RATE HEADS TO BE USED TO MINIMIZE RUNOFF.
- POINT OF CONNECTION FOR WATER SUPPLY, SHALL BE BY A NEW LANDSCAPE METER.
- ALL PLANTING AREAS SHALL RECEIVE A 3" LAYER OF MEDIUM BARK MULCH AFTER INSTALLATION.
- ALL PLANT MATERIAL SHALL CONFORM TO THE CITY OF BUELLTON OR STATE OF CALIFORNIA MODEL WATER CONSERVATION ORDINANCE.
- ALL PLANTING AND IRRIGATION SHALL BE INSTALLED PER THE CITY OF BUELLTON STANDARDS AND CODES.
- FOR SITE WORK, ARCHITECTURAL, AND GRADING/DRAINAGE INFORMATION SEE PLANS BY OTHERS.
- ALL AREAS BEYOND THE AREA OF WORK THAT ARE DISTURBED BY CONSTRUCTION SHALL BE RETURNED TO ORIGINAL CONDITION.
- DRAWINGS ARE FOR DESIGN AND REVIEW PURPOSES ONLY AND SHALL NOT BE USED AS CONSTRUCTION DOCUMENTS.
- TREES PLANTED IN AN AREA LESS THAN 8' WIDE SHALL BE INSTALLED WITH A ROOT BARRIER TO PROTECT AGAINST HARDCAPE DAMAGE.
- STREET TREES ARE TO BE SELECTED FROM THE CITY OF BUELLTON APPROVED TREE LIST.

Estimated Annual Water Consumption:

Live Oak Lanes
Buellton, CA

Landscape Area: (est.)	21412.00 square feet
Total Landscape Area:	0.49 acres
Annual Precipitation:	16.92 inches
Cum. Evapotranspiration:	41.30 inches
Effective Rainfall:	8.46 inches
Initial Soil Moisture:	1.00 inches
Net Irrigation Requirement:	31.84 inches
Est. System Efficiency:	0.70 %
Gross Irrigation Req.:	45.49 inches
Max. Annual Demand:	1.86 acre feet

This estimate is based on a USDA model for Southern California using turf grass as the crop. Actual demand will be less based on the specific plant materials selected.



LIVE OAK LANES // Buellton, California / 2015.05.21

CONCEPTUAL LANDSCAPE PLAN / CLP-01

PLEINAIRE
DESIGN GROUP

LANDSCAPE ARCHITECTURE
WATER MANAGEMENT
CONSTRUCTION MGMT
ARCHITECTURE

CONCEPTUAL PLANT LIST:

□ SITE TREES

Agonis Flexuosa; Peppermint Tree
 Alnus Rhombifolia; White Alder
 Bauhinia Blakeana; Orchid Tree
 Cercis Occidentalis; Western Redbud
 Cinnamomum Camphora; Camphor Tree
 Geijera Parviflora; Australian Willow
 Ginkgo Biloba; Autumn Gold; Maidenhair
 Koelreuteria Bipinnata; Chinese Flame
 Jacaranda Mimosifolia; Jacaranda
 Lagerstromia Indica; Grape Myrtle
 Leucadendron Argentum; Silver Tree
 Olea Europaea; Swan Hill; Fruitless Olive
 Pistachia Chinensis; Chinese Pistache
 Platanus Racemosa; Sycamore Tree
 Quercus Agrifolia; Coast Live Oak
 Quercus Tomentella; Island Oak
 Quercus Virginiana; Southern Live Oak
 Rhus Lancea; African Sumac
 Tristamia Conferta; Brisbane Box

□ SHRUBS

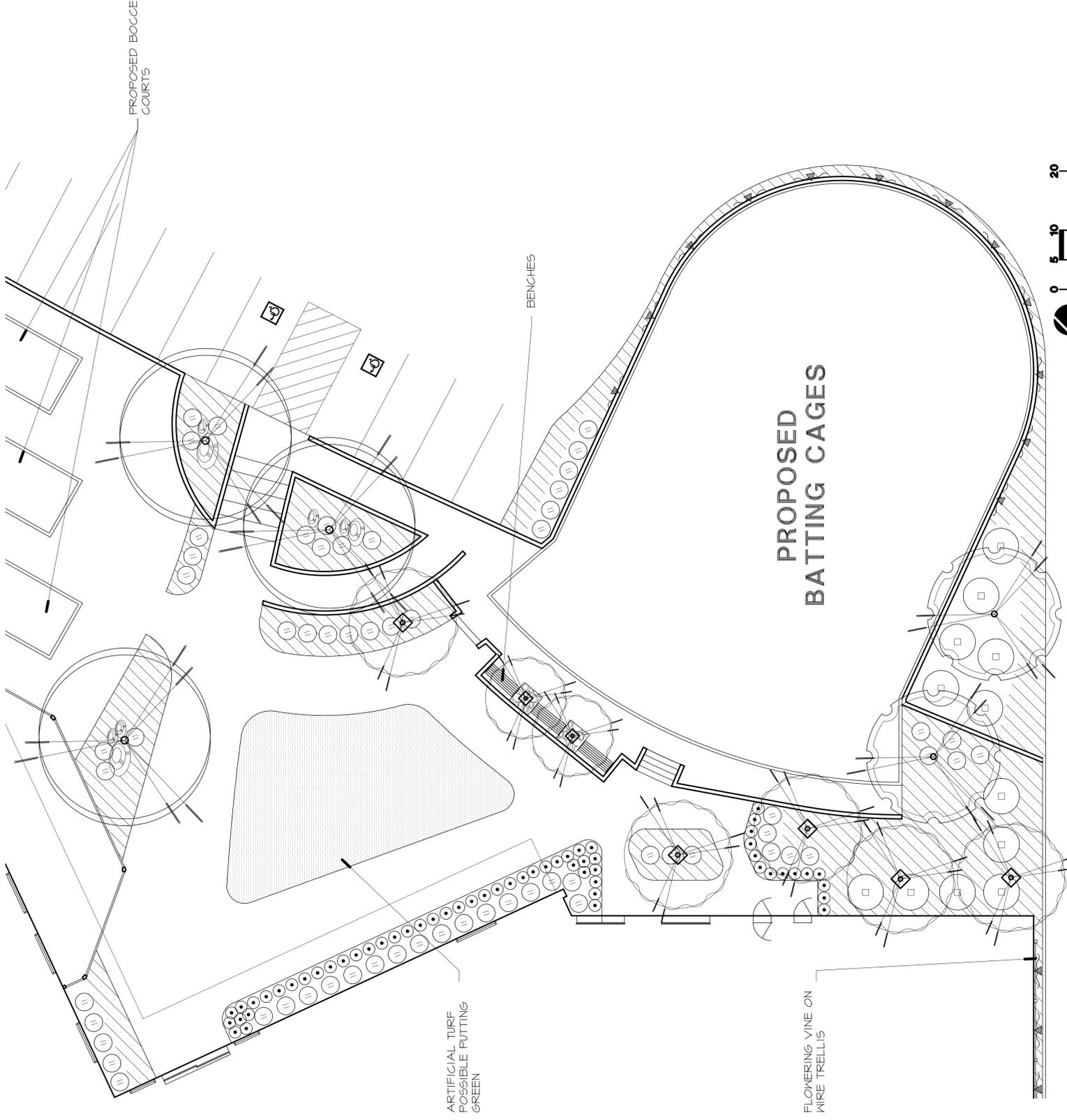
Agapanthus Rancho White; Lily-of-the-Nile
 Arctostaphylos sp; Manzanita
 Artemisia sp.; Wormwood
 Callistemon Viminalis; Little John; Dwarf Bottlebrush
 Carpentaria Californica; Bush Anemone
 Cistus Purpureus; Orchid Rockrose
 Cistus laniflor; Blanche Rockrose
 Coleanema Fulcrum; Pink Breath of Heaven
 Escallonia Rumburum; Escallonia 'Compakta'
 Galvezia speciosa; Island Bush Snapdragon
 Hemerocallis; Daylily
 Kniphofia Hybrid; Red-Hot Poker
 Lavandula sp.; Lavender
 Muhlenbergia rigens; Deer grass
 Phormium Tenax; Flax
 Photinia Fraseri; Red Photinia
 Pittosporum Tobira Variegata; Mock Orange
 Rosmarinus Officinalis; Rosemary
 Xylosma Congestum; Shiny Xylosma
 Zauschneria Californica; Summer Snow; California Fuschsia

□ GROUNDCOVER

Achillea sp.; Yarrow
 Arctostaphylos sp; Manzanita
 Artemisia Californica; Canyon Gray; Coastal Sagebrush
 Baccharis Filularis; Dwarf Coyote Brush
 Geanathus sp.; Mild Lilac
 Duchesnea Indica; Indian Mock Strawberry
 Festuca Rubra; Creeping Red Fescue
 Gazania Uniflora (yellow); Trailing Gazania
 Grevillea lanigera Coastal Gem; UC5C Prostrate Grevillea
 Helianthemum Nummularium; Sunrose
 Liriope Spicata; Silver Dragon; Variegated Lily Turf
 Myoporum parvifolium; Prostrate Myoporum
 Pelargonium Peltatum; Trailing Geranium
 Pelargonium Stabiales; Kalwerbosse Geranium
 Senecio Serpens; Blue Chalksticks
 Turf

□ BASIN BIO-SWALE GRASSES

Purple needlegrass; Nassella pulchra
 Molate Fescue; Festuca rubra
 California barley; Hordeum californicum
 Meadow barley; Hordeum brachyantherum
 545 Seeds low growing non-irrigated seed mix
 Chondropetalum Tectorum; Small Cape Rush
 Juncus Patens; California Gray Rush



□ CONCEPTUAL LANDSCAPE PLAN - CLP-02 (ENLARGEMENT)

LIVE OAK LANES

// Buellton, California / 2015.05.21

PLANT LEGEND:

□ TREES

Accent Tree
 Platanus racemosa
 Cinnamomum camphora
 Canopy Tree
 Quercus agrif. - open areas
 Quercus laevis - open areas
 Quercus virg. - small areas
 Small Scale Tree
 Flowering Tree

□ SHRUBS

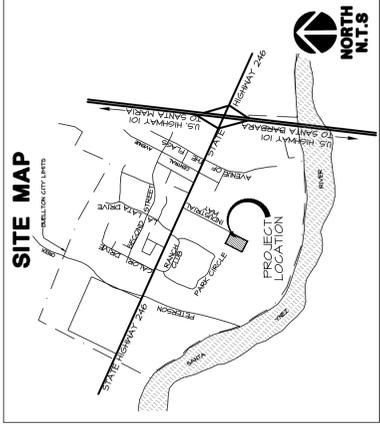
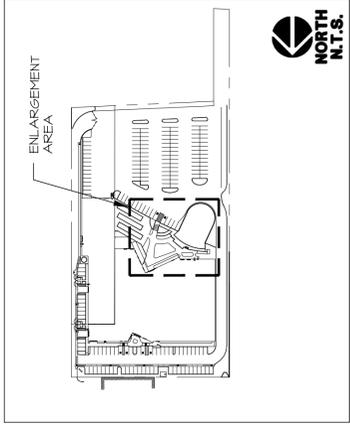
Small Shrub
 Medium Shrub
 Large Shrub

□ GROUNDCOVER

Flowering Groundcover
 Artificial Turf
 River Rock
 Decorative Boulders

□ GROUNDCOVER

Climbing Vine
 Flowering Vine



CONCEPTUAL LANDSCAPE PLAN / CLP-02

PLEINAIRE
 DESIGN GROUP

LANDSCAPE ARCHITECTURE
 WATER MANAGEMENT
 CONSTRUCTION MGMT
 ARBORICULTURE

Revised Draft

**Initial Study/Mitigated Negative Declaration
for the
Live Oak Lanes Project
15-MND-01**

State Clearinghouse Number: 2014041041

Prepared for:
City of Buellton
107 West Highway 246
Buellton, California 93427



Prepared by:
City of Buellton
107 West Highway 246
Buellton, California 93427

August 12, 2015

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Appendices

- Appendix A – Vicinity & Location Maps and Project Plans
- Appendix B – Air Quality Analysis Technical Data – Available at City of Buellton Website and Planning Department
- Appendix C – Greenhouse Gas Emissions Analysis Technical Data – Available at City of Buellton Website and Planning Department

INTRODUCTION

LEGAL AUTHORITY

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accordance with the *CEQA Guidelines* and relevant provisions of the California Environmental Quality Act (CEQA) of 1970, as amended.

Initial Study. Section 15063(c) of the *CEQA Guidelines* defines an Initial Study as the proper preliminary method of analyzing the potential environmental consequences of a project. The purposes of an Initial Study are:

- (1) To provide the Lead Agency with the necessary information to decide whether to prepare an Environmental Impact Report (EIR) or a Mitigated Negative Declaration;
- (2) To enable the Lead Agency to modify a project, mitigating adverse impacts, thus avoiding the need to prepare an EIR; and
- (3) To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

IMPACT ANALYSIS AND SIGNIFICANCE CLASSIFICATION

The following sections of this IS/MND provide discussions of the possible environmental effects of the proposed project for specific issue areas that have been identified in the CEQA Initial Study Checklist. For each issue area, potential effects are isolated.

A “significant effect” is defined by Section 15382 of the *CEQA Guidelines* as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” According to the *CEQA Guidelines*, “an economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant.”

RECIRCULATION OF DRAFT IS/MND

In accordance with CEQA, a draft IS/MND for the project was circulated for public and agency review and comment from July 2, 2015 through August 3, 2015. During the public review period, discrepancies in the text of the IS/MND project description were discovered regarding the total square footage of the building area. Consequently, the project description and related Air Quality, Greenhouse Gas Emissions, and Traffic analyses have been revised to correct the discrepancies; there were no new significant environmental impacts identified. In addition, comments and recommendations received from the Santa Barbara County Air Pollution Control District (letter dated July 22, 2015) and California Department of Fish And Wildlife (letter dated July 29, 2015) have been incorporated into the revised draft IS/MND. The revised environmental documents are hereby being recirculated for public review and comment.

INITIAL STUDY

PROJECT TITLE

Live Oak Lanes – Industrial Way, Buellton – APNs 099-690-045 and 099-690-046
Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02), Conditional Use
Permit (13-CUP-02) and Mitigated Negative Declaration (15-MND-01)

LEAD AGENCY and CONTACT PERSON

City of Buellton Planning Department
P.O. Box 1819
Buellton, CA 93427

Contact: Irma Tucker, Contract Planner
(805) 688-7474
John Rickenbach, AICP, Consulting Planner
(805) 610-1109

PROJECT APPLICANT AND OWNER

Applicant Agent:
Sid Goldstien, Civil Engineer
650 Alamo Pintado #302
Solvang, CA 93463

Owner:
Carol Leshner-Peterson
980 Old Ranch Road
Solvang, CA 93463

PROJECT SITE CHARACTERISTICS

Location and Surrounding Land Uses: The 5.08-acre property is located at the south end of Industrial Way, and includes two parcels (Assessor's Parcel Numbers 099-690-045 and 099-690-046). The property is currently vacant. Existing industrial uses in the M zone are located to the east and north of the site along the end of Industrial Way. Open space is located to the west, within the floodplain of the Santa Ynez River. The river flows generally from east to west, south of project site. See Appendix A for a map showing the project location.

Existing General Plan Designation (Land Use Category) and Zoning: The northern two-thirds of the site has a General Plan designation of Industrial, while the southern third of the site is designated Open Space, Parks and Recreation. Corresponding Zoning designations are M (Industrial and Manufacturing) and Open Space (OS).

PROJECT DESCRIPTION

The proposed project consists of a Final Development Plan (13-FDP-03) for two contiguous buildings that encompass: a 49,790 square foot Family Entertainment Center (42,172 square feet on ground floor and 7,618 square feet on second floor), which includes a bowling alley and other amenities as described below; an 18,470 square foot warehouse facility; and parking and landscaping in support of those facilities. There would also be a lighted 5-stall batting cage and bocce ball courts outside the building adjacent to the Family Entertainment Center. The 5.08-acre property is located at the south end of Industrial Way, and includes two parcels (Assessor's Parcel Numbers 099-690-045 and 099-690-046) The larger "Parcel 1" (4.01 acres) will be developed into the Family Entertainment Center and required parking, while the smaller "Parcel 2" (1.07 acres) will be developed with the warehouse facility.

Each major project component is described in more detail below.

Family Entertainment Center (Live Oak Lanes)

The 49,790 square foot Family Entertainment Center will be built on reconfigured 4.01-acre "Parcel 1", and will include the following functions:

- A 16-lane bowling alley (Live Oak Lanes), four of which are in a section that can be closed off for private parties and functions
- Game/Arcade section
- Sports bar and lounge with an outdoor deck area and a full commercial kitchen
- Party and corporate meeting rooms
- Office space, with additional offices provided on a second floor mezzanine
- Restrooms

In addition to the indoor uses, the development includes a 5-station batting cage and 3 bocce ball courts, as well as landscaping around the entire property. Parking is proposed to be provided adjacent to the building in a paved lot in the floodway south of the building, roughly seven feet below the level of the building floor. Access from the parking area to the building is by stairs and a ramp through a landscaped entry area.

Hours of operation for the entertainment center will be approximately 9 AM to MIDNIGHT, Monday through Thursday, 9 AM to 2 AM on Friday and Saturday, and 10 AM to 10 PM on Sunday. The batting cages would be open 11 AM to 8 PM Monday through Thursday, and 10 AM to 10 PM Friday through Sunday. The maximum shift would be staffed by an estimated 15 to 25 employees.

Warehouse Facility

The 18,470 square foot warehouse facility will be built on reconfigured 1.07-acre "Parcel 2", and will consist of a single large space for lease; it is possible this space may be divided in the future for multiple users. There will be two overhead doors and two man-doors to provide access to the building. The warehouse space, while contiguous to the Family Entertainment Center, is located in a separate building and parcel (consistent with the Lot Line Adjustment), and will be provided

with the required parking and landscaping. Access and some of the required parking will be from an easement across the adjacent Live Oak Lanes parcel. There will be a reciprocal parking agreement between the Family Entertainment Center and warehouse facility.

Hours of operation are proposed to be 7 AM to 7 PM, seven days a week, and 6 to 8 employees are expected to be on the site at any one time.

The project would require the following entitlements from the City:

- Lot Line Adjustment (13-LLA-02)
- Conditional Use Permit (13-CUP-02)
- Final Development Plan (13-FDP-03)

Reduced copies of the project plans are attached as Appendix A.

PUBLIC AGENCIES WHOSE APPROVAL MAY BE REQUIRED FOR SUBSEQUENT ACTIONS (e.g. permits, financing approval, or participation agreement):

None.

REFERENCES

This Initial Study was prepared using the following information sources:

- Application Materials;
- Field Reconnaissance;
- Buellton General Plan;
- Buellton Municipal Code;
- Buellton Zoning Ordinance;
- General Plan EIR;
- March 2014 Air Quality Analysis from Rincon Consultants; update August 10, 2015
- March 2014 Global Climate Change Analysis from Rincon Consultants; updated August 7, 2015
- Departmental and Public Agency Consultations
- County of Sacramento, Community Planning and Development Department. *General Plan Noise Element Background*.
- Federal Transit Administration, Office of Planning and Environment. *Transit Noise and Vibration Impact Assessment*. May 2006.
- Health and Safety Authority. *The Noise of Music, Guidance on how to comply with the Safety, Health and Welfare at Work (General Application) Regulations*. 2007.
- Association of Environmental Professionals. *California Environmental Quality Act (CEQA) Statute and Guidelines*. 2012
- Associated Transportation Engineers. *Trip Generation and Trip Distribution Analysis for the Live Oak Lanes Project*. March 19, 2014; updated July 31, 2015.

- Kevin Merk Associates. *Live Oak Lanes & Industrial Center Focused Biological Resources Assessment*. October 14, 2014.

The Air Quality and Greenhouse Gas analyses in the Initial Study were prepared by Rincon Consultants, and were based on the following reference materials:

- California Air Resources Board. *Ambient Air Quality Standards*. Updated June 4, 2013. Available at: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>
- California Air Resources Board. 2010, 2011, & 2012 Annual Air Quality Data Summaries. <http://www.arb.ca.gov/adam/topfour/topfour1.php>. Accessed February 24, 2014.
- County of Santa Barbara Planning and Development. *Environmental Thresholds and Guidelines Manual*. Published October 2008. <http://www.sbcapcd.org/cap/2013cap20130611.pdf>
- Imperial County. *Evaluation of PM₁₀ Emissions from Unpaved Parking Lots and Staging Areas in Imperial County (TAA06-026)*. October 2008. Available at: http://server.cocef.org/Final_Reports_B2012/20014/20014_Final_Report_EN.pdf
- Santa Barbara County Air Pollution Control District (SBCAPCD). *Clean Air Plan*. June 2013. Available at: <http://www.sbcapcd.org/cap/2013cap20130611.pdf>
- SBCAPCD. *Environmental Review Guidelines*. Revised November 16, 2000.
- SBCAPCD. *Scope and Content of Air Quality Sections in Environmental Documents*. December 2011.
- Associated Transportation Engineers. *Trip Generation and Trip Distribution Analysis for the Live Oak Lanes Project*. July 31, 2015.
- California Air Pollution Control Officers Association (CAPCOA). *Quantifying Greenhouse Gas Mitigation Measures*. August 2010.
- CAPCOA. *CEQA & Climate Change*. January 2008.
- CAPCOA. *CalEEMod User's Guide*. July 2013.
- California Air Resources Board. October 2011. *Greenhouse Gas Inventory Data – 2000 to 2009*. Available: <http://www.arb.ca.gov/cc/inventory/data/data.htm>
- California Climate Action Registry General Reporting Protocol, *Reporting Entity-Wide Greenhouse Gas Emissions*, Version 3.1, January 2009.
- California Environmental Protection Agency (CalEPA). *Climate Action Team Biennial Report*. Final Report. April 2010.
- California Environmental Protection Agency (CalEPA), March 2006. *Climate Action Team Report to Governor Schwarzenegger and the Legislature*. http://www.climatechange.ca.gov/climate_action_team/reports/2006-04-03_FINAL_CAT_REPORT_EXECSUMMARY.PDF
- County of Santa Barbara Planning and Development. *Environmental Thresholds and Guidelines Manual*. Published October 2008. <http://www.sbcapcd.org/cap/2013cap20130611.pdf>
- Intergovernmental Panel on Climate Change [IPCC]. *Revised 2006 IPCC Guidelines for National Greenhouse Gas Inventories*. [Penman, J.; Gytarsky, M.; Hiraishi, T.; Irving, W.; Krug, T.]. Paris: OECD, 2006.

- Intergovernmental Panel on Climate Change [IPCC], 2007: *Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.
- Intergovernmental Panel on Climate Change [IPCC], 2013: *Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S. K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.
- National Oceanic & Atmospheric Administration (NOAA). *Annual Greenhouse Gas Index*. September 2010. <http://www.esrl.noaa.gov/gmd/aggi/>
- San Luis Obispo Air Pollution Control District. *Greenhouse Gas Thresholds and Supporting Evidence*. March 28, 2012.
<http://www.slocleanair.org/images/cms/upload/files/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf>
- Santa Barbara County Air Pollution Control District. *Environmental Review Guidelines*. Revised November 16, 2000.

ENVIRONMENTAL DETERMINATION

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology / Soils
<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Utilities / Service Systems		

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 Marc P. Bierdzinski
 Environmental Officer
 City of Buellton

 Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses and references are discussed at the end of the checklist.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The analysis of each issue should identify:
 - a) the significance criteria or threshold used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

a., b. Scenic Vistas/Resources: No roadways in the project area are designated as state or local scenic highways. No scenic aspects are associated with the property and development of the project would not block any scenic vistas from other properties since it is an infill project located adjacent to existing industrial development. No impacts would result.

c. Visual Quality: Development of the project site would result in a new building, parking areas, and landscaping that would replace a vacant parcel bounded on the north and east by existing industrial uses. The architecture of the proposed project is considered Contemporary Ranch as defined in the City’s Community Design Guidelines.

The proposed project intends to reduce the potential effects of a monolithic building front through the use of awnings, lighting, and other architectural features that provide some degree of articulation. Landscaping on the site (as shown in accompanying documentation) would further soften the visual presentation of the site, which would only be publicly visible to those within the parking lot for the facility, as well as cars entering the site from Industrial Way.

The impact is considered less than significant for the following reasons: 1) the project conforms to the design requirements of the Community Design Guidelines; and 2) this is an infill project within an area designated for Industrial uses under the existing General Plan.

d. Light and Glare: The project includes a photometric lighting plan, which shows onsite fixtures and the intensity of lighting at the site boundaries. The project would include a variety of downward directed light pole and wall-mounted fixtures in the parking lot and on building faces. Pole-mounted fixtures would range from 12 to 20 feet in height. All specified lighting is indicated to be energy efficient, and parking lot lighting is shown to be decorative in nature. Lighting intensity at the northern, western and southern site boundaries would not exceed 0.6 foot-candles, which is within City requirements, and would not adversely affect drivers on Industrial Way or those using adjacent industrial buildings. Parking lot lighting on the east side could result in intensities as great as 1.6 foot-candles, but this level of light would be only experienced along the western wall (loading side) of an adjacent industrial building, where there are no windows or doors. That building would also block the light from spilling farther in that direction (toward Industrial Way), so no impacts would be experienced east of the project site. Impacts would be less than significant.

The batting cage would include five 400-watt floodlights, one to illuminate each batting station. In that area, lighting would be directed downward, and slightly westward or eastward, away from existing and proposed buildings and toward open space or the adjacent proposed parking lot. There are no sensitive receptors (including homes or other uses) that would be adversely affected by this lighting, nor would any housing anticipated under the General Plan be potentially affected. Impacts would be less than significant.

Findings and Mitigation: Impacts would be less than significant, so no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES - Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to nonagricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

a., b., c. Farmland: The site is an urban infill site and is not designated as farmland in the City’s General Plan. City is not near any designated forest lands.

Findings and Mitigation: No impacts would occur, therefore, no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable Clean Air Plan?			X	
b) Violate any stationary source air quality standard or contribute to an existing or projected air quality violation?			X	
c) Result in a net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

The air quality section has been prepared by Rincon Consultants on contract to the City of Buellton. All data used in the creation of this section is on file at the Buellton Planning Department and is hereby incorporated by reference into this Initial Study.

Setting

Federal and state ambient air quality standards for certain criteria pollutants have been established to protect human health. Buellton is located within the South Central Coast Air Basin (SCCAB) which includes all of San Luis Obispo, Santa Barbara, and Ventura counties and is within the jurisdiction of the Santa Barbara County Air Pollution Control District (SBCAPCD). Santa Barbara County, within which the City lies, is in non-attainment for the state eight-hour ozone standard and the state standard for Particulate Matter 10 micrometers or less in diameter (PM₁₀).

As described in the SBCAPCD *Scope and Content of Air Quality Sections in Environmental Documents* (December 2011), a project will have a significant air quality effect on the environment if operation of the project will:

- Emit (from all sources, both stationary and mobile) more than 240 lbs/day for Reactive Organic Compounds (ROC) and Oxides of Nitrogen (NO_x) or more than 80 lbs/day for PM₁₀;
- Emit more than 25 lbs/day of NO_x or ROC from motor vehicle trips only;
- Cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone); or
- Exceed the APCD health risk public notification thresholds adopted by the APCD Board (10 excess cancer cases in a million for cancer risk and a Hazard Index of more than 1.0 for non-cancer risk).

These thresholds are only for a project's operational emissions. The SBCAPCD does not have quantitative thresholds of significance for construction emissions since they are temporary in nature; however, SBCAPCD uses 25 tons per year for ROC and NO_x as a guideline for determining the significance of construction impacts.

Impact Analysis

a. The California Clean Air Act requires that air districts create a Clean Air Plan (CAP) that describes how the jurisdiction will meet air quality standards. These plans must be updated every three years. The most recent SBCAPCD CAP, the 2013 CAP, was adopted in 2015. According to SBCAPCD CEQA guidelines, projects would be consistent with the CAP if they are consistent with APCD rules and regulations. The proposed project would be consistent with all APCD rules and regulations, including standard dust reduction measures (see part b-c in this section). The proposed project does not involve residential uses, therefore it would not increase population in the City and would therefore be consistent with the population forecasts contained in the 2013 Clean Air Plan. Impacts would be *less than significant*.

b., c. The proposed project would not generate substantial quantities of Toxic Air Contaminants (TACs). Emissions would primarily be generated by project passenger vehicles and trucks (see "Operational impacts" discussion in this section). There are no sensitive receptors within or adjacent to the project site. Therefore, health risk public notification thresholds would not apply to the proposed project. Air quality emissions associated with the proposed project were

estimated using the California Emissions Estimator Model (CalEEMod) version 2013.2.2. No criteria pollutant thresholds are exceeded.

Construction Emissions. Construction of the proposed project would generate temporary air pollutant emissions associated with fugitive dust (PM₁₀ and PM_{2.5}), exhaust emissions from heavy construction vehicles, and ROC that would be released during the drying phase after application of architectural coatings. These emissions would be reduced to a less than significant level through implementation of the required SBCAPCD dust and emissions control measures.

Construction would generally consist of site preparation, grading, construction of the proposed bowling alley, family entertainment center, batting cages, and warehouse, as well as paving, and architectural coating. Architectural coatings were assumed to be applied to the interiors and exteriors of all proposed buildings. PM₁₀ emitted during construction activities varies greatly, depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, and weather conditions.

Project construction was assumed to begin in 2016 and conclude in 2017, based on CalEEMod defaults for the South Central Coast Air Basin (SCCAB) and the size of the proposed buildings. The CalEEMod calculations are available in the Appendix B. Table 1 summarizes the estimated maximum daily construction emissions of ROC, NO_x, CO, PM₁₀, and PM_{2.5}. Table 2 summarizes these emissions relative to the SBCAPCD significance thresholds in tons per year.

**Table 1
Estimated Construction Maximum Daily Air Pollutant Emissions (lbs/day)**

Maximum Emissions (lbs/day)	ROC	NO_x	CO	PM₁₀	PM_{2.5}
	150.0	54.8	42.3	11.2	7.2

Notes: All calculations were made using CalEEMod. See Appendix B for calculations. Site Preparation, Grading, Paving, Building Construction and Architectural Coating totals include worker trips, construction vehicle emissions and fugitive dust. Site Preparation and Grading phases includes adherence to the conditions listed above that are required by SBCAPCD to reduce fugitive dust.

Table 2. Estimated Construction Maximum Daily Air Pollutant Emissions (tons/year)

Maximum Emissions (tons/year)	ROC	NO_x	CO	PM₁₀	PM_{2.5}
	19.5	7.1	5.5	1.5	1.0
Threshold	25	25	None	None	None
Threshold Exceeded?	No	No	No	No	No

Notes: All calculations were made using CalEEMod results and assuming that construction would occur for 260 days per year and daily emissions would be equal to the maximum daily emissions calculated in CalEEMod. See Appendix B for calculations. Site Preparation, Grading, Paving, Building Construction and Architectural Coating totals include worker trips, construction vehicle emissions and fugitive dust.

Site Preparation and Grading phases includes adherence to the conditions listed above that are required by SBCAPCD to reduce fugitive dust.

As shown in Table 2, construction emissions would not exceed the established thresholds for any criteria pollutant. Consequently, the project's regional air quality impacts during construction would be *less than significant*.

Maximum daily emissions of ROC and NO_x are shown in Table 2. The SBCAPCD does not have quantitative thresholds of significance for construction emissions since they are temporary in nature; however, SBCAPCD uses 25 tons per year for ROC and NO_x as a guideline for determining the significance of construction impacts. The SBCAPCD requires implementation of dust control requirements for all projects involving earthmoving activities. According to SBCAPCD, implementation of standard dust control measures would reduce temporary construction impacts for fugitive dust (PM₁₀ and PM_{2.5}) to a less than significant level. SBAPCD Rule 345 regulates fugitive dust for any activity associated with construction or demolition of structures. The proposed project would be required to comply with Rule 345, as described below, which would ensure that construction fugitive dust emissions would be *less than significant*.

- *During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.*
- *Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.*
- *Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.*
- *If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.*
- *After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.*
- *The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.*
- *Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.*

- *All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.*
- *Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.*
- *All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.*
- *Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.*
- *Diesel powered equipment should be replaced by electric equipment whenever feasible.*
- *If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.*
- *Catalytic converters shall be installed on gasoline-powered equipment, if feasible.*
- *All construction equipment shall be maintained in tune per the manufacturer's specifications.*
- *The engine size of construction equipment shall be the minimum practical size.*
- *The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.*
- *Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.*

On-Site Operational Emissions. The majority of project-related operational emissions would be due to vehicle trips to and from the site. Potential operational emissions were estimated using CalEEMod. Table 3 summarizes the projected emissions associated with operation of the proposed project. This includes emissions generated by vehicles traveling to and from the site, as well as emissions due to energy use (natural gas), and long-term, low-level architectural coating emissions as the proposed structures are repainted over the life of the project (area sources).

Table 3. Project Operational Emissions (lbs/day)

Emission Source	ROC	NO_x	CO	PM₁₀	PM_{2.5}
Mobile	1.9	3.2	16.9	1.8	0.5
Energy (Natural Gas and electricity)	< 0.1	0.4	0.3	< 0.1	< 0.1
Area (Consumer Products and Architectural Coating)	5.0	0.0	< 0.1	0.0	0.0
Total Emissions	7.0	3.6	17.2	1.8	0.5
<i>Threshold: Total Emissions (Transportation and On-Site/Area Sources)</i>	240	240	None	80	None
Threshold Exceeded?	No	No	<i>n/a</i>	No	<i>n/a</i>
<i>Threshold: Total Emissions (Transportation Sources Only)</i>	25	25	None	None	None
Threshold Exceeded?	No	No	<i>n/a</i>	No	<i>n/a</i>

Source: See Appendix B for CalEEMod output.

As shown in Table 3, operational emissions from the project would be below applicable SBCAPCD thresholds for ROC and NO_x. The project would generate 711 average daily trips and would therefore result in a less than significant impact to localized CO concentrations as there are no specific criteria in place. PM₁₀ emissions from mobile sources and energy use would be relatively low, when compared to SBCAPCD daily thresholds. The project's long-term regional air quality impacts would be *less than significant*.

d. Certain population groups are considered more sensitive to air pollution than others. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardio-respiratory diseases. Residential uses are also considered sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Nearby sensitive receptors to the proposed project site include residences, which would be located approximately 1,000 feet north of the project site, along Park Circle, and approximately 1,500 feet east of the site in the Rancho de Maria subdivision. These sensitive receptors would not be exposed to any substantial emissions, since the project would only involve minor releases of air contaminants

during construction and operations. In addition, the proposed project would not result in an exceedance of any thresholds for operational emissions. Therefore, impacts to sensitive receptors would be *less than significant*.

e. The uses proposed for the project would not be expected to result in substantial objectionable odors. The bowling alley and family entertainment center would offer food and include a kitchen, which may result in odors related to food preparation. The nearest sensitive receptors are residences located approximately 1,000 feet north of the proposed project site. These receptors are located at a sufficient distance that they would not be expected to be impacted by any odors produced by the kitchen. Therefore, this impact would be *less than significant*.

Findings and Mitigation: All impacts would be less than significant without mitigation.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>IV. BIOLOGICAL RESOURCES</i> - Would the project:				
a) Have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?				X

a. - c. The project site is currently undeveloped, but is bounded by existing development to the east and north. The site is designated for urban uses under the General Plan. The project site is comprised primarily of either disturbed annual grassland habitat or ruderal (disturbed) vegetation, with small pockets of coyote brush scrub within the annual grassland. None of these are considered sensitive or projected habitats types. There is a cottonwood windrow on the site along an access lane leading southward toward the river, which may provide habitat for common reptiles, mammals and birds. Most of the southern boundary of the site is adjacent to an existing manmade drainage basin, which stands between the site and the Santa Ynez River. The southwesternmost portion of the site is directly adjacent to the Santa Ynez River. The river supports Central Coast Arroyo Willow Riparian Scrub habitat, but this does not extend onto the project site, which is disturbed, has no trees, and otherwise lacks habitat value.

Grading and development of the site will not affect riparian habitat associated with the Santa Ynez River, nor will it affect the cottonwood windrow. All ground disturbance will be limited to the site itself, and no fill will be introduced to the river. Onsite drainage will use the existing offsite basin adjacent to the river, which will minimize erosion and direct runoff to the river that may otherwise be generated by site activities.

The site is in the 100-year floodplain of the river, and the southern portion of the site is within the floodway.

Under Section 404 of the Clean Water Act, areas within the Ordinary High Water Mark of a water body could be determined to be within the jurisdiction of the U.S. Army Corps of Engineers. The Corps regulations define the term “Ordinary High Water Mark” for purposes of the Clean Water Act jurisdiction as follows:

“that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

By that definition, the site is outside the Ordinary High Water Mark, since it is located above a “clear, natural line impressed on the bank” of the river, and it does not show vegetative characteristics similar to those within the banks of the river. Further, there are no identified federally protected wetlands or vernal pools on the site.

There are no federal or state-listed species associated with the site, as identified through a search of the California Natural Diversity Database as part of the 2005 General Plan Update EIR, and as confirmed in a biological resources assessment performed by Kevin Merk Associates in October 2014. The site is not within identified critical habitat area for the California red-legged frog (CRLF). The nearest CRLF Critical Habitat Unit, STB 5, is located about 3.5 miles south of the site, and would not be affected by the proposed project (KMA, October 2014). The site is also not within identified critical habitat areas for other federally listed species associated with the region, such as Southern California coast steelhead, California tiger salamander, or least Bells vireo. Although designated critical habitat for the southwestern willow flycatcher is located along the Santa Ynez River south of the site, the site itself is outside the critical habitat boundaries, and no impacts to this habitat would occur as a result of project site disturbance and development (KMA, October 2014).

As described in the KMA biological resources assessment, no direct impacts to California red-legged frog are anticipated. However, project construction activities (noise and vibration) could potentially indirectly disturb CRLF adjacent to work areas, since CRLF is presumed to be present offsite within the Santa Ynez River corridor, and possibility at times in the drainage basin adjacent to the project site. Noise has the potential to cause individual frogs to move away from noise, thus temporarily abandoning potential offsite habitat. The KMA report concluded this would be an adverse, but not significant, impact.

Impacts with respect to jurisdictional and habitat issues on the site would therefore be less than significant.

d. There are no wildlife movement corridors across the site, since it is bounded on two sides by existing development, and on a third by a drainage basin that acts as a barrier to the river to the south. That said, the Santa Ynez River itself is considered an important wildlife dispersal and migration corridor for a variety of wildlife species. The river is designated by the California Department of Fish and Wildlife (CDFW) as a Southern California Steelhead Stream and as such is considered to provide habitat for steelhead during times when the river is flowing. However,

as noted above, runoff from the site is not expected to impact the river or any habitat associated with the river. Impacts would be less than significant.

e. and f. The project would not conflict with any provisions of the General Plan related to biological resources as no impacts were identified in the referenced biological assessment. The site is not subject to any Habitat Conservation Plan. The proposed development is located outside of the 200-foot setback area of the Santa Ynez River.

Findings and Mitigation: Impacts would be less than significant, so no mitigation is required.

However, the biological resources assessment for the project recommends that several protective measures be incorporated into the project, in order to minimize the potential that indirect impacts could occur to the California red legged frog. In addition, the Department of Fish and Game recommends a protective measure regarding impacts to nesting birds. These will be included as project conditions of approval, as shown below.

- BIO-1** **Pre-Construction Survey.** A USFWS-approved biologist shall survey the work site at least seven days before the onset of ground-disturbing activities. Surveys shall consist of walking transects in areas that will be subject to vegetation clearing, grubbing, grading, cut and fill, or other ground-disturbing activities. If California red-legged frogs are found within the work site during pre-construction surveys or at any time during the project, the approved biologist shall report the time, date, location, and any other relevant information about the occurrence to USFWS in a timely manner.
- BIO-2** **Training Session.** Before any ground-disturbing activities begin on the project site, a USFWS-approved biologist shall conduct a training session for construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, and the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.
- BIO-3** **On-site Monitor.** The developer shall designate a USFWS-approved biologist to monitor on-site compliance with all minimization measures. The approved biologist will be on-site during initial ground clearing activities. The approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated during review of the proposed action.
- BIO-4** **Halt Work During If Rain Predicted.** If the National Weather Service predicts a rain event of ½ inch or more over a 48-hour period for the project area, construction activities will be halted for 24 hours before the rain event is anticipated to begin. Construction activities are defined as all activities, which pose a risk of crushing dispersing amphibians, including

driving construction vehicles and equipment, and activities that alter the natural land contours, such as digging, clearing and grubbing, grading and fill work. All activities described above will be halted if significant rain falls at any point during the construction process. After a rain event, a qualified biologist will conduct a pre-construction survey for amphibians dispersing through the site. Construction will resume only after the site has been sufficiently dried and the biologist determined that amphibian dispersal is unlikely.

BIO-5 **Trash Containment.** During project activities, all trash that may attract predators shall be properly contained, removed, and disposed of regularly. Following construction, trash/construction debris shall be removed from work areas.

BIO-6 **Vehicle Maintenance Location.** All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from the adjacent stormwater basin and any storm drain inlet. At a minimum, all equipment and vehicles will be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills. All workers shall be informed of the importance of preventing spills and the appropriate measures to take should a spill occur.

BIO-7 **Exclusion Fence.** To assist in excluding California red-legged frogs from the work area, an exclusion fence should be installed between the stormwater basin and the work area prior to the commencement of ground disturbing activities. Exclusion fencing should be silt-type fencing or equivalent, and should not include poly mesh fencing or other similar fencing that could entrap or snag reptiles, amphibians, or other small animals. Once fencing is in place, it should be maintained until all ground-disturbing work has been completed.

BIO-8 **No CRLF Handling.** Under no circumstances shall a California red-legged frog be handled, relocated, or otherwise harmed or harassed at any time without coordination and approval from USFWS.

BIO-9 **Ground Disturbance Timing.** In order to avoid impacts to nesting birds protected under the Migratory Bird Treaty Act, all initial project specific ground disturbing activities and tree removal as a result of future development shall be limited to the time period between September 15 to March 1. If initial development project-specific site disturbance, grading and tree removal cannot be conducted during this time period, pre-construction surveys for active nests within the limits of proposed grading areas should be conducted by a qualified biologist two weeks prior to any construction activities. If active nests are located, then all construction work must be conducted outside a non-disturbance buffer zone at a distance established by the City in consultation with the CDFG. No

disturbance to the nest shall occur until the adults and young are no longer reliant on the nest site.

Monitoring:

The Planning Department will verify that measures are carried out as prescribed.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

a. There are no existing structures on the site, so no impacts to historic resources would occur.

b., c. The project site is undeveloped, but highly disturbed, both through historic flooding events and more recent activity. No known artifacts have been found on this site. Any artifacts located on this property would have been removed or destroyed through past flood events. Therefore, the potential for further discoveries is extremely unlikely due to the disturbed nature of the site. In the unlikely event that previously unidentified cultural resources are encountered during site grading activities, state laws related to the protection of cultural resources would apply, including the requirement to stop work and consult with both Native American representatives and the City. Less than significant impacts are anticipated.

d. Since no known cemetery uses or pre-historic burial sites are located on or adjacent to the site, the proposed project would result in no impacts to human remains.

Findings and Mitigation: No impacts would occur, therefore, no mitigation is required. However, in the unlikely event that unknown resources are uncovered during project construction activities, the following will be required, and is included in the City’s Standard Conditions of Approval for development projects:

CR-1 Halt Work Order for Archaeological Resources. If archaeological resources are exposed during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A representative of the Chumash Tribe shall monitor any mitigation excavation associated with Native American materials.

Monitoring:

The Planning Department will verify that measures are carried out as prescribed.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				X
ii) Strong seismic ground shaking?			X	
iii) Inundation by seiche, tsunami, or mudflow?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

The following analysis of geological resources is based on the City’s Safety Element of the General Plan.

a. Geologic Hazards:

Fault Rupture: There are no known active fault lines within the City. No impacts would occur.

Groundshaking: The San Andreas Fault, located approximately 74 kilometers east Buellton, dominates both the geologic structure and seismicity of the project area. However, faults closer to the project site also have the potential to generate earthquakes and strong groundshaking at the site. These include: (1) the offshore group, including the Hosgri and Santa Lucia (Purisima and Lompoc) faults; and (2) the Santa Ynez Fault. In addition, the Los Alamos-Baseline-Lions and Casmalia-Orcutt-Little Pine faults may be active and pose potential to generate groundshaking at the project site.

The largest upper level earthquake (ULE) in Buellton would be an approximate 7.8 moment magnitude earthquake on the San Andreas Fault. Such an event could produce peak horizontal ground acceleration on the order of 0.16g¹. Due to the relative location of the Los Alamos-Baseline (approximately 8 kilometers south), Santa Ynez (approximately 10 kilometers northeast), and North Channel Slope (approximately 25 kilometers east) faults to Buellton, higher ULE accelerations may be expected from these faults. Although higher accelerations may be experienced in Buellton from these faults, compared to events on the San Andreas Fault, the

¹ The force on a building during an earthquake is proportional to ground acceleration. Such forces are prescribed by the UBC. During an earthquake the ground acceleration varies with time. “g” is a common value of acceleration equal to 9.8 m/sec/sec (the acceleration due to gravity at the surface of the earth). 30% of g is the acceleration one would experience in a car that takes 9 seconds to brake from 60 miles per hour to a complete stop.

recurrence interval for such events is much longer than for an event on the active San Andreas Fault Zone. Seismic safety issues would be addressed through the California Building Code and implementation of the recommendations on foundation and structural design contained in the above referenced soils investigation. Less than significant impacts would result.

Seiche, Tsunami, Mudflow: The site is not located in the vicinity of any body of water that could result in a seiche or tsunami, and the project site is relatively flat and is not located adjacent to any substantial slopes. No impacts would occur.

Landsliding: Slopes in the City are geologically stable and are not subject to major landslides. The project site is on a generally level property. As such, landsliding impacts would not occur.

b. Erosion: Since proposed development will not substantially change existing relatively level grade, and because it will include a drainage plan to control runoff from the site, no significant erosion impacts are anticipated. The City's adopted Grading Ordinance, requirements of the Regional Water Quality Control Board, and the City's standard conditions of approval require erosion and sediment control plans for all projects. Based on the required implementation of these requirements, the impact to erosion is considered less than significant.

c., d. Unstable/Expansive Soils: The site is not located in a known area of unstable or expansive soils and the property has been previously graded and compacted. Therefore, no impacts would occur.

Liquefaction is the phenomenon in which soil temporarily loses strength due to a buildup of excess pore-water pressure caused by seismic shaking. According to the City's Land Use and Circulation Elements EIR, there is a moderate to high potential for liquefaction in areas with sandy soils and shallow groundwater less than 50 feet from ground surface. These areas occur along the Santa Ynez River, Zaca Creek and Thumbelina Creek. The site is underlain by sandy alluvial soils, and is adjacent to the Santa Ynez River. Therefore, there is a moderate to high potential for liquefaction during a seismic event.

General Plan Safety Element Policy S-1 requires that new development (habitable structures including commercial and industrial buildings) be set back at least 200 feet from the bank of the Santa Ynez River. The nearest inhabited structure (the bowling alley) would be about 400 feet from the river. The project would be consistent with this policy in this respect, which will minimize liquefaction hazard to some extent.

Policy S-7 requires that all new development shall satisfy the requirements of the California Building Code regarding seismic safety. Conformance with this policy would normally ensure that potential impacts related to liquefaction would be reduced to a less than significant level. However, Policy S-9 requires that a geologic study shall be required as a condition of project approval for new development on sites with slopes greater than 10%, and in areas mapped by the Natural Resource Conservation Service (NRCS) as having moderate or high risk of liquefaction, subsidence and/or expansive soils. Because the site has moderate to high liquefaction potential, impacts are potentially significant. Mitigation is required consistent with City policy.

e. Suitability for Septic Systems: All project wastewater would be discharged to the City sewer system. No septic systems have been proposed. No impacts would result.

Findings and Mitigation: All development of the site must follow standard California Building Code requirements. Compliance with these regulations and requirements would result in less than significant geology related impacts with respect to all but the issue of liquefaction. To address the potential for liquefaction, the following mitigation measure is required:

GEO-1 Geotechnical Study for Liquefaction. In accordance with Safety Element Policy S-9, as a condition of project approval, the project will be required to conduct a geological (geotechnical) study prepared pursuant to the requirements of the Public Works Director, and implement its design recommendations with respect to addressing liquefaction potential on the site.

Monitoring:

The Public Works Department/City Engineer will verify that the final project design incorporates any design recommendations from an approved project-specific geologic study prior to issuing grading permits.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS - Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Setting

Project implementation would generate greenhouse gas (GHG) emissions through the burning of fossil fuels or other emissions of GHGs, thus potentially contributing to cumulative impacts related to global climate change. The following summarizes the regulatory framework related to climate change.

In response to an increase in man-made GHG concentrations over the past 150 years, California has implemented AB 32, the “California Global Warming Solutions Act of 2006.” AB 32 codifies the Statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15% reduction below 2005 emission levels) and the adoption of regulations to require reporting and verification of statewide GHG emissions.

Pursuant to the requirements of SB 97, the Resources Agency adopted amendments to the *State CEQA Guidelines* for the feasible mitigation of GHG emissions or the effects of GHG emissions in March 2010. These guidelines are used in evaluating the cumulative significance of GHG emissions from the proposed project. According to the adopted CEQA Guidelines, impacts related to GHG emissions from the proposed project would be significant if the project would:

- *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or*
- *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

The vast majority of individual projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence to climate change; therefore, the issue of climate change typically involves an analysis of whether a project’s contribution towards an impact is cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15355).

For future projects, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds, or consistency with a regional GHG reduction plan (such as a Climate Action Plan). Neither the City of Buellton nor the SBCAPCD has developed or adopted GHG significance thresholds for residential and commercial projects; however, Santa Barbara County recommends the use of San Luis Obispo Air Pollution Control District (SLOAPCD) Greenhouse Gas Thresholds, as adopted in April 2012. SLOAPCD GHG thresholds are summarized in Table 4.

**Table 4
SLOAPCD GHG Significance Determination Criteria**

GHG Emission Source Category	Operational Emissions
Residential and Commercial Projects	Compliance with Qualified GHG Reduction Strategy OR Bright-Line Threshold of 1,150 MT of CO ₂ e/yr OR Efficiency Threshold of 4.9 MT CO ₂ e/SP*/yr

**SP = Service Population (residents + employees)
For projects other than stationary sources, compliance with either a Qualified Greenhouse Gas Reduction Strategy, or with the Bright-Line (1,150 CO₂e/ yr.) or Efficiency Threshold (4.9 MT CO₂e/SP/yr.) would result in an insignificant determination, and in compliance with the goals of AB 32. The construction emissions of projects will be amortized over the life of a project and added to the operational emissions. Emissions from construction-only projects (e.g. roadways, pipelines, etc.) will be amortized over the life of the project and compared to an adopted GHG Reduction Strategy or the Bright-Line Threshold only.*

The SLOAPCD “bright-line threshold” was developed to help reach the AB 32 emission reduction targets by attributing an appropriate share of the GHG reductions needed from new land use development projects subject to CEQA. Land use sector projects that comply with this

thresholds would not be “cumulatively considerable” because they would be helping to solve the cumulative problem as a part of the AB 32 process. Such small sources would not significantly add to global climate change and would not hinder the state’s ability to reach the AB 32 goal, even when considered cumulatively. The threshold is intended to assess small and average sized projects, whereas the per-service population guideline is intended to avoid penalizing larger projects that incorporate GHG-reduction measures such that they may have high total annual GHG emissions, but would be relatively efficient, as compared to projects of similar scale. Therefore, the bright-line threshold is the most appropriate threshold for the proposed project, and the proposed project would have a potentially significant contribution to GHG emissions if it would result in emissions in excess of 1,150 metric tons of CO₂E per year.

Calculations of CO₂, CH₄, and N₂O emissions are provided to identify the magnitude of potential project effects. The analysis focuses on CO₂, CH₄, and N₂O because these comprise 98.9% of all GHG emissions by volume (IPCC, 2007) and are the GHG emissions that the project would emit in the largest quantities. Fluorinated gases, such as HFCs, PFCs, and SF₆, were also considered for the analysis. However, because the project is a small recreational and warehouse development, the quantity of fluorinated gases would not be significant since fluorinated gases are primarily associated with industrial processes. Emissions of all GHGs are converted into their equivalent weight in CO₂ (CO₂E). Minimal amounts of other main GHGs (such as chlorofluorocarbons [CFCs]) would be emitted, but these other GHG emissions would not substantially add to the calculated CO₂E amounts. Calculations are based on the methodologies discussed in the California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change* white paper (January 2008) and include the use of the California Climate Action Registry (CCAR) General Reporting Protocol (January 2009).

Impact Analysis

a) GHG emissions associated with project construction and operations are discussed below.

Construction Emissions. Although construction activity is addressed in this analysis, CAPCOA does not discuss whether any of the suggested threshold approaches adequately address impacts from temporary construction activity. As stated in the *CEQA and Climate Change* white paper, “more study is needed to make this assessment or to develop separate thresholds for construction activity” (CAPCOA, 2008). Nevertheless, air pollution control districts such as the SLOAPCD have recommended amortizing construction-related emissions over a 50-year period in conjunction with the proposed project’s operational emissions.

Construction of the proposed project would generate temporary GHG emissions primarily due to the operation of construction equipment and truck trips. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. For the proposed project, site grading may involve cut and fill; however, grading volumes are assumed to be balanced at the site and no import or export of soil is anticipated to occur. Emissions associated with the construction period were estimated using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2, based on the CalEEMod default projections for the amount of equipment that would be used onsite at one time. Complete results from CalEEMod and assumptions can be viewed in Appendix C.

Construction activity is assumed to occur over a period of approximately 14 months based on default construction phase lengths from CalEEMod. As shown in Table 5, construction activity associated with the project would generate an estimated 476.3 metric tons of CO₂E units. Amortized over a 50-year period (the assumed life of the project), construction of the proposed project would generate an estimated 9.5 metric tons of CO₂E per year.

Table 5
Estimated Construction Emissions of Greenhouse Gases

	Annual Emissions (Carbon Dioxide Equivalent (CO₂E))
Total Estimated Construction Emissions	476.3 metric tons
Amortized over 50 years	9.5 metric tons per year

See Appendix C for CalEEMod Results.

On-Site Operational Emissions. Operational emissions from energy use (electricity and natural gas use) for the proposed project were estimated using CalEEMod computer program (see Appendix C for calculations). The default values on which the CalEEMod computer program are based include the California Energy Commission (CEC) sponsored California Commercial End Use Survey (CEUS) and Residential Appliance Saturation Survey (RASS) studies. CalEEMod provides operational emissions of CO₂, N₂O, and CH₄. This methodology is considered reasonable and reliable for use, as it has been subjected to peer review by numerous public and private stakeholders, and in particular by the CEC. It is also recommended by CAPCOA (January 2008).

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating were calculated in CalEEMod based on standard emission rates from the California Air Resources Board (ARB), USEPA, and district supplied emission factor values (CalEEMod User's Guide, 2013).

Emissions from waste generation were also calculated in CalEEMod and are based on the IPCC's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CalEEMod User's Guide, 2013). Waste disposal rates by land use and overall composition of municipal solid waste in California was primarily based on data provided by the California Department of Resources Recycling and Recovery (CalRecycle).

Emissions from water and wastewater usage calculated in CalEEMod were based on the default electricity intensity from the CEC's 2006 Refining Estimates of Water-Related Energy Use in California using the average values for Northern and Southern California.

CalEEMod was used to calculate operational sources of air emissions located at the project site. This includes emissions associated with consumer product use, architectural coatings, and landscape maintenance equipment. The greenhouse gas emissions calculations did not include any reductions for energy or water efficiency that may be subsequently included in the proposed

project plans. A 50% reduction in waste was assumed, consistent with the requirements of AB 939. Operation of the proposed project would consume natural gas and electricity (refer to Appendix C for calculations).

Direct Emissions from Mobile Combustion. Emissions from vehicles driving to and from the site were based on the Trip Generation and Trip Distribution Analysis conducted by the Associated Transportation Engineers (2013), using the standard Institute of Transportation Engineers (ITE) vehicle trip rates. Emissions of CO₂ and CH₄ from transportation sources were quantified using CalEEMod. Because CalEEMod does not calculate N₂O emissions from mobile sources, N₂O emissions were quantified using the California Climate Action Registry General Reporting Protocol (January 2009) direct emissions factors for mobile combustion (refer to Appendix C for calculations). Emission rates for N₂O emissions were based on the vehicle mix output generated by CalEEMod and the emission factors found in the California Climate Action Registry General Reporting Protocol.

Combined Annual Construction, Operational, and Mobile GHG Emissions. Table 6 combines the construction and operational GHG emissions associated with development for the proposed project. As described above, emissions associated with construction activity (approximately 476.3 metric tons CO₂E) are amortized over 50 years (the anticipated lifetime of the project).

**Table 6
Combined Annual Emissions of Greenhouse Gases**

Emission Source	Annual Emissions
Construction	9.5 metric tons CO ₂ E
Operational	<0.1 metric tons CO ₂ E
Area	246.7 metric tons CO ₂ E
Energy	68.5 metric tons CO ₂ E
Solid Waste	56.3 metric tons CO ₂ E
Water	
Mobile	343.3 metric tons CO ₂ E
Total	724.3 metric tons CO₂E

Sources: See Appendix C for calculations and for GHG emission factor assumptions.

As shown in Table 6, the combined annual emissions would total approximately 724 metric tons per year of CO₂E. These emissions do not exceed the applicable threshold of 1,150 metric tons per year. Therefore, impacts resulting from GHG emissions would be *less than significant*.

b) Neither the City of Buellton nor the County of Santa Barbara has adopted a Climate Action Plan. Therefore, consistency with other greenhouse gas emissions plans, policies, and regulations are discussed here.

CalEPA’s Climate Action Team (CAT) published the 2006 CAT Report which includes GHG emissions reduction strategies intended for projects emitting less than 10,000 tons CO₂E/year. In addition, the California Attorney General’s Office has developed Global Warming Measures (2008) and OPR’s CEQA and Climate Change (CAPCOA, 2008) document includes greenhouse gas reduction measures intended to reduce GHG emissions in order to achieve statewide emissions reduction goals. All of these measures aim to curb the GHG emissions through suggestions pertaining to land use, transportation, renewable energy, and energy efficiency. Several of these actions are already required by California regulations, such as:

- AB 1493 (Pavley) requires the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks.
- In 2004, ARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.
- The Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989) established a 50% waste diversion mandate for California.
- Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).
- California’s Renewable Portfolio Standard (RPS), established in 2002, requires that all load serving entities achieve a goal of 33 percent of retail electricity sales from renewable energy sources by 2020, within certain cost constraints.
- Green Building Executive Order, S-20-04 (CA 2004), sets a goal of reducing energy use in public and private buildings by 20 percent by the year 2015, as compared with 2003 levels.

The proposed project would not conflict with state and local regulations intended to reduce GHG emissions from new development. Consistency with these state regulations and goals illustrates that the project would not conflict with the state’s greenhouse gas-related legislation and would not contribute to the inability to meet reduction goals. Therefore, the project would not conflict with any applicable plan, policy or regulation intended to reduce GHG emissions, and impacts would be *less than significant*.

Findings and Mitigation: Impacts would be less than significant, so no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

a. Hazardous Substances: The project would not create reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, as the project would not involve the storage or transport of substantial quantities of such materials, or any hazardous design features since it is a restaurant project. No impacts would occur.

b. Hazardous Materials Releases: Refer to the discussion in Section a. above.

c. Hazardous Materials Near Schools: The project site is not located within one-quarter mile of an existing or proposed school. The nearest school is Zaca Pre-School and After School, which is about 0.35 miles northwest of the site. No impacts are anticipated.

d. Hazardous Materials Sites: The project site is vacant, and there is no visible evidence of past underground storage tanks or soil contamination, nor is the site on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, the potential for soil contamination from past uses in this largely industrial area cannot be discounted. Therefore, the potential for contaminated soil on the project site exists and is considered a potentially significant impact.

e., f. Public and Private Airstrip Safety Hazards: No public or private airports are in the vicinity of the project site.

g. Emergency Response/Evacuation: The project site is not subject to an emergency response or evacuation plan. No impacts would occur.

h. Wildland Fire Hazards: The site is not in a wildland fire hazard area as identified in the Safety Element of the Buellton General Plan. No impacts would occur.

Findings and Mitigation: The following mitigation measure is required to reduce potential project impacts related to hazardous materials to a less than significant level:

HAZ-1 Phase I Environmental Site Assessment. Prior to issuance of building permits, a Phase I Environmental Site Assessment shall be conducted by a qualified professional to determine the potential for onsite soil contamination, and the recommendations of that report (if any) shall be followed.

Monitoring:

The Planning Department will verify that the Phase I ESA has been completed, and that its recommendations are followed prior to issuance of building permits.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate Regional Water Quality Control Board water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

a. RWQCB Standards: The proposed project would discharge wastewater directly to the public sewer system, including passing through a grease interceptor per City ordinance for a restaurant. Therefore, the impact is considered less than significant.

b. Groundwater Supply: Water is supplied to the City of Buellton from the Buellton Uplands Groundwater Basin, the Santa Ynez River Riparian Basin, and State Water Project (SWP). Water allocation from the SWP varies based on local demand and availability. Neither groundwater basin is in a state of overdraft, as the natural recharge rates either exceed the capacity of the basin or exceed the rate of pumping from the basin. Furthermore, the Buellton Uplands Groundwater Basin has a net surplus of 800 AFY. The project would create an increased demand for water, but the City has an adequate supply to accommodate the proposed project, and development at this location is already anticipated under the General Plan. Impacts would be less than significant.

c. Runoff/Erosion and Siltation: The project proposes to collect runoff through two proposed 24-inch storm drains along the western edge of the site, and one 18-inch drain line along the eastern edge of the site, which would be discharged to an existing retardation basin between the site and the Santa Ynez River. The Public Works Department has verified that there is existing capacity in that basin to accommodate runoff from the site and that the existing City easement allows for drainage into the basin from the proposed project. In addition, several stormwater bio-filtration beds will be included in the project design throughout the parking lot and near the proposed batting cages.

The project will also be required to comply with the City's 2013 Stormwater Ordinance.

By law, all grading of the site must conform to the erosion control requirements of the National Pollutant Discharge Elimination System (NPDES) regulations. As such, erosion and siltation during the construction period would be minimized and would result in less than significant impacts.

d. Alter Drainage Pattern: The existing drainage pattern of the site flows southerly as sheet flow to the Santa Ynez River. The drainage pattern would not change as a result of this project, and in fact may improve from an erosion perspective, since drainage will be regulated to flow into an existing retardation basin to regulate the flow to the river. Impacts are considered less than significant.

e. Runoff/Stormwater Drainage System Capacity: See items c. and d.

f. Substantially Degrade Water Quality: Increase in potential erosion and sedimentation to drainages is expected with grading activities, which could impact water quality. However, compliance with the NPDES and Regional Water Quality Control Board Resolution R3-2013-0032 (Adopted July 12, 2013, which addresses Post-Construction Stormwater Management Requirements for development projects, essentially updating previous SWPPP regulations) would result in less than significant impacts. Also see items c. and d.

g. Housing within Floodplains: Although the site is within the 100-year flood plain, it is not a

housing project. No impacts to housing would occur.

h. Flood Hazards: The site is within the 100-year flood plain. The project would introduce fill on the site to raise structures above the flood plain, which could alter the extent of the floodplain upstream of the site. In all, an estimated net 13,628 cubic yards of fill would be introduced to the site, which would raise the area supporting buildings (outside the floodway) by roughly 5 to 6 feet on average over the current base elevation. As a standard condition of approval, the Public Works Department is requiring a hydraulic and hydrologic study from the applicant that must demonstrate there will be no adverse impact to upstream properties. This is not an environmental impact but a standard engineering condition and requirement. .

i. Flooding and Dam Failure: The project site is located in a dam failure inundation hazard area. However, as this is a commercial project with limited patronage at any one time, the impacts are not considered significant.

j. Seiche, Tsunami, Volcano: The site is not located in the vicinity of any body of water that could result in a seiche or tsunami, and no volcanic activity occurs in the region. No impacts would result.

Findings and Mitigation: Since no significant impacts were identified, no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X

a. Physical Division of Established Communities: The proposed project is an urban infill site, on the edge of existing development in an industrial portion of the City. As such, it does not divide an established community.

b., c. Policy Consistency/Habitat Plan: The proposed project is consistent with the applicable policies of the Buellton General Plan and meets the development standards of the Buellton Municipal Code. No habitat or conservation plans exist within the City of Buellton. A policy consistency analysis is provided below.

GENERAL PLAN POLICY CONSISTENCY

The consistency of the proposed project with the applicable General Plan policies is described in the paragraphs below.

Land Use Element

Policy L-5: New development shall not be allowed unless adequate public services are available to serve such new development.

Consistent: Adequate infrastructure exists in the area to serve the proposed project.

Policy L-11: New development shall incorporate a balanced circulation network that provides safe, multi-route access for vehicles, bicycles and pedestrians to neighborhood centers, greenbelts, other parts of the neighborhood and adjacent circulation routes.

Consistent: The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River, which is planned to accommodate a future multi-purpose trail under the City's 2012 Bicycle and Pedestrian Master Plan.

Policy L-12: All exterior lighting in new development shall be located and designed so as to avoid creating substantial off-site glare, light spillover onto adjacent properties, or upward into the sky. The style, location, and height of the lighting fixtures shall be submitted with building plans and shall be subject to approval by the City prior to issuance of building or grading permits, as appropriate.

Consistent: Lighting fixtures consistent with this policy and the Community Design Guidelines are shown on the project plans.

Policy L-34: Industrial development shall be encouraged in the area east of McMurray Road on Easy Street and Commerce Drive, and on Industrial Way.

Consistent: The warehouse/storage facility is appropriately located in this generally industrial portion of the city.

Circulation Element

Policy C-2: Facilities that promote the use of alternate modes of transportation, including bicycle lanes and connections, pedestrian and hiking trails, park-and-ride lots and facilities for public transit shall be incorporated where feasible into new development, and shall be encouraged in existing development.

Consistent: The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River, which is planned to accommodate a future multi-purpose trail under the City's 2012 Bicycle and Pedestrian Master Plan.

Policy C-5: Level of Service “C” or better traffic conditions shall be generally maintained on all streets and intersections, lower levels of service may be accepted during peak times or as a temporary condition, if improvements to address the problem are programmed to be developed.

Consistent: Based on the traffic study prepared for the project, all roads and intersections would operate at LOS “C” or better.

Policy C-7: The City should discourage new commercial or industrial development that allows customers, employees, or deliveries to use residential streets. The circulation system should be designed so that non-residential traffic (especially truck traffic) is confined to non-residential areas.

Consistent: No residential streets are needed to access the property.

Policy C-16: The City shall require the provision of adequate off-street parking in conjunction with all new development. Parking shall be located convenient to new development and shall be easily accessible from the street.

Consistent: The on-site parking meets Municipal Code requirements.

Policy C-20: In the process of considering development proposals the City shall use the full amount of discretion authorized in the municipal code and CEQA for setting conditions of approval to require new development to provide bicycle storage and parking facilities on-site as well as reserve an offer of dedication of right-of-way necessary for bikeway improvements.

Consistent: The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River, which is planned to accommodate a future multi-purpose trail under the City’s 2012 Bicycle and Pedestrian Master Plan.

Conservation and Open Space Element

Policy C/OS-2: Encourage implementation of Best Management Practices to eliminate/minimize the impacts of urban runoff and improve water quality.

Consistent: Development must follow all applicable regulations set forth by the Regional Water Quality Control Board.

Noise Element

Policy N-4: New commercial and industrial development should incorporate design elements to minimize the noise impact on surrounding residential neighborhoods.

Consistent: The project is in an industrial area with no nearby residents. Although the project includes certain uses that may produce noise (outdoor music, batting cages), the buildings themselves would act as barriers that would screen noise from distant residential areas to some extent. Additional noise mitigation required as part of this CEQA document would ensure that impacts would be less than significant.

Policy N-7: Noise generated by construction activities should be limited to daytime hours to reduce nuisances at nearby noise receptors in accordance with the hours and days set in the adopted Standard Conditions of Approval.

Consistent: The project is subject to the construction restrictions outlined in the Standard Conditions of Approval.

Public Facilities and Services Element

Policy PF-3: New development shall pay its fair share to provide additional facilities and services needed to serve such development.

Consistent: The project is required to pay all development impact fees.

Policy PF-6: All new development shall connect to City water and sewer systems.

Consistent: The project proposes to connect to the City's water and sewer systems.

Policy PF-9: Engineered drainage plans may be required for development projects which: (a) involve greater than one acre, (b) incorporate construction or industrial activities or have paved surfaces which may affect the quality of stormwater runoff, (c) affect the existing drainage pattern, and/or (d) has an existing drainage problem which requires correction. Engineered drainage plans shall incorporate a collection and treatment system for stormwater runoff consistent with applicable federal and State laws.

Consistent: The project is within the 100-year floodplain of the Santa Ynez River. The project's grading and drainage plan shows how runoff from the site will be directed to an existing retardation basin. The project also includes substantial stormwater infiltration areas on the project site, which will encourage direct infiltration and discourage runoff. Onsite improvements will be constructed under the direction of the Public Works Department, and will be required to comply with all applicable regulations of the Regional Water Quality Control Board.

Safety Element

Policy S-1: New development (habitable structures including commercial and industrial buildings) shall be set back at least 200 feet from the bank of the Santa Ynez River. A lesser setback may be allowed if a hydro-geologic study by a qualified professional can certify that a lesser setback will provide an adequate margin of safety from erosion and flooding due to the composition of the underlying geologic unit, to the satisfaction of the County Flood Control

District, and a lesser setback will not adversely impact sensitive riparian corridors or associated plant and animal habitats, as determined by a qualified biologist, or planned trail corridors. Passive use trails may be allowed within setback areas.

Consistent: Buildings within the project area will be setback at least 400 feet from the river bank. A small portion of the parking lot will be about 340 feet from the river bank. No other uses will be closer than that to the river.

Policy S-4: As a condition of approval, continue to require any new development to minimize flooding problems identified by the National Flood Insurance Rate Program.

Consistent: Onsite grading and fill will ensure that buildings will be located at least 2 feet above the elevation of the 100-year flood zone.

Policy S-7: All new development shall satisfy the requirements of the California Building Code regarding seismic safety.

Policy S-9: Geologic studies shall be required as a condition of project approval for new development on sites with slopes greater than 10%, and in areas mapped by the Natural Resource Conservation Service (NRCS) as having moderate or high risk of liquefaction, subsidence and/or expansive soils.

Policy S-10: Require that adequate soils, geologic and structural evaluation reports be prepared by registered soils engineers, engineering geologists, and/or structural engineers, as appropriate, for all new development proposals for subdivisions or structures for human occupancy.

Consistent: A soils report will be prepared for the project (which must address the liquefaction issue in particular) and the project is subject to the California Building Code.

Policy S-12: New development should minimize erosion hazards by incorporating features into site drainage plans that would reduce impermeable surface area, increase surface water infiltration, and/or minimize surface water runoff during storm events. Such features may include:

- *Additional landscape areas,*
- *Parking lots with bio-infiltration systems,*
- *Permeable paving designs, and*
- *Storm water detention basins.*

Generally Consistent: The project incorporates many of the features called for in this policy, including permeable parking areas and landscaping. Runoff will drain to an offsite retardation basin, which will minimize erosion potential.

Table 7. Project Consistency With M Zoning District Standards

Development Feature	City Requirement	Proposed	Project Consistency
Minimum Lot Area	No minimum	5.08 acres	Consistent
Front Setback	20 feet	22.5 feet	Consistent
Side Setback	None	32 feet	Consistent
Rear Setback	None	73 feet	Consistent
Landscaping	10%; 5 feet along side and back, 10 feet along front	11.4%	Consistent
Site Coverage	50% maximum	20.4%	Consistent
Height Limits	45 feet	41 Feet	Consistent (an architectural feature will extend to 49 feet, but has been determined to be consistent with building height policies because it not considered a building)
Parking	Storage: 1 per 1,000 sf gross floor area; 1 per 4 employees (20 spaces) Bowling Alley: 8 per lane (128 spaces for 16 lanes) 1 loading space per building (2 spaces) = 148 total, plus 2 loading	178 spaces (including 6 accessible and 3 for RV/bus) plus 2 loading bays Reciprocal parking agreement between onsite uses	Consistent

Source: City of Buellton Municipal Code, Title 19, Zoning.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>XI. MINERAL RESOURCES</i> - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

a, b. Mineral Resources: The site does not support significant mineral resources, nor have any been identified in local plans or resource inventories. The proposed project would not result in impacts to mineral resources.

Findings and Mitigation: No impacts would occur, therefore, no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip would the project expose people residing or working in the project area to excessive noise levels?				X

Setting

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

Sound pressure level is measured on a logarithmic scale with the 0 dB level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound pressure level). Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dBA, and a sound that is 10 dBA less than the ambient sound level has no effect on ambient noise. Because of the nature of the human ear, a sound must be about 10 dBA greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dB changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40-50 dBA, while arterial streets are in the 50-60+ dBA range. Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

Noise levels typically attenuate (or drop off) at a rate of 6 dBA per doubling of distance from point sources (such as industrial machinery). Noise from lightly traveled roads typically attenuates at a rate of about 4.5 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dBA per doubling of distance. Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The manner in which older homes in California were constructed (approximately 30 years old or older) generally provides a reduction of exterior-to-interior noise

levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units and office buildings is generally 30 dBA or more (Harris Miller, Miller & Hanson Inc., 2006).

In addition to the actual instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (Leq). The Leq is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). Typically, Leq is summed over a one-hour period. Lmax is the highest RMS (root mean squared) sound pressure level within the measurement period, and Lmin is the lowest RMS sound pressure level within the measurement period.

The time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using Day-Night Average Level (Ldn), which is the 24-hour average noise level with a 10-dBA penalty for noise occurring during nighttime (10 p.m. to 7 a.m.) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a 5 dBA penalty for noise occurring from 7 p.m. to 10 p.m. and a 10 dBA penalty for noise occurring from 10 p.m. to 7 a.m. Noise levels described by Ldn and CNEL usually do not differ by more than 1 dB.

Sensitive Receptors. Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with each of these uses. The City of Buellton 2025 General Plan Noise Element identifies a variety of land use and development types as noise sensitive. These include residences, hospitals, schools, guest lodging, libraries, and parks. Sensitive receptors near the project site include residences located approximately 1,000 feet north of the project site along Park Circle, and residences located approximately 1,500 feet east of the site in the Rancho de Maria subdivision.

Regulatory Setting. The Noise Element of the Buellton 2025 General Plan includes exterior and interior noise level guidelines for a range of land uses. These guidelines include “clearly acceptable,” “normally acceptable,” “normally unacceptable,” and “clearly unacceptable” exterior noise ranges for uses that may be proposed in the City. For single- and multi-family residential use developments, exterior noise up to 60 dBA CNEL is normally acceptable, noise between 61-75 dBA CNEL is normally unacceptable, and noise above 76 dBA is clearly unacceptable. Policy N-1 of the Noise Element states that new development producing stationary noise levels that exceed 65 dBA will not be permitted in areas containing residential or other noise sensitive land uses.

Buellton’s Municipal Code Noise Chapter establishes exterior noise limits for specific property types. It is unlawful to cause noise that exceeds the one-hour average level of 65 dB between the hours of 7:00 a.m. and 10:00 p.m. and 45 dB between 10:00 p.m. and 7:00 a.m. for residential uses. Consistent with Policy N-1 of the Noise Element, and the City Municipal Code, noise impacts would be considered significant if they would exceed either a one-hour average (Leq) of

65 dBA, or would reasonably be expected to result in a 24-hour average sound level that would exceed 60 dBA CNEL.

The Municipal Code also identifies excessive noises, which includes noise from the use and operation of stereos, surround sound systems, amplifiers, musical instruments, and similar devices. Use of these devices in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitivity in any residential public area is prohibited by the Code without authorization by the City of Buellton. The operation of any such device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from where the device is located is prohibited.

The acceptable interior noise level for residential uses is 45 dBA. The manner in which older homes in California were constructed (approximately 30 years old or older) generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units and office buildings is generally 30 dBA or more (FTA, May 2006). Based on this assumed reduction, compliance with the City's exterior noise standard would result in compliance with the interior noise standard of 45 dBA.

Impact Analysis

a., c. The proposed project would introduce a new bowling alley and family entertainment center, including five batting cages, on the project site, as well as outdoor events, which would include acoustic (non-amplified) music. Operational noise concerns associated with the proposed project would be limited to noise generated during use of the batting cages and noise generated during outdoor events at the bowling alley and family entertainment center. In addition, the potential for noise from traffic is also addressed below.

Batting Cages. The project includes five batting cages, which would be located on the southwest quadrant of the proposed project site, approximately 1,000 feet south of the nearest sensitive receptors, which are residences located along Park Circle, and approximately 1,500 feet west of residences in the Rancho de Maria subdivision. Operational hours for the batting cages would be 11:00 a.m. to 8:00 p.m. Monday through Thursday and 10:00 a.m. to 10:00 p.m. Friday through Sunday. The batting cages would be outdoors and would not be surrounded by any solid barriers.

Operational noise estimates for the proposed batting cages were based on noise levels measured at the East Beach Batting Cages in Santa Barbara in March 2014 and on noise levels associated with batting cages at the Scandia Family Fun Center in the County of Sacramento reported in the County of Sacramento General Plan Noise Element. The batting cages at the proposed project would be located outdoors and unshielded, similar to the batting cages at both the East Beach Batting Cages and the Scandia Family Fun Center. Two five-minute noise measurements were conducted at a distance of approximately 20 feet from the batting cages using an ANSI Type II integrating sound level meter on March 9, 2014. The first measurement was conducted closest to the associated mechanical pitching equipment, and recorded maximum noise levels of 70 dBA. A second noise measurement was taken approximately ten feet from the perimeter of the batting cages, which recorded maximum noise levels of 80 dBA, including noise from bats striking

balls, as well as music and conversation. Noise measurements reported in the County of Sacramento General Plan Noise Element conducted at a distance of ten feet from the Scandia batting cages recorded maximum noise levels of 72 to 78 dBA resulting from the impact of the bat and the ball. In order to provide the most conservative evaluation of noise impacts, a noise level of 80 dBA at a distance of 20 feet was used. These reference noise levels were used to estimate the noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dBA per doubling of distance. In addition to this standard attenuation calculation, the presence of intervening topography or structures between the noise source and a receptor would reduce sound levels at the receptor. This report provides estimates of operational noise on nearby residences with and without accounting for the presence of intervening structures (the proposed bowling alley and warehouse). To estimate the noise reduction that would result from the intervening structures, noise levels were calculated using a barrier of 18 feet in height (a conservative/low estimate for the height of a one-story building) located 20 feet from the proposed noise sources and 1,000 feet from the nearest residence. Other intervening structures or topography may further reduce the impacts and the height of the bowling alley would be approximately 24 feet, while the height of the storage building would be approximately 35 feet; therefore, the noise levels presented herein represent a conservative estimate of actual operational noise.

The batting cages would be outdoors and would not be surrounded by any solid barriers. However, the bowling alley and family entertainment center, as well as the storage facilities, would be located to the north and east of the batting cages between the batting cages and the sensitive receptors.

As described above, the sound created during the operation of batting cages is estimated at 80 dBA at a distance of 20 feet. At 1,000 feet the sound level would be approximately 46 dBA, and at 1,500 feet it would be approximately 43 dBA, both of which are below the City's maximum allowable noise level for residential land uses. These estimates do not include attenuation associated with the proposed new structures, which would act as a physical barriers located between the batting cages and the nearest residences. The attenuation provided by a physical barrier between the batting cages and the nearest residences would be expected to reduce noise levels by approximately 9 dBA. Therefore, resulting noise levels at the nearest residences (located 1,000 feet to the north) from the batting cages would be approximately 37 dBA and noise levels at the residences approximately 1,500 feet east would be approximately 35 dBA. These estimated sound levels would be similar to ambient sound levels in a quiet residential community (commonly 45-55 dBA). When two noise sources of a similar volume occur simultaneously, the additive noise level is approximately 3 dBA. Therefore, the maximum sound level that would be expected to result from the proposed batting cages, combined with ambient noise in the vicinity of the existing residential receptors, would be approximately 40 dBA at the residences to the north, and 38 dBA at the residences to the east. Therefore, sound from the proposed batting cages would not exceed either the 65 dBA one-hour standard or the 60 dBA 24-hour standard. Noise impacts from the batting cages would be *less than significant*.

Outdoor Non-Amplified Music. Outdoor music events, which would not include amplified sound systems, are proposed to occur at the project site on Friday and Saturday evenings. Pursuant to the Buellton Municipal Code, outdoor music events would not be

permitted between the hours of 10:00 p.m. and 8:00 a.m. The project proponent would also be required to receive a permit from the City of Buellton in order to hold outdoor events between 8:00 a.m. and 10:00 p.m.

Operational noise estimates for the outdoor events at the family entertainment center were based upon data from the Health and Safety Authority's The Noise of Music guidance document. The Health and Safety Authority states that onstage sound levels created by acoustic jazz and folk concerts onstage sound levels are generally between 90 to 98 dBA. Peak sound levels associated with non-amplified music are assumed to occur at approximately 15-20 feet from the instruments. In order to provide a conservative estimate of attenuation from this noise source, a noise level of 90 to 98 dBA at a distance of 20 feet was used. These reference noise levels were used to estimate the noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dBA per doubling of distance. In addition to this standard attenuation calculation, the presence of intervening topography or structures between the noise source and a receptor would reduce sound levels at the receptor. To estimate the noise reduction that would result from the intervening structures, noise levels were calculated using a barrier of 18 feet in height (a conservative/low estimate for the height of a one-story building) located 20 feet from the proposed noise sources and 1,000 feet from the nearest residence. Other intervening structures or topography may further reduce the impacts and the height of the bowling alley would be approximately 24 feet, while the height of the warehouse building would be approximately 40 feet; therefore, the noise levels presented herein represent a conservative estimate of actual operational noise.

Events would take place on the southern side of the proposed project site; therefore, the proposed family entertainment center/bowling alley structure and warehouse facilities would create a physical barrier between the events and nearby residences to the north and east, reducing the sound level at these receptors.

The events would be located approximately 1,000 feet south of the nearest sensitive receptors, which are residences located along Park Circle, and approximately 1,500 feet west of residences in the Rancho de Maria subdivision. At a distance of 1,000 feet, the sound would attenuate to 46 to 54 dBA, and at 1,500 feet it would attenuate to 43 to 51 dBA. These noise estimates do not account for additional sound attenuation that would result from the physical barrier created by the bowling alley and family entertainment center, which would be located between the outdoor events and the residences located to the north of the project site. The presence of the proposed structures between the sound source and receptors located along Park Circle would reduce noise levels by approximately 10 dBA, based on modeling that assumes a conservative height of 18 feet for the surrounding buildings. Therefore, resulting noise levels at the nearest residences (located 1,000 feet to the north) from outdoor events would be between 39 and 47 dBA. As described above, the structures associated with the project would not necessarily be constructed between the outdoor event performance area and the residences to the east of the site, which would be periodically exposed to noise levels up to 54 dBA.

As described above, noise impacts would be considered significant if they would exceed either a one-hour average (Leq) of 65 dBA, or would reasonably be expected to result in a 24-hour average sound level that would exceed 60 dBA CNEL. Therefore, sensitive receptors will not be

exposed to normally unacceptable noise levels during the proposed events, and no mitigation is required.

Traffic Noise. The City of Buellton 2025 General Plan Noise Element provides noise contours derived from monitoring major sources of noise in the region, including noise traffic from Highways 101 and 246, as well as from the Avenue of the Flags. Noise contours define areas of equal noise exposure and have been estimated using information about both current and projected future land uses and traffic volumes. The contours assist in setting land use policy and establishing development standards. The proposed project site is not located within an existing or future noise contour depicted on the City of Buellton 2025 General Plan Noise Element maps for 2005 and 2025. The lowest contour level depicted is 60 dB; therefore, the existing exposure from Highways 101 and 246, as well as the Avenue of the Flags is less than 60 dB at the proposed project site.

The primary source of noise in the project site vicinity is motor vehicle traffic (e.g., automobiles, buses, trucks, and motorcycles) on nearby roadways, including State Highway 246 (SR 246) and U.S. Highway 101. Motor vehicle noise is characterized by a high number of individual events, which create a sustained noise level. There are no sensitive noise receptors located on Industrial Way, the access road to the proposed project site. There are residential receptors located on SR 246, which has a peak annual average daily traffic (AADT) of over 20,000 vehicles. The project would generate approximately 695 ADT (ATE, 2014), all of which would spill onto SR 246. 695 ADT is less than 5% of the total trips on SR 246 west of Industrial Way and less than 3% of the total trips east of Industrial Way (City of Buellton General Plan 2005); therefore, the project would result in a *less than significant* impact on area receptors from traffic noise.

b., d. Construction noise is not expected to significantly impact noise sensitive receptors. Assuming onsite construction equipment may temporarily generate noise levels up to 88 dBA at 50 feet from the equipment, and assuming that point source noise attenuates at a rate of 6dB per doubling of distance, it is anticipated that the maximum noise levels experienced would be about 64 dB within 800 feet, and 58 dBA at 1,600 feet from the noise source. This does not account any barrier attenuation from intervening buildings. The nearest homes are roughly 1,000 feet away along Park Circle, but are partially blocked by intervening development. Even without attenuation, noise levels from this source would not exceed the City's one-hour standard of 65 dBA. Impacts would be less than significant.

e., f. The project is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. *No impacts* would occur.

Findings and Mitigation: No mitigation measures are required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

a. Population Growth: The site is planned for and zoned for industrial development. It contains no aspect that would cause indirect population growth.

b, c. Displacement: The site is vacant and as such would not displace any residents.

Findings and Mitigation: No impacts would occur, therefore, no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

a. Fire Services: The project area is served by Station 31 of the Santa Barbara County Fire Department located at 168 West Highway 246. The station is located within 0.5 miles of the project site and is within the 5-minute response time of the station. Fire protection impacts are considered less than significant.

b. Police Services: The project area is served by the City of Buellton Police Department which is contracted through the Santa Barbara County Sheriff's Department. One patrol officer is on duty at all times. No significant impacts have been identified with respect to Police services.

c. School Services: The proposed project is commercial/industrial and would not generate students and thereby impact school services. No impacts would occur.

d. Parks: The project is commercial/industrial and is not expected to impact parks or park services. No impacts would occur.

e. Other Public Facilities: No other impacts to public services have been identified.

Findings and Mitigation: Impacts are considered less than significant, therefore, no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION -				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

a. Demand for Parks and Recreation: The project is commercial/industrial and is not expected to impact parks or park services. No impacts would occur.

b. Construction of Recreational Facilities: The project includes a bowling alley and batting cages, which would provide commercial recreational opportunities to serve the community. No adverse impacts would occur.

Findings and Mitigation: Impacts are considered less than significant, so no mitigation is required.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

a, b. Traffic Congestion: A traffic study (July 31, 2014) has been prepared by Associated Transportation Engineers (ATE) for the project. The analysis focuses on the peak hour operations of the intersections located adjacent to the project site. An analysis of the site access and circulation system is also provided. The traffic study is summarized below and is hereby incorporated by reference into this initial study. The complete traffic study is available for review at the Buellton Planning Department, 107 West Highway 246, Buellton.

Project Generated Traffic

Trip generation estimates were calculated for the project using rates presented in the Institute of Transportation Engineers (ITE), *Trip Generation* (9th Edition, 2013), for Bowling Alley (Land Use Code #437), Batting Cages (Land Use Code #433), and Warehouse (Land Use Code #150). Table 8 summarizes the average daily trips (ADT) and P.M. peak hour generation estimates for the project.

Table 8. Project Trip Generation

Land Use	Size	ADT		P.M. Peak	
		Rate	Trips	Rate	Trips
Bowling Alley	16 lanes	33.33	533	1.51	24 (15/9)
Batting Cages	5 Cages	22.00	110	2.22	11 (6/5)
Warehouse	18,470 SF	3.56	68	0.32	6 (1/5)
Total Trip Generation			711		41 (22/19)
<i>Note: ADT rate for Batting Cages based on the fact that typically peak hour volumes represent 10% of the ADT. Figures in parentheses indicate inbound versus outbound trips.</i>					

Table 8 shows that the proposed project would generate 711 average daily trips (ADT) and 41 P.M. peak hour trips. The peak hour trips are 22 inbound and 19 outbound. The project will serve the local Buellton area, so the distribution is expected to be 50% eastbound and 50% westbound on Highway 246. At the Route 246/Industrial Way intersection, the projected P.M. peak hour trips would be:

- 11 EB right
- 11 WB left
- 9 NB left
- 10 NB right

The project would add 711 average daily trips to Industrial Way south of Highway 246 and approximately 355 in each direction on Highway 246.

Potential Traffic Impacts

The volume of traffic on Route 246 (less than 2% of the 2012 volume) would not have a significant impact. The intersection operation is not significantly impacted, so the project does not have a project-specific impact on the local street network of Buellton. No significant impacts would occur.

The project will be required to pay the City’s traffic fee to address the project’s proportionate share of any cumulative impacts to the Citywide roadway and intersection network.

- c. Air Traffic: No airports are located in the vicinity of the project.
- d. Traffic Hazards: Please see discussion in sections a. and b. above. Traffic circulation would not create safety hazards.
- e. Emergency Access: The proposed project does not block any identified emergency access routes, nor would it generate traffic that could impair such routes.
- f. Parking: The project is providing the Municipal Code required parking. No impacts would occur.
- g. Alternative Transportation: The project design does not inhibit the use of bicycles, and in fact provides bike racks and onsite walkways.

Findings and Mitigation: The proposed project would not create significant project related traffic impacts. The following required mitigation measure would reduce cumulative traffic impacts to a level of insignificance:

- T-1 Traffic Impact Fee.** Payment of the Buellton Traffic Impact Fee shall be paid prior to issuance of the building permit. Said fee shall be in the rate that is in effect at the time building permits are issued.

Monitoring:

Planning Department will verify payment of the fee prior to issuing occupancy permits.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

a. Wastewater Treatment Requirements: The anticipated use of the site is not anticipated to generate waste of increased or concentrated strengths. All elements of the project will be directly connected to the public sewer for ultimate treatment at the City's wastewater treatment plant. A grease interceptor is required by City ordinance. Impacts would be less than significant.

b., e. Water and Wastewater Facility Construction: The General Plan already accounts for development of the intensity proposed as part of the project. Therefore, its water consumption and wastewater generation characteristics are already accounted for in the General Plan and associated Environmental Impact Report. There would be no residents at the site, and water use would be limited to serving patrons and food preparation. Based on standard duty factors for retail establishments (100 gallons per 1,000 sf per day—Source: Laguna County Sanitation District. Sewer Collection System Master Plan, June 2009), it is estimated that the 30,630-foot entertainment center could generate about 3,063 gallons of wastewater per day. The City's wastewater treatment plant has a total capacity of 650,000 gallons per day, and has a current average daily flow of approximately 450,000 gallons per day. The project generation will increase the current average daily flow by less than 1 percent. The existing wastewater treatment plant and sewer mains have sufficient capacity to accommodate the project's flows. Impacts would be less than significant.

c. Storm Drain Construction: The project would convey drainage to an offsite retardation basin with sufficient capacity between the site and the Santa Ynez River. Upon final design, it may be necessary to modify existing grades in the existing drainage basin (City Easement) to install a new drain line(s) from the project. No additional impacts are anticipated.

d. Water Supplies: This project would increase the demand for domestic water from the City's supplies; however, the City has adequate supply to service the project without obtaining new or expanded water entitlements. Impacts would be less than significant.

f., g. Solid Waste: No significant solid waste impacts have been identified with respect to the proposed project.

Findings and Mitigation: No significant impacts would occur, so no mitigation is required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X		

a. Impacts related to drainage, water quality, biological resources and cultural resources were determined to be less than significant. The project is required to comply with federal, state and local laws that address these resources. Standard conditions of approval would also apply.

b. Cumulative impacts were determined to be less than significant, since all project-related impacts are either less than significant, or can be mitigated to ensure that cumulative conditions are not affected.

c. The incorporation of required mitigation measures and adherence to General Plan policies would reduce all impacts that have the potential to affect human beings to a less than significant level. Mitigation measures are required for the following issues: biological resources, cultural resources, hazards and hazardous materials, geology/soils and transportation/traffic.

Appendix A

VICINITY & LOCATION MAPS

PROJECT PLANS – May 20, 2015

Live Oak Lanes;

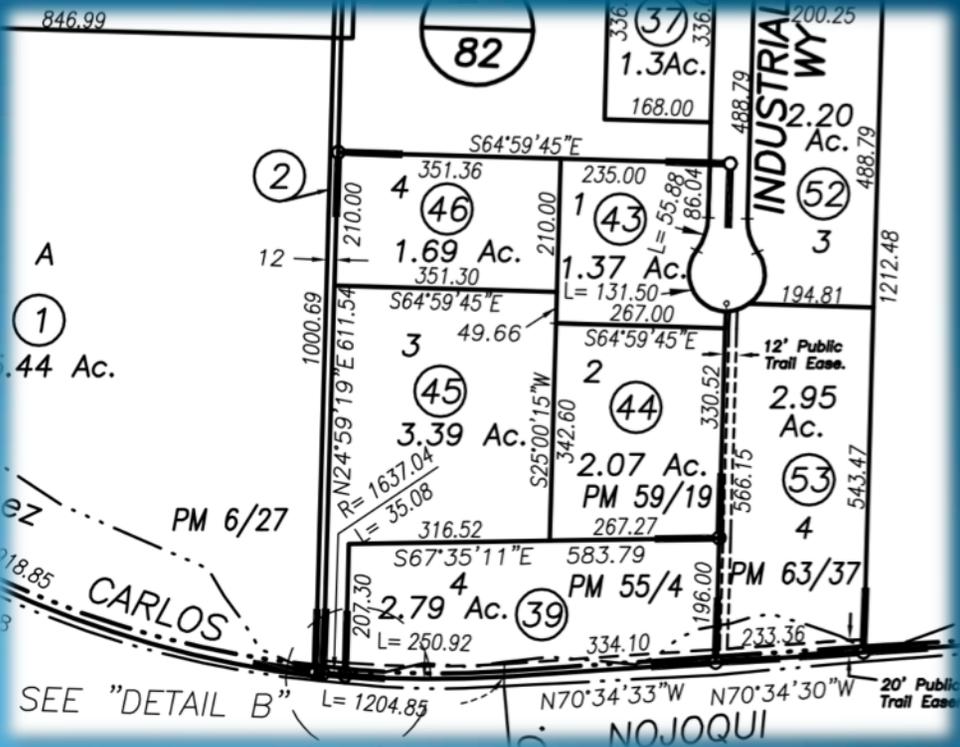
*Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02),
Conditional Use Permit (13-CUP-02)*

Vicinity Map



Project Location

- Two parcels, 5.08 acres total
 - APN 099-690-045 (3.39 acres)
 - APN 099-690-046 (1.69 acres)



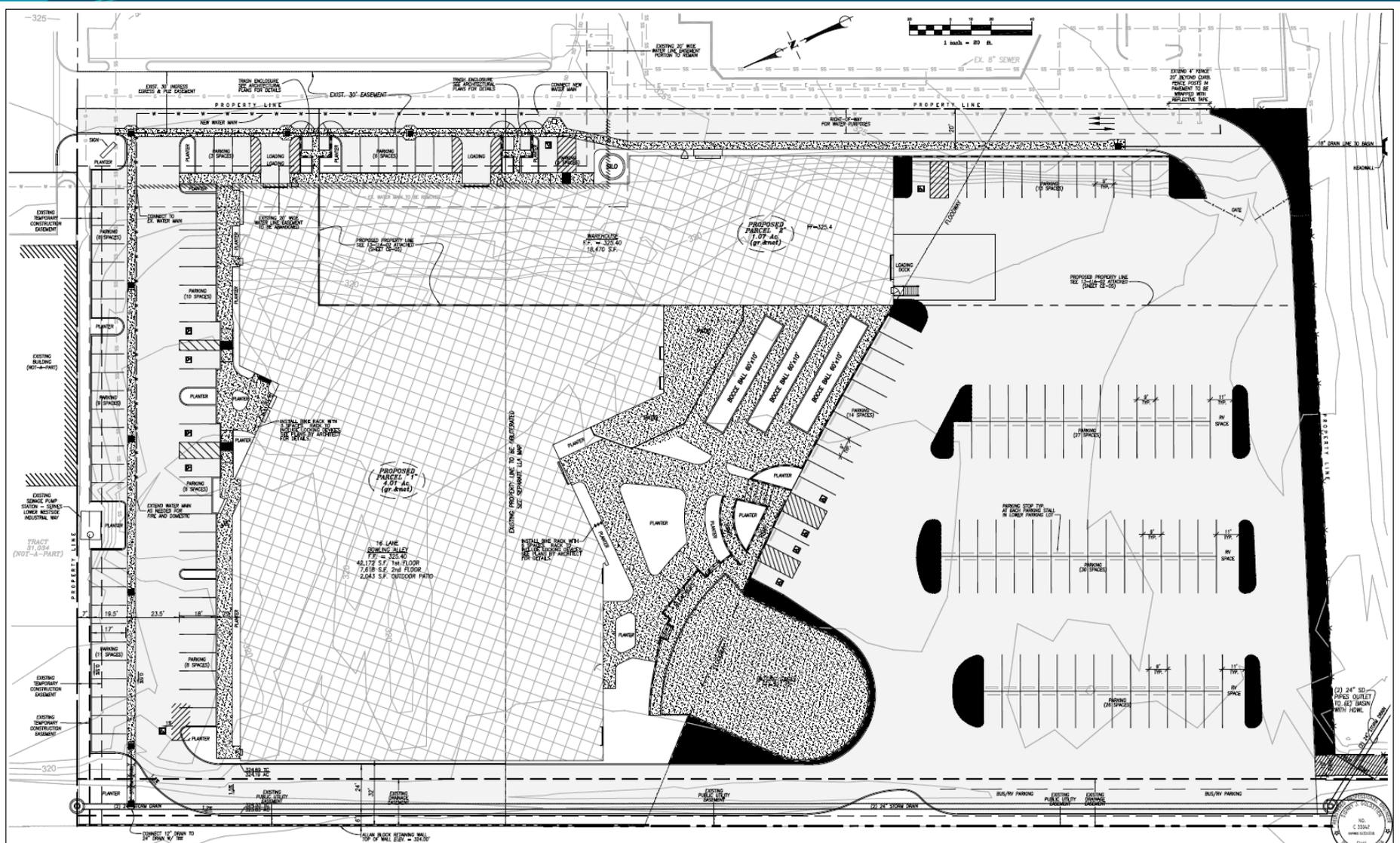
Aerial Overview of Site (looking north)



Aerial Overview of Site (looking east)



Grading Plan



CAUTION:
 UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.

DATE:	REVISIONS

REVIEWED BY:

SID GOLDSTIEN-CIVIL ENGINEER, INC.
 PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT
 650 ALAMO FUNDING ROAD
 SUITE 302
 SOLANCA, CA 93463
 web: www.sjgca.com
 fax: (855) 688-3524
 fax: (855) 688-3582

DRAWN BY: AMP
 DATE: 20 MAY 2015
 DESIGNER: SID GOLDSTIEN
 R.C.E. 33,042
 (expires 6-30-16)
 SJC

SCALE: 1" = 20'

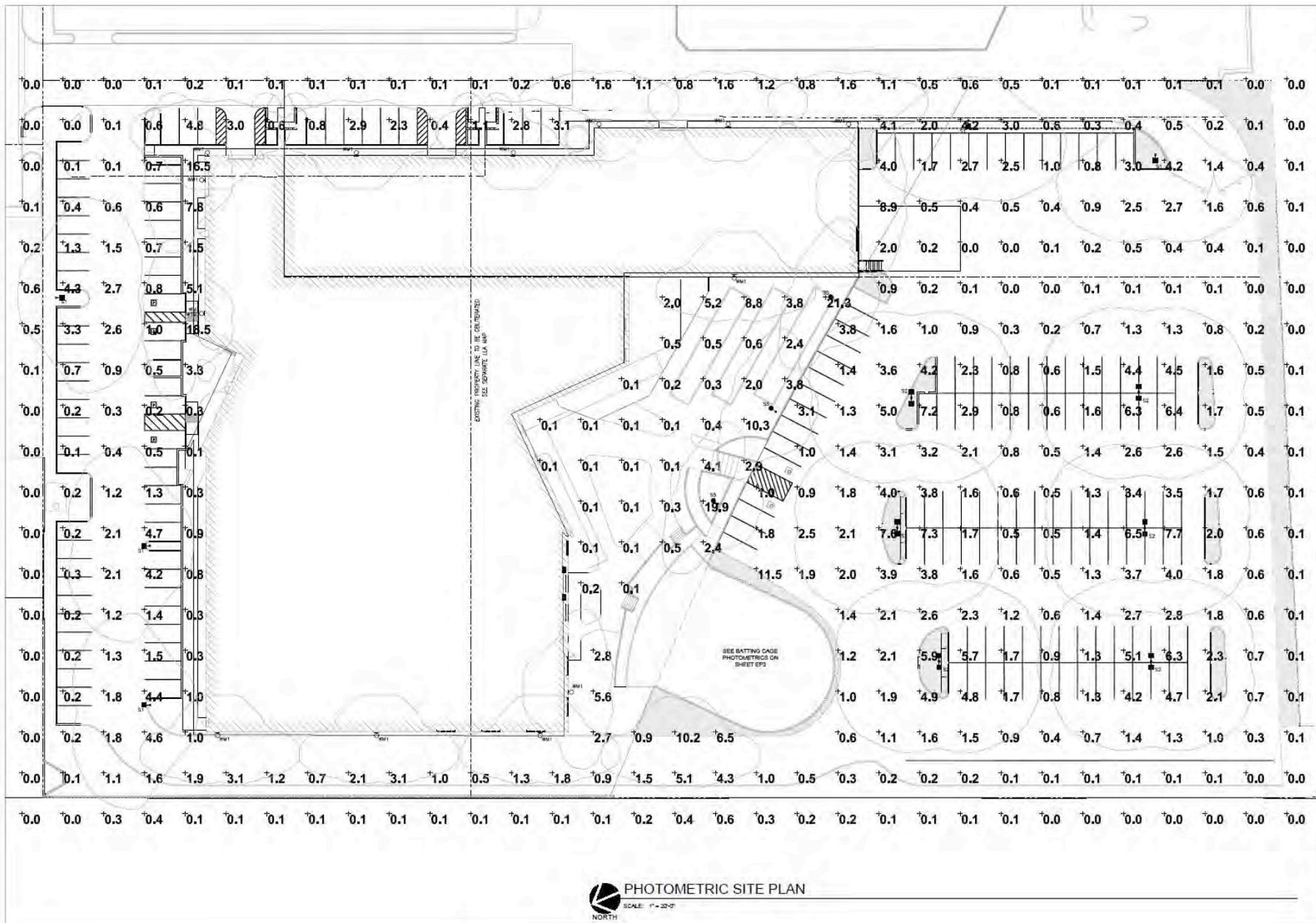
SITE PLAN
 for
LIVE OAK LANES & INDUSTRIAL CENTER
 BUELLTON, CA. 93427

SHEET NO. CE-04
 FILE NO. 14-10-100

C:\Users\sid\Documents\14-10-100\14-10-100\14-10-100\14-10-100.dwg 14-10-100.dwg 14-10-100.dwg



Photometric Plan



DAVID GOLDSTEN ARCHITECT

650 Alamo Plaza
Suite 100
San Jose, CA 95131
408.939.1901



Professional Seal and License Information

PROJECT:

LIVE OAK LANES
&
LIVE OAK INDUSTRIAL CENTER

BUELLTON, CA

CONSULETANT



CONTRACT NO. 14-0071.01

STAMP & SIGN



REVISIONS

PROJECT

DATE: 05.21.15

SCALE: 1" = 20'

SHEET NO. 1302

EP1

Photometric Plan (Batting Cage detail)

Symbol	Label	QTY	Mounting Name	Description	Notes	Number Lamps	Lumens per Lamp	LF/F	Footage
FL1	FL1	8	ASD40K LED ASSEMBLY MVLVLT	BATTING CAGE FLOOD LIGHT - 4000K FLOOD SIZE 3 WITH 8.000 FOOT BEAM DISTRIBUTION NEAR TYPE 800K	LED	1	10000	8.00	407.4

D-Series Size 3 LED Flood Luminaire

Specifications:

- ETC: 2.4 FT
- Beam: 8.0 FT
- Width: 18.0 FT
- Height: 15.0 FT
- Overall Height: 31.0 FT
- Weight: 25.0 LB

BATTING CAGE LIGHT

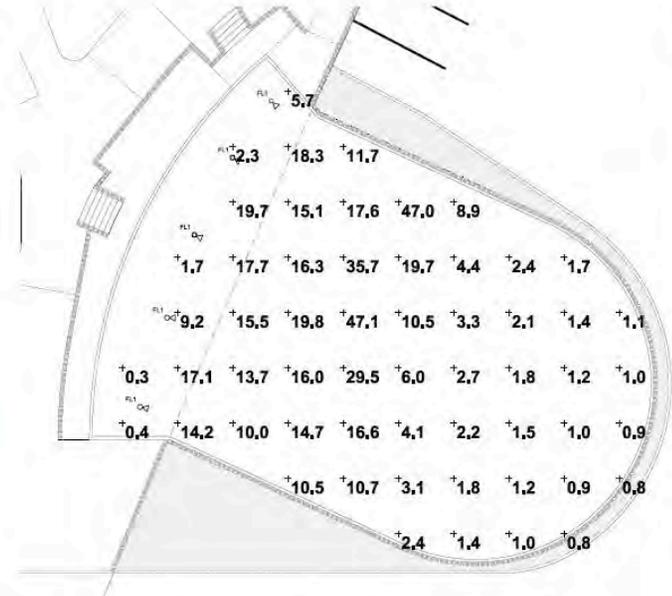
FL1

Introduction

The D-Series Flood reflector systems are designed to best suit a variety of applications all as sleek, compact styling blends seamlessly with its surroundings.

The D-Series Flood reflector systems are designed to best suit a variety of applications all as sleek, compact styling blends seamlessly with its surroundings.

EXAMPLE: OSK3 LED 8 ASD40K FL MVLVLT THK DDBX0									
Beam	Beam	Beam	Beam	Beam	Beam	Beam	Beam	Beam	Beam
1	2	3	4	5	6	7	8	9	10
0.3	0.4	0.9	1.7	3.1	5.7	10.0	17.6	31.7	57.0



DAVID GOLDSTEN ARCHITECT

180 Alamo Plaza
Suite 300
San Jose, CA 95126
408-438-1570

dga

LIVE OAK LANES & LIVE OAK INDUSTRIAL CENTER

BUELLTON, CA

CONSULTANT
Thoma

CONSULT JOB NO
14-001201

STAMP & SIGN
Professional Engineer Seal

REVISIONS

PLOTTED 05.21.15
DRAWN C.J.
ARCH. JOB NO. 1402
SHEET NO.

EP3

Appendix B

AIR QUALITY ANALYSIS TECHNICAL DATA

*CalEEMod Air Quality Model Worksheets –
Annual, Summer, and Winter*

–Available at City of Buellton Website: cityofbuellton.com and Planning Department

Appendix C

GREENHOUSE GAS EMISSIONS ANALYSIS TECHNICAL DATA

*GHG Quantitative Analysis; CalEEMod Air Quality
Model Worksheets – Annual; N₂O from Mobile Emissions*

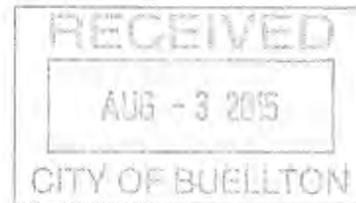
– Available at City of Buellton Website: cityofbuellton.com and Planning Department



South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

July 29, 2015

Irma Tucker
City of Buellton Planning Department
P.O. Box 1819
Buellton, CA 93427
irmat@cityofbuellton.com



**Subject: Draft Mitigated Negative Declaration for the Live Oak Lanes Project
SCH # 2014041041**

Dear Ms. Tucker:

The California Department of Fish and Wildlife (Department), has reviewed the above Draft Mitigated Negative Declaration (DMND) for impacts to biological resources. The Department reviewed a previously circulated DMND for the above project, and submitted comments in a letter dated May 8, 2014. We have determined there to be no changes to the re-circulated DMND that affects the comments contained in our previous letter, and we are re-submitting those comments unchanged.

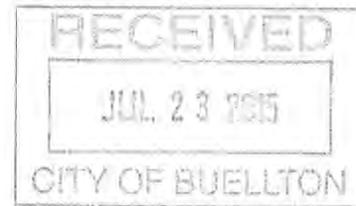
The proposed project (Project) consists of developing a 5.08-acre site with a 30,630 square foot Family Entertainment Center (which includes a bowling alley and other amenities), an 18,470 square foot storage facility, parking, and landscaping. The property is currently vacant and is located at the south end of Industrial Way in the City of Buellton (City), in northern Santa Barbara County. Surrounding land uses include industrial buildings located to the east and north, and open space to the west and south, within about 400 feet of the Santa Ynez River. The northern two-thirds of the site (3.4 acres) has a General Plan designation of Industrial, while the southern third of the site (1.7 acres) is designated by the City as Open Space, Parks and Recreation. The habitat types within the Project site to be impacted by the Project include coastal sage scrub and annual grassland. Indirect impacts may occur to the federally Threatened and California Species of Special Concern (SSC) California red-legged frog (*Rana aurora draytonii*). Measures proposed in the DMND to mitigate impacts to biological resources include pre-construction surveys, monitoring, and protections for California red-legged frog.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386). These comments and recommendations are based on the requirement for the environmental document to include the following information:

- Identification of environmental impacts of the proposed Project (CEQA Guidelines, §§ 15063, 15065, 15126, 15126.2, 15126.6 & 15358); and,
- A description of feasible mitigation measures to avoid potentially significant impacts, and/or mitigate significant impacts, of the proposed Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370).

July 22, 2015

Marc Bierdzinski
City of Buellton
107 West Highway 246
Buellton, California 93427



Re: APCD Comments on the Draft Initial Study/Mitigated Negative Declaration for Live Oak Lanes, 15-MND-01, 13 FDP-03, 13-LLA-02, 13-CUP-02

Dear Mr. Bierdzinski:

The Air Pollution Control District (APCD) has reviewed the Draft Initial Study/Mitigated Negative Declaration (MND) for the referenced project, which consists of a Final Development Plan for a 30,630 square foot (sq ft) Family Entertainment Center, an 18,470 sq ft storage facility, and parking and landscaping in support of those facilities. The Family Entertainment Center includes a bowling alley, arcade, sports bar and lounge, party and meeting rooms, toddler area and office space. A Conditional Use Permit is required for the proposed outdoor batting cages and outdoor deck for the proposed sports bar. The subject property, a 5.08-acre parcel zoned Industrial and Manufacturing (M) and Open Space (OS) and identified in the Assessor Parcel Map Book as APN 099-690-045 and 099-690-046, is located at 39 and 41 Industrial Way in the City of Buellton.

Air Pollution Control District staff offers the following comments on the Draft Initial Study/MND:

1. **Section III AIR QUALITY, Impact Analysis, page 12:** The 2010 Clean Air Plan (CAP) is referred to; however, please note that there is a more recently adopted CAP. The 2013 CAP was adopted in March 2015 and it can be viewed on our website at <http://www.ourair.org/clean-air-plans/>. Please update the document and analysis with the most recent 2013 CAP.
2. **Section III AIR QUALITY, Table 3. Project Operational Emissions, page 16:** Per the discussion of the thresholds of significance on page 12, the threshold used for this project to determine the total operational emissions is the APCD's threshold of 240 lbs/day for ROC and NO_x emissions. Please note that the threshold used in Table 3 for Total Emissions (Transportation and On-Site/Area Sources) for ROC and NO_x emissions is 55 lbs/day. This is the County of Santa Barbara threshold. Please correct the table to use the same threshold throughout the document to maintain consistency.
3. **Section VII, GREENHOUSE GAS EMISSIONS, Setting, page 26:** It is stated that the Santa Barbara County APCD has "not developed or adopted GHG significance thresholds." While not relevant to this specific project, please note for future stationary source projects that thresholds of significance for GHG emissions were adopted for stationary sources in April 2015. They can be viewed in our *Environmental Review Guidelines* available on our website at <http://www.ourair.org/land-use/#Guidelines>.
4. **Section VII, GREENHOUSE GAS EMISSIONS, Impact Analysis, page 27-29:** Table 5, *Estimating Construction Emission of Greenhouse Gases* says that construction emissions are amortized over

30 years while it is stated in the second to last paragraph on page 27, and the third paragraph on page 29, that emissions will be amortized over 50 years. Please revise these statements and/or the table to be consistent on the time span which the construction emissions are amortized.

Air Pollution Control District staff offers the following suggested conditions:

1. Prior to construction, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
2. Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to construction. Please see www.ourair.org/wp-content/uploads/rule360.pdf for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the SBCAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
3. At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
 - Energy use (energy efficiency, low carbon fuels, renewable energy)
 - Water conservation (improved practices and equipment, landscaping)
 - Waste reduction (material re-use/recycling, composting, waste diversion/minimization)
 - Architectural features (green building practices, cool roofs)
 - Transportation (*pedestrian- and bicycle-friendly features such as sidewalks and bike racks*)
 - Electric Vehicle Infrastructure (EV charger installation, installation of pre-wiring for future EV chargers), see www.ourair.org/sbc/plug-in-central-coast/ for more information.
4. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at NightingaleK@sbcapcd.org.

Sincerely,



Krista Nightingale,
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Sid Goldstien
TEA Chron File

Andrea Olson

From: Potter, Martin@Wildlife <Martin.Potter@wildlife.ca.gov>
Sent: Wednesday, August 26, 2015 3:32 PM
To: Andrea Olson
Cc: Found-Jackson, Christine@Wildlife
Subject: Draft Mitigated Negative Declaration for the Live Oak Lanes Project SCH # 2014041041

Dear Ms. Olson,

On July 29, 2015 the Department of Fish and Wildlife (Department) submitted a letter of comment on a Draft Mitigated Negative Declaration (DMND), pertaining to biological resources, for the above named project. Since that time, the City of Buellton has recirculated the DMND, dated August 12, 2015, to reflect a change in the square footage of the building area. No changes were noticed by the Department in the August DMND that would change or modify our July comments, and we request the City use our July letter to serve as comments for the August DMND. Thank you.

Sincerely,

Martin Potter
Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
South Coast Region
P.O. Box 1797 Ojai, CA 93024
Phone/Fax (805) 640-3677
email: Martin.Potter@wildlife.ca.gov

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County Of Santa Barbara

Mona Miyasato
County Executive Officer



105 East Anapamu Street, Room 406
Santa Barbara, California 93101
805-568-3400 • Fax 805-568-3414
www.countyofsb.org

Executive Office

September 4, 2015

Ms. Irma Tucker
Contract Planner
City of Buellton
107 W. Highway 246
Buellton, CA 93427

E-mail: irmat@cityofbuellton.com

Re: Notice of Availability of Draft Mitigated Negative Declaration – Live Oak Lanes

Dear Ms. Tucker:

Thank you for the opportunity to comment on the Draft Mitigated Negative Declaration for the Live Oak Lanes project. At this time, the County is submitting the attached letter from the Fire Department.

The County has no further comments on this project at this time and looks forward to hearing more about the project's progress. If you should have any further questions, please do not hesitate to contact my office directly or Matt Schneider, Deputy Director, in the Office of Long Range Planning at 805-568-2072.

Sincerely,


Mona Miyasato
County Executive Officer

cc: Glenn Russell, Ph.D., Director, Planning and Development Department
Matt Schneider, Deputy Director, Long Range Planning Division
Ray Navarro, Fire Marshal, Fire Department

Attachments: September 3rd Letter, County Fire Department



Fire Department

"Serving the community since 1926"

HEADQUARTERS

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX: (805) 681-5563

Eric L. Peterson
Fire Chief
County Fire Warden

Rob Heckman
Deputy Fire Chief

September 3, 2015

Ms. Irma Tucker, Contract Planner
Planning Department
City of Buellton
PO Box 1819
Buellton, CA 93427

Dear Ms. Tucker:

SUBJECT: Live Oaks Lanes

Thank you for the opportunity to comment on this project. The fire department has reviewed this project and provided comments to the City of Buellton as part of the City's development process. The fire department's comments are attached for reference. We have no additional comments for the draft MND.

If you have any questions or require further information, please call 805-681-5554 or 681-5523.

In the interest of life and fire safety,

Ray Navarro
Fire Marshal

Attachment

FT: mkb



Fire Department

"Serving the community since 1926"

HEADQUARTERS

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX: (805) 681-5563


Michael W. Dyer
Fire Chief
County Fire Warden

Christian J. Hahn
Deputy Fire Chief

July 16, 2014

Ms. Angela Perez
Buellton Planning Department
PO Box 1819
Buellton, CA 93427

Dear Ms. Perez:

SUBJECT: APN: 137-170-067; Permit #: 14-FDP-01, 14MND-01
Site: McMurray Road, Buellton
Project Description: Hampton Inn

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

THE FOLLOWING CONDITIONS ARE FOR FINAL DEVELOPMENT PLAN

We submit the following requirements with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions.

1. Fire Protection Certificate(s) will be required.
2. If an elevator is installed for this project, the elevator car shall be able to accommodate a 24-inch by 84-inch ambulance stretcher in the horizontal, open position.
 - Emergency medical services symbols shall be placed on both sides of the elevator car door frame.
 - The symbol shall be a minimum of 3 inches high.
3. Access shall be as shown on plans dated July 2, 2014, received July 9, 2014.
 - Surface shall be paved.
 - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Serving the cities of Buellton, Goleta and Solvang, and the Communities of Casmalia, Cuyama, Gaviota, Hope Ranch, Los Alamos, Los Olivos, Mission Canyon, Mission Hills, Orcutt, Santa Maria, Sisquoc, Vandenberg Village

4. Three new fire hydrants shall be installed.
 - The fire department shall have on file a set of approved fire hydrant plans prior to any work being started.
 - Fire hydrant(s) shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure.
 - For a municipal water system, location for fire hydrants shall be approved by the fire department.
 - Commercial fire hydrant(s) shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
 - A set of approved fire hydrant plans, stamped and dated by the fire department shall be kept at the job site and available upon request.
 - Water systems shall be installed exactly as the approved fire hydrant plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a fire department representative.
5. Temporary address posting is required during construction. Inspections will not be completed without temporary address posted.
6. Signs indicating "Fire Lane – No Stopping" shall be placed every 150 feet as required by the fire department. Refer to current adopted California Fire Code.
7. Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
8. An automatic fire sprinkler system shall be installed.
 - Fire sprinkler plans shall be approved by the fire department prior to installation.
 - The fire department shall determine the location of any fire department connection (FDC) that may be required.
 - Fire Department Connection (FDC) shall be labeled per NFPA 13.
 - Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the fire department.
9. An automatic fire or emergency alarm system shall be installed.
 - Fire alarm system shall meet Santa Barbara County Fire Department requirements.
 - Automatic fire or emergency alarm system plans shall be approved by the fire department.
 - Alarm panel locations and annunciator graphics shall be approved by fire department prior to installation.

10. Recorded addressing is required by the fire department.
11. Address numbers shall be a minimum height of 12 inches for commercial.
 - Unit/suite numbers shall be a minimum height of 4 inches.
 - Address number location(s) shall be approved by the fire department.
 - Address numbers shall be a color contrasting to the background color.
 - The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
12. A Knox Box entry system shall be installed.*
13. The applicant will be required to pay development impact fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development.

Estimated fees:

\$.10 per square foot for structures with fire sprinklers

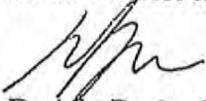
Development impact fees are collected at the current rate at time of payment.

Final occupancy clearance inspection will not be scheduled unless fees have been paid.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information, please call me at 805-686-8178, or 805-681-5523.

In the interest of life and fire safety,



Dwight Pepin, Captain
Fire Prevention Division

c Buellton Water Department, PO Box 1819, Buellton 93427
Building Department – Buellton City

Attachment 4

Live Oak Lanes Project Mitigation Monitoring and Reporting Program

The Mitigation Measures set forth below are expressly derived from the environmental analysis performed under the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), in connection with the approved Project per Planning Commission Resolution 15-08, dated September 17, 2015. In the event that the scope, nature, extent, method, timing or location of construction changes from that set forth in the Project as conditionally approved, such construction shall not proceed until or unless: (i) the change is evaluated for environmental impacts; and (ii) appropriate measures are instituted to the Project that mitigate the impacts (if any) to a level of insignificance. Such determinations shall be made in the manner and subject to the limits prescribed in the Project Description.

The following describes the monitoring and timing requirements of the mitigation measures, which are also incorporated in to the project as Conditions of Approval.

BIO-1. Pre-Construction Survey. A USFWS-approved biologist shall survey the work site at least seven days before the onset of ground-disturbing activities. Surveys shall consist of walking transects in areas that will be subject to vegetation clearing, grubbing, grading, cut and fill, or other ground-disturbing activities. If California red-legged frogs are found within the work site during pre-construction surveys or at any time during the project, the approved biologist shall report the time, date, location, and any other relevant information about the occurrence to USFWS in a timely manner.

Monitoring: The Planning Department will verify compliance prior to issuing grading permits.

BIO-2. Training Session. Before any ground-disturbing activities begin on the project site, a USFWS-approved biologist shall conduct a training session for construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, and the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Monitoring: The Planning Department will verify compliance prior to issuing grading permits.

BIO-3. On-site Monitor. The developer shall designate a USFWS-approved biologist to monitor on-site compliance with all minimization measures. The approved biologist will be on-site during initial ground clearing activities. The approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated during review of the proposed action.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

Attachment 4

BIO-4. Halt Work During If Rain Predicted. If the National Weather Service predicts a rain event of ½ inch or more over a 48-hour period for the project area, construction activities will be halted for 24 hours before the rain event is anticipated to begin. Construction activities are defined as all activities, which pose a risk of crushing dispersing amphibians, including driving construction vehicles and equipment, and activities that alter the natural land contours, such as digging, clearing and grubbing, grading and fill work. All activities described above will be halted if significant rain falls at any point during the construction process. After a rain event, a qualified biologist will conduct a pre-construction survey for amphibians dispersing through the site. Construction will resume only after the site has been sufficiently dried and the biologist determined that amphibian dispersal is unlikely.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

BIO-5. Trash Containment. During project activities, all trash that may attract predators shall be properly contained, removed, and disposed of regularly. Following construction, trash/construction debris shall be removed from work areas.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

BIO-6. Vehicle Maintenance Location. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from the adjacent stormwater basin and any storm drain inlet. At a minimum, all equipment and vehicles will be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills. All workers shall be informed of the importance of preventing spills and the appropriate measures to take should a spill occur.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

BIO-7 Exclusion Fence. To assist in excluding California red-legged frogs from the work area, an exclusion fence should be installed between the stormwater basin and the work area prior to the commencement of ground disturbing activities. Exclusion fencing should be silt-type fencing or equivalent, and should not include poly mesh fencing or other similar fencing that could entrap or snag reptiles, amphibians, or other small animals. Once fencing is in place, it should be maintained until all ground-disturbing work has been completed.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

BIO-8. No CRLF Handling. Under no circumstances shall a California red-legged frog be handled, relocated, or otherwise harmed or harassed at any time without coordination and approval from USFWS.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

Attachment 4

BIO-9 Ground Disturbance Timing. In order to avoid impacts to nesting birds protected under the Migratory Bird Treaty Act, all initial project specific ground disturbing activities and tree removal as a result of future development shall be limited to the time period between September 15 to March 1. If initial development project-specific site disturbance, grading and tree removal cannot be conducted during this time period, pre-construction surveys for active nests within the limits of proposed grading areas should be conducted by a qualified biologist two weeks prior to any construction activities. If active nests are located, then all construction work must be conducted outside a non-disturbance buffer zone at a distance established by the City in consultation with the CDFG. No disturbance to the nest shall occur until the adults and young are no longer reliant on the nest site.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

CR-1. Halt Work Order for Archaeological Resources. If archaeological resources are exposed during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A representative of the Chumash Tribe shall monitor any mitigation excavation associated with Native American materials.

Monitoring: The Planning Department will verify compliance during grading and construction activities.

GEO-1. Geotechnical Study for Liquefaction. In accordance with Safety Element Policy S-9, as a condition of project approval, the project will be required to conduct a geological (geotechnical) study, and implement its design recommendations with respect to addressing liquefaction potential on the site.

Monitoring: The Public Works Department/City Engineer will verify that the final project design incorporates any design recommendations from an approved project-specific geologic study prior to issuing grading permits.

HAZ-1. Phase I Environmental Site Assessment. Prior to issuance of building permits, a Phase I Environmental Site Assessment shall be conducted by a qualified professional to determine the potential for onsite soil contamination, and the recommendations of that report (if any) shall be followed.

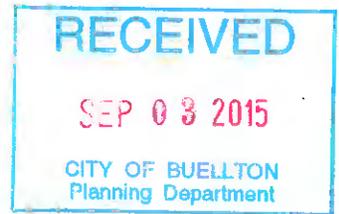
Monitoring: The Planning Department will verify that the Phase I ESA has been completed, and that its recommendations are followed prior to issuance of building permits.

Attachment 4

T-1. Traffic Impact Fee. Payment of the Buellton Traffic Impact Fee shall be paid prior to issuance of the building permits. Said fee shall be in the rate that is in effect at the time building permits are issued.

Monitoring: Planning Department will verify payment of the fee prior to issuing building permits.

Live Oak Lanes Project Mitigation Monitoring and Reporting Verification Checklist			
Mitigation Measure	Responsibility	Timing	Verification
BIO-1. Pre-Construction Survey	Planning Department	prior to issuing grading permits	
BIO-2. Training Session	Planning Department	prior to issuing grading permits	
BIO-3. On-site Monitor	Planning Department	during grading and construction activities	
BIO-4. Halt Work During If Rain Predicted	Planning Department	during grading and construction activities	
BIO-5. Trash Containment	Planning Department	during grading and construction activities	
BIO-6. Vehicle Maintenance Location	Planning Department	during grading and construction activities	
BIO-7. Exclusion Fence	Planning Department	during grading and construction activities	
BIO-8. No CRLF Handling	Planning Department	during grading and construction activities	
CR-1. Halt Work Order for Archaeological Resources	Planning Department	during grading and construction activities	
GEO-1. Geotechnical Study for Liquefaction	Public Works Department/City Engineer	prior to issuing grading permits	
HAZ-1. Phase I Environmental Site Assessment	Planning Department	prior to issuance of building permits	
T-1. Traffic Impact Fee	Planning Department	prior to issuing occupancy permits	



August 28, 2015

RE: Live Oak Lanes Bowling Alley

Dear Vice Chair Reif and Commissioners,

On behalf of the Buellton Chamber of Commerce I would like to express our strong support of Live Oak Lanes bowling alley. We know this project has been a long time coming and understand the community's excitement to see it come to fruition.

It is in our best interest to support new business and the future interests of Buellton. Providing a means of entertainment for all ages is long overdue in our valley. Live Oak Lanes has what it takes to make that change by offering a unique venue mixed with entertainment and fun. Not only will this facility cater to our locals, but also our visitors who make their way into our city every day.

We understand the time, energy, and money that has been invested in this project before a shovel has entered the ground. This land owner has worked diligently and patiently with neighboring properties and has been more than accommodating. We as a city need to realize the investment being made into our community and be willing to expedite these projects in a timely fashion.

We would ask that the Planning Commission approve this project and allow the property owner to move forward with her proposal.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Kathy Freeland".

Kathy Freeland

Executive Director, Buellton Chamber of Commerce

PLANNING COMMISSION RESOLUTION NO. 15-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION (15-MND-01) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LIVE OAK LANES PROJECT WHICH INCLUDES A BOWLING ALLEY/ENTERTAINMENT CENTER AND WAREHOUSE FACILITY ON 5.08 ACRES LOCATED AT 39 AND 41 INDUSTRIAL WAY, ASSESSOR'S PARCEL NUMBERS 099-690-045 AND 099-690-046

WHEREAS, Carol Leshner-Peterson, dba Live Oak Lanes, has filed an application for approval of a Final Development Plan (13-FDP-03), Conditional Use Permit (13-CUP-02), and Lot Line Adjustment (13-LLA-02) to allow the construction of a 49,790 square foot Family Entertainment Center (which includes a bowling alley and other amenities, 42,172 square feet on ground floor and 7,618 square feet on second floor), and an 18,470 square foot warehouse facility (the "Application") on property located at 39 and 41 Industrial Way in the City of Buellton within the Industrial and Manufacturing "M" Zone and Open Space "OS" Zone (the "Site"); and,

WHEREAS, in accordance with the requirements of the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Buellton (collectively, "CEQA"), the Planning Director of the City of Buellton has prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the Application (the "Initial Study/Mitigated Negative Declaration"); and,

WHEREAS, the Initial Study/Mitigated Negative Declaration was circulated for public and agency review and comment on July 2, 2015 through, and including, August 3, 2015, then recirculated with a corrected project description from August 17, 2015 (the date of posting at the State Clearinghouse) through and including September 15, 2015. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on July 2, 2015, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. Copies of the recirculated Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on August 13, 2015, and the document was distributed to interested parties and agencies. On August 13, 2015, a Notice of Availability of the recirculated Initial Study/Mitigated Negative Declaration, including the time and place of the Planning Commission meeting to review the Application and Initial Study/Mitigated Negative Declaration was published in the local newspaper and posted in three public locations; and,

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the

environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and,

WHEREAS, in accordance with the requirements of CEQA, a mitigation monitoring and reporting program (the “Mitigation Monitoring and Reporting Program”) has been prepared for the project represented in the Application for consideration by the Planning Commission; and,

WHEREAS, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and,

WHEREAS, the Initial Study/Mitigated Negative Declaration and all related environmental documents forming the basis for the Initial Study/Mitigated Negative Declaration and Resolution are located in, and in the custody of, the Planning Department, City of Buellton; and,

WHEREAS, on September 17, 2015, the Planning Commission of the City of Buellton conducted a duly noticed public meeting in connection with the Application and the Initial Study/Mitigated Negative Declaration and considered all evidence, oral and written; and,

WHEREAS, all legal prerequisites have occurred prior to the adoption of this Resolution.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BUELLTON DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

SECTION 2. The Planning Commission does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Application; (2) the Initial Study/Mitigated Negative Declaration prepared for the Application has been completed in compliance with CEQA; and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the Planning Commission.

SECTION 3. The Planning Commission hereby approves the Mitigated Negative Declaration and adopts the related Mitigation Monitoring and Reporting Program prepared for the Application.

SECTION 4. The Planning Commission Secretary shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 17th day of September 2015.

Foster Reif, Vice Chair

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 above and foregoing Resolution No. 15-08 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 17th day of September 2015, by the following vote, to wit.

AYES: (0)

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September 2015.

Clare Barcelona
 Planning Commission Secretary

PLANNING COMMISSION RESOLUTION NO. 15-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING THE FINAL DEVELOPMENT PLAN (13-FDP-03), LOT LINE ADJUSTMENT (13-LLA-02) AND CONDITIONAL USE PERMIT (13-CUP-02) FOR THE LIVE OAK LANES PROJECT, WHICH INCLUDES A BOWLING ALLEY/ENTERTAINMENT CENTER AND WAREHOUSE FACILITY ON 5.08 ACRES LOCATED AT 39 AND 41 INDUSTRIAL WAY, ASSESSOR'S PARCEL NUMBERS 099-690-045 AND 099-690-046

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

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Carol Leshner-Peterson, applicant, and Sid Goldstien, agent, hereinafter referred to as "Applicant", requesting approval to develop the Live Oaks Lane Project, a family entertainment center (Live Oak Lanes) and commercial storage building on 5.08 acres located at 39 and 41 Industrial Way (APNs 099-690-045 and 099-690-046). The northern two-thirds of the site has a General Plan designation of Industrial (zoned M – Industrial and Manufacturing), while the southern third of the site is designated Open Space, Parks and Recreation (zoned OS – Open Space).

SECTION 2: The proposed Project consists of:

A. Final Development Plan (13-FDP-03): The FDP accommodates a 49,790 square foot Family Entertainment Center (which includes a bowling alley and other amenities as described below), an 18,700 square foot warehouse facility, and parking and landscaping in support of those facilities. The project components are described more fully below.

Family Entertainment Center (Live Oak Lanes)

The 49,790 square foot Family Entertainment Center will be built on reconfigured 4.01-acre "Parcel 1", and will include the following functions:

- A 16-lane bowling alley (Live Oak Lanes), four of which are in a section that can be closed off for private parties and functions
- Game/Arcade section
- Sports bar and lounge with an outdoor deck area and a full commercial kitchen
- Party and corporate meeting rooms
- Office space, with additional offices provided on a second floor mezzanine
- Restrooms

In addition to the indoor uses, the development includes a 5-station batting cage and 3 bocce ball courts, as well as landscaping around the entire property. Parking is proposed to be provided adjacent to the building in a paved lot generally in the

floodway south of the building, roughly seven feet below the level of the building floor. Access from the parking area to the building is by stairs and a ramp through a landscaped entry area.

Hours of operation for the entertainment center will be approximately 9 AM to midnight, Monday through Thursday, 9 AM to 2 AM on Friday and Saturday, and 10 AM to 10 PM on Sunday. The batting cages would be open 11 AM to 8 PM Monday through Thursday, and 10 AM to 10 PM Friday through Sunday. The maximum shift would be staffed by an estimated 15 to 25 employees.

Warehouse

The 18,470 square foot warehouse facility will be built on reconfigured 1.07-acre "Parcel 2", and will consist of a single large space for lease; it is possible this space may be divided in the future for multiple users. There will be two overhead doors and two man-doors to provide access to the building. The warehouse space, while contiguous to the Family Entertainment Center, is located in a separate building and parcel (consistent with the Lot Line Adjustment), and will be provided with the required parking and landscaping. Access and some of the required parking will be from an easement across the adjacent Live Oak Lanes parcel. There will be a reciprocal parking agreement between the Family Entertainment Center and warehouse facility.

Hours of operation are proposed to be 7 AM to 7 PM, seven days a week, and six to eight employees are expected to be on the site at any one time.

- B. Lot Line Adjustment (13-LLA-02):** The LLA would modify the boundary between the two parcels, to facilitate a more logical configuration of the facilities onsite. The larger "Parcel 1" (4.01 acres) will be developed with the family entertainment center, while the smaller "Parcel 2" (1.07 acres) will be developed into the warehouse facility. Parking will be provided on both parcels, but shared between the facilities.
- C. Conditional Use Permit (13-CUP-02):** The CUP is required for "sports facilities and outdoor public assembly" uses. Both the proposed batting cages and the outdoor deck for the restaurant are considered "sports facilities and outdoor public assembly", triggering this requirement.

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 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 September 17, 2015 (“PC Public Hearing”).
2. All oral, written and visual materials presented in conjunction with that certain PC Public Hearing.
3. The following informational documents, which by reference, are incorporated herein:
 - a. The project file for 13-FDP-03, 13-LLA-02, 13-CUP-02, and the set of project plans dated May 22, 2015, and top of bank exhibit dated April 17, 2015.
 - b. The staff report dated September 17, 2015.
 - c. The Initial Study and Mitigated Negative Declaration for the project (15-MND-01), dated August 12, 2015.

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

1. A notice of PC Public Hearing was published in a newspaper of general circulation on September 3, 2015 (the “PC Public Notice”), a minimum of 10 days in advance of the PC Public Hearing conducted on September 17, 2015.
2. The PC 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 September 3, 2015, a minimum of 10 days in advance of the PC Public Hearing.
3. The PC Public Notice was posted in three public locations on September 3, 2015, a minimum of 10 days in advance of the PC Public Hearing.

C. Environmental Review. Pursuant to the California Environmental Quality Act (CEQA), the Initial Study/Mitigated Negative Declaration was circulated for public and agency review and comment on July 2, 2015 through, and including, August 3, 2015. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on July 2, 2015, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. In order to address a correction to the project description (which did not change the conclusions of the document), the revised document was recirculated from August 17, 2015 (the date of posting at the State Clearinghouse) through and including September 15, 2015. Copies of the revised Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on August 13, 2015, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On August 13, 2015, a Notice of Availability of the

Initial Study/Mitigated Negative Declaration, including the time and place of the Planning Commission meeting to review the Application and Initial Study/Mitigated Negative Declaration was published in the local newspaper and posted in three public locations. Findings for the CEQA document are included in Planning Commission Resolution 15-08. Planning Commission Resolution 15-08 was adopted prior to the consideration of Planning Commission Resolution 15-09.

D. Consistency Declarations. Based on (i) the evidence presented in the project file (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the PC Public Hearing, the Planning Commission does hereby declare as follows:

1. Final Development Plan.

a. Findings:

- i.** That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the project site is appropriately designated for such uses under the City's General Plan, zoning is consistent, and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site.
- ii.** No adverse impacts have been identified with this project through the incorporation of the mitigation measures from the Mitigated Negative Declaration that have been made conditions of approval.
- iii.** That streets and are adequate and properly designed pursuant to the requirements of the City Engineer. The Fire Department has approved the circulation system from a Fire Department perspective.
- 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 Department has provided conditions of approval to address their concerns. The Sheriff's Department has 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 uses, and

surrounding land uses are also industrial. The proposed Project is expected to be compatible with the surrounding area.

- 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 use of, a portion of the property as none exist on this property.
- viii. That the proposed development is in conformance with the Contemporary Ranch architectural style as described in the Community Design Guidelines.

2. Lot Line Adjustment.

a. Findings:

- i. The lot line adjustment is consistent with the general plan, zoning ordinance, and subdivision ordinance with respect to parcel design, minimum lot area, environmental quality, and public health and safety criteria and other applicable municipal code and state law provisions relating to real property divisions, which is equal to or better than the position of the existing lots before adjustment.
- ii. The adjustment will not have the effect of creating a greater number of parcels than are buildable in compliance with applicable provisions of this title, or the zoning ordinance (Title 19 of this code) than exist before adjustment.
- iii. Any parcel resulting from the adjustment will not conflict with applicable regulations in the zoning ordinance.
- iv. The adjustment will not result in an increase in the number of nonconforming parcels.

3. Conditional Use Permit.

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 proposed development, and that the conditions as included would ensure the project's consistency with the intent of the City's zoning, while protecting the health, safety and welfare of those using the facility as well as City residents in general.
- ii.** No adverse impacts have been identified with this project through the incorporation of the mitigation measures from the Mitigated Negative Declaration that have been made conditions of approval.
- iii.** That streets and are adequate and properly designed pursuant to the requirements of the City Engineer. The Fire Department has approved the circulation system from a Fire Department perspective.
- 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 Department has provided conditions of approval to address their concerns. The Sheriff's Department has 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 uses, and surrounding land uses are also industrial. The proposed Project is expected to be compatible with the surrounding area.
- 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 use of, a portion of the property as none exist on this property.

- viii.** That the proposed development is in conformance with the Contemporary Ranch architectural style as described in the Community Design Guidelines.

SECTION 4: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02) subject to the attached conditions.

PASSED, APPROVED and ADOPTED this 17th day of September 2015.

Foster Reif
Vice 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. 15-09 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 17th day of September 2015, by the following vote, to wit.

AYES: ()

NOES: ()

ABSENT: ()

NOT VOTING: ()

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September 2015.

Clare Barcelona
Planning Commission Secretary

CONDITIONS OF APPROVAL

LIVE OAK LANES PROJECT FINAL DEVELOPMENT PLAN 13-FDP-03 LOT LINE ADJUSTMENT 13-LLA-02 CONDITIONAL USE PERMIT 13-CUP-02

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description, the application (13-FDP-03, 13-LLA-02 and 13-CUP-02) as revised on May 22, 2015, and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by Carol Leshner-Peterson (the “Applicant”) for a Final Development Plan, Lot Line Adjustment and Conditional Use Permit for a 49,790 square foot Family Entertainment Center (which includes a bowling alley and other amenities as described below), a 18,470 square foot warehouse facility, and parking and landscaping in support of those facilities. The 5.08-acre property is located at the south end of Industrial Way, and includes two parcels (Assessor’s Parcel Numbers 099-690-045 and 099-690-046). The larger “Parcel 1” (4.01 acres) will be developed into the Family Entertainment Center and required parking, while the smaller “Parcel 2” (1.07 acres) will be developed with the warehouse facility. A Lot Line Adjustment (13-LLA-02) is proposed in order to modify the boundary between the two parcels, to facilitate a more logical configuration of the facilities onsite.

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.

2. **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.

3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.
4. **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 Carol Leshner-Peterson, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
 - 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. **“Environmental Monitor”** means person or personnel of the City assigned to monitor field mitigation in order to ensure compliance with the Mitigation Measures. The City has discretion to determine the qualifications of the Environmental Monitor, the number of monitors needed and the disciplines of the monitors, their duties and the arrangements for compensation
 - f. **“Final Building Inspection Clearance”** means acknowledgement by the Building Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.
 - g. **“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 special district.
 - h. **“Mitigation Measures”** means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan

Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.

- i. **“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.
 - j. **“Project”** means and includes all of the actions described in the Project description above.
 - k. **“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.
 - l. **“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.
 - m. **“Property”** means the land and improvements identified in the Project Description.
 - n. **“Property Owner”** means Carol Leshner-Peterson, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.
 - o. **“Retained Monitor”** means person or personnel of the Applicant assigned to monitor field mitigation in order to ensure compliance with the Mitigation Measures. The Retained Monitor must be qualified in his or her respective field and their appointment/retention is subject to approval by the City. For instance, the Retained Monitor assigned to verify compliance with cultural resources Mitigation Measures should be an archaeologist or a person trained to identify cultural resources and who is acceptable to the City
 - p. **“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.
5. **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.

6. **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.
7. **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.
8. **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.
9. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of the Mitigation Monitoring and Reporting Program for the Mitigation Measures as well as the general conditions of approval set forth herein. The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.
10. **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.

11. **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.
12. **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.
13. **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 those fee schedules adopted by the City and then in effect at the time such fees become payable.
14. **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. MITIGATION MEASURES

Biological Resources

15. **BIO-1. Pre-Construction Survey.** A USFWS-approved biologist shall survey the work site at least seven days before the onset of ground-disturbing activities. Surveys shall consist of walking transects in areas that will be subject to vegetation clearing, grubbing, grading, cut and fill, or other ground-disturbing activities. If California red-legged frogs are found within the work site during pre-construction surveys or at any time during the project, the approved biologist shall report the time, date, location, and any other relevant information about the occurrence to USFWS in a timely manner. **Monitoring:** The Planning Department will verify compliance prior to issuing grading permits.
16. **BIO-2. Training Session.** Before any ground-disturbing activities begin on the project site, a USFWS-approved biologist shall conduct a training session for construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, and the general measures that are being implemented to conserve the California red-legged frog as they relate to the

project, and the boundaries within which the project may be accomplished. **Monitoring:** The Planning Department will verify compliance prior to issuing grading permits.

17. **BIO-3. On-site Monitor.** The developer shall designate a USFWS-approved biologist to monitor on-site compliance with all minimization measures. The approved biologist will be on-site during initial ground clearing activities. The approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated during review of the proposed action. **Monitoring:** The Planning Department will verify compliance during grading and construction activities.
18. **BIO-4. Halt Work During If Rain Predicted.** If the National Weather Service predicts a rain event of ½ inch or more over a 48-hour period for the project area, construction activities will be halted for 24 hours before the rain event is anticipated to begin. Construction activities are defined as all activities, which pose a risk of crushing dispersing amphibians, including driving construction vehicles and equipment, and activities that alter the natural land contours, such as digging, clearing and grubbing, grading and fill work. All activities described above will be halted if significant rain falls at any point during the construction process. After a rain event, a qualified biologist will conduct a pre-construction survey for amphibians dispersing through the site. Construction will resume only after the site has been sufficiently dried and the biologist determined that amphibian dispersal is unlikely. **Monitoring:** The Planning Department will verify compliance during grading and construction activities.
19. **BIO-5. Trash Containment.** During project activities, all trash that may attract predators shall be properly contained, removed, and disposed of regularly. Following construction, trash/construction debris shall be removed from work areas. **Monitoring:** The Planning Department will verify compliance during grading and construction activities.
20. **BIO-6. Vehicle Maintenance Location.** All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from the adjacent stormwater basin and any storm drain inlet. At a minimum, all equipment and vehicles will be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills. All workers shall be informed of the importance of preventing spills and the appropriate measures to take should a spill occur. **Monitoring:** The Planning Department will verify compliance during grading and construction activities.
21. **BIO-7 Exclusion Fence.** To assist in excluding California red-legged frogs from the work area, an exclusion fence should be installed between the stormwater basin and the work area prior to the commencement of ground disturbing activities. Exclusion fencing should be silt-type fencing or equivalent, and should not include poly mesh fencing or other similar fencing that could entrap or snag

reptiles, amphibians, or other small animals. Once fencing is in place, it should be maintained until all ground-disturbing work has been completed. **Monitoring:** The Planning Department will verify compliance during grading and construction activities.

22. **BIO-8. No CRLF Handling.** Under no circumstances shall a California red-legged frog be handled, relocated, or otherwise harmed or harassed at any time without coordination and approval from USFWS. **Monitoring:** The Planning Department will verify compliance during grading and construction activities.
23. **BIO-9 Ground Disturbance Timing.** In order to avoid impacts to nesting birds protected under the Migratory Bird Treaty Act, all initial project specific ground disturbing activities and tree removal as a result of future development shall be limited to the time period between September 15 to March 1. If initial development project-specific site disturbance, grading and tree removal cannot be conducted during this time period, pre-construction surveys for active nests within the limits of proposed grading areas should be conducted by a qualified biologist two weeks prior to any construction activities. If active nests are located, then all construction work must be conducted outside a non-disturbance buffer zone at a distance established by the City in consultation with the CDFG. No disturbance to the nest shall occur until the adults and young are no longer reliant on the nest site.

Cultural Resources

24. **CR-1. Halt Work Order for Archaeological Resources.** If archaeological resources are exposed during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A representative of the Chumash Tribe shall monitor any mitigation excavation associated with Native American materials. **Monitoring:** The Planning Department will verify compliance during grading and construction activities.

Geology and Soils

25. **GEO-1. Geotechnical Study for Liquefaction.** In accordance with Safety Element Policy S-9, as a condition of project approval, the project will be required to conduct a geological (geotechnical) study, and implement its design recommendations with respect to addressing liquefaction potential on the site. **Monitoring:** The Public Works Department/City Engineer will verify that the final project design incorporates any design recommendations from an approved project-specific geologic study prior to issuing grading permits.

Hazards and Hazardous Materials

26. **HAZ-1. Phase I Environmental Site Assessment.** Prior to issuance of building permits, a Phase I Environmental Site Assessment shall be conducted by a qualified professional to determine the potential for onsite soil contamination, and the recommendations of that report (if any) shall be followed. **Monitoring:** The Planning Department will verify that the Phase I ESA has been completed, and that its recommendations are followed prior to issuance of building permits.

Transportation/Traffic

27. **T-1. Traffic Impact Fee.** Payment of the Buellton Traffic Impact Fee shall be paid prior to issuance of the building permit. Said fee shall be in the rate that is in effect at the time building permits are issued. **Monitoring:** Public Works Department will verify payment of the fee prior to issuing building permits.

C. ENGINEERING CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

28. **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.
29. **Improvement Plan Requirements.** 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.
30. **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.
31. **Grading Guidance.** A geotechnical engineer or geologist licensed in the State of California shall provide guidance during grading operations and shall certify constructed pads and ensure all mitigation measures are properly implemented. Certifications and final reports shall be submitted to the City Engineer for approval.

32. **Erosion Control Plan.** 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. This shall be in compliance with the Regional Water Quality Control Board requirements. NOI shall be filed. A SWPPP shall be developed for the project site by a certified QSD, draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times. Implementation shall be performed by a QSP.
33. **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. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara County Engineering Design Standards shall be used. The report shall include a flood study that reviews pre-development and post development flood conditions, recommendations to be implemented to minimize or resolve flood issues that may impact the proposed development and recommendations to be implemented that minimize or resolve flood issues outside of the development property that results from the proposed development. These recommendations shall be incorporated in the project improvement plans.

Plans shall clearly delineate floodway and floodplain limits. A Property Owner Flood Development Notice shall be recorded. All fill within Floodplain areas shall be reviewed and analyzed in the Hydraulic and Hydrology study to ensure there is no adverse affects of flooding to any properties. It is recommended that the Applicant shall file the appropriate documentation with FEMA removing the building from the floodplain. At a minimum, applicant shall file appropriate Elevation Certificates and record Owner's Notice Document for Development within a Floodplain. Design shall be subject to flood proofing requirements.

34. **RWQCB.** 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). This project is subject to Post Construction Requirements as outlined in the City's Stormwater Technical Guide for a Tier 4 project.

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 twice annually) and will be ongoing. The plan shall include an annual maintenance report which must be signed/certified by the QSD/QSP, property owner and contractor and submitted to the Public Works Department.

35. **Fire Department Review.** Applicant shall submit improvement plans for concurrent review with the Santa Barbara County Fire Department and shall provide documentation of submittal along with grading and utility improvement plans to the City Engineer. A copy of the Fire Department approval shall be submitted prior to issuance of grading permit.
36. **Mylars.** 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 shall utilize prevailing wage rates) and permit/inspection fees paid.
37. **Sureties.** A faithful performance and labor/material bond for the grading and utilities (each to be equal to 100% of the final 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 one year after the City has approved a Notice of Completion and after receipt/approval of the As-built Record Drawings.
38. **Public Water Line Relocation.** Public Water line and easement will need to be relocated to the satisfaction of the public works director. Public line shall complete loop. Service lines shall be private.
39. **Lift Station.** Applicant shall provide engineering plans and calculations for the private sewer lift station. This facility serves multiple properties in the area, a maintenance agreement, service agreement and maintenance/ operations/ emergency contact plan shall be approved by the City Engineer. Any improvements to the lift station required to bring capacity and redundancy issues to code and the facility in full working order shall be provided prior to release of occupancy. An annual maintenance and operations audit shall be provided to the city by the property owner as long as the facility is needed to convey flows to the public system. Audit shall provide maintenance and repair log and supporting records. Owner is responsible for any violations resulting from lack of maintenance and repair to the system that causes a violation of Regional Water Quality Board regulations.

40. **Restaurant Compliance.** All restaurant activities shall comply with City's FOG Program and shall identify grease interceptors in grading improvement plans.

PRIOR TO BUILDING PERMIT ISSUANCE:

41. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
42. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
43. **Industrial Waste Discharge Permit.** The applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.
44. **Water and Sewer Fees.** The applicant shall pay water and sewer utilities fees from the Public Works Department prior to occupancy. In addition, all pretreatment and FOG compliance requirements must be in place prior to payment of water/sewer fees and occupancy.
45. **Traffic Fees.** The applicant shall pay all Traffic Mitigation Fees prior to obtaining a building permit.

PRIOR TO OCCUPANCY CLEARANCE:

46. **Completion of Improvements.** 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."
47. **Dedication of Easements.** Any public easements requiring dedication shall be approved and accepted by the City prior to occupancy.
48. **Fees Paid in Full.** All fees and any unpaid balances from plan check or inspection and permits, shall be paid in full.

GENERAL CONDITIONS:

49. **City Standards.** Unless superseded by Caltrans all public improvements shall be designed and constructed in conformance with The City of Buellton Standards, and when applicable, the Santa Barbara County Standards.
50. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
51. **Utility Locations.** All utilities shall be shown on the plans. Proposed water and sewer lines shall be highlighted. Lines on-site shall be maintained as private.

52. **Parking Lot Maintenance.** Permeable parking lot areas shall be maintained on a regular basis. Proper maintenance shall include, but not be limited to, grading, leveling, removal of oils or other potential water quality contaminants that may be deposited through normal use/wear, restriping and sweeping. A maintenance management plan shall be provided and approved by the City Engineer with an annual self-audit provided to the City. Self-Audit shall provide maintenance and repair log and supporting records.
53. **Creekside Trail.** Pursuant to the City's Bicycle and Pedestrian Master Plan, a walking trail shall be incorporated on-site for a "creekside trail". An easement for public trails already exists. Property owner shall support the River Trail development process and be an active advocating partner. Once developed, the developed trail system shall be maintained by the property owner as part of the regular site maintenance requirements.

Property owner shall support the River Trail development process and be an active advocating partner.

LOT LINE ADJUSTMENT CONDITIONS:

54. **Final Lot Line Adjustment.** The applicant shall submit all necessary documents, sketches, and fees for finalizing the lot line adjustment. These may include but are not limited to a preliminary title report less than 60 days old, legal descriptions of the parcels following the adjustment, modified deeds of trust and/or partial reconveyances as required, grant deed or deeds with accompanying legal descriptions and sketches, a sketch showing the existing and adjusted lines, a certificate of conformity for City Surveyor's signature and for County Clerk of the Board's signature for tax clearance, Owner's Certificates and Certificates of Record Title Interest. These documents will be prepared by a Land Surveyor, Licensed in the State of California or by a Civil Engineer Registered in the State of California and authorized to practice land surveying. Applicant or applicant's agent shall coordinate with the City Surveyor to assure that all required documents are prepared and submitted.
55. **Completion.** The lot line adjustment must be completed (i.e., grant deeds recorded and lot lines adjusted) prior to building occupancy.

D. PLANNING CONDITIONS

56. **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.

57. **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 anytime.
 - (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.
 - 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 conditionally allowed, 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.

58. **Reciprocal Access and Parking Agreement.** A reciprocal access and parking agreement between Parcels 1 and 2 created as a result of Lot Line Adjustment 13-LLA-02 shall be recorded prior to issuance of the final occupancy permits for either facility.
59. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
60. **Building Standards.** 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.
61. **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.
62. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Equipment maintenance and servicing shall be confined to the same hours. Weekend construction and other exceptions shall require special approval from the Planning Director, in consultation with the City Engineer, and be limited to the hours of 9:00 a.m. to 4:00 p.m. 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.
63. **APCD Permits.** Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boiler/large water heaters whose combined input rating exceeds 2.0 million BTUs per hour.

64. **Rule 360 Emissions Compliance.** Small boilers and water heating units (rated between 75,000 and 2.0 million BTU/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Please see www.sbapcd.org/eng/boiler/rule360/rule_360.htm for more information and a list of certified boilers (note: any units fired on fuels other than natural gas must be certified by the SBAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
65. **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.
66. **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.
67. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
68. **Project Inspections.** Upon completion of construction and prior to occupancy or use, the Planning Director shall conduct a Project Inspection prior to and as a condition precedent to obtaining Final Building Inspection Clearance. Compliance with all conditions of approval is a pre-requisite to obtaining the Final Building Inspection Clearance.
69. **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.
70. **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.

71. **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.
72. **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.
73. **Approval.** Approval of 13-FDP-03, 13-LLA-02 and 13-CUP-02 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. 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.
74. **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 or its successor 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.
75. **Parking.** A total of 175 parking spaces and 2 loading spaces are indicated on the Final Development Plan, and must be provided for the Project as shown on the

Plan. All parking spaces shall be striped in accordance with City of Buellton standards prior to issuance of the occupancy permit. These spaces will be subject to a Reciprocal Access and Parking Agreement between the entertainment center and warehouse components of the project consistent with Condition 58. Parking stops shall be eliminated from the lower parking area except where the space adjoins a wall or fence.

76. **Bicycle Parking.** The plan must include provisions for bicycle parking. A minimum of 12 bicycle racks/spaces shall be provided with locking devices.
77. **Southern Access Point.** The southern access point shall be restricted to deliveries and emergency ingress and egress. The gate shall have control pads on both sides of the gate. The raised area east of the gate shall be revised to eliminate the portion that encompasses the fire hydrant and water valves.
78. **Private Trail Access.** Private trail access from the City's public trail to the entertainment center shall be provided. This shall include appropriate striping and signage of the private trail through the parking area.
79. **Signage.** Signage shall be in substantial conformance with what is indicated in the Master Sign Program of May 20, 2015 (received by the City on May 22, 2015). Any deviation from this program will require a separate Zoning Clearance from the Buellton Planning Department. The amount of signage is increased through the development plan.
80. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project plans submitted on May 22, 2015. The project is designed as Contemporary Ranch.
81. **Walls/Fences.** All masonry walls shall be split face block. The chain link fence on top of the southern wall shall be spilt rail.
82. **Lighting.** All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies. All lighting shall be LED or Inductive technology or other energy efficient type of lighting, consistent with what is indicated in the lighting specifications included with the project plan as submitted on May 22, 2015.
83. **Green Building Standards.** Green building features above the mandatory green building code requirements of the County of Santa Barbara shall be incorporated into the project where feasible.
84. **Open Space Zoning Restrictions.** The Floodway Line as identified on the approved projects plans is also the boundary between the M and OS zoning designations of the City. No buildings may encroach into the OS zoning district. The only allowable improvements are parking spaces, drive aisles, landscaping, and required storm water facilities. The project does not encroach into the 200-foot Santa Ynez River setback area.

E. FIRE DEPARTMENT CONDITIONS

85. **Fire Protection Certificate.** A Fire Protection Certificate will be required for each new building.
86. **Access.** Access shall be installed, made serviceable and maintained for the life of the project.
- a. Access shall be as shown on plans dated May 20, 2015, received May 22, 2015.
 - b. Surface shall be paved.
 - c. A minimum 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
87. **Fire Hydrants.** New fire hydrant(s) shall be installed, number to be determined.
- a. The Fire Department shall have on file a set of approved fire hydrant plans prior to any working started.
 - b. Fire hydrant(s) shall be located per Fire Department Specifications and shall flow 1,250 gallons per minute at a 20 psi residual pressure.
 - c. For a municipal water system, the location of fire hydrants shall be approved by the Fire Department
 - d. Commercial fire hydrants) shall consist of one 4-inch outlet and two 2 1/2 –inch outlets.
 - e. A set of approved fire hydrant plans, stamped and dated by the Fire Department, shall be kept at the job site and available upon request.
 - f. Water systems shall be installed exactly as the approved fire hydrant plans dictate. No changes or modifications to these plans shall take place without prior Fire Department approval.
 - g. No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a Fire Department representative.
88. **Fire Lanes.** Signs indicating “Fire Lane – No Stopping” shall be placed every 150 feet as required by the Fire Department. Refer to current adopted California Fire Code.
89. **Portable Fire Sprinklers.** Portable fire sprinklers are required and shall be in conformance with Santa Barbara County Code Chapter 15.
90. **Automatic Fire Sprinkler System.** An automatic fire sprinkler system shall be installed.
- a. Fire sprinkler plans shall be approved by the Fire Department prior to installation.
 - b. The Fire Department shall determine the location of any Fire Department connection (FDC) that may be required.
 - c. FDC shall be labeled per NFPA 13.

- d. Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - e. No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.
91. **Alarm Systems.** An automatic fire or emergency alarm system shall be installed.
- a. Fire alarm system shall meet Santa Barbara County Fire department requirements.
 - b. Automatic fire or emergency alarm system plans shall be approved by the fire department.
 - c. Alarm panel locations and annunciator graphics shall be approved by the Fire Department prior to installation.
92. **Recording Addressing.** Recording addressing is required by the Fire Department.
93. **Address Numbers.** Address numbers shall be a minimum height of 12 inches.
- a. Address number location(s) shall be approved by the Fire Department.
 - b. Address numbers shall be a color contrasting to the background color.
 - c. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
 - d. The numbers shall be visible from the access road when traveling in either direction.
 - e. If the driveway is over 150 feet in length or is obstructed from view at the access road/driveway, numbers shall be posted at all road and driveway intersections as is necessary.
94. **Knox Box.** A Knox Box system shall be installed.
95. **Fees.** The applicant will be required to pay Fire Department Development Impact Mitigation Fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building. Payment shall be computed per additional square foot of occupied space in each new building. Payment shall be made according to the schedule of fees in place on the date fees are paid (current fee for Nonresidential –Retail/Commercial: \$0.77 per square foot). Final occupancy clearance inspection will not be scheduled unless fees have been paid.

F. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS

96. **Geology Report.** A Geology Report prepared and signed by a California licensed geologist is required.

97. **Soils Report.** A soils report to include an assessment and conclusion of the potential for liquefaction will be required. At a minimum, one boring to a depth of 50' will be required.
98. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots.
99. **Conditions on Plans.** Incorporate all discretionary conditions of approval and department condition letters into the plans.
100. **Green Code Compliance.** Incorporate compliance with the applicable CA Green Code in the plans.
101. **Fire Protection Plan.** Provide a complete, independent plan that graphically delineates all fire areas, firewalls, fire barriers, horizontal fire-resistive assemblies, and/or fire partitions on the plans. Label all fire-resistive corridors, shafts, incidental use areas, etc. Cite code sections indicating reasons assemblies are rated.
102. **Building Egress.** Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at each space and/or floor level. Provide a calculation for required exit width. In more complex structures, a separate, detailed egress plan will be required for clarity of plan review and field inspection. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components.
103. **Outdoor Area Egress.** Provide egress from outdoor use areas as required for building occupants as per CBC; or include the occupant load from this space in the design occupant load of the building.
104. **Plumbing Fixture Analysis.** Provide a plumbing fixture analysis to include the occupants of the outdoor areas.
105. **Flood Plain Conditions on Plans.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.
106. **Elevator Access.** Elevator access may be required to the mezzanine level, to be determined upon submittal and review of building plans.

G. FINANCE DEPARTMENT CONDITIONS

- 107. **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.

- 108. **Impact Fees.** The project applicant shall pay the water, sewer, and traffic impact fees in accordance with City requirements.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date