



CITY OF BUELLTON

CITY COUNCIL AGENDA

**Regular Meeting of January 28, 2016 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

Copies of staff reports or other written documentation relating to each item of business referred to on this Agenda are on file in the office of the City Clerk and are available for public inspection

CALL TO ORDER

Mayor Ed Andrisek

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members John Connolly, Leo Elovitz, Holly Sierra, Vice Mayor Dan Baumann, and Mayor Ed Andrisek

REORDERING OF AGENDA

PUBLIC COMMENTS

Speaker Slip to be completed and turned in to the City Clerk prior to commencement of meeting. Any person may address the Council on any subject pertaining to City business, including all items on the agenda not listed as a Public Hearing, including the Consent Agenda and Closed Session. Limited to three (3) minutes per speaker. By law, no action may be taken at this meeting on matters raised during Public Comments not included on this agenda.

CONSENT CALENDAR

(ACTION)

The following items are considered routine and non-controversial and are scheduled for consideration as a group. Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion. Members of the Public may speak on Consent Agenda items during the Public Comment period.

- 1. Minutes of January 14, 2016 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2015-16**
- 3. Revenue and Expenditure Reports through December 31, 2015**
❖ (Staff Contact: Finance Director Carolyn Galloway-Cooper)

PRESENTATIONS

PUBLIC HEARINGS**(POSSIBLE ACTION)**

4. **Resolution No. 15-26 – “A Resolution of the City Council of the City of Buellton, California, Denying the Appeals and 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”**

Resolution No. 15-27 – “A Resolution of the City Council of the City of Buellton, California, Denying the Appeals and 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” (Continued from November 12, 2015)

❖ *(Staff Contact: City Manager Marc Bierdzinski)*

COUNCIL MEMBER COMMENTS**COUNCIL ITEMS****WRITTEN COMMUNICATIONS**

Written communications are included in the agenda packets. Any Council Member, the City Manager, or City Attorney may request that a written communication be read into the record.

COMMITTEE REPORTS

This Agenda listing is the opportunity for Council Members to give verbal Committee Reports on any meetings recently held for which the Council Members are the City representatives thereto.

BUSINESS ITEMS**(POSSIBLE ACTION)**

5. **Ordinance No. 16-01 – “An Ordinance of the City Council of the City of Buellton, California, Approving an Amendment to the Zoning Map (15-ZOA-02) from CR to M for a Portion of Assessor’s Parcel Number 099-690-048” (Second Reading)**
❖ *(Staff Contact: City Manager Marc Bierdzinski)*
6. **Financial Report for the Second Quarter Ending December 31, 2015**
❖ *(Staff Contact: Finance Director Carolyn Galloway-Cooper)*
7. **Resolution No. 16-02 – “A Resolution of the City Council of the City of Buellton, California, for the Purpose of Budget Amendments from Operational Changes Related to Fiscal Year 2015-16 through the Second Quarter Ending December 31, 2015”**
❖ *(Staff Contact: Finance Director Carolyn Galloway-Cooper)*
8. **Consideration of Contract for Water and Sewer Rate Study**
❖ *(Staff Contact: Public Works Director Rose Hess)*

CITY MANAGER'S REPORT

ADJOURNMENT

The next meeting of the City Council will be held on Thursday, February 11, 2016 at 6:00 p.m.

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES
Regular Meeting of January 14, 2016
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Mayor Ed Andrisek called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Members John Connolly, Leo Elovitz, Holly Sierra, Vice Mayor Dan Baumann, and Mayor Ed Andrisek

Staff: City Manager Marc Bierdzinski, City Attorney Steve McEwen, Finance Director Carolyn Galloway-Cooper, Public Works Director Rose Hess, Deputy City Engineer Jeff Edwards, and City Clerk Linda Reid

REORDERING OF AGENDA

None

PUBLIC COMMENTS

Larry Rankin, Buellton, asked that everyone support the Coffee Cabin in Buellton and he passed out Coffee Cabin gift cards to Council Members and staff.

CONSENT CALENDAR

- 1. Minutes of December 10, 2015 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2015-16**

MOTION:

Motion by Council Member Sierra, seconded by Council Member Elovitz, approving Consent Calendar Items 1 and 2 as listed.

VOTE:

Motion passed by a roll call vote of 5-0.
Council Member Connolly – Yes
Council Member Elovitz – Yes
Council Member Sierra– Yes
Vice Mayor Baumann – Yes
Mayor Andrisek – Yes

PRESENTATIONS

None

PUBLIC HEARINGS

- 3. **Resolution No. 16-01 – “A Resolution of the City Council of the City of Buellton, California, Approving a General Plan Amendment (15-GPA-03) for a Portion of Assessor’s Parcel Number 099-690-048”**

Ordinance No. 16-01 – “An Ordinance of the City Council of the City of Buellton, California, Approving an Amendment to the Zoning Map (15-ZOA-02) from CR to M for a Portion of Assessor’s Parcel Number 099-690-048” (Introduction and First Reading)

RECOMMENDATION:

That the City Council consider adoption of Resolution No. 16-01 and consider the introduction and first reading of Ordinance No. 16-01.

STAFF REPORT:

City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:

Mayor Andrisek opened the public hearing at 6:09 p.m. There being no public comment, Mayor Andrisek closed the Public Hearing at 6:10 p.m.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

MOTION:

Motion by Council Member Sierra, seconded by Vice Mayor Baumann approving Resolution No. 16-01 – “A Resolution of the City Council of the City of Buellton, California, Approving a General Plan Amendment (15-GPA-03) for a Portion of Assessor’s Parcel Number 099-690-048” and

Motion by Council Member Sierra, seconded by Vice Mayor Baumann approving the introduction and first reading of Ordinance No. 16-01 – “A Resolution of the City Council of the City of Buellton, California, Approving an Amendment to the Zoning Map (15-ZOA-02) from CR to M for a Portion of Assessor’s Parcel Number 099-690-048”

VOTE:

Motion passed by a roll call vote of 5-0.

Council Member Connolly - Yes

Council Member Elovitz - Yes

Council Member Sierra - Yes

Vice Mayor Baumann - Yes

Mayor Andrisek – Yes

COUNCIL MEMBER COMMENTS/ITEMS

Council Member Sierra stated that Hans Duus is moving his business from Industrial Way to Santa Maria and that he will be missed in Buellton.

Mayor Andrisek stated that he be holding office hours on the 2nd and 4th Wednesday of the month in the Council Chambers from 1:00 to 3:00 p.m. beginning February 10, 2016.

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

Mayor Andrisek announced he attended the Buellton Chamber of Commerce Economic Development meeting and provided an oral report regarding the meeting.

BUSINESS ITEMS

- 4. Ordinance No. 15-03 – “An Ordinance of the City Council of the City of Buellton, California, Revising Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-03) by Adding Regulations Prohibiting Short-Term Lodging in Residential Zoning Districts” (Second Reading)**

RECOMMENDATION:

That the City Council consider adoption of Ordinance No. 15-03.

STAFF REPORT:

City Manager Bierdzinski presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

MOTION:

Motion by Council Member Elovitz, seconded by Council Member Sierra, approving Ordinance No. 15-03 – “An Ordinance of the City Council of the City of Buellton, California, Revising Title 19 (Zoning) of the Buellton Municipal Code (15-ZOA-03) by Adding Regulations Prohibiting Short-Term Lodging in Residential Zoning Districts” by title only and waive further reading.

VOTE:

Motion passed by a roll call vote of 5-0.

Council Member Connolly - Yes

Council Member Elovitz - Yes

Council Member Sierra - Yes

Vice Mayor Baumann - Yes

Mayor Andrisek - Yes

5. Discussion Regarding MNS Services and Billing**STAFF REPORT:**

City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:

The City's contract with MNS Engineers was made part of the record. A memorandum from Public Works Director Hess including a detailed breakdown of expenditures to date for private development projects was made part of the record.

Correspondence was received from Judith Dale, Buellton regarding this item and was provided to the Council and made part of the record.

Deputy City Engineer Jeff Edwards addressed the Council and provided background information regarding MNS billings and introduced a current standard fee schedule for the record.

Larry Rankin, Buellton, expressed his concerns with MNS Engineers and questioned the potential conflict of interest between MNS Engineers and the City of Buellton.

The City Council discussed the following issues:

- Updating the City's contract with MNS
- Breakdown of private project fees (invoices) for a variety of projects
- Adding a definition sheet for engineering terms
- MNS deposit procedures for developers are being prepared
- Review costs that other cities spend on engineering services in the Tri-Counties
- Preparing an RFP for engineering services with quarterly or mid-year reviews
- Preparing grading and building guidelines and procedures to help the Council and public understand the development process
- Staff to prepare a timeline matrix for all development projects

DOCUMENTS:

Staff report with attachments as listed in the staff report.

DIRECTION:

The City Council directed staff to table this item for further discussion to the second meeting in February or first meeting in March.

CITY MANAGER'S REPORT

City Manager Bierdzinski provided an informational report to the City Council.

ADJOURNMENT

Mayor Andrisek adjourned the regular meeting at 7:25 p.m. The next regular meeting of the City Council will be held on Thursday, January 28, 2016 at 6:00 p.m.

Ed Andrisek
Mayor

ATTEST:

Linda Reid
City Clerk

BACK-UP/SUPPORT DATA IS AVAILABLE FOR COUNCIL REVIEW IN CITY HALL

The following is a list of claims to be ratified and approved for payment by the City Council at the **January 28, 2016** Council Meeting.

Listed below is a brief summary of the attached claims:

EXHIBIT A *	A/P Packet #00121	\$	288,690.25 (4 pages)
	A/P Packet #00123	\$	36,476.03 (2 pages)

Total Packets:	<u>\$</u>	<u>325,166.28</u>
----------------	-----------	-------------------

EXHIBIT B	<u>\$</u>	<u>58,149.63</u>
-----------	-----------	------------------

Special Payroll	1/12/2016	\$	466.06
Staff Payroll	1/8/2016	\$	34,370.69

TOTAL AMOUNT OF CL. Total Payroll:	<u></u>	<u>34,836.75</u>
---	---------	------------------

	<u>\$</u>	<u>418,152.66</u>
--	-----------	-------------------

* The A/P Packets above will be approved on Council Agenda date of 1/28/16.
 Checks to be signed on 1/28/2016 tie to A/P Packet #00121
 Checks previously signed by staff to avoid late fees tie to A/P Packet #00123

Payments via Electronic Fund Transfer (EFT):

Wage Works transfer to FSA	1/14/16	7,508.05
Payroll Taxes - Staff	1/13/16	448.14
Payroll Taxes - Staff	1/12/16	2,175.66
Payroll Taxes - Staff	1/11/16	7,422.79
DCP - AUL	1/8/16	11,207.79
Payroll Taxes - Staff	1/8/16	650.83
Cal Pers Medical	1/7/16	16,586.82
Bank Fees	1/6/16	25.00
Cal Pers - PEPR	1/6/16	1,055.10
Cal Pers - Classic	1/6/16	11,047.46
Bank Fees	1/6/16	10.00
ETS (Credit Card fees)	1/5/16	11.99

Total

\$ 58,149.63



City of Buellton, CA

Expense Approval Register

ket: APPKT00121 - 2016-01-15 Spec Run PAYMENT

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 001 - General Fund					
ECHO COMMUNICATIONS	INV0001637	01/01/2016	1/1/16-msg. srvc. & 12/23/15 -..	001-558-60800	22.60
JOSE RAFAEL RUIZ dba	757	01/11/2016	Janitorial Monthly	001-552-60800	1,650.00
US BANK EQUIPMENT FINANCE	294709472	01/20/2016	Planning Copier	001-565-60310	483.46
THE GAS COMPANY	INV0001611	01/05/2016	Lib/CC gas Acct 90004 11/25 - ...	001-510-61230	89.62
BUELLTON UNION SCHOOL DI...	INV0001599	01/06/2016	Oct-Dec 2015 Qrt Disburse of F..	001-511-67140	150.00
ALAN NEEDHAM dba	21096	01/09/2016	Chipper Rental and labor	001-556-60800	1,085.00
A-OK POWER EQUIPMENT INC....	135117	11/16/2015	Various tools and parts	001-558-60250	73.92
LEE CENTRAL COAST NEWSPA...	INV0001600	11/29/2015	11/2-11/29/15 - Rec Ctr. Ads	001-511-60510	1,170.60
BURKE, WILLIAMS & SORENSE...	194655 & 194651	11/30/2015	October 2015 Legal Expenses	001-22416	51.40
BURKE, WILLIAMS & SORENSE...	194655 & 194651	11/30/2015	October 2015 Legal Expenses	001-22416	925.20
BURKE, WILLIAMS & SORENSE...	194655 & 194651	11/30/2015	October 2015 Legal Expenses	001-404-60840	19,615.04
BURKE, WILLIAMS & SORENSE...	194655 & 194651	11/30/2015	October 2015 Legal Expenses	001-404-60840	4,923.30
KOMPAN, INC.	INV83609	11/30/2015	Hardware and parts	001-552-60258	1,792.69
SATCOM GLOBAL, INC.	A112150076	12/01/2015	12/15 - Satellite Services	001-410-60014	49.89
COAST NETWORKX, INC.	17667	12/14/2015	Purchase of Dell 23 Flat Monit...	001-410-60210	213.99
ARAMARK UNIFORM SERVICES	531163548	12/14/2015	12/14/15 Mat/Towel Service	001-558-60800	72.87
SB CO - PUBLIC WORKS DEPT	IRWMP Q1 15-16	12/14/2015	General IRWM Program oversi...	001-551-67575	149.00
WAGE WORKS	125A10438758	12/16/2015	12/16 - FSA Fees	001-401-50400	14.00
WAGE WORKS	125A10438758	12/16/2015	12/16 - FSA Fees	001-403-50400	7.00
WAGE WORKS	125A10438758	12/16/2015	12/16 - FSA Fees	001-420-50400	7.00
WAGE WORKS	125A10438758	12/16/2015	12/16 - FSA Fees	001-511-50400	7.00
WAGE WORKS	125A10438758	12/16/2015	12/16 - FSA Fees	001-558-50400	11.20
WAGE WORKS	125A10438758	12/16/2015	12/16 - FSA Fees	001-565-50400	21.00
FRED H. BELEN JR. dba	00836	12/17/2015	Plumbing Oak Park Women's b...	001-552-60256	140.00
COAST NETWORKX, INC.	17672	12/17/2015	Barracuda Backup Annual Ener...	001-410-60210	449.00
BURKE, WILLIAMS & SORENSE...	195940	12/17/2015	November 2015 Legal Expenses	001-22416	25.70
BURKE, WILLIAMS & SORENSE...	195940	12/17/2015	November 2015 Legal Expenses	001-404-60840	10,249.80
BURKE, WILLIAMS & SORENSE...	195943	12/17/2015	November 2015 Legal Expenses	001-22416	23.10
BURKE, WILLIAMS & SORENSE...	195943	12/17/2015	November 2015 Legal Expenses	001-22416	25.70
BURKE, WILLIAMS & SORENSE...	195943	12/17/2015	November 2015 Legal Expenses	001-404-60840	1,011.90
BURKE, WILLIAMS & SORENSE...	195943	12/17/2015	November 2015 Legal Expenses	001-404-60840	282.70
HENRY L. HUDSON dba	66151	12/17/2015	Name Plate D. Heedy	001-565-61130	27.00
ARAMARK UNIFORM SERVICES	531181071	12/21/2015	12/21/15 Mat/Towel Service	001-558-60800	77.09
ALAN NEEDHAM dba	21067	12/23/2015	Rain Bird Nozzles & Irrigation ...	001-556-60250	185.41
ALAN NEEDHAM dba	21027	12/25/2015	Dec Landscape Maint; funds 0...	001-552-60800	7,510.00
ALAN NEEDHAM dba	21027	12/25/2015	Dec Landscape Maint; funds 0...	001-556-60800	7,510.00
ACCOUNTEMPS	44712583	12/28/2015	S.Zamora	001-420-60800	771.36
ACCOUNTEMPS	44712584	12/28/2015	B.Hernandez Thru 12/25/2015	001-420-60800	698.16
READY REFRESH BY NESTLE	05L0029022381	12/30/2015	Acct 2381 - 11/27 - 12/26/15	001-558-60800	23.48
READY REFRESH BY NESTLE	05L0029154614	12/30/2015	Acct 4614 11/27-12/26/15	001-558-60800	6.53
THE GAS COMPANY	INV0001609	12/30/2015	CH gas Acct 85920 11/24-12/2...	001-510-61230	63.30
ACCOUNTEMPS	44755647	12/31/2015	K.Miller thru 12/25/15	001-420-60800	698.16
DANIEL FITZGERALD dba	INV0001626	12/31/2015	December 2015 Monthly Servi...	001-558-60800	960.00
VERIZON WIRELESS	9756852841	12/08/2015	12/09-01/08/16 - PW/CM - Cell..	001-558-67705	183.61
ALAN NEEDHAM dba	21020	12/09/2015	Rain Bird 5012 Sprinkler work	001-552-60254	208.21
Fund 001 - General Fund Total:					63,715.99
Fund: 005 - Sewer Fund					
ECHO COMMUNICATIONS	INV0001637	01/01/2016	1/1/16-msg. srvc. & 12/23/15 -..	005-701-60800	22.60
USA BLUEBOOK	812936	11/30/2015	WWTP Supplies	005-701-61127	149.80
ARAMARK UNIFORM SERVICES	531163548	12/14/2015	12/14/15 Mat/Towel Service	005-701-60800	18.22
WAGE WORKS	125A10438758	12/16/2015	12/16 - FSA Fees	005-701-50400	8.40
ARAMARK UNIFORM SERVICES	531181071	12/21/2015	12/21/15 Mat/Towel Service	005-701-60800	19.27
READY REFRESH BY NESTLE	05L0029022365	12/30/2015	Acct 2365 - 11/27 - 12/26/15	005-701-60800	51.70

Expense Approval Register

Packet: APPKT00121 - 2016-01-15 Spec Run PAYMENT

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
MICHAEL MacEACHERM	4971	12/04/2015	Vactor & TV truck at sewer ma...	005-701-60250	1,000.00
USA BLUEBOOK	817452	12/04/2015	12/04/15 - WWTP supplies	005-701-60250	254.15
VERIZON WIRELESS	9756852841	12/08/2015	12/09-01/08/16 - PW/CM - Cell..	005-701-67705	183.62
Fund 005 - Sewer Fund Total:					1,707.76
Fund: 020 - Water Fund					
ECHO COMMUNICATIONS	INV0001637	01/01/2016	1/1/16-msg. srvc. & 12/23/15 -..	020-601-60800	22.60
P G & E	INV0001643	01/13/2016	B.Resource Conserv.Survey Bus..	020-44250	250.00
JOSEPH GRAUER	INV0001614	01/07/2016	Water Treatement 1 Reimburs...	020-601-60650	105.00
WAGE WORKS	125AID438758	12/16/2015	12/16 - FSA Fees	020-601-50400	8.40
AQUA-METRIC SALES, CO.	0059112-IN	12/22/2015	12/14/15 - Water Meters	020-601-61240	30,770.52
Cecelia Colgate	INV0001623	12/29/2015	Landscape rebate project	020-601-74100	750.00
VERIZON WIRELESS	9756852841	12/08/2015	12/09-01/08/16 - PW/CM - Cell..	020-601-67705	183.61
Fund 020 - Water Fund Total:					32,090.13
Fund: 051 - Successor Agency Proj Fund					
VINTAGE WALK, LLC OWNERS ...	INV0001642	01/12/2016	Mo. HOA dues, Unit 101 (Cha...	051-566-60250	104.00
Fund 051 - Successor Agency Proj Fund Total:					104.00
Fund: 092 - Capital Improvement Proj Fund					
Berry General Engineering Con...	6672	11/30/2015	Road Maint/work: 10/01/15 - ...	092-310-74100	175,622.37
MICHAEL MacEACHERM	4962	12/10/2015	Various Services, cleaning & in...	092-101-74100	15,450.00
Fund 092 - Capital Improvement Proj Fund Total:					191,072.37
Grand Total:					288,690.25

Report Summary

Fund Summary

Fund	Expense Amount
001 - General Fund	63,715.99
005 - Sewer Fund	1,707.76
020 - Water Fund	32,090.13
051 - Successor Agency Proj Fund	104.00
092 - Capital Improvement Proj Fund	191,072.37
Grand Total:	288,690.25

Account Summary

Account Number	Account Name	Expense Amount
001-22416	Developer Deposit	1,051.10
001-401-50400	Medical Benefit	14.00
001-403-50400	Medical Benefit	7.00
001-404-60840	Contract Services-Legal F...	36,082.74
001-410-60014	Emergency Operations	49.89
001-410-60210	Computer Maintenance &...	662.99
001-420-50400	Medical Benefit	7.00
001-420-60800	Contract Services	2,167.68
001-510-61230	Utilities - Gas	152.92
001-511-50400	Medical Benefit	7.00
001-511-60510	Advertising	1,170.60
001-511-67140	Buelltton Recreation Progr...	150.00
001-551-67575	Regulatory Compliance	149.00
001-552-60254	Maintenance/Repair-A&F...	208.21
001-552-60256	Maintenance/Repair-Oak ...	140.00
001-552-60258	Maintenance/Repair-Rive...	1,792.69
001-552-60800	Contract Services	9,160.00
001-556-60250	Maintenance/Repair	185.41
001-556-60800	Contract Services	8,595.00
001-558-50400	Medical Benefit	11.20
001-558-60250	Maintenance / Repair	73.92
001-558-60800	Contract Services	1,162.57
001-558-67705	Telephone	183.61
001-565-50400	Medical Benefit	21.00
001-565-60310	Equipment Rental	483.46
001-565-61130	Office Supplies	27.00
005-701-50400	Medical Benefit	8.40
005-701-60250	Maintenance / Repair	1,254.15
005-701-60800	Contract Services	111.79
005-701-61127	Tools	149.80
005-701-67705	Telephone	183.62
020-44250	Miscellaneous	250.00
020-601-50400	Medical Benefit	8.40
020-601-60650	Membership & Publicatio...	105.00
020-601-60800	Contract Services	22.60
020-601-61240	Meter Expense	30,770.52
020-601-67705	Telephone	183.61
020-601-74100	Improvements	750.00
051-566-60250	Maintenance / Repair	104.00
092-101-74100	Improvements	15,450.00
092-310-74100	Improvements	175,622.37
Grand Total:	288,690.25	

Project Account Summary

Project Account Key	Expense Amount
None	287,639.15
90013070	925.20

Project Account Summary

Project Account Key	Expense Amount
90015070	51.40
90029070	51.40
90031070	23.10
Grand Total:	288,690.25



Expense Approval Register

Packet: APPKT00123 - 2016-01-28 CC PAYMENT

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 001 - General Fund					
SP MAINTENANCE SERVICES, I...	55088	01/01/2016	Street sweeping services per c...	001-558-60800	2,821.00
BUELLTON UNION SCHOOL DI...	INV16-00002	01/01/2016	Qrt Inv: Nov-Jan. 2015/16	001-511-60800	7,500.00
A-OK POWER EQUIPMENT INC...	144201	01/11/2016	Repaired Hedge Trimmer	001-558-60250	34.91
ARAMARK UNIFORM SERVICES	531233069	01/11/2016	1/11/16 Mat/Towel Service	001-558-60800	78.69
KAREN PALMER	INV0001666	01/13/2016	Yoga 12/17/15 - 1/13/16	001-511-67140	70.00
HERMILA SANCHEZ	INV0001667	01/13/2016	Zumba 12/17-1/13/16	001-511-67140	73.50
KAY D. DOMINGUEZ	INV0001668	01/13/2016	Band 12/17-1/13/16	001-511-67140	220.50
STEPHEN F. DUNLAP	INV0001669	01/13/2016	Tai Chi 12/18-1/13/16	001-511-67140	231.00
DERRICK W. CURTIS	INV0001670	01/13/2016	Adult Dance: 12/15-1/13/16	001-511-67140	60.00
SB CO SHERIFF'S DEPARTMENT	16-155	01/04/2016	12/7/15 Buellton report # 15-...	001-501-60800	63.31
COAST NETWORK, INC.	17706	01/04/2016	Barracuda Web flex security 1 ...	001-410-60210	600.00
ARAMARK UNIFORM SERVICES	531215720	01/04/2016	1/4/16 Mat/Towel Service	001-558-60800	78.69
BUELLTON MEDICAL CENTER	INV0001665	01/04/2016	Pre employ screening: Gutierr...	001-410-60022	370.00
SBC VOAD	INV0001676	01/04/2016	Membership fee: 1/16 - 12/16	001-410-60014	100.00
SB CO SHERIFF'S DEPARTMENT	16-160	01/05/2016	Vehicle 5520 expenses	001-501-60800	574.06
O'CONNOR & SONS dba	30133725	01/05/2016	Interior trapping- exterior bait s...	001-558-60800	105.00
STATE OF CALIFORNIA - DOJ	143092	01/06/2016	Dec. 2015 Fingerprints apps: Z...	001-410-60900	64.00
STATEWIDE SAFETY & SIGNS, I...	03002708	01/07/2016	Emergency lights for barricades	001-558-67600	185.33
COAST NETWORK, INC.	17745	01/08/2016	Set up Ben's profile on Violas ...	001-410-60210	47.50
VORTEX INDUSTRIES, INC.	01-987555-1	12/22/2015	Door repair	001-558-60250	1,195.30
COAST NETWORK, INC.	17687	12/28/2015	Purchase of Windows Laptop	001-410-60210	1,240.92
ARAMARK UNIFORM SERVICES	531198399	12/28/2015	12/28/15 - Mat/Towel Service	001-558-60800	74.69
CCI CENTRAL, INC.	23693	12/30/2015	Ink Cartridge for IM/IS 3 & 4 se...	001-410-61130	375.31
IRON MOUNTAIN	MEA4115	12/31/2015	11/24 - 12/28/15 Shred Servic...	001-410-60900	42.50
Fund 001 - General Fund Total:					16,206.21
Fund: 005 - Sewer Fund					
COURIER SYSTEMS	1310615	01/01/2016	WWTP/Wtr. sample deliveries	005-701-60800	75.00
A-OK POWER EQUIPMENT INC...	144201	01/11/2016	Repaired Hedge Trimmer	005-701-60250	34.91
ARAMARK UNIFORM SERVICES	531233069	01/11/2016	1/11/16 Mat/Towel Service	005-701-60800	19.67
MOTOR PRODUCTS INC. dba	7426-85882	01/02/2016	Assorted brushes and supplies	005-701-61140	269.24
UNDERGROUND SERVICE ALERT	1220150070	01/04/2016	BUE01 New Ticket Charges	005-701-60800	9.00
ARAMARK UNIFORM SERVICES	531215720	01/04/2016	1/4/16 Mat/Towel Service	005-701-60800	19.67
WALLACE GROUP	40700	01/05/2016	Professional Services through ...	005-701-60800	18,308.54
STATEWIDE SAFETY & SIGNS, I...	03002708	01/07/2016	Emergency lights for barricades	005-701-67600	185.33
PRAXAIR DISTRIBUTION, INC.	54481748	12/20/2015	12/20 - Acetylene & tanks	005-701-61111	138.09
ARAMARK UNIFORM SERVICES	531198399	12/28/2015	12/28/15 - Mat/Towel Service	005-701-60800	18.67
FLUID RESOURCE MANAGEME...	W13714	12/30/2015	Maint. Sr. Mechanic and truck	005-701-60250	676.80
Fund 005 - Sewer Fund Total:					19,754.92
Fund: 020 - Water Fund					
COURIER SYSTEMS	1310615	01/01/2016	WWTP/Wtr. sample deliveries	020-601-60800	75.00
A-OK POWER EQUIPMENT INC...	144201	01/11/2016	Repaired Hedge Trimmer	020-601-60250	34.90
UNDERGROUND SERVICE ALERT	1220150070	01/04/2016	BUE01 New Ticket Charges	020-601-60800	9.00
MOTOR PRODUCTS INC. dba	7426-85962	01/05/2016	TWX T241A PLSH CMP SCRT R...	020-601-60250	12.07
STATEWIDE SAFETY & SIGNS, I...	03002708	01/07/2016	Emergency lights for barricades	020-601-67600	185.33
FISHER PUMP & WELL SERVICE...	4190	12/31/2015	Repair work on pump and mat...	020-601-60250	188.00
Fund 020 - Water Fund Total:					504.30
Fund: 092 - Capital Improvement Proj Fund					
TYLER TECHNOLOGIES, INC.	025-144335	12/31/2015	Subscription - Utility Billing Not..	092-203-74100	10.60
Fund 092 - Capital Improvement Proj Fund Total:					10.60
Grand Total:					36,476.03

Report Summary

Fund Summary

Fund	Expense Amount
001 - General Fund	16,206.21
005 - Sewer Fund	19,754.92
020 - Water Fund	504.30
092 - Capital Improvement Proj Fund	10.60
Grand Total:	36,476.03

Account Summary

Account Number	Account Name	Expense Amount
001-410-60014	Emergency Operations	100.00
001-410-60022	Recruitment Expense	370.00
001-410-60210	Computer Maintenance &...	1,888.42
001-410-60900	Miscellaneous	106.50
001-410-61130	Office Supplies	375.31
001-501-60800	Contract Services	637.37
001-511-60800	Contract Services	7,500.00
001-511-67140	Buellton Recreation Progr...	655.00
001-558-60250	Maintenance / Repair	1,230.21
001-558-60800	Contract Services	3,158.07
001-558-67600	Safety Equipment	185.33
005-701-60250	Maintenance / Repair	711.71
005-701-60800	Contract Services	18,450.55
005-701-61111	Chemicals / Analysis	138.09
005-701-61140	Operational Supplies	269.24
005-701-67600	Safety Equipment	185.33
020-601-60250	Maintenance / Repair	234.97
020-601-60800	Contract Services	84.00
020-601-67600	Safety Equipment	185.33
092-203-74100	Improvements	10.60
Grand Total:	36,476.03	

Project Account Summary

Project Account Key	Expense Amount
None	36,476.03
Grand Total:	36,476.03

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 3

To: The Honorable Mayor and City Council

From: Carolyn Galloway-Cooper, Finance Director

Meeting Date: January 28, 2016

Subject: Revenue and Expenditure Reports through December 31, 2015

BACKGROUND

The attached reports compare month-to-month data covering the period July 1, 2015 through December 31, 2015. The reports are prepared monthly and submitted to Council on the second meeting of each month. Monthly reports are posted to the City's website. Upon monthly review, adjustments may be necessary and staff will update on the website.

FISCAL IMPACT

The Revenue and Expenditure reports provide the community with an understanding of the financial activity of the City's funds on a monthly basis.

RECOMMENDATION

That the City Council receives and files these report for information purposes.

ATTACHMENT

Attachment 1 - Revenue and Expenditure Reports through December 31, 2015

50%

2015 2016

Account Number	Description	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY: 2015-16
001-301-4001-000	Property Tax - Secured				44,323	174,095	1,562,606							1,781,024
001-302-4002-000	Property Tax - Unsecured													-
001-309-4007-000	Homeowners Exemptions													-
001-310-4101-000	Franchise Fees	5,668	11,322	5,781		22,543	5,769							51,083
001-311-4102-000	Sales Tax	149,216	108,000	198,148	102,000									557,364
001-311-4115-000	Sales Tax Compensation													-
001-312-4103-000	Transient Occupancy Tax (TOT)	234,804	207,697	163,761	161,385	124,052								891,699
001-320-5801-000	Buellton Recreation Program	29,010	9,321	10,945	7,512	7,930	6,111							70,829
001-320-5801-001	Recreation Program (50/50)				706	5,593	-							6,299
001-320-5802-000	Buellton Rec Pgm Trips	3,550	924	6,057	1,239	2,283	637							14,690
001-321-4106-000	Property Transfer Tax		3,020	358	1,767		1,327							6,472
001-322-4107-000	Motor Vehicle in Lieu Tax													-
001-322-4116-000	MV License Fee						1,990							1,990
001-325-5814-000	Park Reservation Fees	640	480	180	400	40								1,740
001-331-4203-000	Miscellaneous Permits				100		50							150
001-333-4506-000	CA Indian Gaming Grant													-
001-333-4508-000	COPS Grant													-
001-340-4401-000	Criminal Fines and Penalties	262	114		56	81	174							687
001-342-4402-000	Fines and Fees	2,655			2,352	3,072	4,738							12,817
001-345-4904-000	Interest	501			501	518	501							2,021
001-346-4905-000	Rent	5,739	5,739	5,944	5,739	5,739	5,739							34,639
001-347-4801-000	Law Enforcement Cost Recovery													-
001-348-4403-000	Event Applic Fee/Temp Use				100									100
001-357-4802-000	Zoning Clearance	270	45	45	45	90	45							540
001-357-4803-000	Document Sales													-
001-357-4806-000	Time Extension Fees													-
001-357-4808-000	Code Enforcement Fines													-
001-376-4908-000	CA Prop 1B Revenue													-
001-378-4205-000	Small Permits	1,000	1,385	2,405	1,155	250	2,000							8,195
001-390-4917-000	Miscellaneous	211	1,070	1,053	5,114	176	150							7,774
001-390-4918-000	Cost Reimbursement			12,697	9,747									22,444
001-390-4924-000	Mandated Cost			12,697										12,697
001-395-4931-000	Transfer In - Successor Agency													-
001-398-4923-000	Surplus Property Sales													-
TOTAL REVENUE (ACTUAL THROUGH DECEMBER):		433,526	349,117	420,071	344,241	346,462	1,591,836	-	-	-	-	-	-	3,485,253

Percentage Received:	52%
Original Budget	6,665,000
Amendments:	-
Budget:	6,665,000

City of Buellton
 General Fund Monthly Expenditures (Unaudited)
 FY: 2015-16

sz: 1 8 16

50%

2015

2016

Department No.	Description	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY: 2014-15
001-401	City Council	8,776	8,774	15,080	13,444	13,550	6,780							66,404
001-402	City Manager	17,198	16,886	17,315	18,280	17,527	12,068							99,274
001-403	City Clerk	7,722	8,994	7,457	10,196	8,755	4,817							47,941
001-404	City Attorney	-	24,169	8,851	9,728	24,538	11,544							78,830
001-410	Non-Departmental	139,297	91,717	5,093	65,626	66,081	69,426							437,240
001-420	Finance	16,852	30,261	23,681	28,017	26,894	21,179							146,884
001-501	Police and Fire	147,061	142,593	143,835	144,207	190,676	143,340							911,712
001-510	Library	315	499	508	594	413	91,946							94,275
001-511	Recreation	55,369	51,406	35,706	29,587	37,522	31,300							240,890
001-550	Street Lights	4,492	4,514	4,603	3,201	6,253	4,477							27,540
001-551	Storm Water	463	-	15,415	20,885	5,213	1,417							43,393
001-552	Public Works - Parks	14,513	18,291	20,258	10,584	24,448	9,602							97,696
001-556	Public Works - Landscape	3,476	4,452	7,930	9,923	8,642	8,339							42,762
001-557	Public Works - Engineering	5,000	-	5,120	6,282	-	-							16,402
001-558	Public Works - General	32,130	45,302	65,952	40,234	42,930	28,798							255,346
001-565	Planning/Community Dev	28,897	26,505	22,144	34,691	41,700	27,371							181,308
	Transfer to CIP fund 92 (updated in June)						103,163							103,163
	TOTAL EXPENDITURES (ACTUAL THROUGH DECEMBER):	481,561	474,363	398,948	445,479	515,142	575,567	-	-	-	-	-	-	2,891,060

Percentage spent:	43%
Budget	6,653,082
Amendments	-
Amended Budget	<u>6,653,082</u>

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 4

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, City Manager

Meeting Date: January 28, 2016

Subject: Live Oaks Lanes Appeals (15-AP-03, 15-AP-04)

Resolution No. 15-26 – “A Resolution of the City Council of the City of Buellton, California, Denying the Appeals and 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”

Resolution No. 15-27 – “A Resolution of the City Council of the City of Buellton, California, Denying the Appeals and 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” (Continued from November 12, 2015)

BACKGROUND

On September 17, 2015, the Planning Commission held a public hearing and adopted Resolution No. 15-08 (Attachment 1) approving the Mitigated Negative Declaration, and adopted Resolution No. 15-09 (Attachment 2) approving the Live Oak Lanes project. Both were approved on a 3-0 vote. Planning Commissioner Padilla recused himself from the dais due to the proximity of his place of employment to the project site.

Two appeals were filed on the project. The two appeals are included as Attachments 3 and 4 and were filed in accordance with the timelines prescribed by the Municipal Code. A public hearing was scheduled on the appeals for the November 12, 2015, City Council meeting. At the request of the City staff and the project applicant, the City Council continued the appeals to January 28, 2016, in order to adequately review and respond to the points in the appeal letters.

This staff report will describe the project and environmental analysis and discuss why staff recommends that the City Council deny the appeals and approve the project.

Project Description

Owner: Carol Lesher-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 Lesher-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 5 - 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 five-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 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 6. Full size plans have been provided to the City Council.

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). The proposed are 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 proposed project’s consistency 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 as updated on January 19, 2016. 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 CRLF 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) 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 as updated on January 19, 2016. The site is not within identified critical habitat area for the 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 assessments, no direct impacts to CRLF 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. The nearest residence is 800 feet to the north and 1300 feet to the east.

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 on which the City of Buellton holds a drainage easement. Onsite improvements to collect, treat and detain stormwater 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 6.

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 6). A color and materials board will be provided at the City Council 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 6. 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	21 SF (two signs; one is

	Information: two signs mounted on single 6-foot high monument, stating "LIVE OAK LANES SPORTS BAR & GRILLE" and "LIVE OAK INDUSTRIAL CENTER"	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 6). 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. The Planning Commission added a condition 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.

Access to the warehouse building would be from the existing paved driveway along the east side of the property for 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

As noted, a condition has been added that the southern access point be restricted to only emergency ingress and egress and deliveries. A keypad would be required on both sides of the gate.

The Planning Commission also added a condition 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.

Trail Access

The Planning Commission added a condition 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, as discussed in more detail below in response to Terravant's appeal. 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 7. 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 7.

The Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a 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 8.

In addition, several comment letters and supplemental information was entered into the public record and the Planning Commission meeting and made part of the MND. This data is included with the Final MND (Attachment 7). In addition, a supplemental biology report by Kevin Merck (January 19, 2016) is incorporated into the MND clarifying and confirming the biological assessment contained in the MND as further discussed below.

GROUND FOR DENIAL OF THE APPEALS

Two appeals of the Planning Commission's approval of the Project were filed by neighboring property owners – Matt Stoecker (Attachment 3) and Terravant Wine Company (Attachment 4) – pursuant to Buellton Municipal Code section 19.10.130(B). This Code section allows Planning Commission decisions to be appealed to the City

Council, and requires the appellants to specifically state how the Planning Commission's decision is in error. In hearing the appeal, the City Council "may consider any zoning ordinance issue involving the proposal, in addition to the specific points raised in the appeal." The Council may affirm, reverse, or modify the decision of the commission.

A. STOECKER APPEAL

The appeal filed by Matt Stoecker (Attachment 3) is based solely on the grounds that the City failed to comply with the California Environmental Quality Act (CEQA) in approving the project. The specific grounds for the appeal fall into two categories – attacks on the sufficiency of the CEQA document for the project approved by the planning commission (Allegations 1 through 3) and an argument that an EIR should have been prepared for the project (Allegation 4).

City staff prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the project pursuant to CEQA Guidelines 15063 and 15070 – 15071, and the Planning Commission approved the IS/MND pursuant to CEQA Guideline 15074. The purpose of an initial study is to provide information to form the basis of the decision whether to prepare an EIR or Negative Declaration for a project. An initial study is not intended to have the level of detail required for an EIR, and the required contents of an initial study should be "in brief form." CEQA Guideline 15063. Based on the results of the Initial Study for the project, City staff determined that the project did not require an EIR and could be approved with a mitigated negative declaration. CEQA Guideline 15074 provides that a mitigated negative declaration should not be approved unless the decision-making body "finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment." Thus, the decision to approve a mitigated negative declaration is based on the entirety of the record, not just the contents of the initial study. In adopting Resolution No. 15-08 approving the IS/MND, the Planning Commission determined that the record did not contain any substantial evidence the project will have a significant environmental impact.

1. Allegation 1: The IS/MND inadequately describes the project and the project's setting.

Stoecker alleges that the IS/MND fails to include certain detailed information regarding stormwater, special status species, and noise that Stoecker alleges must be included in the IS/MND. As discussed above, an initial study is not intended to provide the level of detail that would be expected in an EIR. An initial study must briefly describe the project and its location, and identify the project's environmental setting. CEQA Guideline 15063(d)(1)-(2). Pages three to five of the IS/MND describe the project and the characteristics of the project site, including information regarding the adjacent properties. Including the detailed information Stoecker alleges should be included would be inconsistent with the requirement that the initial study be brief.

Moreover, much of the information Stoecker alleges is missing can be found in the record for the project. Specifically, the following documents in the record include the information sought:

- Preliminary Stormwater Control Plan: quantity of stormwater the project is expected to generate; describes the stormwater basin and spillway; the site's capacity to retain stormwater (Attachment 9).
- Community Retention Basin Hydrological Study: the capacity of the off-site detention basin to which stormwater from the site will flow (Attachment 10).
- Biological Resources Assessment and Supplemental Memorandum January 19, 2016): lists special status species that may appear in the project vicinity (Attachment 11).

2. Allegation 2: The IS/MND inadequately analyzes the project's environmental impacts.

The second set of allegations Stoecker makes is that the IS/MND fails to adequately analyze the environmental impacts stemming from the project's increased stormwater flows, noise, vibration, light and traffic, particularly on the Santa Ynez River and the sensitive species that live there. Stoecker does not explain how increased traffic would impact species in the Santa Ynez River, which is approximately 340 feet from the closest portion of the proposed parking lot. Presumably, the impacts from traffic would be noise and light from cars in the parking lot in the southern portion of the site.

The Preliminary Stormwater Control Plan (Attachment 9) for the project quantifies stormwater flows under current conditions and post-construction conditions. With the construction of the infiltration beds that are included in the project design to facilitate percolation, stormwater flows leaving the project site will be reduced by at least .58 cfs during a 25-year storm event. Further, the Hydrological Study for the community retention basin (Attachment 10) notes that during a 25-year storm event the water level from the River would rise higher than the level of the basin, meaning that rising water from the River would inundate the basin before the basin could collect enough stormwater to overflow. This conclusion is based on the analysis of the water levels of the Santa Ynez River during storm events using the U.S. Army Corps of Engineers' Hydrologic Engineering Centers River Analysis System (HEC-RAS), and takes into account the fact that the river is dammed upstream. Therefore, there is no potential that stormwater flows from the project could cause erosion and related impacts.

In addition, the supplemental memorandum to the Biological Resources Assessment (Attachment 11) shows that the noise, vibration and light generated by the project will not substantially impact sensitive species within the Santa Ynez River. The photometric plan for the project shows that lighting at the southern property line would be between 0.0 to 0.1 foot-candles, which is very dim, and would not impact the sensitive habitat that is over 400 feet away. The IS/MND estimates noise levels at the property line to be 54 dBA from project operation, which is well below the 60 dBA threshold of significance used by the U.S. Fish and Wildlife Service. Nonetheless, staff is recommending that the City Council modify the decision of the Planning Commission to incorporate a new

condition of approval on the project that specifically prohibits outdoor amplified music and clarifies the outdoor areas that may be used for special events. Staff is recommending the following condition of approval be added to the project, which has been incorporated into the conditions of approval for the project included in Resolution No. 15-27:

“Outdoor special events other than the batting cages will be limited to the area northerly of the floodway line, which is generally denoted by a proposed retaining wall on the Development Plan. There are to be no outdoor amplification devices used for music, speaking or other activities anywhere on the site.”

3. Allegation 3: Conditions of approval 33 and 57(b)(3) are inadequate as mitigation measures.

Stoecker further argues that Conditions of Approval 33 and 57(b)(3) are inadequate mitigation measures. This argument fails because neither condition of approval is being imposed to mitigate a potentially significant environmental impact, thus they are not subject to the standards applicable to mitigation measures under CEQA.

Condition of Approval 33 requires the applicant to submit a final hydrologic/hydraulic report when improvement plans are submitted. As noted above, the applicant has already submitted a Preliminary Stormwater Control Plan that shows the planned drainage improvements will actually reduce the off-site runoff during 25 year storm events. Condition of Approval 57(b)(3) prohibits noise on the property that exceeds the standards in the Buellton Municipal Code. The IS/MND and the supplemental memorandum to the Biologic Resources Assessment clearly show that there are no significant noise impacts caused by the project. Both of these conditions are standard conditions of approval that Stoecker is misinterpreting as mitigation measures.

4. Allegation 4: An EIR should have been prepared for the project.

The final allegation by Stoecker is that an EIR must be prepared for the project because (a) there is substantial evidence in the record supporting a fair argument that the project could have a significant impact on biological resources, and (b) the IS/MND's conclusions regarding impacts stemming from stormwater flows are not supported by substantial evidence. As discussed above, there is substantial evidence in the record, in the form of the Preliminary Stormwater Control Plan, showing that stormwater runoff from the site will be decreased by the project.

Stoecker cites to the letter he submitted on the project prior to the Planning Commission's approval, as well as comment letters submitted by the U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife, as substantial evidence of biological impacts.

The letter received from the U.S. Department of Fish and Wildlife dated September 16, 2015, is based on the false premise that no surveys were done for federally-protected species, and requests that additional mitigation measures be added to the project. Despite

the false premise of the letter, the mitigation measures requested by the Department were incorporated into the project. As the City incorporated all of the changes requested by the Department, the letter does not constitute substantial evidence that there are unmitigated biological impacts.

The California Department of Fish and Wildlife sent a letter on July 19, 2015 during the comment period on the IS/MND. The only CEQA issue raised by CDFW was a recommendation that the City apply mitigation measure B-7(a) from the City's General Plan EIR to this project, which requires pre-construction surveys for nesting birds during the nesting season. However, the IS/MND already contained this mitigation measure (see BIO-9 in the IS/MND), therefore no action was needed to address this comment.

Finally, Stoecker relies upon his own comment letter on the project, received by the City on September 15, 2015, as substantial evidence of biological impacts. The letter mostly restates the arguments that are contained in the appeal and refuted herein. The arguments regarding light and noise impacts to his property do not cite to any evidence at all and simply presume that that the development will cause significant impacts. The letter purports to summarize a biological survey that was prepared for the Stoecker property, but a copy of that report was not provided to the City until December 28, 2015. The report was reviewed by Kevin Merk Associates who determined that the report did not identify any additional special status species that had not been previously identified in the Biological Resources Assessment and supplemental memorandum.

B. TERRAVANT APPEAL

Terravant's appeal (Attachment 4) raises issues pertaining to property right concerns and CEQA. The property rights arguments made by Terravant pertain to vehicular access and drainage easements, and the CEQA arguments are also generally related to traffic and drainage. The Terravant appeal letter also attacks the findings made by the Planning Commission, but those attacks all relate back to the property rights and CEQA arguments.

1. Vehicular Access Easement

Terravant argues that it has the exclusive right to use the driveway that overlays the property line between the Project site and Terravant. City staff understands that the Project applicant and Terravant have had discussions about the use of that driveway and related property rights that have not resulted in a mutually-agreeable solution. This issue is a dispute between neighboring private property owners and does not impact the City's ability to approve this project. Vehicles can access the Project site without using the disputed area.

2. Drainage Easement

Terravant further contends that the appropriate easements have not been obtained for stormwater flows to drain into the existing detention basin. Terravant contends that the only stormwater that can flow into the basin is stormwater that comes from City

stormwater facilities in Industrial Way through the easement along Terravant's eastern property line. Terravant argues, therefore, that the Project cannot convey stormwater flows directly to the detention basin. For the reasons, set forth below, Terravant's contentions lack merit.

Pursuant to an existing easement, the City operates a detention basin at the end of Industrial Way on Terravant's property. The relevant document grants to the City "an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect, and remove at any time and from time to time storm water drainage facilities, including underground piping, above ground channel, and a detention basin." The clear intent of the easement was to allow the City to collect and convey storm water drainage to the detention basin. The historical drainage pattern and topography draining towards the Santa Ynez River in this area supports this dedicated use.

The Project will direct stormflows from the Project site and the properties to the north of the Project site to the detention basin directly through a public storm drain system, which originates north of the Project site at Pamela Way. Historically, stormwater has flowed from these properties in a southerly direction toward the Project site and the Santa Ynez River. The detention basin was originally designed to collect this stormwater in addition to stormwater collected from facilities in Industrial Way. The City is in the process of obtaining easements from the Applicant and the property owners to the north for a public storm drain. New condition of Approval 113 requires these easements to be secured prior to the issuance of a grading permit:

"The Applicant shall dedicate a drainage easement to the City for the conveyance of storm water flows along the westerly and southerly property lines of the project site to the existing detention basin. The City is obtaining the necessary drainage easements across the properties to the north of the project site to form a continuous public drainage easement from Pamela Way thru the project site and terminating at the basin. No grading shall occur on the project site until all of the necessary public drainage easements have been secured."

Terravant also contends that the only stormwater that can flow into the basin are those that come from City stormwater facilities in Industrial Way through the easement along Terravant's eastern property line. The City disagrees with Terravant's interpretation of the easement. The plain language of the easement does not include any restriction that limits the number or location of inlets into the basin, and expressly states that the City may "construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect, and remove at any time and from time to time storm water drainage facilities" within the easement area. The proposed drainage of stormwater directly into the basin from the Project site is consistent with the broad language of the easement and is consistent with the purpose of the easement to provide a basin for stormwater management in the vicinity.

3. CEQA

The CEQA portion of Terravant's appeal pertains to traffic and drainage issues as well. Terravant argues that the IS/MND fails to analyze hazards that may stem from traffic circulation patterns on the Project site, and that the Project is inconsistent with General Plan policy L-11, which calls for a balanced circulation network that provides safe access. These arguments are based on the assumption that traffic from the Project will utilize the shared driveway between the Project site and Terravant's property. However, the Project is proposing to direct customer traffic a different route and the shared driveway would only be used for truck traffic (just as Terravant uses the driveway) and limited employee use. Furthermore, Terravant presumes that nature of the traffic related to its operations is inherently incompatible with the traffic that will be generated by the Project. This presumption is not supported by any evidence and the design of the Project does not create any traffic hazards.

Terravant also argues that the IS/MND may be incorrect in concluding that the project is not located within the "waters of the United States" because the definition of "waters of the United States" was recently revised under new regulations adopted by the EPA and Army Corps of Engineers. This argument is moot as the 6th Circuit Court of Appeals issued a nationwide stay on the implementation of the revised definition on October 9, 2015.

Terravant argues that the Project will place structures within the 100 year floodplain, which is inaccurate. Part of the project site is located within the 100 year floodplain, but no structures are proposed for construction within that area. Flood areas in Buellton have been mapped through the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA). The design of the project places structures for human occupancy outside of the 100-year floodplain. The portion of the site within the 100 year floodplain is largely proposed to be used as a parking lot. Terravant also attacks condition of approval 33 as inadequate mitigation. This attack is without merit for the same reasons as explained above in response to Stoecker's raising the same allegation.

Finally, Terravant argues that the analysis of flood hazard impacts from resulting from a dam or levee failure is insufficient. The Bradbury Dam dams the flow of the Santa Ynez River upstream from the project site to form Lake Cachuma. A large portion of the City is within the dam inundation zone for the Bradbury Dam. The risk of dam failure is low, however, and there is nothing unique about this Project or the Project Site that would cause the risk of damage or injury from dam failure to be any greater than exists in the surrounding area.

Letters of support for the project are included as Attachment 12.

RECOMMENDATION

Staff recommends that the City Council consider adoption of the following resolutions, each by separate motion and action:

- Resolution No. 15-26 – “A Resolution of the City Council of the City of Buellton, California, Denying the Appeals and 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”
- Resolution No. 15-27 – “A Resolution of the City Council of the City of Buellton, California, Denying the Appeals and 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”, with the following added conditions (new conditions 112 and 113):

112: “Outdoor special events other than the batting cages will be limited to the area northerly of the floodway line, generally denoted by a proposed retaining wall on the Development Plan. There will be no outdoor amplification devices for music, speaking or other activities anywhere on the site.”

113: “The Applicant shall dedicate a drainage easement to the City for the conveyance of storm water flows along the westerly and southerly property lines of the project site to the existing detention basin. The City is obtaining the necessary drainage easements across the properties to the north of the project site to form a continuous public drainage easement from Pamela Way thru the project site and terminating at the basin. No grading shall occur on the project site until all of the necessary public drainage easements have been secured.”

ATTACHMENTS

Resolution No. 15-26

Resolution No. 15-27

Attachment 1 – Planning Commission Resolution No. 15-08

Attachment 2 – Planning Commission Resolution No. 15-09

Attachment 3 – Appeal Letter - Babak Naficy for Matt Stoecker, with Biology Study

Attachment 4 – Appeal Letter from Dylan K. Johnson on behalf of Terravant

Attachment 5 – Vicinity Map

Attachment 6 – Project Plans (Full Size Set to the City Council)

Attachment 7 – Final Mitigated Negative Declaration

Attachment 8 – Mitigation Monitoring Program

Attachment 9 – Preliminary Stormwater Control Plan (July 8, 2015)

Attachment 10 – Buellton Community Retention Basin Hydrologic Study (RV: 1/19/16)

Attachment 11 – Supplemental Biological Resources Assessment (January 19, 2016)

Attachment 12 – Letters of Support

RESOLUTION NO. 15-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, DENYING THE APPEALS AND 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 Leshler-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, the Planning Commission adopted Resolution No. 15-08 on September 17, 2015, adopting a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program for the Application prior to approving the Application; and

WHEREAS, two appeals were filed on the adoption of the MND and approval of the Application; 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 approved Resolution No. 15-08 adopting the Initial Study/Mitigated Negative Declaration; and,

WHEREAS, on September 18, 2015, the City filed a Notice of Determination with the County Clerk and State Clearinghouse; and

WHEREAS, on November 12, 2015, and January 28, 2016, the City Council of the City of Buellton conducted duly noticed public meetings in connection with the Appeal of 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 CITY COUNCIL OF THE CITY OF BUELLTON DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

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

SECTION 2. The City Council, in its denial of the appeals, 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, including all comment letters and the January 28, 2016 staff report, 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 City Council.

SECTION 3. The City Council hereby denies the appeals and upholds the Planning Commission approval of the Mitigated Negative Declaration and the related Mitigation Monitoring and Reporting Program prepared for the Application.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 28th day of January 2016.

Ed Andrisek
Mayor

Linda Reid
City Clerk

RESOLUTION NO. 15-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, DENYING THE APPEALS AND 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 City Council 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: On September 17, 2015, the Planning Commission adopted Resolution No. 15-08 adopting the Initial Study/Mitigated Negative Declaration for the Project and adopted Resolution No. 15-09 approved the Project. The Planning Commission approval of Resolution Nos. 15-08 and 15-09 was then appealed to the City Council by Matt Stoecker and Terravant Wine Company.

SECTION 4: 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 City Council 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 City Council on January 28, 2016 (“Public Hearing”).
2. All oral, written and visual materials presented in conjunction with that certain 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 January 28, 2016 and all attachments.
 - c. The Final Initial Study and Mitigated Negative Declaration for the project (15-MND-01), dated August 12, 2015.
 - d. Planning Commission Resolution Nos. 15-08 and 15-09.

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 Public Hearing was published in a newspaper of general circulation on October 29, 2015 (the “Public Notice”), a minimum of 10 days in advance of the Public Hearing conducted on January 28, 2016 (continued from November 12, 2015).
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on October 29, 2015, a minimum of 10 days in advance of the Public Hearing conducted on January 28, 2016 (continued from November 12, 2015).
3. The Public Notice was posted in three public locations on October 29, 2015, a minimum of 10 days in advance of the Public Hearing conducted on January 28, 2016 (continued from November 12, 2015).

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 and City Council Resolution No. 15-26. Planning Commission Resolution 15-08 was adopted prior to the consideration of Planning Commission Resolution 15-09, and City Council Resolution No. 15-26 was adopted prior to consideration of City Council Resolution No. 15-27.

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 Public Hearing, the City Council 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 5: Based on the findings set forth in Sections 2, 3, and 4, and subject to the conditions attached hereto, the City Council hereby denies the appeals and upholds the Planning Commission approval of the Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02).

PASSED, APPROVED and ADOPTED this 28th day of January 2016.

Ed Andrisek
Mayor

Linda Reid
City Clerk

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 Lesher-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 against the City, its officers, agents, and/or employees, arising from or in connection with the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project, including but not limited to writ proceedings, claims for inverse condemnation, personal injury, property damage, and/or breach of a mandatory duty, challenges under the California Environmental Quality Act, and/or any action that attacks, challenges, or seeks to set aside, void, or annul all or any part of the approvals, decisions, or actions 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. These requirements and obligations may be shared by all users of the lift station with the recording of an acceptable agreement.

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, emergency ingress and egress, and vehicles associated with the Industrial building. 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 the batting cage, fencing, walls, pathways, light poles, utilities, parking spaces, drive aisles, landscaping, and required storm water facilities as shown on the project plans. 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 Extinguishers.** Portable fire extinguishers 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.

H. US FISH AND WILDLIFE CONDITIONS

109. **Noise.** During the typical bird breeding season (March 15 through September 15), the project proponent will ensure that construction and operation activities (including the operation of the bowling alley and other project infrastructure) do not generate noise greater than 60 decibels in riparian habitat for the least Bell's vireo and southwestern willow flycatcher in the nearby Santa Ynez River.
110. **Lighting.** All temporary and permanent lighting will be shield and directed away from riparian habitat in the Santa Ynez River for the protection of wildlife species.
111. **Stormwater.** Stormwater from the project site shall be managed such that it will not remove, degrade or adversely alter the quality of the riparian habitat for the least Bell's vireo, southwestern willow flycatcher, and California red-legged frog.

I. ADDITIONAL CONDITIONS

112. **Noise.** Outdoor special events other than the batting cages will be limited to the area northerly of the floodway line, which is generally denoted by a proposed retaining wall on the Development Plan. There are to be no outdoor amplification devices used for music, speaking or other activities anywhere on the site.
113. **Drainage Easement.** The Applicant shall dedicate a drainage easement to the City for the conveyance of storm water flows along the westerly and southerly property lines of the project site to the existing detention basin. The City is obtaining the necessary drainage easements across the properties to the north of the project site to form a continuous public drainage easement from Pamela Way thru the project site and terminating at the basin. No grading shall occur on the

project site until all of the necessary public drainage easements have been secured.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date

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:

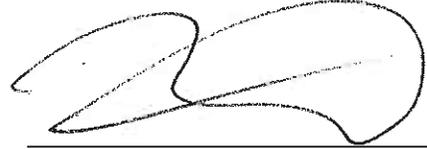
SECTION 1. The Planning Commission hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution, including all comment letters and the September 15, 2015, and September 16, 2015, supplemental memorandums from the Buellton Planning Department.

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, Chair



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

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.

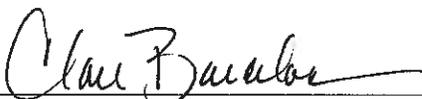
SECTION 4: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02), and Conditional Use Permit (13-CUP-02) subject to the attached conditions with modifications to Conditions 6, 39, 77, 84, and 89, and the addition of three conditions recommended by the US Fish and Wildlife Service.

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



Foster Reif
Chair

ATTEST:



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 Leshler-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 against the City, its officers, agents, and/or employees, arising from or in connection with the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project, including but not limited to writ proceedings, claims for inverse condemnation, personal injury, property damage, and/or breach of a mandatory duty, challenges under the California Environmental Quality Act, and/or any action that attacks, challenges, or seeks to set aside, void, or annul all or any part of the approvals, decisions, or actions 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. These requirements and obligations may be shared by all users of the lift station with the recording of an acceptable agreement.

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, emergency ingress and egress, and vehicles associated with the Industrial building. 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 the batting cage, fencing, walls, pathways, light poles, utilities, parking spaces, drive aisles, landscaping, and required storm water facilities as shown on the project plans. 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 Extinguishers.** Portable fire extinguishers 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.

H. US FISH AND WILDLIFE CONDITIONS

109. **Noise.** During the typical bird breeding season (March 15 through September 15), the project proponent will ensure that construction and operation activities (including the operation of the bowling alley and other project infrastructure) do not generate noise greater than 60 decibels in riparian habitat for the least Bell's vireo and southwestern willow flycatcher in the nearby Santa Ynez River.
110. **Lighting.** All temporary and permanent lighting will be shield and directed away from riparian habitat in the Santa Ynez River for the protection of wildlife species.
111. **Stormwater.** Stormwater from the project site shall be managed such that it will not remove, degrade or adversely alter the quality of the riparian habitat for the least Bell's vireo, southwestern willow flycatcher, and California red-legged frog.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Carol Linder Putnam

Property Owner Signature

9-18-15

Date

Project Applicant/Agent/Representative Signature

Date

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Carol Lader Peterson

Property Owner Signature

9-21-15

Date

Sid Feltz, Agent

Project Applicant/Agent/Representative Signature

9/21/15

Date



**PROJECT APPLICATION FORM
CITY OF BUELLTON
PLANNING DEPARTMENT**

Received

SEP 28 2015

CITY OF BUELLTON

PROJECT LOCATION 39 and 41 Industrial Way
(Address)

099-690-045

SITE ZONING _____ SITE ASSESSOR'S PARCEL NO. 099-690-046

PROJECT DESCRIPTION Approvals of: Resolution No. 15-08 - Mitigated Negative Declaration (15-MND-01) and Resolution No. 15-09 Final Development Plan (13-FDP-03), Lot Line Adjustment (13-LLA-02) and Conditional Use Permit (13-CUP-02) (15-AP-03)

(Attach additional sheets (if necessary))

**PERMITS AND APPROVAL
REQUESTED**

- | | |
|--|--|
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> GENERAL PLAN AMENDMENT/REZONING | <input type="checkbox"/> SUBDIVISION (TENTATIVE TRACT MAP) |
| <input type="checkbox"/> SPECIFIC PLAN | <input type="checkbox"/> SUBDIVISION (TENTATIVE PARCEL MAP) |
| <input type="checkbox"/> ZONING ORDINANCE TEXT AMENDMENT | <input type="checkbox"/> CONDOMINIUM CONVERSION |
| <input type="checkbox"/> FINAL DEVELOPMENT PLAN | <input type="checkbox"/> ZONING CLEARANCE |
| <input type="checkbox"/> PRELIMINARY DEVELOPMENT PLAN | <input type="checkbox"/> CONCEPTUAL REVIEW |
| <input type="checkbox"/> DEVELOPMENT PLAN MODIFICATION | <input type="checkbox"/> LAND USE EXEMPTION |
| <input type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> SIGN APPROVAL |
| <input type="checkbox"/> MINOR USE PERMIT | <input type="checkbox"/> TEMPORARY USE PERMIT/SPECIAL EVENTS |
| <input type="checkbox"/> USE PERMIT MODIFICATION | <input checked="" type="checkbox"/> APPEAL |
| <input type="checkbox"/> LOT LINE ADJUSTMENT | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> SECONDARY DWELLING UNIT | <input type="checkbox"/> HOME OCCUPATION |

The City charges 100% of its costs of processing to the applicant. Prior to receiving any permits, applicant shall reimburse City for all processing costs. The City will review the application for completeness and will notify the applicant within 30 days of submittal of a complete or incomplete application.

AUTHORIZATION: I, Matt Stoecker, HEREBY AUTHORIZE Babak Naficy TO ACT AS MY AGENT AND TO BIND ME IN ALL MATTERS CONCERNING THIS APPLICATION.

AGGRIEVED PARTY CONTACT INFORMATION

Name Matt Stoecker
Phone 650-380-2065
Address P.O. Box 2062, Santa Barbara, CA 93120
E-mail Matt@StoeckerEcological.com

(Please Print) [Signature] 9-25-15
Aggrieved Party Signature (Required) Date

I HEREBY DECLARE THAT I AM THE APPLICANT, OWNER, LESSEE, OR ATTORNEY OF THE OWNER, AGENT, OR PERSON WITH THE POWER OF ATTORNEY FROM THE OWNER OF THE ABOVE PROPERTY INVOLVED IN THIS APPLICATION, AND THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE.

THIS DECLARATION IS ALSO INTENDED TO APPLY TO ALL TRANSACTIONS WITH THE SANTA BARBARA COUNTY PLANNING AND DEVELOPMENT DEPARTMENT RELATED TO BUILDING PERMIT ISSUANCE.

AGENT CONTACT INFORMATION

Name Babak Naficy
Phone 805-393-0030
Address 1040 Canal Street, San Luis Obispo, CA 93401
E-mail baficy@ecological.com

(Please Print) [Signature]
Applicant Signature

Review and sign this information regarding...
Availability - access fees on the back of this form.

By SPECIAL AGENT
Approved by: _____
Signature: _____
Date: _____

CITY OF BUELLTON

AGREEMENT FOR PAYMENT OF PROJECT APPLICATION PROCESSING FEES

(Note – This Agreement not needed for Zoning Clearance or Land Use Exemption)

FILL OUT COMPLETELY
TYPE OR PRINT

1. ~~Property Owner:~~ Appellant
2. Agent:
- Name: Matt Stoecker Name: Babak Naficy
- Mailing Address: P.O. Box 2062 Mailing Address: 1504 Marsh Street
- Santa Barbara CA 93120 San Luis Obispo CA 93401
(city) (state) (zip) (city) (state) (zip)
- Phone: 650-380-2965 Phone: 805-593-0926
3. Party responsible for payment: (check one) OWNER AGENT OTHER
(If other is checked fill out below)
- Name: _____
- Mailing Address: _____
- (city) (state) (zip)
4. Project address: 39 and 41 Industrial Way 5. APN: 099-690-045 / 099-690-046
6. Application/file reference number: Resolutions 15-08 & 15-09 regarding Live Oak Lanes Project

As the responsible person or party, I hereby agree that the administrative, file storage and material costs incurred in the processing of the applications for the above referenced project will be paid to the City of Buellton. I understand that the deposit I am herewith submitting is for average processing costs and that any additional amount will be billed to me directly. I agree that such additional fees will be paid either: (1) prior to the hearing on the applications, if required by the City at that time and/or, (2) prior to the issuance of a final land use clearance by the City. In the event I withdraw the application, I understand that I will be billed for any outstanding amount, which I agree to pay within thirty (30) days of the billing notice. If not paid within thirty (30) days any amount due the City will bear interest at the highest legal rate. I agree to pay any attorney's fees incurred by the City in collecting said fees. I also understand that if the deposit amount has not been exceeded, I will receive a refund of the remaining amount.

Signed: Babak Naficy Date: 9-25-2015

(check one): Owner Agent Other



Received

SEP 28 2015

CITY OF BUELLTON

September 25, 2015

Via U.S. Mail and Email

City Clerk
Buellton City Council
107 West Highway 246
Buellton, CA 93427
lindar@cityofbuellton.com

RE: Appeal from the Planning Commission's September 17, 2015 approval of a Mitigated Negative Declaration for the Live Oak Lanes Project (Resolution No. 15-08) and approval of a Final Development Plan (13-FDP-03) and Conditional Use Permit (13-CUP-02) etc. for the same project (Resolution No. 15-09).

This office has been retained to represent Matt Stoecker, a concerned neighbor, on whose behalf I submit this appeal from the Planning Commission's approval of a Mitigated Negative Declaration (MND) (Resolution No. 15-08), and Final Development Plan (FDP) and Conditional Use Permit (CUP) for the Live Oak Lane Project (Resolution No. 15-09), also referred to as the Family Entertainment Center. The project consists of an almost 50,000 square foot Bowling Alley and related facilities, 18,470 sq.ft warehouse facility, as well as landscaping, parking and roadways.

Appellant contends the City has failed to comply with the California Environmental Quality Act ("CEQA"). In particular, appellant contends:

1. The MND fails to adequately describe the project and the project setting.

In particular, the MND

- a. fails to adequately project the quantity of stormwater the project is expected to generate,
- b. fails to describe the stormwater discharge outlet that would convey stormwater from the offsite detention basin to the Santa Ynez River, which is just south of the project site, or
- c. fails to describe the ownership status of the off-site detention basin and falsely claims the project is legally entitled to direct excess stormwater flows to this detention basin across and from there across the neighboring property to the Santa Ynez River,
- d. fails to adequately describe the gross and net capacity of the project's on and off-site detention basins
- e. in part because the City failed to conduct adequate special-status species surveys, the MND fails to adequately describe the full range of protected

1504 Marsh Street
San Luis Obispo
California 93401

ph: 805.593.0926
fax: 805.593.0946

babaknaficy@sbcglobal.net

and special-status species that may be impacted by the construction and operation of the project

- f. The MND claims the project will only include non-amplified outdoor music, but the project description and conditions of approval do not specifically prohibit amplified music.

2. The MND fails to adequately analyze project impacts

The MND is inadequate because it fails to adequately analyze the project's potentially significant impacts, including but not limited to the following:

- a. The MND fails to adequately analyze the project's impact on sensitive species, including those species associated with the riparian habitat along the Santa Ynez River immediately south of the project site. The potentially affected species include but are not limited to least Bell's vireo, southwestern willow fly-catcher, Southwestern Pond turtle, multiple species of bats (including pallid bats), southern steelhead and California red-legged frog. The MND fails to adequately consider whether the construction and operation of the project would impact these species and their habitat by, for example,
 - i. degrading water quality and habitat quality as a result of increased stormwater flows and/or erosion
 - ii. increased noise and vibration associated with both the construction and operation of the project. The MND's analysis is limited to considering impact on human receptors.
 - iii. increased light associated with the operation of the project.
 - iv. increased traffic as a result of both construction and operation of the project
- b. The MND fails to adequately analyze the project's impact on geology and soils by failing to analyze the impact associated with the increased stormwater flows caused by the construction of the project
- c. The MND fails to adequately analyze project impacts on hydrology associated with the increased stormwater flows that are likely to substantially alter drainage patterns in the Santa Ynez River and cause both erosion and siltation off and on-site.

3. The MND fails to describe and the County fails to require adequate and lawful mitigation measures

The MND includes a number of mitigation measures that are inadequate and unlawful as a matter of law, including the following

- a. Condition of Approval 33 requires the applicant to prepare post-approval hydrological studies in order to analyze pre and post-construction flood conditions and make recommendations for addressing on and off-site "flood issues." This mitigation measure violates CEQA because it amounts to impermissible deferral of mitigation measures, it is too vague, does not include adequate performance standards and does not commit the City and the applicant to adequately reducing erosion and water degradation issues potentially caused by stormwater flows from

the project site. This mitigation measure is unlawful also because without any discussion or substantial evidence, it assumes that designing stormwater conveyances based on 25 year rain events adequately addresses the project's potentially significant hydrology/soil/erosion impacts.

- b. Condition of Approval 57(b)(9) prohibits any person from creating noise levels that exceed noise limits set by Buellton Municipal Code "when measured on any receiving property." This mitigation measure is inadequate to ensure noise levels do not harm on protected species including California red-legged frog, least Bell's vireo or southwestern willow fly-catcher in the Santa Ynez River corridor. Likewise, this mitigation measure is inadequate in that it fails to consider whether the noise levels set by the City's Municipal Code are adequately protective of the biological resources that could be affected by noise from the Project.

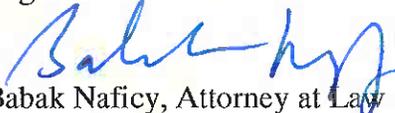
The City must prepare an EIR

Appellant also contends the City violated CEQA by failing to prepare an Environmental Impact Report ("EIR") for this project. An EIR is required because substantial evidence in the record, including expert comments from regulatory agencies (U.S. Fish and Wildlife Service, California Dept. of Fish and Wildlife) and Matt Stoecker, supports a fair argument that the project may cause a significant impact on biological resources. The record shows, moreover, that substantial evidence does not support the MND's conclusion that the Project will not have a significant impact on hydrology/soils/erosion. The evidence in the record shows the project will likely significantly increase stormwater runoff from the site, which in turn will spill over the neighboring parcel to the south and from there flow to the Santa Ynez River. This process will likely cause substantial erosion, adverse impacts on riparian habitat along the River and corresponding impact on hydrology and water quality.

Appellant specifically reserves the right to supplement this appeal letter prior to the City Council's appeal hearing.

Please do not hesitate to contact me should you have any questions.

Regards


Babak Naficy, Attorney at Law

Encl. Check in the amount of \$660

cc. Matt Stoecker

**SANTA YNEZ RIVER
BIOLOGICAL REPORT
FOR
APN 083-180-016
OCTOBER 2015**



KR&EC

Kisner Restoration & Ecological Consulting, Inc.
1130 East Clark Avenue, Suite 150-233
Santa Maria, California 93455

Prepared by: David Kisner, M.S. and
Johanna Kisner, M.E.S.M.

Table of Contents

Section 1 – Introduction.....	4
Section 2 – Methods.....	6
2.1 Literature Review.....	6
2.2 Vegetation Survey Methods.....	6
2.3 Wildlife Survey Methods.....	6
2.3.1 – Breeding Bird Surveys.....	6
2.3.2 – California Red-legged Frog Survey.....	7
2.3.3 – Acoustic Bat Survey.....	7
2.3.4 – Passive Aquatic and Terrestrial Wildlife Surveys.....	7
Section 3 – Results.....	8
3.1 CNDDDB Search.....	8
3.2 Vegetation Survey Results.....	9
3.2.1 – Vegetation Communities.....	9
3.2.2 – Special-Status Plant Species.....	13
3.3 Wildlife Survey Results.....	13
3.3.1 – Breeding Bird Survey Results.....	13
3.3.2 – Sensitive Bird Species.....	19
3.3.3 – Amphibians.....	25
3.3.4 – Sensitive Amphibian Species.....	26
3.3.5 – Reptiles.....	26
3.3.6 – Sensitive Reptile Species.....	27
3.3.7 – Mammals.....	27
3.3.8 – Sensitive Mammal Species.....	28
3.3.9 – Fish.....	29
Section 4 – Discussion.....	30
References.....	31

Figures

Figure 1. Site Locality

Figure 2. CNDDDB Map

Figure 3. Vegetation Communities

Tables

Table 1. Vegetation Communities on Site

Table 2. Breeding Bird Survey Results, 2015

Table 3. Breeding Status of Birds Detected, 2015

Table 4. Special Status Bird Species

Appendices

Appendix A. Site Photographs

Appendix B. Plant Species Observations on Site

SECTION 1 – INTRODUCTION

Kisner Restoration and Ecological Consulting, Inc. (KR&EC) conducted biological surveys of the Parcel (APN 083-180-016; Figure 1) during spring and summer 2015. The Parcel (site) is approximately 35 acres and is approximately 0.10 miles wide by 0.65 miles long. The Parcel is located along the Santa Ynez River within the unincorporated portions of Santa Barbara County and immediately adjacent to the southern boundary of the City of Buellton.

This biological report describes the methods and results of vegetation and wildlife surveys and a review of literature including a search of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) for the Parcel and surrounding area for sensitive biological resources.

Surveys for wildlife included five morning breeding bird surveys, passive surveys for aquatic and terrestrial wildlife, an eye-shine survey for California red-legged frogs (*Rana draytonii*), and an acoustic bat survey. The vegetation of the Parcel was surveyed and vegetation communities were mapped. All plants and animals detected on site were recorded. Additionally, two maps were developed for the site – one including all sensitive plants, animals, and habitats within 5 miles of the Parcel and a second showing the vegetation communities found on site.



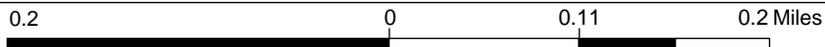
County of Santa Barbara



Legend

 APN 083-180-016

1:7,089



This map is for reference only. Santa Barbara County shall not be liable for any errors, omissions, or damages that result from inappropriate use of this document. No level of accuracy is claimed for the boundary lines shown hereon and lines should not be used to obtain coordinate values, bearings or distances.

Figure 1. Site Locality

SECTION 2 – METHODS

Biological survey methods include a literature review, biological field surveys for vegetation and wildlife, and site photographs. The site in which biological field surveys were conducted is defined as the 35-acre Parcel. Biological resources were documented slightly beyond the Parcel boundaries. The Study Area for the literature review was defined as the site including a five-mile buffer.

2.1 Literature Review

Prior to conducting surveys, KR&EC conducted a search of the CNDDDB within a five-mile buffer of the Parcel and developed a CNDDDB map to determine the sensitive species and habitats within the region. The California Native Plant Society (CNPS) Rare and Endangered Plant Inventory database and the CalFlora websites were checked for rare plant occurrences within the Parcel vicinity. CNDDDB records were submitted by David Kisner for all sensitive species detected.

2.2 Vegetation Survey Methods

The vegetation communities and plant species within the Parcel were surveyed by KR&EC ecologists Johanna and David Kisner on April 11, May 6, and August 22, 2015. Meandering transects were walked through much of the Parcel to document all vegetation observed. Plant nomenclature follows Jepson eFlora (Jepson Flora Project 2013). Aerial photographs were hand marked up to document locations of vegetation communities following alliances and associations from *A Manual of California Vegetation* (Sawyer, Keeler-Wolf and Evens 2009). The maps were then digitized using GIS. Representative photographs were taken of the vegetation communities observed within the Parcel.

2.3 Wildlife Survey Methods

KR&EC ecologists, David and Johanna Kisner, conducted surveys for breeding birds, California red-legged frog, bats, and other aquatic and terrestrial wildlife. Any observations of wildlife detected by sight, song, call, scat, or footprints during biological surveys were recorded.

2.3.1 – Breeding Bird Surveys

Five bird surveys were conducted by David Kisner over the entire Parcel on April 11 and 26, May 6 and 23, and June 8, 2015. David used existing trails, when possible, to traverse the Parcel; each survey was “out and back” following trails near the river and within the upland areas. The order of the direction of travel was switched up so that the riparian and upland areas were both surveyed in the earlier portion of the mornings when there is generally higher avian activity.

All birds detected by sight, song or call were recorded along with data on age, gender, and/or nesting behavior. Information on temperature, wind speed and direction, and cloud cover was recorded at the beginning and end of each day. All surveys were conducted under mild weather conditions, began before 8:00 a.m., and were concluded no later than 10:30 a.m.

2.3.2 – California Red-legged Frog Survey

On April 28, 2015, a night-time eye-shine survey was conducted by KR&EC to document nocturnal amphibian usage of the Parcel. The areas containing water along the Santa Ynez River were surveyed using Maglite flashlights and binoculars to look for frog eye-shine. The surveys targeted the edges of larger pools and root-entwined banks that would be attractive to California red-legged frog. The eye-shine survey was conducted under mild weather conditions and began one hour after sunset.

2.3.3 – Acoustic Bat Survey

On June 22, 2015, KR&EC in collaboration with Bill Haas of the Pacific Coast Conservation Alliance conducted an acoustic bat survey of the eastern end of the Parcel. Three different bat detectors (Acoustic Wildlife Echo Meter Touch, Song Meter SMZC, and Echo Meter 3) were used to capture bat sounds for identification of species. The survey started at dusk and lasted approximately 3.5 hours. Weather conditions were windy (8 – 12 mph) and the strong winds may have reduced the number of individuals and species of bats detected; milder weather conditions may have resulted in detecting a higher species diversity and greater numbers of individual bats.

2.3.4 – Passive Aquatic and Terrestrial Wildlife Surveys

During the other biological surveys, KR&EC recorded all aquatic and terrestrial wildlife observed. Periodically, areas of water along the Santa Ynez River were visually scanned with binoculars focusing on large pools to determine the species of fish, turtle, and other aquatic species present. Occasionally, boards and logs were rolled over in search of terrestrial wildlife but most observations were purely opportunistic. No snorkel surveys or netting/trapping efforts were conducted within the river and additional survey efforts are needed to determine additional fish and aquatic species presence. Extensive pools and abundant aquatic habitat occurred along the river within the parcel throughout spring and summer surveys. Challenging water clarity conditions limited passive observation of aquatic species.

SECTION 3 – RESULTS

3.1 CNDDDB Search

The CNDDDB map (Figure 2) shows that there are critical habitat overlays for both southwestern willow flycatcher (*Empidonax traillii extimus*) and Southern California Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss irideus*) covering the vast majority of the site.

Critical Habitat for Steelhead

The Southern California DPS steelhead was listed as endangered October 17, 1997, and critical habitat was designated by the National Oceanic and Atmospheric Administration (NOAA) on September 2, 2005 (NOAA 2005). The Santa Ynez Hydrological Unit (3314) is divided into five sub-units and the Parcel is within the middle sub-unit (331430). This sub-unit includes portions of the Santa Ynez River, Zaca Creek, and Nojoqui Creek.

Critical Habitat for Southwestern Willow Flycatcher

The willow flycatcher was listed as endangered by California on January 2, 1991 and the southwestern subspecies of the willow flycatcher was listed as federally endangered on March 29, 1995. Critical habitat was designated by the USFWS for the southwestern willow flycatcher on January 3, 2013 (USFWS 2013). The critical habitat along the lower reach of the Santa Ynez River includes the area between Highway 1 and one-mile east of Highway 101 and includes the parcel and much of the surrounding wooded area.

Additionally, Southern cottonwood willow riparian forest, a CDFW sensitive habitat community, has been mapped over approximately the eastern third of the Parcel. Other sensitive “Terrestrial Communities” (habitats) that have been documented within the CNDDDB within the past fifty years within five miles of the Parcel include: Southern Willow Scrub (arroyo willow (*Salix lasiolepis*) thickets), and Southern Coast Live Oak (*Quercus agrifolia*) Riparian Forest. Arroyo willow was observed throughout Parcel along the river during the 2015 biological surveys. The nearest Southern Coast Live Oak Riparian Forest recorded within the CNDDDB is approximately 3 miles to the south-southeast. In 2015, a few mature oak trees were observed on and adjacent to the Parcel.

One sensitive plant species has been documented within the CNDDDB within the past fifty years within five miles of the Parcel: southern curly-leaf monardella (*Monardella sinuata* ssp. *sinuata*; CNPS 1B.2). This species has a low potential to occur on site being found mostly in chaparral, cismontane woodlands, coastal dunes, and openings within coastal scrub habitats (CNPS 2015).

There are eight sensitive animal species that have been documented within the CNDDDB within the past fifty years within five miles of the Parcel. These include: California red-legged frog, California tiger salamander (*Ambystoma californiense*), western pond turtle (*Actinemys pallida*), two-striped garter snake (*Thamnophis hammondi*), ferruginous hawk (*Buteo regalis*), southwestern willow flycatcher, American badger (*Taxidea taxus*), and Townsend’s big-eared bat (*Corynorhinus townsendii*). Of these eight species one, the western pond turtle, which is currently under review by USFWS for potential listing, was observed on site multiple times during 2015 surveys. Based on the location of CNDDDB sightings and the habitat requirements of the species,

California red-legged frog, two-striped garter snake, and willow flycatcher are expected to be found on or near the parcel. American badger may occasionally utilize the site. The other three species are unlikely to occur on site due to lack of suitable habitat.

3.2 Vegetation Survey Results

3.2.1 – Vegetation Communities

The Parcel and adjacent areas consist of 15 vegetation communities as described in Table 1 below as well as disturbed annual brome grassland with mixed non-native weeds and coast live oak and sycamore (*Platanus* sp.) trees. Figure 3 shows the vegetation communities observed on and adjacent to the Parcel. Representative photographs of some of these vegetation communities are provided in Appendix A. A list of all plant species observed on site on April 11, May 6, and August 22, 2015 is provided in Appendix B.

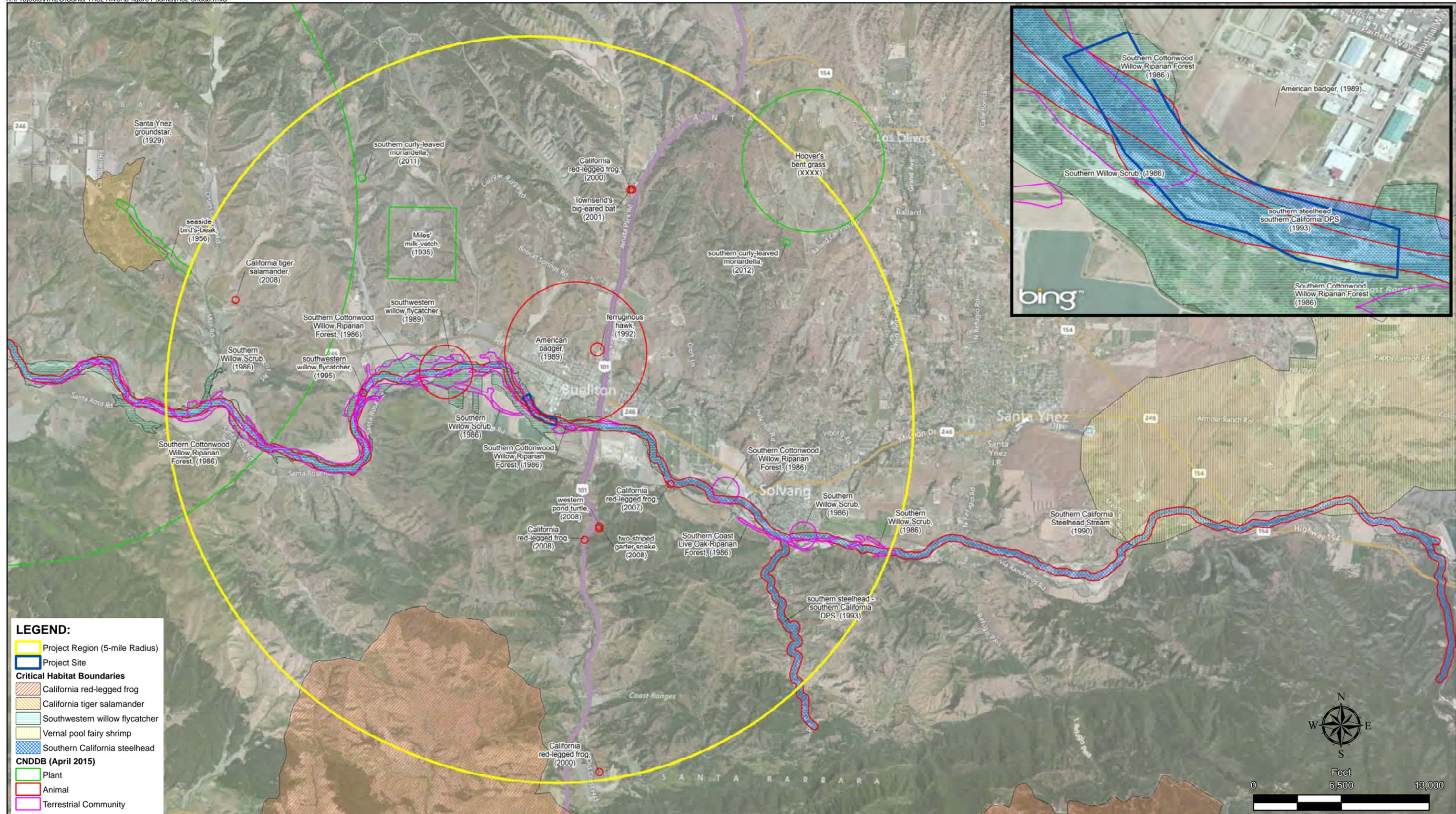
Table 1. Vegetation Communities on Site

Common Alliance Name	Scientific Alliance Name
Annual brome grassland	<i>Bromus diandrus</i> - mix herbs Semi-Natural Herbaceous Stands
Arroyo willow-mulefat thickets	<i>Salix lasiolepis</i> - <i>Baccharis salicifolia</i> Shrubland Alliance
California buckwheat scrub	<i>Eriogonum fasciculatum</i> Shrubland Alliance
California sagebrush scrub	<i>Artemisia californica</i> Shrubland Alliance
California sagebrush-coyote brush scrub	<i>Artemisia californica</i> - <i>Baccharis pilularis</i> Shrubland Alliance
Coyote brush scrub	<i>Baccharis pilularis</i> Shrubland Alliance
Coyote brush-California sagebrush scrub	<i>Baccharis pilularis</i> - <i>Artemisia californica</i> Shrubland Alliance
Fremont cottonwood forest	<i>Populus fremontii</i> Woodland Alliance
Fremont cottonwood-red willow/arroyo willow-mulefat thickets	<i>Populus fremontii</i> - <i>Salix laevigata</i> / <i>Salix lasiolepis</i> - <i>Baccharis salicifolia</i> Woodland Alliance
Mock heather scrub	<i>Ericameria ericoides</i> Shrubland Alliance
Mulefat thickets	<i>Baccharis salicifolia</i> Shrubland Alliance
Peruvian pepper tree stands*	<i>Schinus molle</i> Semi-Natural Woodland Stands
Sandbar willow thickets	<i>Salix exigua</i> Shrubland Alliance
Scale broom scrub	<i>Lepidospartum squamatum</i> Shrubland Alliance
Scale broom-California buckwheat scrub	<i>Lepidospartum squamatum</i> - <i>Eriogonum fasciculatum</i> Shrubland Alliance

* Alliance and/or Association name not described in *A Manual of California Vegetation* (Sawyer, Keeler-Wolf, and Evens 2009); but follows the manual's nomenclature guidelines.

The Santa Ynez River flows along the southern and western side of the Parcel and is dominated by Fremont cottonwood-red willow forest/arroyo willow-mulefat thickets (*Populus fremontii*-*Salix laevigata* /*Salix lasiolepis*-*Baccharis salicifolia*) with occasional western sycamore (*Platanus racemosa*), southern California black walnut (*Juglans californica* var. *californica*), and Mexican elderberry (*Sambucus nigra*) (see Appendix A, Photographs 3, 5, 9 and 10). Riparian understory species include a mix of native and non-native species such as poison hemlock (*Conium maculatum*) (see Appendix A, Photograph 12 and Appendix B). There are several large cobblestone/gravel/sandbars with minimal vegetation along the river including patches of scale broom and cudweed among younger saplings of cottonwood, willows, and mulefat (see Appendix A, Photograph 7). The northeastern edge of the property is a mix of several different shrubland alliance vegetation types dominated by mulefat thickets, sandbar willow thickets, and coyote brush scrub mixed with smaller patches of scale broom scrub, California sagebrush scrub, and mock heather scrub (Appendix A, Photograph 6). These habitats contain an increasing amount of non-

native species as they approach the developed areas to the north of the Parcel. However, cottonwoods and other native riparian vegetation occur in patches on parcels to the north, including a large willow forest east of Zaca Creek and cottonwood and coast live oak stands on adjacent parcels south and southwest of the southern end of Industrial Way. These later areas appear to contain a mix of planted and naturally occurring riparian species. The developed areas include the Terravant wine facility, a stormwater basin lined with Peruvian pepper trees (*Schinus molle*), Fremont cottonwoods, sycamore, and coast live oak trees, and disturbed annual grassland fields. The south, western, and eastern edges of the Parcel are buffered from development by the Santa Ynez River and contain mostly native riparian vegetation. Zaca Creek flows from the north and through the eastern portion of the Parcel to the Santa Ynez River and is lined with Fremont cottonwood-red willow forest/arroyo willow-mulefat thickets, mulefat thickets, and scale broom-California buckwheat scrub (Appendix A, Photograph 1).



LEGEND:

- Project Region (5-mile Radius)
- Project Site
- Critical Habitat Boundaries**
- California red-legged frog
- California tiger salamander
- Southwestern willow flycatcher
- Vernal pool fairy shrimp
- Southern California steelhead
- CNDDB (April 2015)**
- Plant
- Animal
- Terrestrial Community



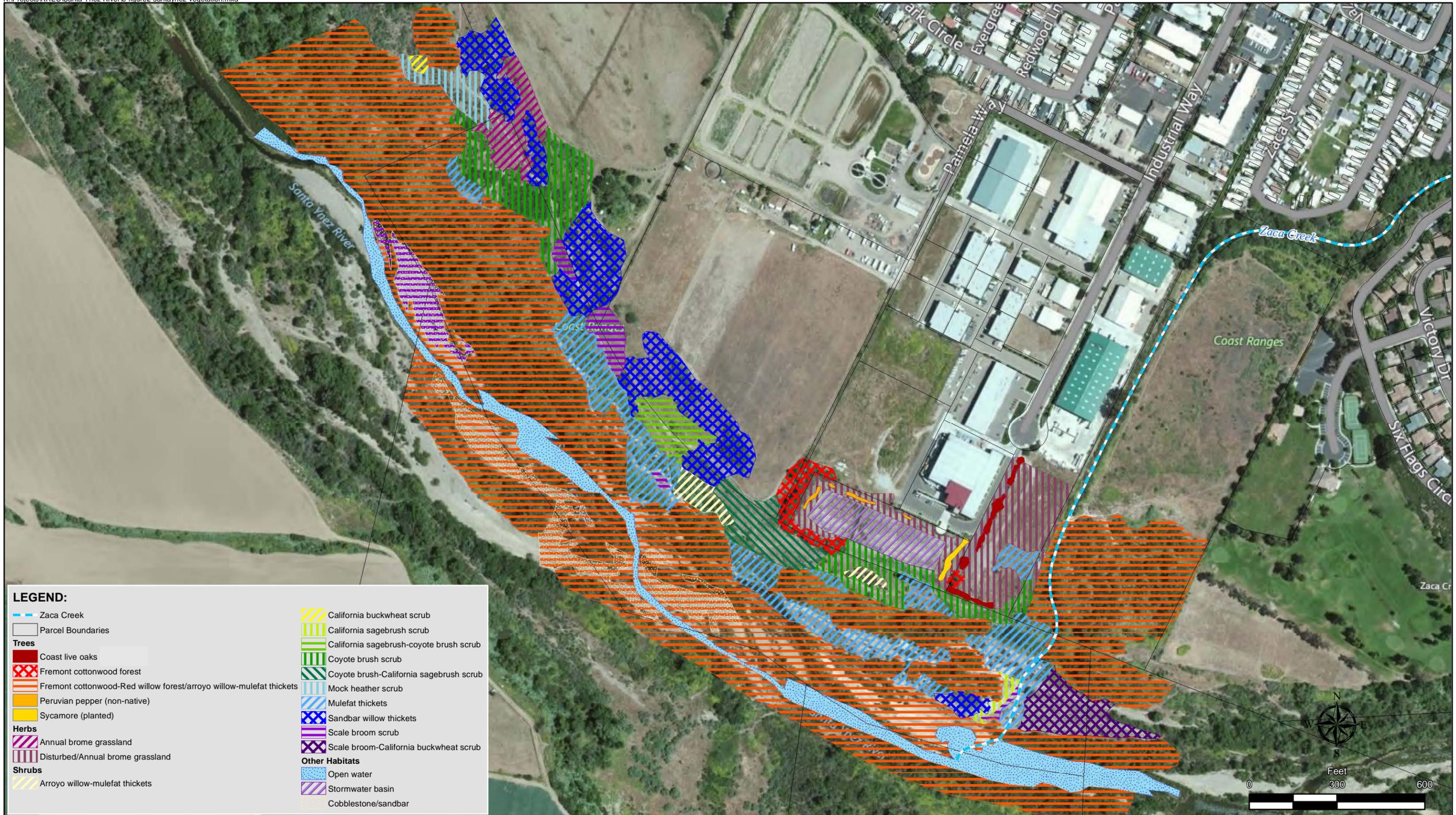

Terra Solutions
777 Mutsuhito Avenue
San Luis Obispo, CA. 93401
(805) 782-0969



Special-status Species and Habitat in the Project Site Vicinity

Figure 2. CNDDB Map

Service Layer Credits: © Harris Corp, Earthstar Geographics LLC Earthstar Geographics SIO © 2015 Microsoft Corporation © 2015 HERE © AND



LEGEND:

- Zaca Creek
- Parcel Boundaries
- Trees**
 - Coast live oaks
 - Fremont cottonwood forest
 - Fremont cottonwood-Red willow forest/arroyo willow-mulefat thickets
 - Peruvian pepper (non-native)
 - Sycamore (planted)
- Herbs**
 - Annual brome grassland
 - Disturbed/Annual brome grassland
- Shrubs**
 - Arroyo willow-mulefat thickets
 - California buckwheat scrub
 - California sagebrush scrub
 - California sagebrush-coyote brush scrub
 - Coyote brush scrub
 - Coyote brush-California sagebrush scrub
 - Mock heather scrub
 - Mulefat thickets
 - Sandbar willow thickets
 - Scale broom scrub
 - Scale broom-California buckwheat scrub
- Other Habitats**
 - Open water
 - Stormwater basin
 - Cobblestone/sandbar



Terra Solutions
777 Mutsuhito Avenue
San Luis Obispo, CA. 93401
(805) 782-0969



**Santa Ynez River Habitat Assessment and Wildlife Surveys, 2015
(APN 083-180-016)**

Service Layer Credits: Image courtesy of USGS © 2015 Microsoft Corporation © 2015 HERE © AND

**Figure 3.
Vegetation Communities**

October 05, 2015

Page 127 of 452

3.2.2 – Special-Status Plant Species

No federal or state listed plant species were observed on the Parcel; however, two locally rare plants were observed during the April and May 2015 biological surveys.

Dwarf brodiaea (*Brodiaea terrestris* ssp. *terrestris*), listed on the Santa Barbara Botanical Garden's (SBBG) *Rare Plants of Santa Barbara County* (SBBG 2012) was observed along a footpath on an upper terrace in the northeast portion of the Parcel. Dwarf brodiaea is a perennial herb found in valley grassland, foothill woodland, and yellow pine forest habitats. The Santa Barbara Botanic Garden has six specimens of dwarf brodiaea from Santa Barbara County in their collection including one specimen collected in May 1929 from "Santa Ynez Valley: 5 mi W of Buellton" (SBBG57635; CalFlora 2015).

In addition, the black walnut, another rare plant according to SBBG *Rare Plants of Santa Barbara County* (SBBG 2012), was observed occasionally throughout the riparian woodlands on the Parcel. The southern California black walnut is a native tree endemic to California that occurs in chaparral, foothill woodland, coastal sage scrub, and wetland-riparian habitats.

3.3 Wildlife Survey Results

3.3.1 – Breeding Bird Survey Results

Between 41 and 51 species of birds were detected during each of the five breeding bird surveys. A high-count total of 404 individuals from 70 species of birds were detected on or over the Parcel during the five surveys (Table 2).

The breeding status of the 70 species of birds detected are shown in Table 3. Fifteen species of birds (21.4% of the 70 species detected) were confirmed to have breed on or adjacent to the Parcel in 2015. An additional 18 species of birds (25.7% of the 70 species detected) probably breed on the Parcel but no breeding evidence was observed. Twelve of the 70 bird species (17.1%) were potential breeders but either there were too few observations to confirm they were on site throughout the breeding season or the required nesting habitat was rare in 2015. Six species of birds (8.6% of the 70 species detected) were classified as migrants because they are not known to breed in coastal Central California. The remaining 19 of the 70 species detected (27.1%) were not classified because there was too much uncertainty regarding what these species were doing within the Parcel and surrounding area in 2015. Breeding season surveys in future years should be able to determine the nesting status of many of these birds and are expected to identify additional species using the parcel.

Table 2. Breeding Bird Survey Results, 2015.

Common Name	Species	April 11	April 26	May 6	May 23	June 8	high count
Wood Duck	<i>Aix sponsa</i>				3	2	3
Mallard	<i>Anas platyrhynchos</i>	1	8	7	9	9	9
California Quail	<i>Callipepla californica</i>	4	2	4	24		24
Pied-billed Grebe	<i>Podilymbus podiceps</i>	1	4	6	2		6
Great Blue Heron	<i>Ardea herodias</i>	2	1	3		1	3
Great Egret	<i>Ardea alba</i>	1					1
Snowy Egret	<i>Egretta thula</i>	1					1
Green Heron	<i>Butorides virescens</i>		1	3	1		3
Red-shouldered Hawk	<i>Buteo lineatus</i>	1				2	2
Turkey Vulture	<i>Cathartes aura</i>	3	2	2	1	4	4
Cooper's Hawk	<i>Accipiter cooperii</i>					1	1
Red-tailed Hawk	<i>Buteo jamaicensis</i>			1			1
Sora	<i>Porzana carolina</i>	1	3				3
American Coot	<i>Fulica americana</i>		3				3
Killdeer	<i>Charadrius vociferus</i>	1	2	3		1	3
Greater Yellowlegs	<i>Tringa melanoleuca</i>		1				1
Eurasian Collared-Dove	<i>Streptopelia decaocto</i>	3					3
Mourning Dove	<i>Zenaida macroura</i>	8	2	3	5	4	8
Vaux's Swift	<i>Chaetura vauxi</i>		20	1			20
Anna's Hummingbird	<i>Calypte anna</i>	3	3	5	3	6	6
Hummingbird species		2	1				2
Belted Kingfisher	<i>Megasceryle alcyon</i>	1	2	1	2		2
Nuttall's Woodpecker	<i>Picoides nuttallii</i>	3	2	2	5	6	6
Downy Woodpecker	<i>Picoides pubescens</i>	1	2		1	3	3
Northern Flicker	<i>Colaptes auratus</i>	1					1
Peregrine Falcon	<i>Falco peregrinus</i>	1					1
Pacific-slope Flycatcher	<i>Empidonax difficilis</i>	2	2	2			2
Black Phoebe	<i>Sayornis nigricans</i>	1		3	4	6	6
Ash-throated Flycatcher	<i>Myiarchus cinerascens</i>	2	6	4	4	5	6

Common Name	Species	April 11	April 26	May 6	May 23	June 8	high count
Warbling Vireo	<i>Vireo gilvus</i>	3	8	4	6	4	8
Western Scrub-Jay	<i>Aphelocoma californica</i>	2		2	3	3	3
American Crow	<i>Corvus brachyrhynchos</i>	3	3	4	2	7	7
Tree Swallow	<i>Tachycineta bicolor</i>	4	3	7	5	4	7
Violet-green Swallow	<i>Tachycineta thalassina</i>		1	5	3		5
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	3	2	4	1	5	5
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>		6	1	4	5	6
Chestnut-backed Chickadee	<i>Poecile rufescens</i>	2		1	3	1	3
Oak Titmouse	<i>Baeolophus inornatus</i>	2				7	7
Bushtit	<i>Psaltriparus minimus</i>	6	6	9	8	2	9
White-breasted Nuthatch	<i>Sitta carolinensis</i>					1	1
House Wren	<i>Troglodytes aedon</i>		2	2	5	2	5
Bewick's Wren	<i>Thryomanes bewickii</i>	7	6	8	11	7	11
Blue-gray Gnatcatcher	<i>Polioptila caerulea</i>	5	3	6	3	3	6
Wrentit	<i>Chamaea fasciata</i>	4	3	5	4	3	5
Western Bluebird	<i>Sialia mexicana</i>		2	2		4	4
Hermit Thrush	<i>Catharus guttatus</i>	1					1
California Thrasher	<i>Toxostoma redivivum</i>	1	2	2	1	3	3
European Starling	<i>Sturnus vulgaris</i>					10	10
Cedar Waxwing	<i>Bombycilla cedrorum</i>			20			20
Orange-crowned Warbler	<i>Oreothlypis celata</i>	3	4				4
Nashville Warbler	<i>Oreothlypis ruficapilla</i>	1					1
Common Yellowthroat	<i>Geothlypis trichas</i>	12	19	11	9	8	19
Yellow Warbler	<i>Setophaga petechia</i>	2	8	7	7	6	8
Yellow-rumped Warbler	<i>Setophaga coronata</i>	4	5				5
Wilson's Warbler	<i>Cardellina pusilla</i>	2	1	8	2	1	8
Yellow-breasted Chat	<i>Icteria virens</i>		1	2	2	2	2
Spotted Towhee	<i>Pipilo maculatus</i>	4	4	7	7	9	9
California Towhee	<i>Melospiza crissalis</i>	4	5	12	7	7	12
Song Sparrow	<i>Melospiza melodia</i>	14	18	12	19	12	19
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>	8	7	8	5	9	9

Common Name	Species	April 11	April 26	May 6	May 23	June 8	high count
Blue Grosbeak	<i>Passerina caerulea</i>				1	1	1
Lazuli Bunting	<i>Passerina amoena</i>		1				1
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	5	4	7		6	7
Brown-headed Cowbird	<i>Molothrus ater</i>	2	3	2	3	2	3
Hooded Oriole	<i>Icterus cucullatus</i>		1				1
Bullock's Oriole	<i>Icterus bullockii</i>	1					1
Purple Finch	<i>Haemorhous purpureus</i>	1			3	2	3
House Finch	<i>Haemorhous mexicanus</i>		11	3	2	10	11
Lesser Goldfinch	<i>Spinus psaltria</i>	4	1	2	7	1	7
American Goldfinch	<i>Spinus tristis</i>	6	6	12	4		12
House Sparrow	<i>Passer domesticus</i>	1					1
Species Count		52	49	45	41	44	
Sum of High Counts							404

Table 3. Breeding Status of Birds Detected, 2015.

Common Name	Breeding Status, 2015	Evidence	Date
Wood Duck	Potential breeder	Pair	May 23 and June 8
Mallard	Confirmed breeder	Juveniles	April 26, May 6 and 23
California Quail	Confirmed breeder	Juveniles	May 23
Pied-billed Grebe	Confirmed breeder	Juveniles	May 6 and 23
Great Blue Heron			
Great Egret			
Snowy Egret			
Green Heron	Potential breeder		
Red-shouldered Hawk			
Turkey Vulture			
Cooper's Hawk			
Red-tailed Hawk			
Sora	Potential breeder		
American Coot			
Killdeer	Confirmed breeder	Nest	April 6
Greater Yellowlegs	Migrant		
Eurasian Collared-Dove			
Mourning Dove	Confirmed breeder	Juveniles	May 23
Vaux's Swift	Migrant		
Hummingbird species			
Anna's Hummingbird	Probable breeder		
Belted Kingfisher	Potential breeder		
Nuttall's Woodpecker	Confirmed breeder	Nest	May 23
Downy Woodpecker	Confirmed breeder	Juveniles	June 8
Northern Flicker			
Peregrine Falcon			
Pacific-slope Flycatcher	Confirmed breeder	Material Carry	April 11
Black Phoebe	Confirmed breeder	Juveniles	May 6 and 23
Ash-throated Flycatcher	Probable breeder		
Warbling Vireo	Probable breeder		
Western Scrub-Jay	Potential breeder		
American Crow	Potential breeder		
Tree Swallow	Probable breeder		
Violet-green Swallow			
Northern Rough-winged Swallow	Potential breeder		
Cliff Swallow			
Chestnut-backed Chickadee	Confirmed breeder	Food carry and juveniles	May 6 and 23
Oak Titmouse	Potential breeder		
Bushtit	Probable breeder		
White-breasted Nuthatch			
House Wren	Confirmed breeder	Food carry and nestlings	May 23
Bewick's Wren	Confirmed breeder	Juveniles	May 23

Common Name	Breeding Status, 2015	Evidence	Date
Blue-gray Gnatcatcher	Probable breeder		
Wrentit	Probable breeder		
Western Bluebird	Potential breeder		
Hermit Thrush	Migrant		
California Thrasher	Probable breeder		
European Starling			
Cedar Waxwing	Migrant		
Orange-crowned Warbler	Potential breeder		
Nashville Warbler	Migrant		
Common Yellowthroat	Confirmed breeder	Juveniles	May 23
Yellow Warbler	Probable breeder		
Yellow-rumped Warbler	Migrant		
Wilson's Warbler	Probable breeder		
Yellow-breasted Chat	Probable breeder		
Spotted Towhee	Probable breeder		
California Towhee	Confirmed breeder	Food Carry	April 11
Song Sparrow	Confirmed breeder	Juveniles	May 23
Black-headed Grosbeak	Probable breeder		
Blue Grosbeak	Potential breeder		
Lazuli Bunting			
Red-winged Blackbird	Probable breeder		
Brown-headed Cowbird	Probable breeder		
Hooded Oriole			
Bullock's Oriole			
Purple Finch	Potential breeder		
House Finch	Probable breeder		
Lesser Goldfinch	Probable breeder		
American Goldfinch	Probable breeder		
House Sparrow			

Interestingly, two pairs of chestnut-back chickadees bred on the Parcel in 2015. The observations were far enough apart to ensure that these were different individuals and not a re-sighting of the same breeding event. Chickadees are known to breed downstream of Buellton along “the Santa Ynez River inland to its confluence with Salsipuedes Creek east of Lompoc” (Lehman 1994) which is approximately 12 miles to the west of the Parcel. This may represent a range expansion of the species or may be an artifact of three years of drought leading to a reduction of habitat in the “uplands” surrounding the Santa Ynez River forcing the chickadees farther upstream.

3.3.2 – Sensitive Bird Species

No state or federally threatened or endangered bird species were detected during the 2015 bird surveys, but the parcel and adjacent areas do contain adequate habitat conditions to support several listed bird species such as the state and federally endangered least Bell's vireo (*Vireo bellii pusillus*), and state and federally endangered southwestern willow flycatcher (*Empidonax traillii extimus*). Additional survey efforts in subsequent years are recommended and expected to identify additional species. However, nine species of birds that are federal, state and/or local “special status bird species” were detected on or over the Parcel (Table 4). Of these nine species, seven of the special status bird species bred or could breed on the Parcel.

Table 4. Special Status Bird Species

Common Name	Federal/State Sensitivity Status
Cooper's Hawk	CDFW: Watch List
Vaux's Swift	CDFW: Species of Special Concern
Nuttall's Woodpecker	USFWS: Bird of Conservation Concern and Santa Barbara Audubon Watch List
Peregrine Falcon	CDFW: Fully Protected and USFWS: Bird of Conservation Concern
Oak Titmouse	USFWS: Bird of Conservation Concern and Santa Barbara Audubon Watch List
Wrentit	Santa Barbara Audubon Watch List
California Thrasher	Santa Barbara Audubon Watch List
Yellow Warbler	CDFW: Species of Special Concern, USFWS: Bird of Conservation Concern, and Santa Barbara Audubon Watch List
Yellow-breasted Chat	CDFW: Species of Special Concern and Santa Barbara Audubon Watch List

CDFW – California Department of Fish and Wildlife

USFWS – U.S. Fish and Wildlife Service

Special status bird species are defined differently by federal, state and/or local groups:

- The U.S. Fish and Wildlife Service *Birds of Conservation Concern* (BCC; 2008) is the most recent effort by the USFWS to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973.” USFWS identifies 46 species, sub-species, or populations of birds within Coastal California that are likely to become candidates for listing.

- California Department of Fish and Wildlife California Bird Species of Special Concern (SCC; Shuford and Gardali 2008) are defined as those species, subspecies, or distinct populations of native birds that currently satisfy one or more of the following (not necessarily mutually exclusive) criteria:
 - are extirpated from the state totally or in their primary seasonal or breeding role and were never listed as state threatened or endangered.
 - are listed as federally, but not state, threatened or endangered.
 - meet the state definition of threatened or endangered but have not formally been listed.
 - are experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify them for state threatened or endangered status.
 - have naturally small populations exhibiting high susceptibility to risk from any factor(s) that if realized could lead to declines that would qualify them for state threatened or endangered status.

The Santa Barbara Audubon Society Watch List is a list generated by the California Audubon Society and includes birds vulnerable to significant population declines but are not currently listed as federal or state threatened or endangered and which can be found within Santa Barbara County.

Peregrine Falcon (*Falco peregrinus*)

The peregrine falcon was listed as endangered at a state and federal level; however, due to the species population and range expansion, the species was delisted at a federal level in August 1999 and at a state level in November 2009 (CDFW 2015b). Peregrine falcons are classified as a BCC by the USFWS while breeding and are regarded as Fully Protected under Section 3511 of the California Fish and Game Code (CDFW 2015a).

Fully protected birds or parts thereof may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird, and no permits or licenses heretofore issued shall have any force or effect for that purpose. Fish and Game Code §3511

Peregrine falcons were classified as a “very uncommon breeding resident, and uncommon as a migrant” (Zeiner et al. 1990) with only 39 pairs known to be breeding in California in 1981 (Monk 1981). However, with the ban of dichlorodiphenyldichloroethylenes (DDE), polychlorinated biphenyls (PCB), and certain pesticides, in conjunction with focused recovery efforts, peregrine falcon numbers have dramatically increased allowing for the species to be delisted at a state and federal level. Peregrine falcons can be found worldwide but are most common in temperate and arctic regions (Clark and Wheeler 2001). The primary prey for peregrine falcons consists of other birds, especially doves, pigeons, waterfowl, shorebirds, and passerines (Ehrlich et al. 1988). They also occasionally prey on mammals, insects, or fish (Zeiner et al. 1990). Riparian areas and coastal and inland wetlands are important habitats year-round, especially in nonbreeding seasons (Zeiner et al. 1990).

Peregrines breed in a wide variety of habitats (Baicich and Harrison 1997), most commonly in woodland, forest, and coastal habitats (Zeiner et al. 1990). Nests are placed on the ledge of a cliff or rocky outcrop or occasionally on large city buildings or high bridges (Baicich and Harrison 1997). Peregrine falcons have only one brood per year with three or four eggs (Ehrlich et al. 1988; Baicich and Harrison 1997). Incubation of the eggs requires 29 to 32 days and nestlings begin to fly after 35 to 42 days (Ehrlich et al. 1988; Baicich and Harrison 1997).

One peregrine falcon was seen flying over the Parcel on April 11, 2015. The bird crossed the Parcel from north to south and then dove westward into the river corridor as though in pursuit of prey. Peregrine falcons could be nesting in the Santa Ynez Mountains and are known to have historically nested near the Gaviota Tunnel (per. obs.).

Cooper's Hawk (*Accipiter cooperii*)

Cooper's hawks breed throughout the majority of the lower 48 states. They breed in most of the wooded portions of California and can be found throughout the state during the winter (Sibley 2000). Cooper's hawk populations appear to have declined due in part to hunting and DDT. The decline in Cooper's hawks underwent a reversal following the ban of DDT in 1972 (Ehrlich et al. 1988). Cooper's hawks are on the CDFW Watch List (CDFW 2015a).

Cooper's hawk breed in wooded areas especially within riparian areas on a horizontal branch between 20 and 60 feet off the ground (Baicich and Harrison 1997). The male does the majority of the nest building and brings prey to the nest for the first three weeks while the female is brooding young (Baicich and Harrison 1997). Cooper's hawk usually lay four or five eggs that are incubated for 32 to 36 days; nestlings require between 27 and 34 days prior to fledging (Ehrlich et al. 1988). Cooper's hawks prey almost exclusively on birds that are smaller than themselves but are known to take small mammals, reptiles, and amphibians (Ehrlich et al. 1988).

One Cooper's hawk was seen on June 8, 2015 flying over the Parcel. The site has suitable trees for nesting and a good prey base. Cooper's hawks could breed on or adjacent to the Parcel and/or hunt over the majority of the site.

Vaux's Swift (*Chaetura vauxi*)

Vaux's swifts are neo-tropic migrants that winter in central Mexico to Venezuela and breed in northern California north to southern British Columbia (Ehrlich et al. 1988; Sibley 2000). When breeding, Vaux's swifts are a California SSC (CDFW 2015a).

Vaux's swifts are aerial insectivores and bred in appropriately wooded areas. They attach their nests to the inside of hollow trees between a half foot and two feet up (sometimes up to 20 feet) or occasionally within chimneys. Vaux's swifts lay between four and seven eggs which are incubated for 18 and 20 days. Nestlings fledge in 28 days (Ehrlich et al. 1988; Baicich and Harrison 1997).

A flock of 20 Vaux's swifts were seen foraging over the Parcel on April 26, 2015 with one individual seen on May 6, 2015. The site has suitable foraging habitat and may have potential roosts for migrants; however, this species is not expected to breed in the area. According to *The Sibley Guide to Birds* (2000), the closest known breeding areas are north of San Francisco or within the central Sierra Madres.

Nuttall's Woodpecker (*Picoides nuttallii*)

Nuttall's woodpecker is regarded as a BCC by the USFWS (CDFW 2015a) while nesting. Nuttall's woodpeckers are a medium-sized, non-migratory woodpecker that can be found year-round in most of western California and the northwestern-most portion of Baja California (Sibley 2000). Their preferred habitats include oak woodlands, chaparral, and willow-cottonwood riparian areas. They feed almost exclusively on insects gleaned from trees and branches (Ehrlich et al.1988).

Nuttall's woodpeckers breed in cavities which the male woodpecker excavates; the cavities are usually placed in dead riparian deciduous trees (Ehrlich et al.1988) or "live oak and mixed tree growth near a watercourse" (Baicich and Harrison 1997). They lay a single brood of four to five eggs which are incubated for 14 days; young begin to fly at 29 days (Baicich and Harrison 1997; Ehrlich et al.1988).

Between two and six Nuttall's woodpeckers were detected on the Parcel during each of the five bird surveys. A nest with young was found on May 23, 2015 confirming on-site breeding. Based on the type and quality of the habitat, far more than one pair of Nuttall's woodpeckers could easily breed in this area.

Southwestern Willow Flycatcher (*Empidonax traillii extimus*)

Southwestern willow flycatcher was listed as endangered by the USFWS on March 29, 1995, and all subspecies of willow flycatchers which breed in California were listed as endangered by CDFW on January 2, 1991 (CDFW 2015b). Southwestern willow flycatcher is a small, migratory flycatcher that breeds in the arid portions of the southwestern United States and winters in southern Mexico, Central America, and northern South America (USFWS 2002). They feed almost exclusively on insects captured in flight or gleaned from trees and branches but are also known to eat berries and seeds (Ehrlich et al.1988).

Southwestern willow flycatchers breed in relatively dense riparian tree and shrub communities usually classified as forested wetlands or scrub-shrub wetlands which are often associated with rivers, swamps, lakes and other wetlands (USFWS 2002). Their nest is an open-cup nest constructed of leaves, grass, fibers, feathers, and fur typically set in a fork of a branch about five to 23 feet above the ground (Baicich and Harrison 1997; USFWS 2002) They lay a single brood of three to four eggs which are incubated for 12 to 13 days; young fledge in 12 to 15 days (Baicich and Harrison 1997; Ehrlich et al.1988; USFWS 2002).

The decline of the Southwestern willow flycatcher is attributed to the extensive loss and modification of breeding habitat which has led to a reduction in the overall population. The Recovery Plan (USFWS 2002) identifies the causes of the destruction and modification of riparian habitats as the "reduction or elimination of surface and subsurface water due to diversion and groundwater pumping; changes in flood and fire regimes due to dams and stream channelization; clearing and controlling vegetation; livestock grazing; changes in water and soil chemistry due to disruption of natural hydrologic cycles; and establishment of invasive non-native plants". Concurrently, brood parasitism by the brown-headed cowbird (*Molothrus ater*) has further inhibited reproductive success and further depressed population levels (USFWS 2002).

No willow flycatchers, breeding or migrants, were detected on site in 2015. However, the CNDDDB has records for southwestern willow flycatchers approximately one and 2.5 miles downstream of the Parcel (Figure 2) and the reach of the Santa Ynez River between Highway 1 and one-mile east of Highway 101 is designated as critical habitat by the USFWS (USFWS 2013).

Oak Titmouse (*Baeolophus inornatus*)

Oak titmouse is regarded as a BCC by the USFWS while nesting (CDFW 2015a) and is on the Santa Barbara Audubon Society “Watch List” (SBAS 2015). The oak titmouse is a drab ashy-gray passerine with a small crest that can be found year-round in most of western California, southwestern most Oregon, and the northwestern most portion of Baja California (Sibley 2000). Their preferred habitats include oak woodlands, mixed riparian, and wooded suburban areas (Baicich and Harrison 1997).

Oak titmice breed in natural or woodpecker-made cavities or nest boxes which the female selects (Ehrlich et al. 1988; Baicich and Harrison 1997). They lay a single brood of six to eight eggs, which are incubated for 14 to 16 days; young leave the nest cavity around 16 to 21 days (Baicich and Harrison 1997; Ehrlich et al. 1988).

Two oak titmice were detected during the first and seven were detected on the last bird survey; no oak titmice were detected during the three middle surveys. Based on these observations, the oak titmice were using the site before and after breeding; however, there is suitable habitat for breeding on the Parcel and in the surrounding area so this species potentially breeds on site.

Wrentit (*Chamaea fasciata*)

Wrentit are on the Santa Barbara Audubon Society “Watch List” (SBAS 2015). Wrentit are a resident species along the western coast from southern Washington to central Baja (Sibley 2000) and inhabit chaparral, scrub, and well vegetated suburban areas (Ehrlich et al. 1988).

Wrentit breed in shrubs or low trees; their nests are usually placed one to four feet above the ground and are usually placed near an opening or break in the vegetation (Baicich and Harrison 1997). Wrentits sometime have two broods of four eggs; incubation lasts 14 to 15 days and young fledge after 15 to 16 days. Wrentit are primarily insectivorous during the breeding season but eat fruit and berries in the fall and winter (Ehrlich et al. 1988).

Wrentit were detected during all five surveys; between three and five individuals were detected. Wrentit do not travel far from their natal site and based on these observations, wrentits certainly attempted to breed on the Parcel and in suitable habitat in the surrounding area.

California Thrasher (*Toxostoma redicicum*)

California thrashers are on the Santa Barbara Audubon Society “Watch List” (SBAS 2015). California thrashers are a resident species found almost exclusively within California with some found in northern Baja (Sibley 2000). California thrashers are found within chaparral, dense woodlands, scrub, riparian-scrub, and well vegetated suburban areas (Ehrlich et al. 1988).

California thrashers usually lay two broods of three to four eggs. The eggs are incubated for 14 days and nestlings require 12 to 14 days in order to fledge. Nests are built by both the male and

female thrasher, are set two to four feet off the ground in shrubs or low trees, and are rather bulky being made from stiff twigs (Ehrlich et al.1988; Baicich and Harrison 1997).

Between one and three California thrashers were seen throughout the five surveys. Based on these observations, this species certainly attempted to breed on the Parcel and in suitable habitat in the surrounding area.

Least Bell's Vireo (*Vireo bellii pusillus*)

The least Bell's vireo was listed as endangered by the USFWS on June 6, 1986, and was listed as endangered by CDFW on October 2, 1980 (CDFW 2015b). Least Bell's vireo is a small, migratory songbird that formerly bred "throughout the riparian woodlands in the Central Valley and low elevation riverine valleys of California and Northern Baja California" and winters in Mexico (USFWS 1998). They feed almost exclusively on insects, caterpillars in particular, gleaned from trees and branches but are also known to eat berries outside of the breeding season (Ehrlich et al.1988; USFWS 1998). Foraging occurs most frequently in willows in the mid to lower strata (USFWS 1998).

The decline of the least Bell's vireo is attributed to the extensive loss of breeding habitat and degradation of riparian habitat, and brood parasitism by the brown-headed cowbird; populations within the Owens Valley, Death Valley, Sacramento-San Joaquin Valleys and Sierra Nevada foothills, and Tehama County have been extirpated (USFWS 1998).

No least Bell's vireos were detected during the 2015 bird surveys. Habitat along this portion of the Santa Ynez River appears suitable for nesting least Bell's vireos; they are known to have bred upstream of Gibraltar Dam on the Santa Ynez River. Though at very low levels, least Bell's vireos are known to breed farther to the north along the Salinas River between San Luis Obispo and Monterey Counties and as far north as Santa Clara County (Kus 2002). This reach of the Santa Ynez River may be utilized by migrant least Bell's vireos during the spring and fall.

Yellow Warbler (*Dendroica petechia*)

When breeding, yellow warblers are a California SSC (CDFW 2015a). Yellow warblers within central California breed in willow riparian woodlands which may also contain cottonwoods, maple, sycamore, and alder (Dunn and Garrett 1997). Yellow warblers are primarily threatened by loss of riparian habitat and brood parasitism by brown-headed cowbirds (*Molothrus ater*). Yellow warblers are neo-tropical migrants and breed in suitable habitat through most of North America and winter in Central and northern South America (Dunn and Garrett 1997).

Yellow warblers are primarily insectivores during the breeding season capturing insects by gleaning insects off of vegetation and bark and occasional hawking (Ehrlich et al. 1988). Yellow warblers nest in dense riparian vegetation or shrubs and woodlands adjacent to swampy areas. Female yellow warblers build their nests in an upright fork of a twig of a shrub or tree between one and 14 feet above the ground. Yellow warblers usually lay four to five eggs which are incubated for 11 to 12 days and fledge after an additional nine to 12 days (Ehrlich et al.1988; Baicich and Harrison 1997).

Between two and eight yellow warblers were detected during the five bird surveys. This species almost certainly bred on the Parcel but no nests or confirmed juveniles were documented. The taller and denser riparian vegetation is excellent habitat and this species should be present every year and in moderate population density. Between two and three brown-headed cowbirds were seen on the Parcel during all five surveys; breeding success for the yellow warblers could be reduced or eliminated by brood parasitism from the brown-headed cowbirds.

Yellow-breasted Chat (*Icteria virens*)

Yellow-breasted chat is regarded as a SSC by the CDFW (CDFW 2015a). Yellow-breasted chats are a large, migratory warbler that can be found in the breeding season in most of the continental 48 states (Sibley 2000). Preferred habitats include thick vegetation or scrub along riparian areas and they feed almost exclusively on insects and fruit gleaned from trees and branches (Ehrlich et al.1988).

Yellow-breasted chats build an open cup nest in heavy vegetation usually between one and five feet from the ground (Ehrlich et al.1988). They usually lay three to four eggs which are incubated for 11 to 12 days and fledge in eight to 11 days (Ehrlich et al.1988; Baicich and Harrison 1997).

One singing yellow breasted chat was detected during the second survey (April 26, 2015) and two individuals were detected during the last three surveys. Yellow-breasted chats sing loudly but are also shy around people. The chats were heard singing at the upstream and downstream ends of the Parcel. They may have been present in the more central portions of the Parcel but were quiet when people were present. The habitat in the central area is suitable for chats but may not be as “attractive” as the more mature woodlands near the upstream and downstream ends. Based on the presence of this species throughout the later part of the survey period, chats are expected to have attempted to breed on the Parcel and within suitable habitat along the Santa Ynez River.

3.3.3 – Amphibians

Based on the website “California Herps, A Guide to the Amphibians and Reptiles of California” (2015), approximately eight species of amphibians have the possibility to be found within the Parcel. Common and scientific names for all amphibians and reptiles described follow the list published by the Society for the Study of Amphibians and Reptiles since 2001 (Crother 2008).

Two common native amphibian species, California toad (*Anaxyrus boreas halophilus*) and Baja California treefrog (*Pseudacris hypochondriaca hypochondriaca*), and one non-native amphibian species, American bullfrog (*Lithobates catesbeianus*), were detected during the five daytime surveys and one nighttime survey. No California red-legged frogs were found within the Parcel although adequate water and habitat including several deep pools with overhanging riparian vegetation occur on site to support them.

More than 50 adult bullfrogs were detected during the night-time survey and are one of the primary predators for other amphibian species. Numerous treefrogs were detected during all of the various surveys. Over 200 adults were detected during the night-time survey and adult, metamorphs, and tadpoles were detected during the day-time surveys. One metamorph California toad was found during the day-time portion of the bat survey and many toad tadpoles were seen during day-time surveys.

3.3.4 – Sensitive Amphibian Species

California Red-legged Frog

The California red-legged frog is a federal threatened species and California SSC (CDFW 2015a). The red-legged frog is a relatively large aquatic frog ranging from 1.5 to 5 inches in length. Their body can appear brown, gray, olive, red or orange, often with a pattern of dark flecks or spots. Their backs are bordered by a dorsolateral fold of skin running from the eye to the hip. Most California red-legged frogs have a pale, white, or orange stripe running along the upper lip from beneath the eye to the rear of the jaw.

USFWS's Guidance on Site Assessment and Field Surveys for the California Red-legged Frogs (USFWS 2005) notes that breeding sites for California red-legged frogs are known to include "coastal lagoons, marshes, permanent and semi-permanent natural ponds, ponded and backwater portions of streams, as well as artificial impoundments such as stock ponds, irrigation ponds, and siltation ponds." A female red-legged frog lays between 2,000 and 6,000 eggs which are usually attached to emergent aquatic vegetation. Additionally, the creeks and ponds where California red-legged frogs are most common "have dense growths of woody riparian vegetation, especially willows (*Salix* spp.)" (Hayes and Jennings 1988).

Research by Rathbun et al. (1993) indicated that "California red-legged frogs may move up to 3 kilometers (1.88 miles) up or down drainages and are known to wander throughout riparian woodlands up to several dozen meters from the water". Additionally, the USFWS Guidance document (2005) indicates that they:

"...have been observed to make long-distance movements that are straight-line, point to point migrations rather than using corridors for moving in between habitats. Dispersal distances are considered to be dependent on habitat availability and environmental conditions. On rainy nights California red-legged frogs may roam away from aquatic sites as much as 1.6 kilometers (1 mile). California red-legged frogs will often move away from the water after the first winter rains, causing sites where California red-legged frogs were easily observed in the summer months to appear devoid of this species. Additionally, California red-legged frogs will sometimes disperse in response to receding water which often occurs during the driest time of the year." Predation from bullfrogs, crayfish, and non-native fish may be limiting red-legged frog presence along the river downstream of Bradbury Dam (where non-native species occur and disperse from downstream). Red-legged frogs are documented within the watershed approximately one mile to the southeast along Nojoqui Creek, under two miles to the south-southeast along the Santa Ynez River, under four miles to the northeast on Zaca Creek, and just under five miles to the south-southeast on Nojoqui Creek (see Figure 2). Based on the Parcel's location, known sightings of California red-legged frogs in the region, and their ability to disperse long distances, there is a high probability that this species could be present on site. Only one night-time eye-shine survey was conducted which severely limits the detection probabilities. Therefore, red-legged frogs may be using the Parcel and adjacent upland and riparian habitats for migration and breeding.

3.3.5 – Reptiles

Based on the website "California Herps, A Guide to the Amphibians and Reptiles of California" (2015), approximately 17 species of reptiles have the possibility to be found within the Parcel. Common and scientific names for all amphibians and reptiles described follow the list published by the Society for the Study of Amphibians and Reptiles since 2001 (Crother 2008).

Three reptiles [Coast Range fence lizard (*Sceloporus occidentalis bocourtii*), western side-blotched lizard (*Uta stansburiana elegans*), and western pond turtle (*Actinemys pallida*)] were detected during the five daytime surveys.

3.3.6 – Sensitive Reptile Species

Western Pond Turtle

Western pond turtle, is currently under review by the USFWS for listing under the ESA (USFWS 2015) and is a California Species of Special Concern (CDFW 2015a). According to Stebbins (2003), it has declined in most of its range by approximately 75 - 80 %. Predation by raccoons has dramatically reduced nest and yearling survivorship as raccoon populations have increased due to human alterations of the environment (pers. comm. Dr. Sweet).

The western pond turtle is the only native turtle to California. Stebbins (2003) describes the western pond turtle as “a thoroughly aquatic turtle of ponds, lakes, marshes, rivers, streams, and irrigations ditches” though he goes on to say that they can be “found in woodlands, grasslands, and open forests”. The pond turtle feeds on aquatic plants, insects, worms, fish, amphibian eggs and larvae, crayfish, and carrion (Stebbins 2003). Pond turtles are not mature until eight to ten years old. They mate in April and May and females lay their clutch of two to 11 eggs between April and August on the shore above the stream or pond and in adjacent upland areas far from water. Rosenberg et al. (2009) summarize upland habitat usage by pond turtles indicating that, “nesting habitat is characterized by its proximity to water, relatively sparse vegetation, and a high level of solar exposure. Adult and juvenile pond turtles use both aquatic and upland habitats for overwintering, and upland overwintering sites are typically within 200 meters of water”.

Pond turtles were detected within the larger pools of water within the Santa Ynez River on the first four of the five daytime surveys (see Appendix A, Photograph 4). The high count was ten turtles – two separate groups of five turtles near the upstream and downstream ends of the Parcel. All turtles detected were adults though breeding within and adjacent to the Parcel is expected.

Two-striped Gartersnake (*Thamnophis hammondi*)

The two-striped gartersnake is a California SSC (CDFW 2015). The two-striped gartersnake can be found along coastal California from Monterey Bay south into Baja California usually in association with a creek, wetland or other water source (California Herps. 2015). The two-striped gartersnake ranges in size from 24 to 40 inches but tends to be 18 to 30 inches; they feed on tadpoles, newt larvae, small frogs and toads, fish and may hunt underwater (California Herps. 2015).

The two-striped gartersnake was documented in the CNDDDB approximately two miles to the southeast of the parcel along Nojoqui Creek in 2008 (Figure 2). Suitable habitat for the two-striped garter snake is present on the Parcel along the Santa Ynez River.

3.3.7 – Mammals

Terrestrial mammals were documented opportunistically and are show in Table 5. One night-time acoustic bat survey was conducted under less than ideal conditions on June 22, 2015. The species of bats that were detected are included Table 5 including the pallid bat (*Antrozous pallidus*), a SSC (CDFW 2015a).

Table 5. Mammals Detected in 2015

Common Name	Scientific Name	Detection
Mule Deer	<i>Odocoileus hemionus</i>	Footprints, scat, visual
Bobcat	<i>Lynx rufus</i>	Footprints
Mountain Lion	<i>Puma concolor</i>	Photograph
Coyote	<i>Canis latrans</i>	Scat
Dusky-footed Woodrat	<i>Neotoma fuscipes</i>	Middens, scat
American Beaver	<i>Castor canadensis</i>	Dams, slides, gnaw marks
Botta's Pocket Gopher	<i>Thomomys bottae</i>	Mounds, vegetation pulling
California Ground Squirrel	<i>Spermophilus beecheyi</i>	Visual
Western Gray Squirrel	<i>Sciurus griseus</i>	Visual, call
Brush Rabbit	<i>Sylvilagus bachmani</i>	Footprints, visual
Brazilian Free-tailed Bat	<i>Tadarida brasiliensis</i>	Vocalizations
California myotis	<i>Myotis californicus</i>	Vocalizations
Yuma myotis	<i>Myotis yumanensis</i>	Vocalizations
Canyon bat	<i>Parastrellus hesperus</i>	Vocalizations
Silver-haired bat	<i>Lasionycteris noctivagans</i>	Vocalizations
Big brown bat	<i>Eptesicus fuscus</i>	Vocalizations
Pallid Bat	<i>Antrozous pallidus</i>	Vocalizations

Due to the high levels of unauthorized human presence on the Parcel, additional mammal surveys using camera-traps, small mammal box traps, and passive acoustic detectors could be problematic due to theft and vandalism. A mountain lion was photo documented traveling within the river channel in 2012 by a motion sensor camera set up by the property owner (Appendix A, Photograph 13). Without additional surveys there are questions that will remain regarding mammal usage of the Parcel. In particular, without more bat surveys there is little information on the diversity of species present and the breeding and migratory bat usage of this area and of the Parcel. Due to the presence of year-round water within the relatively undeveloped river channel and surrounding riparian vegetation it is expected that the parcel is part of a significant migration corridor for mammals within the region.

3.3.8 – Sensitive Mammal Species

Pallid Bat (*Antrozous pallidus*)

Pallid bats are a California SSC and the Western Bat Working Group ranks this species as “high priority” (CDFW 2015). Pallid bats are part of the family Vespertilionidae or evening bats and are primarily a crevice roosting species using roosting sites where they can retreat from view. They are known to use rock crevices, old buildings, bridges, caves, mines, and hollow trees for roost sites and are very sensitive to disturbance at the roost. Pallid bats are unusual in that they prey on ground-based species including antlions, beetles, centipedes, cicadas, crickets, grasshoppers, Jerusalem crickets, katydids, moths, praying mantis, scorpions, solpugids, termites, and rarely take geckos, lizards, skinks, and small rodents (Western Bat Working Group 2015). Pallid bats mate in fall or winter and birth their young May and June (Eder 2005).

Pallid bat vocalizations were detected during the June 22, 2015 acoustic bat surveys. Potential roost sites on site are limited and may include hollow trees; however, there are several potential roost sites in the vicinity of the site. The pallid bat most likely utilizes the site for foraging and getting fresh water.

American Badger (*Taxidea taxus*)

American badgers are a California SSC (CDFW 2015). The badger can be found throughout most of California but tends to avoid forested areas and prefers open grasslands, farmlands, and sometimes edges of woods inhabited by ground squirrels. Badgers are approximately 32 inches long and weigh between 11 and 24 pounds and feed on ground squirrels, eggs, baby birds, mice, carrion, and invertebrates (Eder 2005). The burrows dug by the badger are utilized by numerous other species of wildlife from coyotes to invertebrates; the overall health of the ecosystem begins to fade without periodic visits by badgers and their burrows (Eder 2005).

A CNNDDB record for badger from 1989 is documented on and to the northeast of the Parcel (Figure 2). Badgers may pass through and occasionally utilize the more open areas on the northern edge of the Parcel; however its preferred habitat is in the open grasslands and farms north of the Parcel.

3.3.9 – Fish

Based on limited and passive observations of fish in the Santa Ynez River on or near the Parcel, there were two non-native fish species present. The Western mosquitofish (*Gambusia affinis*) was present in the shallower and slower-moving portions of the river in very high numbers; largemouth bass (*Micropterus salmoides*) were found within deeper pools including at least 12 individuals in one pool (Appendix A, Photograph 9). Largemouth bass are a known predator of smaller steelhead which are known to migrate through the parcel between freshwater and ocean habitats and are expected to inhabit the year-round pools within this portion of the Santa Ynez River. The parcel includes listed Critical Habitat (NMFS) for the endangered southern California steelhead. Perennial pools on the parcel appear to provide adequate juvenile rearing habitat and adult over-summering habitat in addition to serving as a critical migration corridor. Gravel bars may provide adequate spawning areas. During winter runoff there is access for steelhead to enter Zaca Creek, but their use of this tributary is unknown. The presence of beaver dams and pools on the parcel are expected to have significant benefits to steelhead habitat as has been reported by recent studies elsewhere (Pollock et al. 2015).

SECTION 4 – DISCUSSION

The Parcel has a mix of some very strong habitat values and some significant drawbacks associated with human induced impacts and non-native species. Habitat values include well-established Fremont cottonwood-red willow forest/arroyo willow-mulefat thickets, a lack of any woody non-native species (e.g. *Arundo donax* or *Tamarix* species) which is unusual in this region of California, and an unobstructed reach of the Santa Ynez River that has water throughout the year.

The habitats on site support 70 species of birds, nine of which are special status, and at least three special-status wildlife, steelhead trout, western pond turtle and pallid bat. The river itself, and possibly Zaca Creek, is known to support endangered southern steelhead trout and the majority of the site is critical habitat for steelhead and southwestern willow flycatcher. (CNDDDB 2015, NOAA 2005). Additionally, five special status wildlife species have potential to occur on site including least Bell's vireo, southwestern willow flycatcher, California red-legged frog, two-striped garter snake, and American badger. Two locally rare plant species the dwarf brodiaea and southern California black walnut occur on site.

Being located not far from development and downstream of Lake Cachuma, numerous non-native species have become established on site. There were several non-native herbaceous plant species found throughout the Parcel and well established populations of non-native wildlife species including crayfish, bullfrogs, mosquito fish, and bass. Additionally, there are legal constraints that have been imposed to protect listed species which may make removing some of the non-native species very difficult. There are also numerous unpermitted trails and human ingress through the Parcel that could limit and impede restoration efforts; actions by the City of Buellton regarding public access along the river could improve or exacerbate this issue. Lastly, increased development within the City of Buellton near the site could also adversely impact habitat and wildlife on the Parcel by increasing human disturbance of the site, increasing non-native plants and wildlife, decreasing water quality, increasing the storm water run-off which could lead to erosion issues, and indirect impacts from light and noise that could impact endangered southern steelhead, and sensitive and common wildlife species.

Given that the site is connected to the larger river system, there are changes at the watershed level that can help restore this section of river to provide improved habitat quality for many species such as California red-legged frog, western pond turtle, and steelhead. Overall, the parcel contains mostly natural and high quality riverine and riparian habitat for multiple species and is part of an important migration corridor along the Santa Ynez River and Zaca Creek. In combination with existing and adjacent riverfront lands that are already protected, this parcel contains valuable wildlife habitat and conservation potential.

REFERENCES

- Baicich, Paul J. and Colin J. O. Harrison. 1997. Nests, eggs, and nestlings of North American birds, second edition. Princeton University Press, New Jersey.
- CalFlora. 2015. <http://www.calflora.org/>
- California Department of Fish and Wildlife (CDFW). 2015a. Special Animals List: March 2015. Periodic publication. 51 pp.
- California Department of Fish and Wildlife (CDFW). 2015b. *State and federally listed endangered and threatened animals of California: March 2015*. State of California Natural Resources Agency, California Natural Diversity Database. Accessed online at: <https://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>.
- California Herps. 2015. A Guide to the Amphibians and Reptiles of California. <http://www.californiaherps.com/index.html>
- California Native Plant Society (CNPS). 2015. <http://www.rareplants.cnps.org/>
- Clark, W. S. and B. K. Wheeler. 2001. Hawks of North America. Houghton Mifflin Company. New York. New York.
- Crother, B. I. (ed.). 2008. Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, pp. 1–84. SSAR Herpetological Circular 37.
- Dunn, J. and K. Garrett. 1997. A Field Guide to Warblers of North America. Houghton Mifflin Company. New York. New York.
- Eder, Tamara. 2005. Mammals of California. Lone Pine Publishing, Auburn, WA.
- Ehrlich, Paul. R., David Dobkin, and Darryl Wheye. 1988. The birder's handbook: a field guide to the natural history of North American birds. Simon and Schuster, New York.
- Hayes, M.P. and M.R. Jennings. 1988. Habitat correlates of distribution of the California redlegged frog (*Rana aurora draytonii*) and the foothill yellow-legged frog (*Rana boylei*): Implications for management. Pages 144-158 In: R.C. Szaro, K.E. Severson, and D.R. Patton (technical coordinators), Proceedings of the symposium on the management of amphibians, reptiles, and small mammals in North America. United States Department of Agriculture, Forest Service, General Technical Report (RM-166):1-458.
- Jepson Flora Project (eds.) 2013. Jepson eFlora, <http://ucjeps.berkeley.edu/IJM.html> accessed on September 11, 2015.
- Kus, B. 2002. Least Bell's Vireo (*Vireo bellii pusillus*). In The Riparian Bird Conservation Plan: a strategy for reversing the decline of riparian-associated birds in California. California Partners in Flight. http://www.prbo.org/calpif/htmldocs/riparian_v-2.html
- Lehman, Paul. 1994. The Birds of Santa Barbara County, California. University of California, Santa Barbara.

- Monk, G. 1981. California peregrine falcon reproductive outcome and management efforts in 1981. U.S. Department of Interior, Fish and Wildlife Service, Sacramento. Endangered Species Report. 27pp.
- National Oceanic and Atmospheric Administration (NOAA). 2005. Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California. Federal Register, 50 CFR Part 226, Vol. 70 No. 170: 52488-52627.
- Pollock, M., C. Jordan, N. Bouwes, J. Wheaton, C. Volk, N. Weber, J. Hall, and J. Goldsmith. 2015. Working with Beaver to Restore Salmon Habitat. <http://www.nwfsc.noaa.gov/research/divisions/fe/wpg/beaver-assist-stld.cfm>
- Rosenberg, D., J. Gervais, D. Vesely, S. Barnes, L. Holts, R. Horn, R. Swift, L. Todd, and C. Yee. 2009. Conservation Assessment of the Western Pond Turtle in Oregon (*Actinemys marmorata*). U.S.D.I. Bureau of Land Management and Fish and Wildlife Service, U.S.D.A. Forest Service Region 6, Oregon Department of Fish and Wildlife, City of Portland.
- Santa Barbara Audubon Society (SBAS). 2015. Santa Barbara Audubon Society, Santa Barbara County Watch List <http://www.santabarbaraudubon.org/SBAudubon/sbaswatchlist.html>
- Santa Barbara Botanical Garden (SBBG). 2012. Rare Plants of Santa Barbara County, November 1, 2012. https://www.sbbg.org/sites/default/files/pdfs/rare_list_santabarbara.pdf
- Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation. California Native Plant Society Press. Sacramento, California.
- Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California and California Department of Fish and Game, Sacramento.
- Sibley, D. 2000. National Audubon Society: The Sibley Guide to Birds. Chanticleer Press, Inc. New York.
- Stebbins, R. C. 2003 Western Reptiles and Amphibians. Houghton Mifflin Company. New York. New York.
- U.S. Fish and Wildlife Service. 1998. Draft Recovery Plan for the Least Bell's Vireo. U.S. Fish and Wildlife Service, Portland, OR. 139 pp.
- U.S. Fish and Wildlife Service. 2002. Southwestern Willow Flycatcher Recovery Plan. Albuquerque, New Mexico. i-ix + 210 pp., Appendices A-O
- U.S. Fish and Wildlife Service. 2008. Birds of Conservation Concern 2008. United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, Virginia. 85 pp. [Online version available at <<http://www.fws.gov/migratorybirds/>>]

- U.S. Fish and Wildlife Service. 2013. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Southwestern Willow Flycatcher; Final Rule. Federal Register, 50 CFR Part 17, Vol. 78 No. 2: 344-534.
- U.S. Fish and Wildlife Service. 2015. Environmental Conservation Online System http://ecos.fws.gov/tess_public/profile/speciesProfile?spcode=C06B
- Western Bat Working Group. 2015. <http://wbwg.org/>
- Zeiner, D. C., W. F. Laudenslayer, Jr, K. E. Mayer, and M. White. California Wildlife, Volume II: Birds. Department of Fish and Game, Sacramento, California. 1990.

APPENDIX A
Santa Ynez River Biological Report
Site Photographs



Photograph 1. Northeast end facing south – scale broom-California buckwheat scrub in foreground with Fremont cottonwood-red willow forest/arroyo willow-mulefat thickets in the background. (April 11, 2015)



Photograph 2. Killdeer nest with four eggs found on April 6, 2015.



Photograph 3. Beaver dam along main channel of Santa Ynez River. (April 11, 2015)



Photograph 4. Southern western pond turtle sunning on a log over pool of Santa Ynez River on the eastern end of the Parcel. (April 11, 2015)



Photograph 5. August 22, 2015 – post-release from Bradbury Dam showing flooding of area that had been mostly dry during spring and early summer 2015.



Photograph 6. Mock heather scrub in foreground and with Fremont cottonwood-red willow forest/arroyo willow-mulefat thickets in the background. (May 6, 2015)



Photograph 7. Large cobblestone/sandbar near the northwest end of Parcel with minimal scale broom and cudweed. (May 6, 2015)



Photograph 8. Four juvenile pied-billed grebes (green arrows) and nest structure (yellow) from western end of survey area. (April 11, 2015)



Photograph 9. “Blue Lagoon” near middle portion of Parcel; pool contained at least 12 bass. (May 6, 2015)



Photograph 10. Upstream portion of largest pool along main channel of Santa Ynez River located northwest of center on the Parcel. (May 6, 2015)



Photograph 11. Annual brome grassland located along the northeastern portion of the site.



Photograph 12. Poison hemlock in foreground and Fremont cottonwood-red willow forest/arroyo willow-mulefat thickets in background.



Photograph 13. Mountain lion photographed on the parcel by property owner.

APPENDIX B

SANTA YNEZ RIVER BIOLOGICAL REPORT 2015

PLANT SPECIES OBSERVED ON SITE

Scientific Name	Common Name
<i>Acer negundo</i>	Box elder
<i>Ambrosia psilostachya</i>	Western ragweed
<i>Amsinkia menziesii</i>	Common fiddleneck
<i>Apium graveolens</i>	Wild celery
<i>Artemisia californica</i>	California sagebrush
<i>Artemisia dranunculus</i>	Tarragon
<i>Asclepias fascicularis</i>	Narrow-leaved milkweed
<i>Astragalus trichopodus var. phoxus</i>	Antisell milkvetch
<i>Avena barbata</i>	Wild oats
<i>Azolla filiculoides</i>	Water fern
<i>Baccharis pilularis</i>	Coyote brush
<i>Baccharis salicifolia</i>	Mulefat
<i>Brassica nigra</i>	Black mustard
<i>Brodiaea terrestris ssp. terrestris*</i>	Dwarf brodiaea
<i>Bromus diandrus</i>	Ripgut brome
<i>Bromus hordeaceus</i>	Soft chess
<i>Calystagia ssp.</i>	Morning glory
<i>Camissonia sp.</i>	Sun cups
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Centaurea melitensis</i>	Tocalote
<i>Chenopodium album</i>	Lamb's quarters
<i>Cnicus benedictus</i>	Blessed thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Croton californica</i>	California croton
<i>Cuscuta californica</i>	Chaparral dodder
<i>Cynodon dactylon</i>	Bermuda grass

Scientific Name	Common Name
<i>Cyperus eragrostis</i>	Umbrella sedge
<i>Cyperus involucratus</i>	African umbrella plant
<i>Datura wrightii</i>	Jimson weed
<i>Descarina pinnata</i>	Tansy mustard
<i>Eleocharis parishii</i>	Spikerush
<i>Elymus triticoides</i>	Creeping ryegrass
<i>Equisetum arvense</i>	Common horsetail
<i>Ericameria ericoides</i>	Mock heather
<i>Eriogonum fasciculatum</i>	California buckwheat
<i>Eriophyllum confertiflorum</i>	Golden-rod
<i>Erodium cicutarium</i>	Stork's bill
<i>Eschscholzia californica</i>	California poppy
<i>Euphorbia peplus</i>	Petty spurge
<i>Foeniculum vulgare</i>	Fennel
<i>Galium aparine</i>	Goose grass
<i>Helminthotheca echioides</i>	Bristley ox-tongue
<i>Heterotheca grandiflora</i>	Telegraph weed
<i>Hordeum murinum</i>	Wall barley
<i>Juglans californica</i> var. <i>californica</i> *	Southern California black walnut
<i>Juncus xiphioides</i>	Iris-leaved rush
<i>Lactuca serriola</i>	Prickly wild lettuce
<i>Lemna</i> sp.	Duckweed
<i>Lepidospartum squamatum</i>	Scale broom
<i>Lolium multiflorum</i>	Italian ryegrass
<i>Ludwigia peploides</i>	Yellow waterweed
<i>Lupinus bicolor</i>	Minature lupine

Scientific Name	Common Name
<i>Lupinus succulentus</i>	Arroyo lupine
<i>Malacothrix sp.</i>	Malacothrix
<i>Malva parviflora</i>	Cheeseweed
<i>Marah macrocarpa</i>	Chilicothe
<i>Marrubium vulgare</i>	Horehound
<i>Medicago polymorpha</i>	Bur clover
<i>Melilotus albus</i>	White sweetclover
<i>Melilotus indica</i>	Yellow sweetclover
<i>Mentha arvensis</i>	Mint
<i>Mimulus guttatus</i>	Monkeyflower
<i>Nasturtium officinale</i>	Water cress
<i>Opuntia sp.</i>	Ornamental cactus
<i>Persicaria punctatum</i>	Smartweed
<i>Petroselinum crispum</i>	Hill parsley
<i>Phacelia ramosissima ssp. ramosissima</i>	Branching phacelia
<i>Phoradendron leucarpum</i>	American mistletoe
<i>Plantago lanceolata</i>	English plantain
<i>Platanus racemosa</i>	Western Sycamore
<i>Polypogon interruptus</i>	Ditch beard grass
<i>Polypogon monspeliensis</i>	Rabbitsfoot grass
<i>Polypogon viridis</i>	Water beard grass
<i>Populus fremontii</i>	Fremont Cottonwood
<i>Populus trichocarpa</i>	Black cottonwood
<i>Pseudognaphalium canescens</i>	Cudweed
<i>Psuedognaphalium beneolens</i>	Cudweed
<i>Psuedognaphalium luteo-lbum</i>	Cudweed

Scientific Name	Common Name
<i>Quercus agrifolia</i>	Coast live oak
<i>Rosa californica</i>	California rose
<i>Rumex crispus</i>	Curly doc
<i>Rumex pulcher</i>	Fiddle dock
<i>Rumex salicifolius</i>	Willow dock
<i>Salix exigua</i>	Sandbar willow
<i>Salix laevigata</i>	Red willow
<i>Salix lasiolepis</i>	Arroyo Willow
<i>Salsola tragus</i>	Russian thistle
<i>Salvia leucophylla</i>	Purple sage
<i>Salvia mellifera</i>	Black sage
<i>Sambucus nigra</i>	Mexican elderberry
<i>Schoenoplectus californicus</i>	California bulrush
<i>Schoenoplectus pungens</i>	Common three-square bulrush
<i>Scrophularia californica</i>	California figwort
<i>Silybum marianum</i>	Milk thistle
<i>Sonchus asper</i>	Common sow thistle
<i>Sonchus oleraceus</i>	Common sow thistle
<i>Stachys bullata</i>	Wood mint
<i>Stephanomeria sp.</i>	Wire-lettuce
<i>Stipa miliacea</i>	Smilo grass
<i>Typha sp.</i>	Cattail
<i>Urtica dioica</i>	Stinging nettle
<i>Urtica urens</i>	dwarf nettle
<i>Verbena lasiostachya</i>	Verbena
<i>Veronica anagallis-aquatica</i>	Water speedwell

Scientific Name**Common Name**

Vicia benghalensis

Purple vetch

Xanthium californicum

Cocklebur

*Native species are bolded***locally rare (SBBG Rare Plants of Santa Barbara County)*



PROJECT APPLICATION FORM CITY OF BUELLTON PLANNING DEPARTMENT

RECEIVED

SEP 28 2015

CITY OF BUELLTON
Planning Department

PROJECT LOCATION Appeal of Live Oak Lanes Project
(Address)

SITE ZONING Industrial SITE ASSESSOR'S PARCEL NO. 099-690-045, -046

PROJECT DESCRIPTION Entertainment and Warehouse Complex

(15-AP-04)

(Attach additional sheets if necessary)

PERMITS AND APPROVAL REQUESTED

- | | |
|--|--|
| <p><input type="checkbox"/> ANNEXATION</p> <p><input type="checkbox"/> GENERAL PLAN AMENDMENT/REZONING</p> <p><input type="checkbox"/> SPECIFIC PLAN</p> <p><input type="checkbox"/> ZONING ORDINANCE TEXT AMENDMENT</p> <p><input type="checkbox"/> FINAL DEVELOPMENT PLAN</p> <p><input type="checkbox"/> PRELIMINARY DEVELOPMENT PLAN</p> <p><input type="checkbox"/> DEVELOPMENT PLAN MODIFICATION</p> <p><input type="checkbox"/> CONDITIONAL USE PERMIT</p> <p><input type="checkbox"/> MINOR USE PERMIT</p> <p><input type="checkbox"/> USE PERMIT MODIFICATION</p> <p><input type="checkbox"/> LOT LINE ADJUSTMENT</p> <p><input type="checkbox"/> SECONDARY DWELLING UNIT</p> | <p><input type="checkbox"/> VARIANCE</p> <p><input type="checkbox"/> SUBDIVISION (TENTATIVE TRACT MAP)</p> <p><input type="checkbox"/> SUBDIVISION (TENTATIVE PARCEL MAP)</p> <p><input type="checkbox"/> CONDOMINIUM CONVERSION</p> <p><input type="checkbox"/> ZONING CLEARANCE</p> <p><input type="checkbox"/> CONCEPTUAL REVIEW</p> <p><input type="checkbox"/> LAND USE EXEMPTION</p> <p><input type="checkbox"/> SIGN APPROVAL</p> <p><input type="checkbox"/> TEMPORARY USE PERMIT/SPECIAL EVENTS</p> <p><input checked="" type="checkbox"/> APPEAL</p> <p><input type="checkbox"/> OTHER</p> <p><input type="checkbox"/> HOME OCCUPATION</p> |
|--|--|

The City charges 100% of its costs of processing to the applicant. Prior to receiving any permits, applicant shall reimburse City for all processing costs. The City will review the application for completeness and will notify the applicant within 30 days of submittal of a complete or incomplete application.

AUTHORIZATION: I, Lew Eisaguirre, HEREBY AUTHORIZE Brownstein Hyatt Farber Schreck, LLP TO ~~REPRESENT ME~~ REPRESENT ME IN ALL MATTERS CONCERNING THIS APPLICATION.

PROPERTY OWNER CONTACT INFORMATION

Name Lew Eisaguirre (Please Print)
 Phone (805) 686-9409
 Address 35 Industrial Way, Buellton, CA 93427
 E-Mail lew@terravant.com

Property Owner Signature (Required) Date 9/25/15

I DECLARE THAT I AM THE APPLICANT, OWNER, LESSEE, OR ATTORNEY OF THE OWNER, AGENT, OR PERSON WITH THE POWER OF ATTORNEY FROM THE OWNER OF THE ABOVE PROPERTY INVOLVED IN THIS APPLICATION, AND THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE.

THIS DECLARATION IS ALSO INTENDED TO APPLY TO ALL TRANSACTIONS WITH THE SANTA BARBARA COUNTY PLANNING AND DEVELOPMENT DEPARTMENT RELATED TO BUILDING PERMIT ISSUANCE.

AGENT CONTACT INFORMATION

Name Dylan Johnson, Esq. (Please Print)
 Phone (805) 882-1413
 Address Brownstein Hyatt Farber Schreck, LLP
1020 State Street, Santa Barbara, CA 93101
 E-Mail djohnson@bhfs.com

Applicant Signature Date 9/25/15

Please see important information regarding **Disability Access Laws** on the back of this form.

OFFICIAL USE ONLY

Application Fee/ Deposit Received: 9/20/15 12718 CEH

Payment Processing Agreement Recd: 9/20/15 9660-

C&D Application Received: N/A

RECEIVED

SEP 28 2015

CITY OF BUELLTON
Planning Department

CITY OF BUELLTON

AGREEMENT FOR PAYMENT OF PROJECT APPLICATION PROCESSING FEES

(Note – This Agreement not needed for Zoning Clearance or Land Use Exemption)

FILL OUT COMPLETELY
TYPE OR PRINT

- | | |
|--|--|
| 1. Property Owner: | 2. Agent: |
| Name: <u>Terravant Wine Company</u> | Name: <u>Dylan Johnson</u> |
| Mailing Address: <u>35 Industrial Way</u> | Mailing Address: <u>1020 State Street</u> |
| <u>Buellton</u> <u>CA</u> <u>93427</u> | <u>Santa Barbara</u> <u>CA</u> <u>93101</u> |
| (city) (state) (zip) | (city) (state) (zip) |
| Phone: <u>(805) 686-9400</u> | Phone: <u>(805) 882-1413</u> |

3. Party responsible for payment: (check one) OWNER AGENT OTHER
(If other is checked fill out below)
- Name: _____
- Mailing Address: _____
- _____
- (city) (state) (zip)

4. Project address: Appeal of Live Oak Lanes project 5. APN: 099-690-045, 099-690-046
6. Application/file reference number: _____

As the responsible person or party, I hereby agree that the administrative, file storage and material costs incurred in the processing of the applications for the above referenced project will be paid to the City of Buellton. I understand that the deposit I am herewith submitting is for average processing costs and that any additional amount will be billed to me directly. I agree that such additional fees will be paid either: (1) prior to the hearing on the applications, if required by the City at that time and/or, (2) prior to the issuance of a final land use clearance by the City. In the event I withdraw the application, I understand that I will be billed for any outstanding amount, which I agree to pay within thirty (30) days of the billing notice. If not paid within thirty (30) days any amount due the City will bear interest at the highest legal rate. I agree to pay any attorney's fees incurred by the City in collecting said fees. I also understand that if the deposit amount has not been exceeded, I will receive a refund of the remaining amount.

Signed: *[Signature]* Date: 9/25/15

(check one): Owner Agent Other





September 25, 2015

Dylan K. Johnson
Attorney at Law
805.882.1413 tel
805.965.4333 fax
djohnson@bhfs.com

VIA HAND DELIVERY AND E-MAIL

City Council for the City of Buellton
Attn: City Manager Marc Bierdzinski
P.O. Box 1819
Buellton, CA 93427
marcb@cityofbuellton.com

RE: Appeal of Approvals for Live Oak Lanes Project

To the City Council:

Brownstein Hyatt Farber Schreck presents this appeal letter on behalf of its client Terravant Wine Company ("Terravant") pursuant to Buellton Municipal Code ("Municipal Code") Section 19.10.130.B. By this letter, Terravant appeals to the City Council the Live Oak Lanes project ("Project"), which was approved by the Planning Commission on September 17, 2015 pursuant to Resolution Nos. 15-08 and 15-09.

Terravant owns property located adjacent to the Project, at 35 Industrial Way ("Terravant Property").¹ The Project as approved interferes with access to Terravant's Property and includes invalid drainage onto Terravant's Property. The Mitigated Negative Declaration ("MND") for the project also contains a number of errors and omissions, and is insufficient because the Project presents a number of significant impacts. An Environmental Impact Report ("EIR") must be prepared for the Project.

For these reasons, as explained in further detail below, Terravant requests that the City Council: (1) vacate the Planning Commission's approval of Resolution Nos. 15-08 and 15-09, (2) direct staff and the applicant to prepare an Environmental Impact Report for the Project, (3) require the applicant to resolve access issues with Terravant and demonstrate valid drainage before the City will reconsider the Project, and (4) require the applicant to reach a cost-sharing agreement with other users of the sewer lift station serving area parcels before the City will reconsider the Project.

Background

The proposed Project is a 49,790 square foot family entertainment center consisting of a bowling alley, arcade, sports bar with lounge and outdoor deck, party and meeting rooms, and office space. The Project will also include a lighted 5-stall batting cage and bocce ball courts, as well as an 18,470 square foot warehouse.²

¹ The Terravant Property is designated as Assessor Parcel Nos. 099-690-044 and 099-690-039.

² Revised Draft, Initial Study/Mitigated Negative Declaration for the Live Oak Lanes Project, 15-MND-01, dated August 12, 2015 (hereinafter, "MND"), p. 4.

1020 State Street
Santa Barbara, CA 93101-2711
main 805.963.7000

The Project will be constructed on two parcels located directly to the northwest of the Terravant Property.³ Terravant maintains and operates a winery facility and restaurant on its property. Commercial trucks and vehicles regularly access the rear of the Terravant facility by way of the road that runs along the rear of the Terravant facility ("Operations Area"). See attached Exhibit A.

As proposed, the Project will direct employee and truck traffic from Industrial Way to turn right on the road in front of Figueroa Mountain, then to turn left on the road running along the rear of Ascendant Spirits and Terravant, and finally to turn right into the Project at the southwest corner of the Project property. See Exhibit A. Employee and truck traffic will exit in the same manner. This path of travel will bring Project employee and truck traffic into direct conflict with the commercial traffic currently servicing the Terravant facility, which creates a serious safety hazard.

The Project also proposes to bring 711 customer trips in the same general path of travel, though not through the Operations Area. See Exhibit A. But nothing would prevent customers from accidentally entering the Operations Area.

The Project plans also show the Project draining stormwater across the southern property line, on both the west and east sides of the property, into a detention pond located on Terravant's Parcel No. 099-690-039. See attached Exhibit A. The City owns an easement to use the detention pond for drainage from City facilities pursuant to a grant by the former owner of the Terravant Property. The easement was created to allow the City to drain City stormwater from Industrial Way onto the Parcel No. 099-690-039. The Project possesses no right by easement or otherwise to drain directly onto the Terravant Property.

As explained below, due to the access and drainage issues, and deficiencies in the environmental review, the Project is inconsistent with the Municipal Code and is in error.

Authority for Appeal

The Buellton Municipal Code Section 19.10.130 provides that decisions of the Planning Commission may be appealed to the City Council within 10 days of the decision by any interested person adversely affected by the decision. The Planning Commission approved the Project on September 17 and this letter was filed on September 25.

The appellant must state specifically how the decision is inconsistent with the purposes of Title 19, Zoning, or otherwise in error.⁴ The approval of the Project by the Planning Commission is inconsistent with the City's zoning code and in error for the following reasons.

Grounds for Appeal

1. Vehicle Access and Circulation

As explained in detail in the memorandum attached as Exhibit B, Terravant has the sole right to the Operations Area through its long continued use of the property and Project traffic may not interfere with their rights.

In December 2014, Terravant and the applicant and owner of the Project, agreed through their attorneys to the terms of a lot line adjustment agreement (see correspondence attached as Exhibit C) to resolve the

³ The parcels for the Project are designated as Assessor Parcel Nos. 099-690-045 and 099-690-046.

⁴ Municipal Code § 19.10.130.B.2.

access and public safety issues. However, since that time, the applicant has not consulted with Terravant and has refused to complete the lot line adjustment agreement.

City staff addressed the access issue in cursory fashion in its staff report for the Project, stating on page 12 under "Compatibility" that the "applicant and Terravant still need to work out easement details" and that there would be "shared access." This one statement without any enforceable conditions is wholly inadequate to address the significant problem presented by the Project's proposed circulation pattern.

The Project should not have been approved prior to the resolution of this access issue. A project cannot be approved without adequate access. The traffic analysis in the MND is also in error because it does not analyze the effects of customer traffic conflicting with heavy commercial traffic to the Terravant facility (see discussion in Section 3.A.). The City Council should require the applicant to resolve the access issue prior to project approval and the City should prepare an EIR that accurately analyzes any remaining access issues.

2. Drainage

The applicant intends to drain stormwater from the Project directly onto the detention basin located on property owned by Terravant. The applicant has no right to drain onto Terravant's property.

The Project plans show storm water draining across the Project's southern property line, on both the eastern and western sides of the property, into the neighboring detention basin located on property owned by Terravant, designated by the County as Assessor Parcel No. 099-690-39.⁵ ("Terravant Parcel"). Neither the City nor the Project has an easement to drain in the manner proposed.

The Project plans show an "Existing Drainage Easement" running along the western side of the property in the path of the planned drainage. But this is deceptive. While there is an existing drainage easement in this area, it is a private drainage easement benefitting only the property to the north of the Project property.⁶ The Project has no right to use this private easement granted to another property.

A "Variable Width Public Drainage and Storm Water Detention Easement" in the vicinity of the proposed drainage granted to the City in 2000 by Instrument No. 2000-0069655⁷ was later vacated by Parcel Map 31,035.⁸ The Parcel Map states in the lower left corner: "The 10' wide Public Drainage Easement and the variable width Public Drainage and Storm Drain Water Detention Easement per (R) and per Inst. No.s 2000-0069655 & 2001-0002993 O.R. were abandoned hereon per Section 66434(g) of the State Subdivision Map Act." The Parcel Map does not display any other drainage easements in the vicinity of the Project's proposed drainage.⁹

⁵ See highlighted parcel on Assessor Parcel Map, attached as Exhibit D and Exhibit A, "Detention Basin."

⁶ Per Parcel Map 31,019, the drainage easement benefits Parcel 1, the property to the north of the Project property. See highlighted language on Parcel Map 31,019, attached as Exhibit E.

⁷ Inst. No. 2000-0069655 is attached hereto as Exhibit F. We have highlighted the variable width easement for reference on the map attached as Exhibit A to the Instrument.

⁸ Parcel Map 31,035 is attached hereto as Exhibit G.

⁹ Furthermore, this easement granted in 2000 was granted only to the City, not to the Project property, and did not allow drainage onto the Terravant Parcel. See map attached as Exhibit A to Exhibit E of this letter. The arrows delineate the extent of the easement and they do not show drainage being permitted onto the Terravant Parcel. The intent of this easement document seems to have been to create the detention basin on a portion of Parcel 3 of Map 31,019. Sometime later the City evidently decided to move the detention basin to the Terravant Parcel, Parcel 4 of Map 31,019.

In 2006, Buellton Industrial Partners II, LLC, granted the City an easement on the Terravant Parcel to construct a detention basin to receive storm water drainage from Industrial Way.¹⁰ For ease of understanding, we have attached as Exhibit I a map with the City's current drainage easement shown in highlighting.

The easement to the City did not grant any rights to drain from any other parcels located adjacent to the Terravant Parcel and did not grant rights to any third parties to drain directly into the Terravant Parcel. A public utility easement such as this drainage easement is not an easement for public use. "Public utility easements, by their express terms, define the class of persons who have an interest or right in the use of the easement, and these easements do not extend rights to the public in general..."¹¹ The court of appeal has also held in an unpublished case that where a town acquired a public utility easement for public use, the plaintiff had no private right as an individual landowner to use the easement to install a sewer connection.¹²

The 2006 drainage easement grants drainage rights solely to the City and not to the public at large or any individual member. Therefore, only the City may drain stormwater from City facilities into the Terravant Parcel through the easement running from Industrial Way. There is no right for the Project to drain its private stormwater directly into the Terravant Parcel.

The Project plans and the MND, which also assumes drainage in the manner proposed on the plans, are both in error. The Project has not demonstrated the required drainage and cannot be approved until drainage has been secured. The City Council should require the applicant to secure valid drainage prior to project approval and the City should prepare an EIR that accurately analyzes the proposed drainage.

3. Environmental Analysis

The California Environmental Quality Act ("CEQA") strongly favors the preparation of an EIR by setting a low threshold for when an EIR is required.¹³ If a project may cause a significant effect on the environment, the agency must prepare an EIR.¹⁴ A project may have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact.¹⁵ An agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that the project may have a significant effect on the environment.¹⁶

The following constitutes substantial evidence supporting a fair argument that the project may have a significant effect on the environment.

¹⁰ The easement agreement is Inst. No. 2006-0035314, attached hereto as Exhibit H. Note that the description of the easement references both Parcel Maps 31,019 and 31,035, but attaches only map 31,019. Map 31,019 is the controlling map for the Terravant Parcel, but Map 31,019 has been superseded by Map 31,035 as to the parcels owned by Live Oak Lanes. Parcel Four on Parcel Map 31,019 is the Terravant Parcel on which the detention basin is located. The portion of Parcels One and Two of Parcel Map 31,035 described in the easement as being a 20' wide strip of land shown as "20' wide Public Drainage Easement to the City of Buellton per this map" runs along the southeastern edge of the Terravant property and the property just to the north. See Exhibit I for a highlighted map of the City's easement.

¹¹ *Cnty. of Sacramento v. Pac. Gas & Elec. Co.* (1987) 193 Cal.App.3d 300, 313.

¹² See *Almon v. Way*, Cal.App.Unpub, LEXIS 7988, Oct. 1, 2007, at *27.

¹³ Practice Under the California Environmental Quality Act (2d ed. Cal. CEB), § 6.37.

¹⁴ Pub Res C §§21100, 21151; 14 Cal. Code Regs. § 15064(a)(1), (f)(1).

¹⁵ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 n.16; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.

¹⁶ *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of "B" St. v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002.

A. Traffic/Transportation, Circulation, Land Use Compatibility

The project proposes to direct trucks and employee traffic along the eastern property line, directly through Terravant's Operations Area. See Exhibit A. Terravant has heavy truck traffic entering and exiting, and performing wide turns, in this location. It is not safe for employee traffic to be located in such proximity to the truck traffic serving Terravant and the proposed industrial development. Additionally, there is no barrier to prevent patrons of the Project from using the same path of travel, which poses a serious safety concern.

Furthermore, Project employee, truck *and* customer traffic will be entering and exiting the Project by way of the same road over which Terravant also owns an easement. See Exhibit A, "Terravant Easement." Terravant uses this easement area on a regular basis for truck and forklift traffic. Placing an additional 711 customer traffic trips in the same path of travel as commercial and industrial traffic presents serious safety concerns.

Appendix G of the CEQA Guidelines requires the environmental document to analyze whether the project would substantially increase hazards due to a design feature or incompatible uses. The safety issues posed by the intended design and traffic circulation plan represent a significant impact that requires analysis in an EIR.

Appendix G also requires the environmental document to analyze whether the project will conflict with any applicable land use plan, policy, or regulation adopted to avoid or mitigate environmental effects. The City's General Plan provides that new development shall incorporate a balanced circulation network that provides safe, multi-route access for vehicles, bicycles, and pedestrians.¹⁷ Again, the proposed circulation plan poses a significant safety risk that would conflict with the General Plan, among other policies and regulations of the City pertaining to public safety and traffic hazards.

Finally, the traffic analysis does not contain an analysis of peak A.M. trips and does not explain why A.M. trips were excluded. Presumably employees and trucks will be accessing the Project site during the A.M. hours.

The proposed circulation plan for the Project was not analyzed at all in the MND and creates the potential for significant impacts to traffic and safety. An EIR must be prepared for the Project that adequately analyzes the impacts of circulation plan and includes peak A.M. trips.

B. Floodplain/Clean Water Act

The MND provides that the project is not located within the U.S. Army Corps of Engineers' permitting jurisdiction because it is outside the high water mark of the Santa Ynez River. However, the definition of "Waters of the U.S." subject to Army Corps jurisdiction was recently revised by new regulation of the U.S. E.P.A. and Army Corps. Waters of the U.S. now include all waters located within the 100-year floodplain of a water used for interstate commerce, interstate waters, and territorial seas.¹⁸ Due to the size and importance of the Santa Ynez River, it is likely that it would be considered a water of the U.S. Since the site is within the 100-year floodplain of the River, it would likely be subject to the permitting jurisdiction of the U.S. Army Corps of Engineers.

Appendix G requires that the environmental document analyze whether the project would violate any water quality standards or otherwise substantially degrade water quality. The Project is likely located within Army Corps jurisdiction and within an area considered a water of the U.S. Therefore, it has the potential to violate

¹⁷ General Plan, Policy L-11.

¹⁸ 80 Fed. Reg. 124, June 29, 2015, p. 37105.

water quality standards or degrade water quality through construction and operations within the 100-year floodplain of the Santa Ynez River. This is a potentially significant impact that requires preparation of an EIR. The EIR must also list any permit that would be required by the Army Corps for construction and operations within a water of the U.S.

C. Flood Hazards

The MND states that the project is located within the 100-year floodplain of the Santa Ynez River, which places it in a flood hazard zone, and that the project will change the floodplain by adding 13,628 CY of fill. Appendix G provides that the environmental document must analyze the impacts of placing structures within a 100-year flood hazard area that would impede or redirect flood flows. Therefore, the Project presents the potential for a significant impact from redirecting flood flows.

Despite this potential significant impact, the MND concludes that there is no significant impact because Public Works is requiring a hydraulic and hydrologic study demonstrating no adverse impacts to upstream properties.¹⁹ This mitigation measure is improper deferred mitigation. A proper mitigation measure includes enforceable standards to mitigate impacts.²⁰ This vague requirement to obtain a study demonstrating no impacts contains no enforceable standards to ensure that the study is performed accurately and reasonably.

Appendix G also requires that the environmental document analyze whether the project will expose people or structures to a significant risk of loss, injury or death involving flooding as a result of failure of a levee or dam. The MND reports that the Project site is located within a dam failure hazard area, but states simply that this is not considered a significant impact because the project is commercial and has limited patronage.²¹ This statement is conclusory and does not qualify as an analysis of the significant impact of placing patrons and employees of the Project in a flood hazard area. An EIR must be prepared to analyze this potentially significant impact.

4. Error in MND Regarding Required Permits/Approvals

The MND states that only a Lot Line Adjustment, CUP, and Final Development Plan are required for the project. But the noise section states that additional permits may be required to hold outdoor events that are analyzed in the MND.²²

The project description must include a list of permits and approvals required to implement the project.²³ The MND is deficient for failure to include in the project description other permits that would be required to hold outdoor events. Outdoor events are certainly contemplated by the applicant as they are analyzed in the noise section of the MND. The EIR for the Project must include all required permits and approvals.

5. Findings

The Planning Commission's findings for approval of the Project, as stated in Resolution No. 15-09, are not supported by the evidence, as follows.

¹⁹ MND, p. 34.

²⁰ See Practice Under the California Environmental Quality Act (2d ed. Cal. CEB), § 14.2.

²¹ MND, p. 34.

²² MND, p. 43.

²³ CEQA Guidelines § 15124(d)(1)(B).

A. Final Development Plan

Finding No. 1: *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.*

The Project site is not adequate to accommodate a project of this intensity. The surrounding roads and alleys will not accommodate the additional 711 estimated daily trips from this Project. As explained above, the circulation plan for the Project presents serious problems through interference with Terravant's neighboring use. The site is undeveloped and located next to a variety of habitat types that will be damaged by the level of noise and light pollution created by the Project. Finally, the site is zoned Industrial Manufacturing and has a General Plan designation of Industrial Manufacturing and Open Space. General Plan policy L-34 states that "Industrial development shall be encouraged ... on Industrial Way." Only a small percentage of the Project is industrial. An entertainment facility is completely inconsistent with an industrial designation. The City has not and cannot make the necessary findings to demonstrate that a family and tourist entertainment business is compatible with industrial use.

Finding No. 2: *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.*

The Project presents a number of adverse impacts, as explained above. An EIR must be prepared for the Project.

Finding No. 3: *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.*

As explained above, the local streets are wholly inadequate to serve the Project.

Finding No. 5: *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.*

The Project is not compatible with Industrial zoning for the area or the surrounding industrial uses. The circulation plan places employee and truck traffic for the Project, and potentially customer traffic, in direct conflict with commercial traffic serving the Terravant facility. This presents a significant safety problem. Furthermore, the roads in the area cannot accommodate the amount of trips that the Project will generate.

Finding No. 6: *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).*

The Project is inconsistent with Title 19 in that it does not have adequate access, it does not have storm water drainage, it is inconsistent with the zoning and General Plan designations for the site, and presents a number of environmental issues as explained above.

B. Lot Line Adjustment

Finding No. 1: *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.

As described above, the Project is inconsistent with the zoning and General Plan designations for the site, it presents a public safety problem with respect to traffic and circulation, and will impact the environment in a number of ways.

C. Conditional Use Permit

Finding No. 1: *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.*

The Project site is not adequate to accommodate a project of this intensity. The surrounding roads will not accommodate the 711 estimated new daily trips from the Project. As explained above, the circulation plan for the Project presents serious problems through interference with Terravant's neighboring use and presents safety problems. Finally, the Project is inconsistent with the zoning and General Plan designations for the site.

Finding No. 2: *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.*

The Project presents a number of potentially significant impacts, as explained above. An EIR must be prepared for the Project.

Finding No. 3: *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.*

As explained above, the local streets are wholly inadequate to serve the Project.

Finding No. 5: *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.*

The Project is not compatible with Industrial zoning for the area or the surrounding industrial uses. The circulation plan places employee and truck traffic for the Project, and potentially customer traffic, in direct conflict with commercial traffic serving the Terravant facility. This presents a significant safety problem. Furthermore, the roads in the area cannot accommodate the amount of trips that the Project will generate.

Finding No. 6: *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).*

The Project is inconsistent with Title 19 in that it does not have adequate access, it does not have storm water drainage, it is inconsistent with the zoning and General Plan designation for the site, and presents a number of environmental issues as explained above.

6. Other Inconsistencies and Issues

A. Third Warehouse Door

The staff report for the Project states that the warehouse will have two overhead doors while the plans clearly show three.²⁴ The one to the south of the grain silo is located in an area that will create traffic jams. If a truck pulls up to load or unload from this door, it will obstruct the flow of employee and truck traffic to the entrance to the Project site, as well as trucks servicing the Terravant facility at the Operations Area. The Planning Commission was misinformed about this aspect of the Project.

B. Lift Station

At the September 17 hearing, the Planning Commission modified condition no. 39 of the Conditions of Approval for the Final Development Plan, Lot Line Adjustment, and Conditional Use Permit. Condition no. 39 pertains to a sewer lift station that serves several properties in the area and is currently being maintained by Terravant. The condition requires the applicant to enter into agreements for the maintenance, service and operations of the lift station. At the hearing, the Commission modified the condition to require that the agreements would provide for cost-sharing between the applicant and other properties in the area using the lift station. In response, the applicant stated at the hearing that if any other property owners disagreed with the cost-sharing arrangement she includes in the agreements, she would simply disconnect their service.

The applicant has no right to disconnect other property owners from the lift station. The wording of condition no. 39 was left ambiguous at the hearing. The City Council should require the applicant to come to an agreement on cost-sharing with all property owners currently utilizing the lift station prior to reconsidering approval of the Project, and that the applicant has no right to disconnect any property owner from the lift station.

Conclusion

On the bases set forth above, Terravant requests that the City Council take the following actions:

1. Vacate Resolution Nos. 15-08 and 15-09 adopted by the Planning Commission, which includes vacating the Commission's approval of the Final Development Plan, Lot Line Adjustment, and Conditional Use Permit for the Project
2. Direct City staff to prepare an EIR for the Project that adequately addresses all issues raised in this appeal before the Project is reconsidered
3. Direct that the applicant do the following before the City will reconsider the Project:
 - a. Resolve access issues caused by employees and trucks entering the Project through Terravant's Operations Area by coming to an appropriate agreement with Terravant or changing the circulation plan to avoid Terravant's Operations Area
 - b. Secure valid drainage for stormwater by coming to an agreement with Terravant for use of its property or by avoiding draining onto Terravant's property

²⁴ Staff Report dated September 17, 2015, p. 10.

4. Direct the applicant that, prior to reconsideration of the Project, she must reach an agreement on cost-sharing with all property owners currently utilizing the lift station for maintenance, service and operations of the lift station

Sincerely,



Dylan K. Johnson

CC:

Mayor Sierra
hollys@cityofbuellton.com
Council Member Andrisek
eda1248@comcast.net
Council Member Baumann
danb@cityofbuellton.com
Council Member Connolly
jconnolly@syvuhdsd.org
Council Member Elovitz
lelovitz@gmail.com

Attachments:

Exhibits A - I
016231\0003\13376495.1

EXHIBIT A

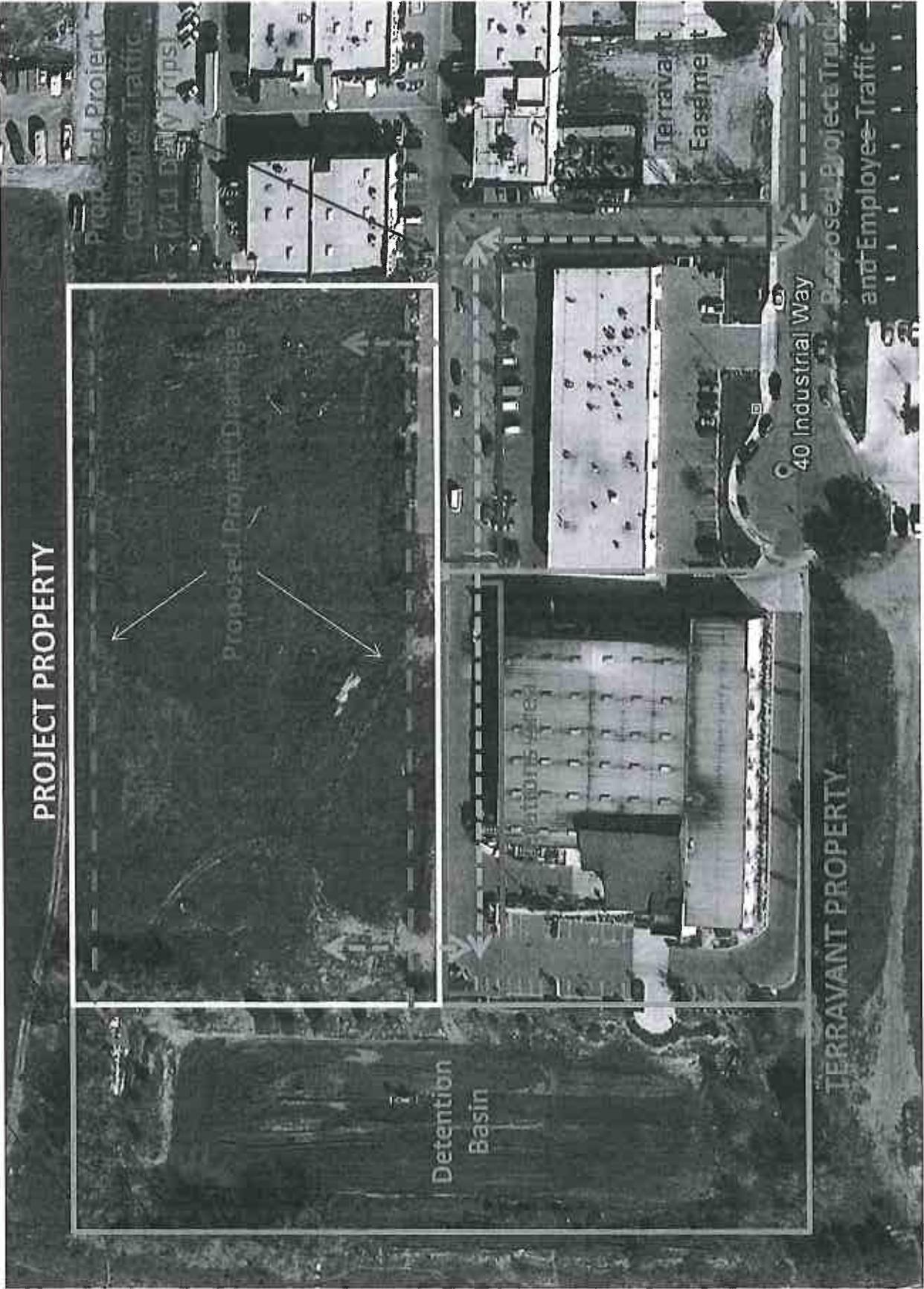


EXHIBIT B

July 3, 2014

Beth Collins-Burgard
Attorney at Law
805.882.1419 tel
805.965.4333 fax
BCollins@bhfs.com

**CONFIDENTIAL SETTLEMENT COMMUNICATION
EVID. CODE § 1152, ET SEQ.**

VIA E-MAIL

Ms. Carol Leshler-Peterson
980 Old Ranch Road
Solvang, CA 93463

RE: Easement On Paved Area of Your Property and Your Proposed Live Oak Lanes Project (Case Nos. 12-MND-03, 13-FDP-03, 13-LLA-02, 13-CUP-02)

Dear Ms. Leshler-Peterson:

Brownstein Hyatt Farber Schreck represents Terravant Wine Company with respect to its property at 35 and 70 Industrial Way in Buellton (Terravant Property). We are writing this letter to alert you to a serious legal conflict that has arisen between you and Terravant in hopes that we can resolve the situation amicably. If we cannot however Terravant will be forced to pursue all the legal remedies available in order to ensure continued uninterrupted use of the paved operations area at the back of its building, a portion which is located on your property.

I. Factual Background: The Operations Area on Your Property Was Built for the Benefit of Terravant and Terravant Has Used the Area Without Interruption Since 2008

As you know, the Terravant Property is immediately adjacent to your property and the proposed Live Oak Lanes Project (Project). The buildings and associated facilities and asphalt were constructed in 2008 (hereinafter referred to as Terravant Development). Terravant has been using the Terravant Development since that time. In fact, the Terravant Property hosts the largest industrial operation in the City of Buellton. It has over 100 employees and is on track to produce nearly 500,000 cases of wine this year for over 150 customers.

The Terravant Property was developed as a build-to-suit project. During the build-out it became evident that additional paved area would be needed behind the Terravant building to allow sufficient area for all the necessary operations – loading, unloading, and other industrial wine-related activities such as staging and cleaning of tanks and other materials, piping of waste from the waste treatment plant into tanker trucks, unloading of hoppers full of grapes to be processed, and placement of a back-up generator and a large crane. This "Operations Area," located at the rear of the building, parallel to the property line, hosts active loading and unloading of many tractor trailers including tankers full of bulk wine, trailers loaded with finished cases, 24 ton condole trailers loaded full of grapes and dump truck loads full of grape skins to be trucked away. To assist with loading and unloading, there is also significant forklift and worker activity and

1020 State Street
Santa Barbara, CA 93101-2711
main 805.963.7000

at times, temporary placement of various goods. This activity is even more intensive and can run 24-hours a day during harvest season.

Since both your property and the Terravant Property were initially supposed to be part of the same project, and there was not enough room for all the Operations Area on the Terravant Property, it was agreed by the City, Terravant, and the property owner of the parcels at the time that some of the Operations Area would be located on your property, for the benefit of the Terravant Development. Significant cost and effort was put into developing the area, including installation of underground piping and other utilities, import of approximately five feet of fill, compacting that fill, and placement of asphalt material. Terravant paid for those improvements, initially through its lease and then later again when it purchased the property.

This Operations Area was developed for the benefit of the Terravant Property. It has always been used by the Terravant Property. This is evident from review of an aerial photo of the two properties side by side. All the improvements are clearly part and parcel to the Terravant operation. (See enclosure.) They are not related to any use on your property and were not developed for the benefit of your property. Terravant was always intended to have uninterrupted use and control of this area and has always had uninterrupted use and control of this area. In fact, there are often lines of trucks or temporary storage of tanks and other equipment that block access through the area.

When you purchased the property you were not only aware of Terravant's use of the property, you acknowledged that Terravant had an ongoing right to continue to use the property. The prior owners of the property also knew of Terravant's use and acknowledged that Terravant had the right to continue to use the property. Just as Terravant paid more for its property because of their use of the Operations Area on your property, you paid less for your property because of Terravant's use of a portion of your property.

II. The Current Design of the Live Oaks Lane Project Will Significantly Interfere with Terravant's Uninterrupted Use of its Operations Area and Will Pose Significant Risks to the Public, Terravant's Business, and the Businesses of Terravant's Customers

Terravant is entitled to continued, uninterrupted use of its Operations Area. Terravant's use of the area cannot be blocked or interfered with in any way. The circulation plan for your Proposed Live Oak Lanes Project ("Project") will interfere with Terravant's use of its property.

First, if the access through the Operations Area is required for your Project's circulation, then Terravant's operations, which sometimes block the access through the area, will be limited. Second, the environmental analysis for the Project estimates and analyzes 695 average daily trips to your Project. The proposed circulation plan has these visitors exiting from your property and driving right through the heart of Terravant's Operations Area. These trips will include cars full of families, children and teenagers. Pedestrians and cyclists are also likely to use the driveway to exit your property. These people will be driving, walking, and cycling right into an industrial area where tractor trailer trucks will be maneuvering into and out of Terravant's loading dock, where dangerous chemicals and alcoholic beverages will be handled, and where many other industrial and potentially dangerous activities will be occurring. Mixing the public with these industrial activities is inappropriate. This not only puts the public at risk, but it puts our workers who will be driving forklifts and unloading and loading merchandise at significant risk. It also puts our customers and their employees at risk. Put simply, this is a *huge* safety hazard.

III. Due to the Significant Risks Posed by Your Current Circulation Plan, Terravant Will Need to Pursue All Potential Legal Remedies Against You and Your Project Unless You Change Your Project to Segregate the Uses and Ensure Our Uninterrupted Use of the Operations Area

Although we appreciate that you have made some improvements in your Project that move circulation into the parking lot away from our Operations Area, the revised plan does not address the most critical issue – segregating these two completely incompatible uses. Unfortunately, given the incredibly high risks posed to the public and to Terravant's business and customers, until your Project is modified to address this central issue, Terravant will be forced to pursue all possible legal remedies against you and your Project, including (a) potential real property and business claims and (b) potential land use and California Environmental Quality Act (CEQA) claims against any project approval you receive from the City that fails to adequately separate our two incompatible uses.

A. Potential Real Property and Business Claims

Terravant can gain a fee interest or surface easement over your property under various real property theories. These legal doctrines include the following: implied easement doctrine (Civ. Code § 1104; *Kytasty v. Godwin* (1980) 102 Cal.App.3d 762); good faith improver (see Code Civ. Proc. §§ 871.1-871.7); prescription and adverse possession (*Aaron v. Dunham* (2006) 137 Cal.App.4th 1244; Code Civ. Proc. §§ 322-24); equitable easement doctrine (*Applegate v. Ota* (1983) 146 Cal.App.3d 702); and reformation of title documents (Civ. Code §§ 3399-3402).

For example, Civil Code 1104 establishes the implied easement doctrine and provides that "[a] transfer of real property passes all easements attached thereto, and creates in favor thereof an easement to use other real property of the person whose estate is transferred in the same manner and to the same extent as such property was obviously and permanently used by the person whose estate is transferred, for the benefit thereof, at the time when the transfer was agreed upon or completed." In *Orr v. Kirk* (1950) 100 Cal.App.2d 678, 681, the Court of Appeal identifies the "elements necessary to create a 'quasi easement' or grant by implication, upon severance of unity of ownership in an estate, are: (1) a separation of title (which implies unity of ownership at some former time as the foundation of the right); (2) necessity that before separation takes place the use which gives rise to the easement shall be so long continued and obvious as to show it was meant to be permanent; and (3) the easement must be reasonably necessary to the beneficial enjoyment of the land granted." (See *Kytasty v. Godwin* (1980) 102 Cal.App.3d 762, 768.)

All of the elements of an implied easement exist here. Terravant's use of your property has always been obvious and reasonably necessary for the beneficial enjoyment and use of Terravant's property. As in *Kytasty v. Godwin*, where the Court of Appeal granted a 60 foot road easement by implication, Terravant is entitled to an easement by implication on the paved portion of your property. (*Kytasty v. Godwin* (1980) 102 Cal.App.3d 762, 771 ["Kytasty was well aware of the existence of the road, having used it herself. While she did not travel its full length, she knew it was passable and was thus put on notice an easement existed as a servitude on the property she was buying. We conclude the implied easement given to Mathews is a servitude on the property she acquired."].)

Furthermore, you have always known of Terravant's use of the Operations Area on your property. You knew before you purchased the property and you acknowledged Terravant's right to continued use of the property before and after your purchase, but now you are proposing to interrupt that use. Terravant has reasonably relied on your prior representations and has continued to build its business with this Operations Area at its heart. Terravant has made representations to customers that the area is open and available for their uninterrupted use. Any interference by you of that use by Terravant and its customers constitutes unfair business practices (common law and Bus. and Prof. Code § 17200) and given your historic

representations you are now estopped from interfering with Terravant's use of its Operations Area. If you continue to threaten to interfere with Terravant's use of this area, it can bring these claims against you.

B. *Potential Land Use and CEQA Claims*

The City has analyzed potential environmental impacts of your proposed Project with a mitigated negative declaration (MND). This analysis falls short in a number of ways. As you may know, the standard of review for MNDs under CEQA (the fair argument standard) is very unfavorable because CEQA encourages the use of more thorough environmental analyses for projects – environmental impact reports (EIRs). Specifically, if substantial evidence supports a fair argument that a project may have a significant environmental effect, the lead agency must prepare an EIR even if other substantial evidence before it indicates the project will have no significant effect. (See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 n. 16.)

This fair argument standard is very different from the standard normally followed by public agencies in their decision making. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. (See *Practice Under California Environmental Quality Act* § 6.37 (2d Cal. CEB) [citing *California Administrative Hearing Practice* § 7.51 (2d Cal. CEB)].) The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. (*Id.* [citing *Friends of "B" St. v. City of Hayward* (1980) 106 Cal.App.3d 988].) This is evidenced by the fact that a recent study of 95 published opinions from 1997 to 2012 showed that opponents successfully overturned negative declarations in CEQA litigation in approximately 60 percent of the cases. (*Analysis of Recent Challenges to Environmental Impact Reports* (2012) Holland & Knight.)

The MND fails the fair argument standard on a number of fronts, including the following: (1) The MND fails to analyze potential vehicle and pedestrian conflicts that will result from the newly revised site plan; (2) The MND fails to describe and adequately analyze the proposed outdoor concert and event use; (3) The MND's trip generation analysis does not account for trips generated by the restaurant and bar; (4) The MND's traffic analysis improperly assumes and analyzes only local trips while the market area needed to support a bowling alley is much larger; (5) The proposed parking does not comply with the Municipal Code requirements; and (6) the MND's land use analysis fails to fully analyze the huge incompatibility between the two uses and the related conflicts which result, especially given the current design. These failures in the very least trigger recirculation of the MND. However, since the land use, hazards, and traffic impacts of the current design cannot be mitigated, the City must prepare an EIR before approving a project with this design.

IV. **Conclusion**

Terravant does not want to have to pursue costly litigation to enforce its rights over this property and to protect itself and the public from the hazards posed by your currently proposed plan. We hope that once you have had a chance to discuss these issues with legal counsel you will realize the severity of these potential claims and issues and work with us to avoid potential litigation.

Ms. Leshar-Peterson
July 3, 2014
Page 5

Please feel free to have your legal representative contact me and discuss any of the following issues. We remain hopeful that we can resolve this without litigation.

Sincerely,

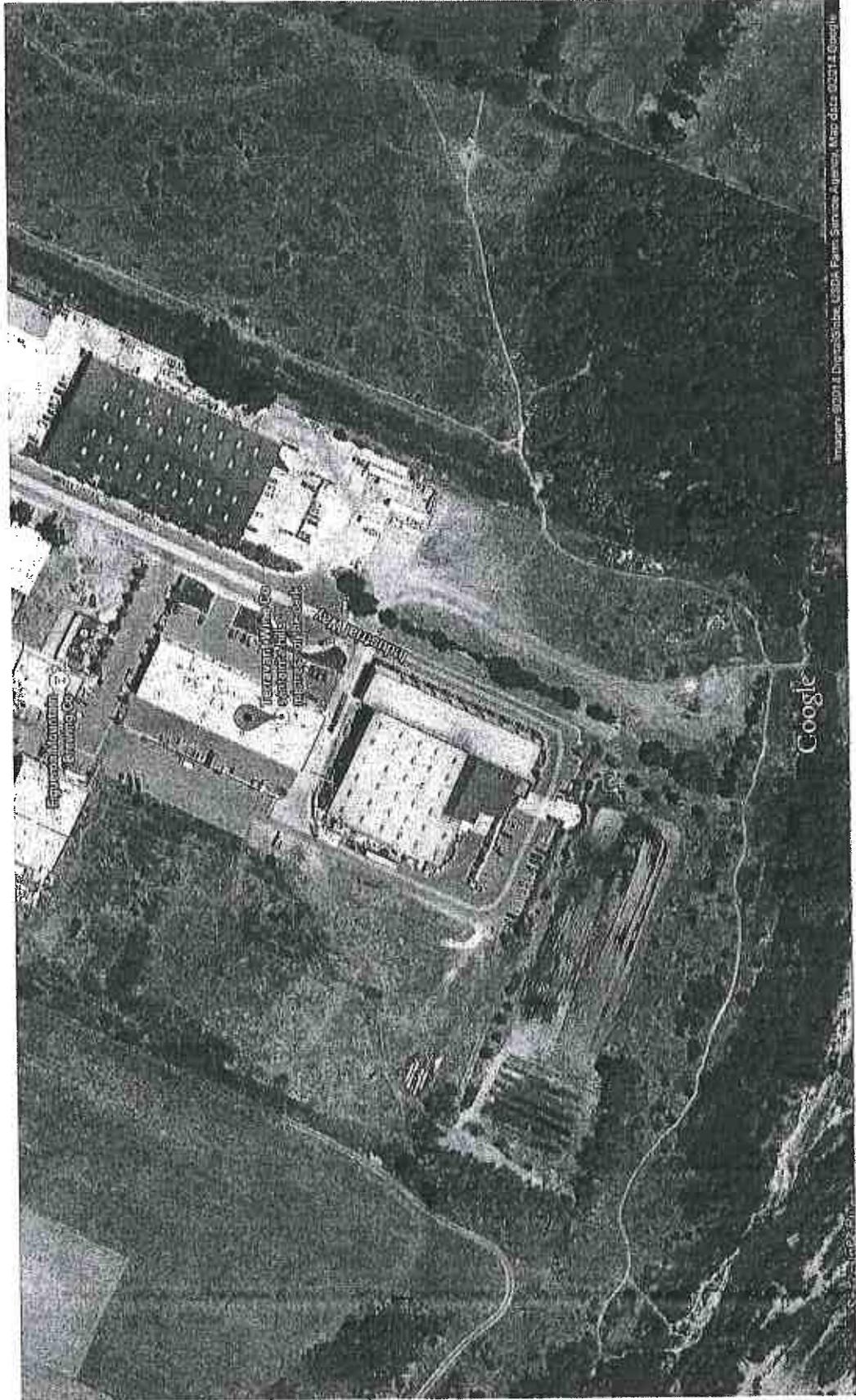
A handwritten signature in black ink that reads "Beth Collins-Burgard". The signature is written in a cursive style with a large, looping initial "B".

Beth Collins-Burgard

BYB:mrh

Enclosure

016231\0003\11422753.2



Imagery ©2014 DigitalGlobe, USDA Farm Service Agency, Map data ©2014 Google

Google

EXHIBIT C

HALME & CLARK
ATTORNEYS AND COUNSELORS AT LAW

PAUL O. HALME
GREGORY S. CLARK

e-mail poh@halmeandclark.com
e-mail greg@halmeandclark.com

650 ALAMO PINTADO ROAD, SUITE 301
POST OFFICE BOX 665
SOLVANG, CALIFORNIA 93464-0665
TELEPHONE (805) 688-6225
FACSIMILE (805) 688-8984

November 25, 2014

CONFIDENTIAL SETTLEMENT COMMUNICATION
EVIDENCE CODE SECTION 1152, ET SEQ.
Transmitted by e-mail to: BCollins@bhfs.com

Beth Collins-Burgard
Attorney At Law
Brownstein Hyatt Farber Schreck
1020 State Street
Santa Barbara, CA 93101-2711

Re: Live Oak Lanes/Terravant

Dear Ms. Collins-Burgard:

I met with Carol Petersen last week and she related to me the efforts expended by the parties to attempt to reach a mutually-agreeable resolution of the pending easement/traffic issues.

In a good faith effort to resolve this matter, my client proposes that she grant, by means of a lot line adjustment, an 18' wide by 342.6' long fee interest located parallel to your client's westerly property line. Such an act would eliminate the exclusive/non-exclusive easement dispute as well as fully-address the safety issues asserted by your client. The lot line adjustment would be pursued at my client's expense.

As consideration for such fee interest, my client would require written agreement providing in part as follows:

- (1) Payment of One Hundred Fifty Thousand Dollars (\$150,000) to my client with Fifty Thousand Dollars (\$50,000) deposited in an escrow upon execution of this agreement with the balance of the consideration paid prior to recording of the lot line adjustment; and
- (2) support of my client's project

My client's offer will remain open for acceptance on or before 5:00 p.m. PST on December 2, 2014. I would be pleased to respond to any questions or concerns regarding this matter and I will look forward to hearing from you.

Yours very truly,

HALME & CLARK


Gregory S. Clark
GSC/aic

cc: Carol Petersen (via e-mail)
Sid Goldstien, P.E. (via e-mail)

TERRAVANT

WINE COMPANY

December 2, 2014

Greg Clark
Attorneys and Counselors at Law
650 Alamo Pintado Road, Suite 301
PO Box 665
Solvang, CA 93464
Telephone (805)688-6225

Re: Live Oak Lanes

Dear Mr. Clark:

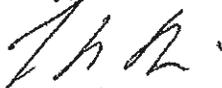
This is in response to your client's proposal. Please note that we have not retained Brownstein Hyatt on this matter pending outcome of this resolution.

We are in agreement with the proposed terms with the exception of the following:

- 1) The payment amount of approximately \$24 per square foot is nearly double the current fair market value of comparable property. This is in light of the fact that our position is that we have already provided fair value and are entitled to the land. However, in a good faith effort to resolve this matter we propose a payment of \$100,000 with 33% in an escrow as proposed.
- 2) We have reviewed the required length of the fee interest with Sid Goldstein and calculate that total required length to be 357.6'.

Thank you for your consideration.

Sincerely,



Lew Eisaguirre

CC: Beth Collins- Burgard
Attorney at Law
Brownstein Hyatt Farber Schreck
1020 State Street
Santa Barbara, CA 93101-2711



HALME & CLARK
ATTORNEYS AND COUNSELORS AT LAW

PAUL O. HALME
GREGORY S. CLARK

650 ALAMO PINTADO ROAD, SUITE 301
POST OFFICE BOX 665
SOLVANG, CALIFORNIA 93464-0665
TELEPHONE (805) 688-6225
FACSIMILE (805) 688-8984
E-MAIL greg@halmeandclark.com

December 4, 2014

CONFIDENTIAL SETTLEMENT
COMMUNICATION EVIDENCE CODE
SECTION 1152, ET. SEQ.

Lew Eisaguirre
Terravant Wine Company
35 Industrial Way
Buellton, CA 93427

TRANSMITTED BY E-MAIL TO
lew@terravant.com AND BY U.S. MAIL

Re: Live Oak Lanes / Terravant

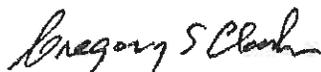
Dear Mr. Eisaguirre:

This will acknowledge receipt and review of your December 2, 2014 counter settlement proposal by both Carol and I.

It is my understanding that you desire an extension of the fee interest to 357.6'. I am informed that granting of the fee interest will cause Carol additional expense to develop the driveway along the entire strip. Additional fill will be needed since her driveway will be pushed to the west down the slope. It is estimated such added cost is in the \$35,000.00 to \$40,000.00 range. With acceptance of your proposal Carol will lose two (2) parking spaces. Moreover, Carol is absorbing the cost of the lot line adjustment and expenses associated with redesign and delay. Nonetheless, Carol will agree to grant the 15' extension you desire providing payment of \$165,000.00 and acceptance of the other terms set forth in my November 25, 2014 correspondence to Beth Collins - Burgard, Attorney at Law including execution of a written agreement by both parties on or before December 19, 2014.

This settlement offer will remain open for response on or before 5:00PM PST on December 9, 2014.

Yours Very Truly,
HALME & CLARK



Gregory S. Clark
GSC/bec

cc. Carol Peterson (via e-mail)
Sid Goldstien, P.E. (via e-mail)

January 9, 2015

Beth Collins-Burgard
Attorney at Law
805.882.1419 tel
805.965.4333 fax
BCollins@bhfs.com

VIA E-MAIL (GREG@HALMEANDCLARK.COM) AND U.S. MAIL

Gregory S. Clark, Esq.
Halme & Clark
P.O. Box 665
Solvang, CA 93464-0665

RE: Live Oaks Lanes/Terravant

Dear Mr. Clark:

Mr. Eisaguirre has asked me to represent him in this matter again. He has asked me to reach out to you in hopes that we may be able to come to a resolution of the conflict between our clients. I have reviewed your correspondence and various emails in this matter and, frankly, it looks to me as if the parties are very close, if not in complete agreement, as to the terms of a potential settlement. I believe the terms would be as follows:

- (1) In settlement of the exclusive/non-exclusive easement dispute and concerns about safety issues associated with the Terravant loading area, by way of lot line adjustment your client will transfer an 18 feet wide by 357.6 feet long fee interest located parallel to the shared property line (Terravant's westerly property line).
- (2) Payment of One Hundred Sixty-Five Thousand Dollars (\$165,000) from Terravant to Carol Petersen at recording of the grant deeds reflecting the lot line adjustment.
- (3) Deposit of Fifty-Five Thousand Dollars (\$55,000) in escrow upon execution of this agreement to show good faith, although payment of any amount will only occur upon recording of the grant deeds reflecting the lot line adjustment.
- (4) Inclusion of the lot line adjustment in the application for and approval of the Live Oaks Lanes project.
- (5) Terravant will support the proposed Live Oaks Lanes project.

1020 State Street
Santa Barbara, CA 93101-2711
tel: 805.963.7000

Gregory S. Clark, Esq.
January 9, 2015
Page 2

Please let me know if you disagree with these terms or if you believe I have misstated them.

I look forward to speaking with you.

Sincerely,

Handwritten signature of Beth Collins-Burgard in cursive script.

Beth Collins-Burgard

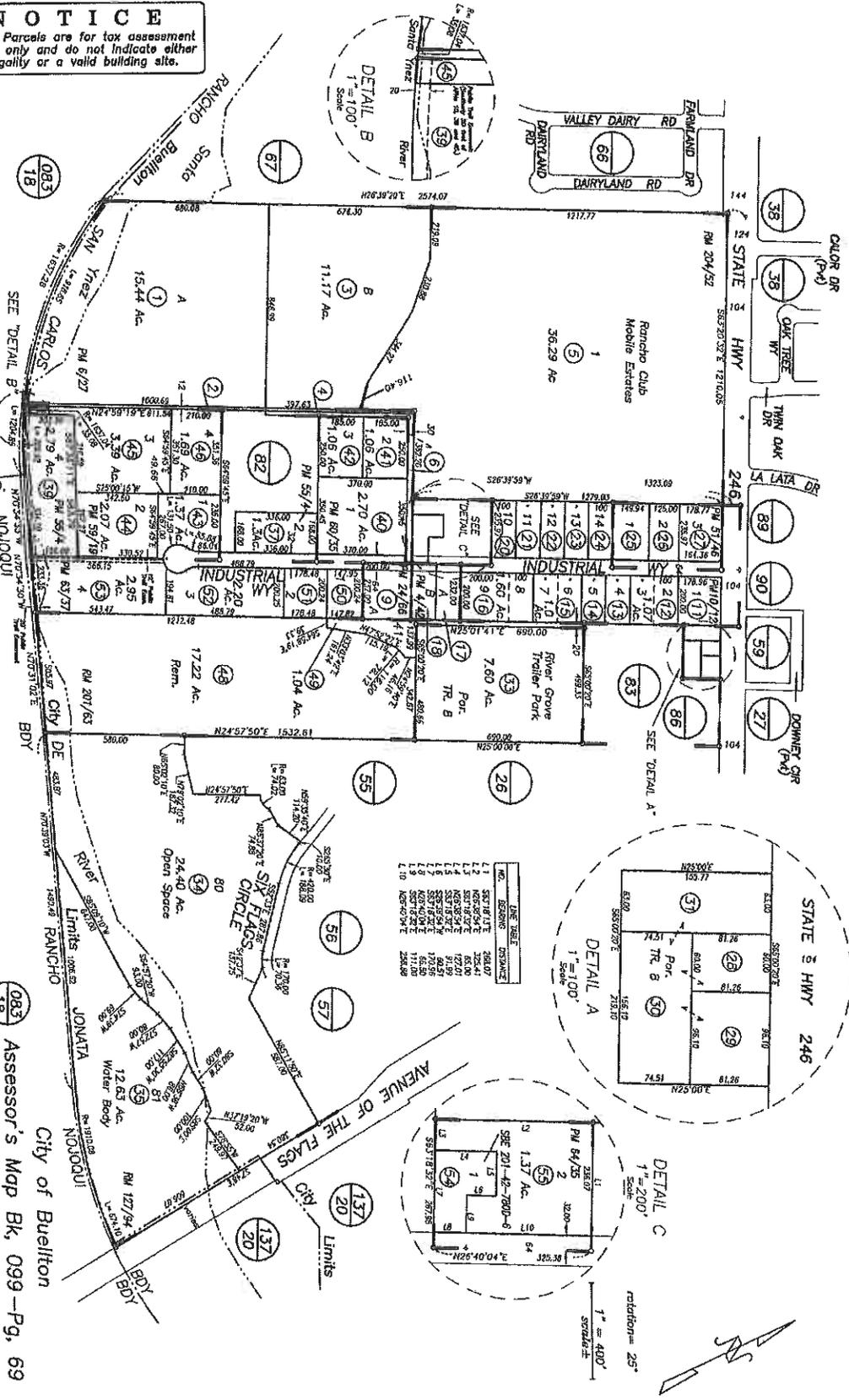
016231\0003\11814478.1

EXHIBIT D

NOTICE
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

12/22/2008 R.M. Bk. 204, Pg. 52-53, Tract 31048
 03/01/2006 R.M. Bk. 201, Pg. 63-67, Tract 31040
 04/09/1985 R.M. Bk. 127, Pg. 94-98, Tract 13533 Unit 1
 04/08/1910 R.M. Bk. 5, Pg. 54, Tract "Rancho San Carlos de Jonata"

Assessor's Map Bk. 099-Pg. 69
 County of Santa Barbara, Calif.
 12/13 19 180 54 & 55



POR. RANCHO SAN CARLOS DE JONATA

099-69

EXHIBIT E

080-017-116

Parcel Map No. 31,019 being a division of Lot 2, P.M. No. 11763, per 12/PM/91, lying in the City of Buellton, County of Santa Barbara, State of California

Surveyor's Statement

This map was prepared by me or under my direction and is based on a field survey in conformance with the requirements of the Subdivision Map Act and the provisions of the California Land Surveying Act of 1907, I certify that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any. All monuments are of the character shown and occupy the positions indicated. Said monuments are sufficient to enable the survey to be retraced.

SEP B. BAKER dated October 12, 2000
Jed B. Baker, P.S. 4785
License Expiration Date September 30, 2004



City Engineer's Statement

On behalf of MNS Engineers, Inc. City Engineer for the City of Buellton, I hereby state that I have examined this map and that all provisions of the Subdivision Map Act and Local Ordinances have been complied with and that I am satisfied that this map is technically correct, and that the Parcel Map substantially conforms to the approved or conditionally approved tentative map, if any.

BY: MNS Engineers, Inc. dated OCT 17, 2000
Mark E. Robinson
City Engineer for the City of Buellton
PLS 6302
License Expiration Date: 12-31-2002



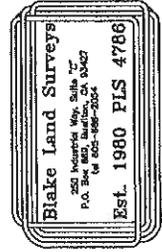
City Clerk's Statement

I hereby state that the City Council of the City of Buellton, by minute action of the 24th day of October 2000, approved this map and accepted on behalf of the public, city statements or real property offered for dedication of this map for public use in conformity with the terms of the order of dedication.

By: Margaret (Hanna) Cairns, City Clerk, Date: 11-1-00

Sheet 1 of 2 Sheets
County Recorder's Statement

Filed this 13th day of November 2000 at 3:02 P.M. in Book 53 of Parcel Maps of Pages 1 thru 2 at the request of Blake Land Surveys.
Fee \$10.00
Kenneth A. Pettit
County Clerk-Recorder-Assessor
by: Nancy



Signature Omissions

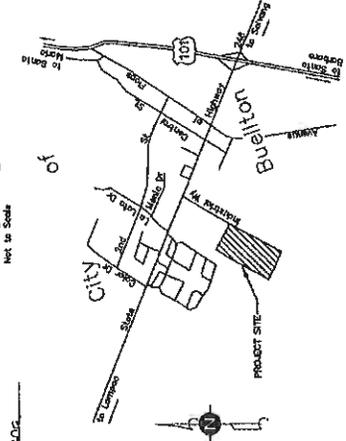
Signatures of the following easement holders have been omitted pursuant to Section 6601.03(a)(3) of the Subdivision Map Act, as their interests cannot ripen into the title.

- Eduardo de la Cuesta et al., per 123/David/443
- Southern Cement Products, Inc., a corporation, per 2137/O.R./1271
- Southern Counties Gas Company of California per 2295/O.R./974
- Valley Mobile Park Investments, a Limited Partnership per 2389/O.R./786
- County of Santa Barbara per Instrument No. 88-43657, C.L.
- California Electric Co., per Instrument No. 88-43657, C.L.
- Pacific Gas and Electric Co. and General Telephone Co. per Instrument No. 87-11801, O.R., recorded February 13, 1987

Note

This map is subject to certain conditions and information included in a "NOTICE" and recorded concurrently as Instrument No. 2, O.R., recorded _____

Vicinity Map



Owner's Statement

I, the undersigned, hereby state that I am the owner of, or have an interest in, the land included within the subdivision shown on the attached map and that I am the only person who has been named in the map and subdivision as shown within the colored border lines. I hereby offer to dedicate the easements shown hereon for the purpose of providing access to the City of Buellton, the street shown hereon to Buellton Way for public street purposes.

Paterson Properties, a General Partnership

John E. Paterson, General Partner

Notary

State of California
County of Santa Barbara
On October 16, 2000, before me, Joseph C. Pallares, personally appeared John E. Paterson, SS

known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this 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 upon behalf of which the person(s) acted, executed the instrument.

Signature of Notary Public: Joseph C. Pallares, Notary Public for Santa Barbara County, CA
My Commission expires 5-17-2003

Clerk of the Board's Statement

I, Michael F. Brown, Clerk of the Board of Supervisors of Santa Barbara County, California, do hereby certify that the above described map and subdivision are in compliance with the provisions of the California Government Code, Section 86492 and Section 86493 on the property within this subdivision have been filed and made.

Michael F. Brown
Clerk of the Board of Supervisors
of Santa Barbara County

By: Christina Hanna, Deputy
Date: November 13, 2000
(Seal)

EXHIBIT F



152

2000-0069655

RECORDING REQUESTED BY AND)
WHEN RECORDED MAIL TO:)

CITY OF BUELLTON)
P.O. Box 107)
Buellton, CA 93427)

Recorded	REC FEE	.00
Official Records	CC1 CON	1.00
County Of		
SANTA BARBARA		
KENNETH A. PETTIT		
Recorder		
LARRY G. HERRERA		
Assistant	NJB	
02:11PM 13-Nov-2000	Page 1 of 4	

) 4
) cc

Space Above Line for Recorder's Use Only

APN 99-252-70

GRANT OF EASEMENT (STORM WATER DRAINAGE)

Petersen Properties, a California General Partnership (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 and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time storm water drainage facilities, including underground piping, above ground channel, and a detention basin (hereinafter referred to as "systems") and to deposit tools, implements, and other materials, and other appurtenant fixtures and equipment necessary or useful for storm water collection in, on, over, under, across, and along that certain real property described in Exhibit "A" attached hereto and incorporated by reference herein.

Grantor agrees for themselves, their heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, deep rooting trees, earth fill or other structures, including walls or fences with continuous footings on the above described real property. The Grantee and its contractors, agents and employees shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on the above described property of the Grantor, the Grantee shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

As a condition of Grantor granting this Deed and of Grantee accepting this Deed, Grantor and Grantee agree that Grantee shall have no responsibility or obligation for maintenance of any portion of the storm water drainage facilities located on Grantor's property outside the road right of way. Grantor agrees to assume responsibility for maintaining the portions of the storm water drainage facilities located on Grantor's property outside the road right of way at Grantor's sole expense. Grantor agrees to indemnify, defend and hold Grantee harmless from any claims, liability, damage, demand, cost, expense or attorneys' fees incurred by Grantee as a result of injury to any person and damage to property arising or resulting from Grantor's failure to maintain the portions of the storm

SB246985 v1;4383.0001

Same document

no #

water drainage facilities located on Grantor's property outside the road right of way. Grantee agrees to assume responsibility for maintaining the portions of the storm water drainage facilities located within the road right of way at Grantee's sole expense.

For all purposes herein, the term "Grantor" includes Petersen Properties and its heirs, successors in interest, and assigns.

Executed this 2nd day of ~~October~~ ^{November}, 2000, at Buellton, California.

GRANTOR:
PETERSEN PROPERTIES, a California General Partner

By Edwina V. Petersen General Partner
By [Signature] General Partner

Attachment:
Exhibit "A" - Legal Description of Basement Area on Grantor's Property

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

On NOVEMBER 2, 2000 before me, CATHERINE A. PARR, Notary Public, personally appeared, JOHN ELLIOTT PETERSEN, ANNE MARIE HENDRICK, AND EDWINA ELLIOTT PETERSEN

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 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 upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Catherine A. Parr
(SIGNATURE OF NOTARY)

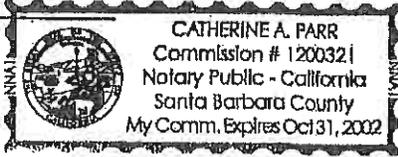


EXHIBIT "A"

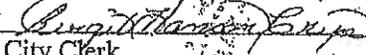
That portion of Parcel Three of Parcel Map 31,019 in the City of Buellton filed in Parcel Map Book 55, Pages 4 & 5 in the office of the County Recorder, County of Santa Barbara, State of California, being a variable width area of land shown as "Variable Width Public Drainage and Storm Drain Water Detention Easement" and a 10 foot strip of land shown as "10' Wide Public Drainage Easement" on said map.

**CERTIFICATE OF ACCEPTANCE
AND CONSENT TO RECORDATION OF
EASEMENT GRANT DEED**

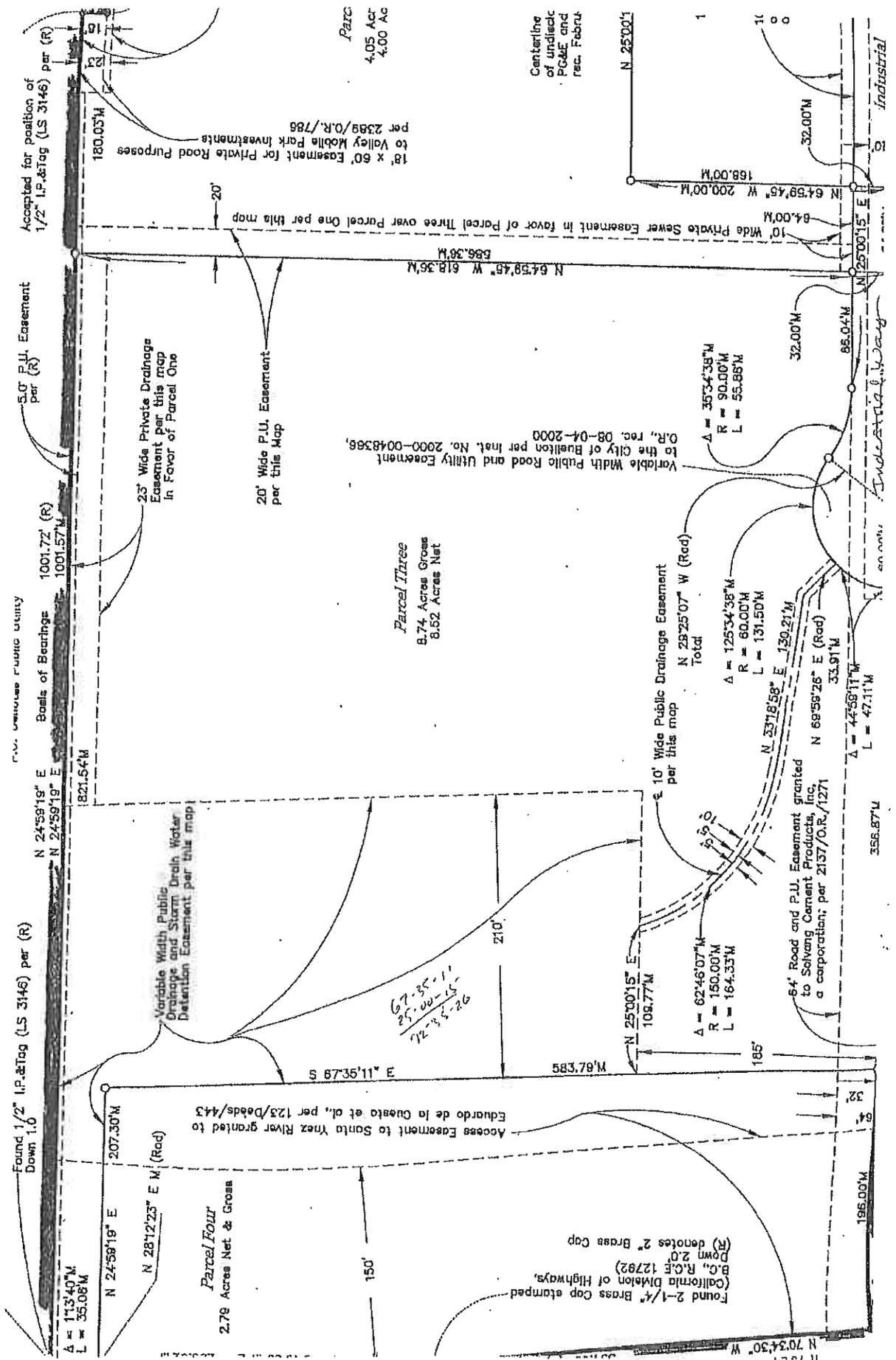
This is to certify that the interest in real property conveyed by, and the maintenance responsibility set forth in, the Easement Grant Deed dated Nov. 2, 2000 from Petersen Properties, a California General Partnership, to the City of Buellton, a municipal corporation of the State of California, is hereby accepted by the undersigned City Clerk on behalf of the City Council, pursuant to the action of the City Council at its meeting of OCT. 26, 2000 and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: Nov. 2, 2000

City of Buellton

By 
City Clerk





Accepted for position of
1/2" I.P. & Tag (LS 3146) per (R)

5.0' P.U. Easement
per (R)

Basils of Bearings 1001.72' (R)
1001.57' M

N 24°59'19" E
N 24°59'19" E

Found 1/2" I.P. & Tag (LS 3146) per (R)
Down 1.0"

N 24°58'19" E
N 28°12'23" E M (Road)

180.03' M

586.36' M

821.64' M

207.30' M

583.79' M

196.00' M

18' x 60' Easement for Private Road Purposes
per 2389/O.R./786

25' Wide Private Drainage Easement per this map
In Favor of Parcel One

Variable Width, Public Drainage and Storm Drain Water Detention Easement per this map

Access Easement to Santa Ynez River granted to
Eduardo de la Cuesta et al., per 123/Deeds/443

20' Wide P.U. Easement
per this Map

20'

10' Wide Private Sewer Easement in favor of Parcel Three over Parcel One per this map

10'

10'

185'

32'

64'

Parcel Three
8.74 Acres Gross
8.52 Acres Net

Variable Width Public Road and Utility Easement
O.R., rec. 08-04-2000
To the City of Buellton per Int. No. 2000-0048368.

10' Wide Public Drainage Easement
per this map
N 29°25'07" W (Road)
Total
Δ = 125°34'38" M
R = 80.00' M
L = 131.50' M

64' Road and P.U. Easement granted
to Solwang Cement Products Inc,
a corporation; per 2137/O.R./1271
Δ = 47°58'11" M
L = 47.11' M

Δ = 62°46'07" M
R = 150.00' M
L = 164.33' M

Δ = 35°34'38" M
R = 90.00' M
L = 55.88' M

356.87' M

Parcel
4.05 Ac
4.00 Ac

Centerline of undivided
Road and
rec. Fabric

N 64°58'45" W 200.00' M

N 25°00'15" E

N 25°00'15" E

N 25°00'15" E

N 70°34'30" W

N 25°00'15" E

N 25°00'15" E

168.00' M

64.00' M

32.00' M

32.00' M

33.91' M

109.77' M

196.00' M

356.87' M

356.87' M

Industrial

Industrial

Industrial

Industrial

Industrial

Industrial

Industrial

Industrial

Industrial

1

1

1

1

1

1

1

1

1

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

Found 2-1/4" Brass Cop stamped
California Division of Highways,
B.C., R.C.E 12792
Down 2.0"

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

67.35-11
25.00-15
1/2 35-26

EXHIBIT G

Owner's Statement
I, the undersigned, hereby state that I am the owner of, or have an interest in, the land included within the subdivision shown on the map attached hereto, and that I have executed the map and the proposed plat for the subdivision in accordance with the provisions of the Subdivision Map Act and the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.

I hereby offer to dedicate the easements shown hereon for the purposes set forth. I also hereby offer to the City of Buellton, the 20' wide Public Drainage Easement and 20' wide Public Water Easement shown hereon.
Buellton (Petitioner) Partners II, LLC, a California Limited Liability Company
Tom Davidson, Managing Partner
10-27-2005
Date

Beneficiary's Statement
I, the undersigned, hereby state that I am a beneficiary under a Deed of Trust, Bank of America, N.A., dated 08/09/2003, recorded in the County of Santa Barbara, California, Book 2005-0165002 of Official Records of the County of Santa Barbara, and that I have executed the map and the proposed plat for the subdivision in accordance with the provisions of the Subdivision Map Act and the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.
Name: Wendy A. Marme
Name Printed: Wendy A. Marme
Name Printed: Wendy A. Marme
Title: Vice-President

Notary Statement
STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA
On this the 27 day of October, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared
Wendy A. Marme
Name: Wendy A. Marme
Title: Vice-President

Witness my hand and official seal:
Signature: Wendy A. Marme
Printed: Wendy A. Marme
My Commission Expires: 4/16/06
Principal office located in County of: Santa Barbara
Commission # 1349891

Signature Omissions:
The signatures of the following easement holders have been omitted pursuant to section 66435(c)(3)(A)(i) of the Government Code (State Subdivision Map Act):
Eduardo de la Queiro et al., per 123/heads/443
Solano Cement Products, Inc., a corporation, per 2137/O.R./1271
Southern Counties Gas Company of California per 2295/O.R./974
City of Buellton per Inst. No. 85-059951 O.R., rec. October 26, 1985 O.R., 2000-0098635, O.R. and Inst. No. 2001-0023533, O.R., 2000-0098635, O.R. and Inst. No. 2000-0098428, O.R., Peterson Properties, a General Partnership per Inst. No. 2000-0098428, O.R., William P. Ryan and Lori M. Ryan, husband and wife, as community property per Inst. No. 2001-0060798, O.R. and Inst. No. 2001-0060802, O.R.

Parcel Map No. 31,035 being a division of Parcel 3, P.M. No. 31,019, per 55/PM/4-5, as filed in the Office of the County Recorder lying in the City of Buellton, County of Santa Barbara, State of California

Notary Statement
COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA
On this the 27 day of October, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared
Tom Davidson

Witness my hand and official seal:
Signature: Tom Davidson
Printed: Tom Davidson
My Commission Expires: Sept. 2, 2007
Principal office located in County of: Santa Barbara
Commission # 1437545

City Engineer's Statement
I, the undersigned, hereby state that I am a duly Licensed Professional Engineer for the City of Buellton, California, and that I have examined the map and the proposed plat for the subdivision in accordance with the provisions of the Subdivision Map Act and the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.
Name: Mark E. Reinhardt
Name Printed: Mark E. Reinhardt
Title: City Engineer

City Clerk's Statement
I hereby state that the City Council of the City of Buellton, by minute action on the 27 day of October, 2005, approved this map and the proposed plat for the subdivision in accordance with the provisions of the Subdivision Map Act and the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.
Signature: Michael F. Brown
Printed: Michael F. Brown
My Commission Expires: 11-14-05
Principal office located in County of: Santa Barbara
Commission # 1349891



Surveyor's Statement
This map was prepared by me or under my direction and is based on a field survey in accordance with the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.
Name: Jeff E. Blake
Name Printed: Jeff E. Blake
Title: Professional Land Surveyor
Date: 10-27-2005

City Engineer's Statement
I, the undersigned, hereby state that I am a duly Licensed Professional Engineer for the City of Buellton, California, and that I have examined the map and the proposed plat for the subdivision in accordance with the provisions of the Subdivision Map Act and the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.
Name: Mark E. Reinhardt
Name Printed: Mark E. Reinhardt
Title: City Engineer
Date: 10-27-05

City Clerk's Statement
I hereby state that the City Council of the City of Buellton, by minute action on the 27 day of October, 2005, approved this map and the proposed plat for the subdivision in accordance with the provisions of the Subdivision Map Act and the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.
Signature: Michael F. Brown
Printed: Michael F. Brown
My Commission Expires: 11-14-05
Principal office located in County of: Santa Barbara
Commission # 1349891

Clerk of the Board Statement
I, Michael F. Brown, Clerk of the Board of Supervisors of Santa Barbara County, California, hereby certify that the map and the proposed plat for the subdivision in accordance with the provisions of the Subdivision Map Act and the provisions of the California Public Utilities Code, Chapter 2, Part 1, Section 15000, et seq., and I consent to the preparation and recording of said map and subdivision, as shown within the distinctive border lines.
Signature: Michael F. Brown
Printed: Michael F. Brown
My Commission Expires: 11-14-05
Principal office located in County of: Santa Barbara
Commission # 1349891

Sheet 1 of 2
County Recorder's Statement
Filed this 27th day of October, 2005, at Buellton, California, in the County of Santa Barbara, California, for recording, a Subdivision Map and Plat for the subdivision of Parcel 3, P.M. No. 31,019, per 55/PM/4-5, as shown on the attached map and plat, at the request of Blake Land Surveys.
Fee: \$10
Joseph E. Holland
County Clerk - Recorder-Assessor
By: Brenda A. Johnson
Deputy

Blake Land Surveys
388 Industrial Way, Suite 107
P.O. Box 683, Buellton, CA 93427
Tel: 805-688-2054
Est. 1980 PLS 4786

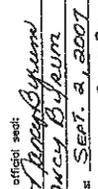
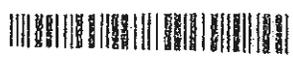


EXHIBIT H



2006-0035314

Recording Requested by:
CITY OF BUELLTON

Recorded
Official Records
County Of
SANTA BARBARA
JOSEPH E. HOLLAND
Recorder

REC FEE .00

When Recorded Mail to:

06:02AM 02-May-2006 Xrv Page 1 of 5

CITY OF BUELLTON
P.O. Box 1819
Buellton, CA 93427

5 free rec

No Fee Per Government Code 6103 APN's 99-690-038 & 039

GRANT OF EASEMENT (STORM WATER DRAINAGE)

Buellton Industrial Partners II, LLC (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 and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect, and remove at any time and from time to time storm water drainage facilities, including underground piping, above ground channel, and a detention basin (hereinafter referred to as "systems") and to deposit tools, implements, and other materials, and other appurtenant fixtures and equipment necessary or useful for storm water collection in, on, over, under, across, and along that certain real property described in Exhibit "A" attached hereto and incorporated by reference herein.

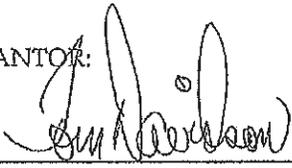
Grantor agrees for themselves, their heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, deep rooting trees, earth fill or other structures, including walls or fences with continuous footings on the above described real property. The Grantee and its contractors, agents and employees shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and very part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on the above described property of the Grantor, the Grantee shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

As a condition of Grantor granting this Deed and of Grantee accepting this Deed, Grantor and Grantee agree that Grantee shall have no responsibility or obligation for maintenance of any portion of the storm water drainage facilities located on Grantor's property outside the road right of way. Grantor agrees to assume responsibility for maintaining the portions of the storm water drainage facilities located on Grantor's property outside the road right of way at Grantor's sole expense. Grantor agrees to indemnify, defend and hold Grantee harmless from any claims, liability, damage, demand, cost, expense or attorney's fees incurred by Grantee as a result of injury to any person and damage to property arising or resulting from Grantor's failure to maintain the portions of the storm water drainage facilities located on Grantor's property outside the road right of way. Grantee agrees to assume responsibility for maintaining the portions of the storm water drainage facilities located within the road right of way at Grantee's sole expense.

For all purposes herein, the term "Grantor" includes Buellton Industrial Partners II, LLC and its heirs, successors in interest and assigns.

Executed this 1st day of MARCH, 2006, at Buellton, California.

GRANTOR:

By: 

Tom Davidson, Managing Partner
Buellton Industrial Partners II, LLC

Attach Notary Statement

Attachment: Exhibit "A" - Legal Description

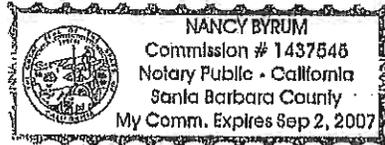
ALL PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF Santa Barbara } ss.

On March 1, 2006 before me, Nancy Byrum
Notary Public personally appeared
Tom Davidson

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 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 upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature

Nancy Byrum

(NOTARY SEAL)

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE **MUST** BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT.

Title of Document Type _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

CERTIFICATE OF ACCEPTANCE
AND CONSENT TO RECORDATION OF
EASEMENT GRANT DEED

This is to certify that the interest in real property conveyed by the Easement Grant Deed dated MARCH 1, 2006 from Buellton Industrial Partners II, LLC 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 MARCH 9, 2006 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: MARCH 16, 2006

City of Buellton

by Steven L. Thompson
City Clerk

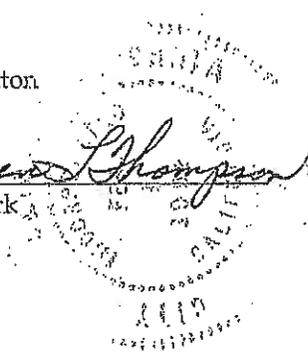


EXHIBIT "A"

Legal Description

That portion of Parcels One and Two of Parcel Map 31,035 in the City of Buellton filed in Parcel Map Book 59, Pages 19 and 20 in the office of the County Recorder, County of Santa Barbara, State of California, being a 20' wide strip of land shown as "20' wide Public Drainage Easement to the City of Buellton per this map" on said map.

And all of Parcel Four as shown on Parcel Map 31019 filed in Parcel Map Book 55, Pages 4 and 5 in the office of the County Recorder, County of Santa Barbara, State of California.

EXHIBIT I

Plot of Exhibit "A" being a portion of P.L. 4, Four P. M. No. 31019 per 55/PM/04 & 05 as filed in the Office of the County Recorder, lying in the City of Buellton, County of Santa Barbara, State of California

Pcl. 3, PM # 31035
59/PM/19 & 20

Pcl. 4, PM # 31035
59/PM/19 & 20

Pcl. 2, PM # 31035
59/PM/19 & 20

Pcl. 1, PM # 31035
59/PM/19 & 20

Pcl. 4, PM # 31019
59/PM/4 & 5

32'

PARCEL ONE OF THIS LEGAL DESCRIPTION

INDUSTRIAL WAY

32'

EXHIBIT B - SAN-099-090-039

STORM DRAIN

Blake Land Surveys
 250 Industrial Way, Suite "C"
 P.O. Box 869, Buellton, CA 93427
 tel: 805-688-2054
Est. 1980 PLS 4786

GRAPHIC SCALE

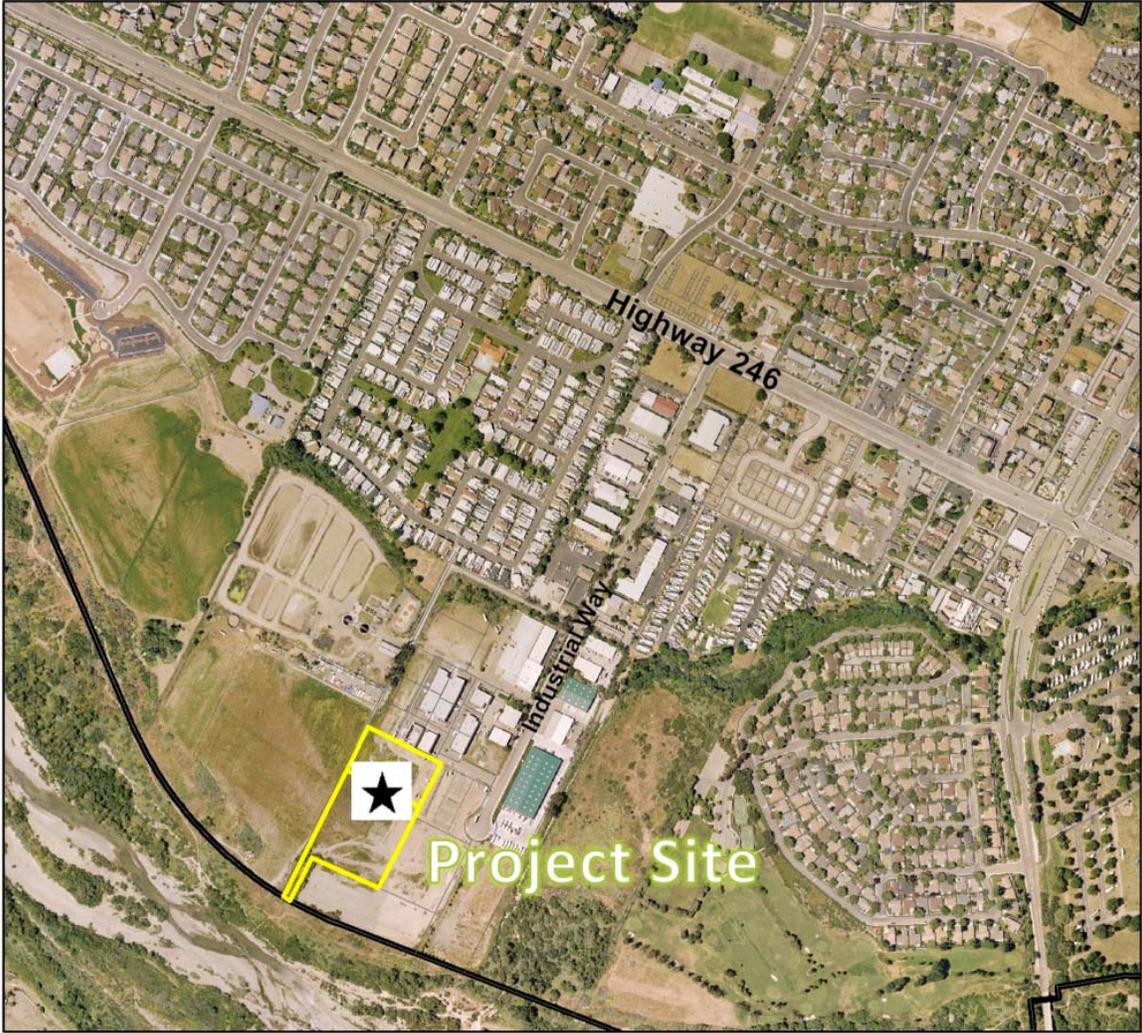


(IN FEET)

1 inch = 100 ft.



Vicinity Map



PROPOSED LANDSCAPE AREA

LANDSCAPED AREA ON PROPOSED LIA PARCELS 1 AND 2 = 0.58 AC.
GROSS/NET AREA OF PROPOSED LIA PARCELS 1 AND 2 = 5.08 AC.
PROPOSED LANDSCAPING IS 11.4% OF GROSS/NET PARCEL AREA.

PROPOSED BUILDING COVERAGE

PROPOSED LIA PARCEL AREA	PROPOSED BUILDING AREA	PERCENTAGE OF BUILDING COVERAGE
1 - 174,739.71 s.f./4.01 AC	42,187.37 s.f./0.97 AC	24.2%
2 - 46,789.59 s.f./1.07 AC	18,470.00 s.f./0.42 AC	39.5%

1 inch = 30 ft.

INDUSTRIAL WAY 64'±

PARCEL 13 OF TRACT 31,034
PARCEL 2 OF TITLE REPORT
EXISTING DEVELOPED ACCESS
EASEMENT TO BENEFIT PARCELS 3 & 4 OF PM 31,033

27.75'

ACCESS TO INDUSTRIAL WAY

34.25'

EXISTING BUILDING

TRACT 31,034

UNDEVELOPED PROPERTY

AERIAL UNDERLAY
NOT TO SCALE

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

FLOODPLAIN ELEVATIONS
DATE: NAVD 88
FIRM PANEL - 1052 DECEMBER 4, 2012
100 YR. WATER SURFACE ELEVATION IN BUILDING AREA = 322.75
MINIMUM FINISHED FLOORS TO BE 324.75
(2.0' ABOVE 100 YR. WATER SURFACE ELEVATION.)

EARTHWORK
EXCISE BED:
CUT: 21,810 CUBIC YARDS
FILL: 21,828 CUBIC YARDS
NET: 21,832 CUBIC YARDS <FILL> IMPORT
THE ABOVE VOLUMES ACCOUNT FOR A 1.0' STRUCTURAL SECTION FOR PAVEMENT AND BUILDING SLABS AND A 0.5' SECTION FOR THE LOWER PARKING AREA.

LEGEND

- AC ASPHALT CONCRETE
- DWY DRIVEWAY
- EX EXISTING
- F.F. FINISHED FLOOR
- PAE PUBLIC UTILITY EASEMENT
- (P) BOUNDARY DATA PER PARCEL MAP NO. 31,019 RECORDED IN PARCEL MAP BOOK 59, PAGES 19 & 20.
- E EASEMENT
- ETV ELECTRICITY
- EFV EDGE OF EXISTING PAVEMENT
- F FLOOR PLAN
- P PROPERTY LINE
- SS SANITARY SEWER
- SD SO STORM DRAIN
- W WATER LINE

PARKING

REQUIREMENTS:
BOWLING ALLEY PARKING: (19'x16.5" STANDARD) = 128
8 SPACES REQUIRED FOR LAKE
WORKSHOP PARKING: (19'x16.5" STANDARD)
1 SPACE REQUIRED PER 1000 SF, 1 PER 4 EMPLOYEES = 20
LOADING SPACES:
1 SPACE REQUIRED FOR EACH BUILDING (19'x30') = 2
BICYCLE PARKING:
TO BE DETERMINED BY PLANNING COMMISSION = 100

TOTAL REQUIRED = 148 + 2 LOADING + BICYCLE 100

PROVISIONS:
BOWLING ALLEY PARKING:
(INCLUDING 8 ACCESSIBLE PARKING SPACES) = 154 (STANDARD)
RV/BUS PARKING = 5
WORKSHOP PARKING:
(INCLUDING 2 ACCESSIBLE PARKING SPACES) = 21 (STANDARD)
LOADING SPACES:
BICYCLE PARKING:
(INCLUDING LOADING DEVICES) = 0

TOTAL PROVIDED = 172 + 5 RV/BUS + 2 LOADING + 0 BICYCLE

- A RECIPROCAL PARKING AGREEMENT WILL BE CREATED -
BETWEEN PARCELS 1 & 2 OF 13-LA-02.

SHEET INDEX

SHEET	DESCRIPTION
CE-01	TITLE SHEET
CE-02	EXISTING TOPOGRAPHY
CE-03	COMPOSITE PLAN
CE-04	SITE PLAN
CE-05	LOT LINE ADJUSTMENT
CE-06	EASEMENTS
CE-07	GRADING/MANAGE PLAN

STORMWATER BIO-FILTRATION AND INFILTRATION BED
NOT TO SCALE

EXISTING TERRAVANT PARCELS 1 AND 2 OF PM 31,018

OWN LINK FENCE

PROPOSED FENCE

OWN LINK FENCE

EXISTING COMMUNITY BASIN

EXISTING COMMUNITY BASIN IS INTENDED TO ACCOMMODATE RETENTION AND STORAGE OF WATER QUALITY CREEPS FOR ALL PROPERTIES ON WEST-SIDE OF INDUSTRIAL WAY.

EXISTING TERRAVANT BASIN PARCEL 4 OF PM 31,018

PROPOSED HEADWALL

10' WIDE PATH (COMPACTED BASE) TO TRAIL EASEMENT

APN 029-890-001

GENERAL INFORMATION

OWNER/APPLICANT: MICHAEL L. PETERSON AND ANDY GOLDSTIEN PETERSON
850 OLD RANCH ROAD
SOLVANG, CA 93463
TEL (805) 868-6531

SITE ADDRESS: INDUSTRIAL WAY 93427

AGENT/ENGINEER: SID GOLDSTIEN CIVIL ENGINEER, INC.
850 ALAMO PANTADO ROAD, SUITE 302
SOLVANG, CA 93463
TEL (805) 868-1328 FAX (805) 868-8342
EMAIL: sid@sgc.com

ARCHITECT: DAVID GOLDSTIEN & ASSOCIATES
850 ALAMO PANTADO ROAD SUITE 303
SOLVANG, CA 93463
TEL (805) 868-1333 FAX (805) 868-8881
EMAIL: dgc@dsic.com

A.P.N.: 069-890-045 & 049

LEGAL DESCRIPTION: LOTS 3 & 4 OF PM 31,033
PM BK 59 PG 19 & 20 (P)

PARCEL SIZE: 43.06 AC. GROSS & NET

ZONING: OPEN SPACE AND INDUSTRIAL/MANUFACTURING

SETBACKS: FRONT: 20' MINIMUM
REAR: 5'
SIDE: 0'

GENERAL PLAN: OPEN SPACE AND RECREATION, INDUSTRIAL

UTILITIES:
WATER: CITY OF BUELLTON
SEWER: CITY OF BUELLTON
GAS: SOUTHERN CALIFORNIA GAS COMPANY
POLE: PG&E
CABLE TELEVISION: COMCAST CABLEVISION
TELEPHONE: VERIZON
WASTEWATER: WASTEWATER INDUSTRIES

STORMWATER BIO-FILTRATION AND INFILTRATION BED
NOT TO SCALE

PROVIDE CURB CUT-IN & CONCRETE CURB FOR PARKING LOT (SHADE TO EXISTING INFILTRATION BED)

FINISHED SURFACE TO BE 1" BELOW EXISTING GRADE & FINISHED BED SURFACE ELEV.

TOP OF DRIVE TO BE 4" ABOVE INFILTRATION BED (SEE NOTE)

2" SAND/COMPOST MIX

12" PERFORATED SCHEDULE 40 PIPE PER PLAN (1" DIA)

12" SUB-SURFACE SOIL PERFORATION RATE - 30"/HOUR FOR PERFORATION TESTS BY SOIL ENGINEER. HOWEVER, PROJECT DESIGN WILL USE 15"/HOUR.

1" LINE ZONE OF INFILTRATION BED WITH "WESTSIDE ERM FOOTING" 4" W.C. LINER OR APPROVED EQUAL. LINES TO BE INSTALLED 12" MINIMUM UNDER CONCRETE CURB EDGE DETAIL AND TO BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.

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
850 ALAMO PANTADO ROAD
SUITE 302
SOLVANG, CA 93463
email: sid@sgc.com
web: www.sgc.com
TEL: (805) 868-1328
FAX: (805) 868-8342

DESIGNED BY: **AMP**

DATE: **20 MAY 2016**

SCALE: **1" = 40'**

TITLE SHEET
for
LIVE OAK LANES & INDUSTRIAL CENTER
BUELLTON, CA. 93427

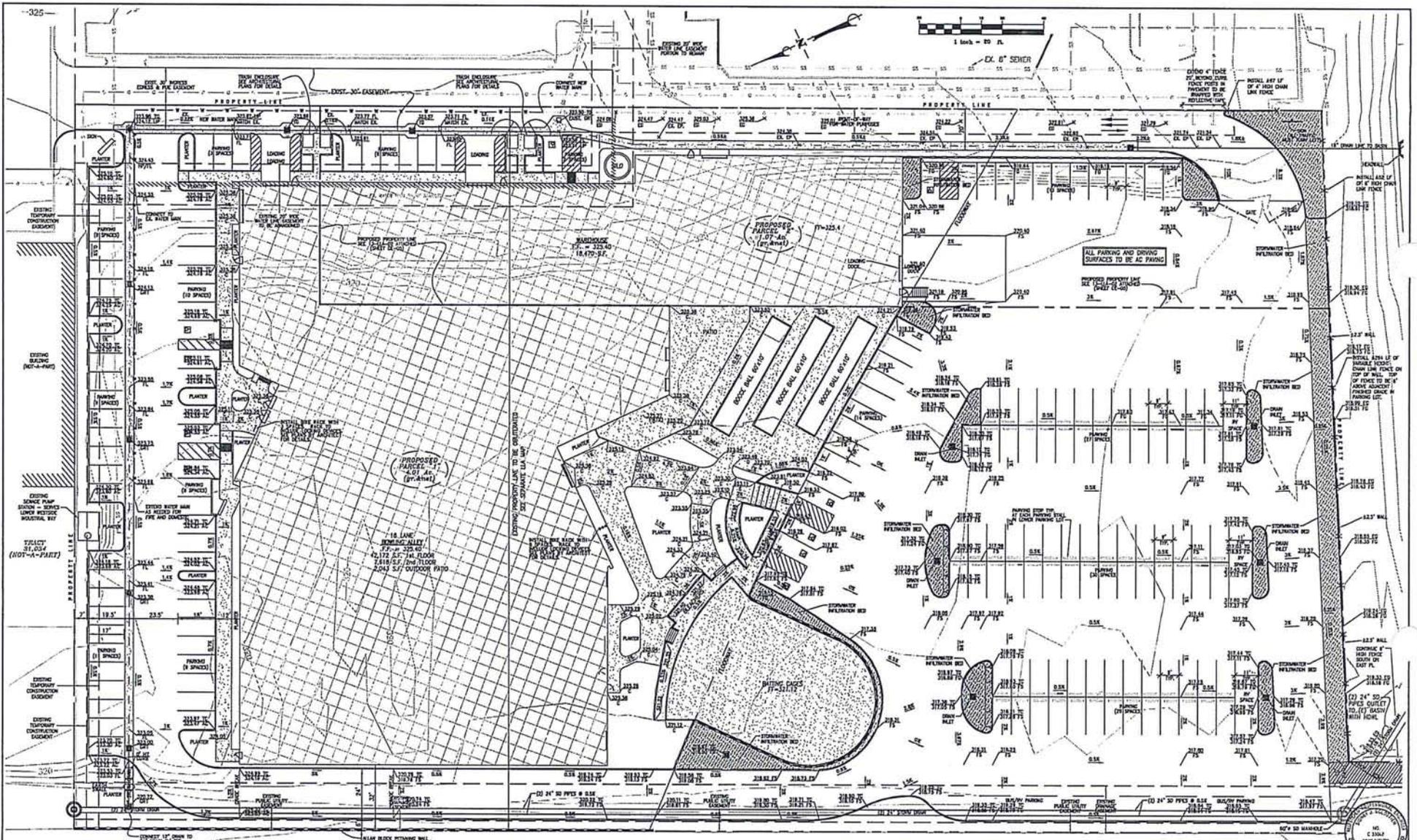
SHRINT NO.: **CE-01**

FILE NO.: **14-10-100**

SHRINT NO. **CE-01**

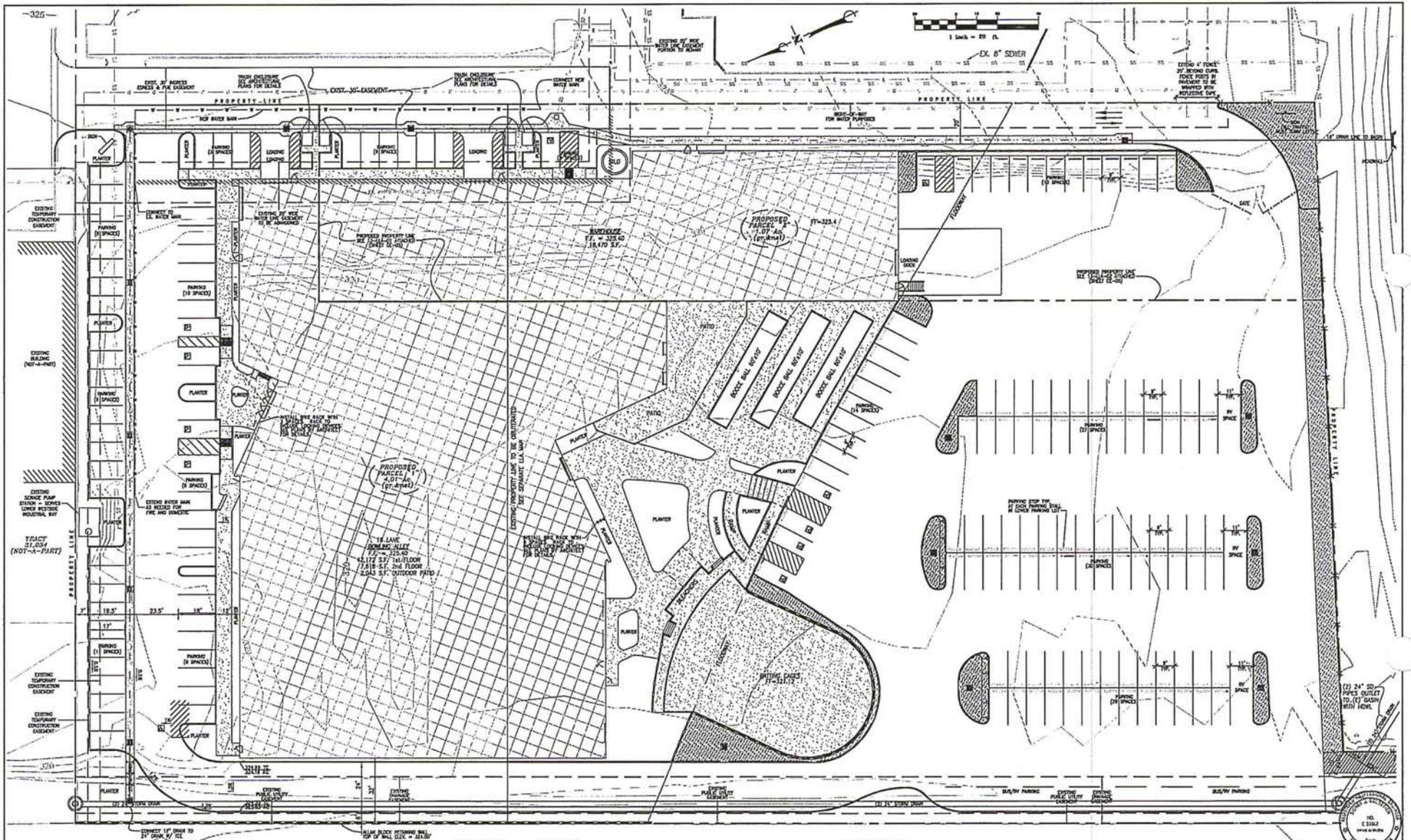
FILE NO. **14-10-100**

SHEET 1 of 7



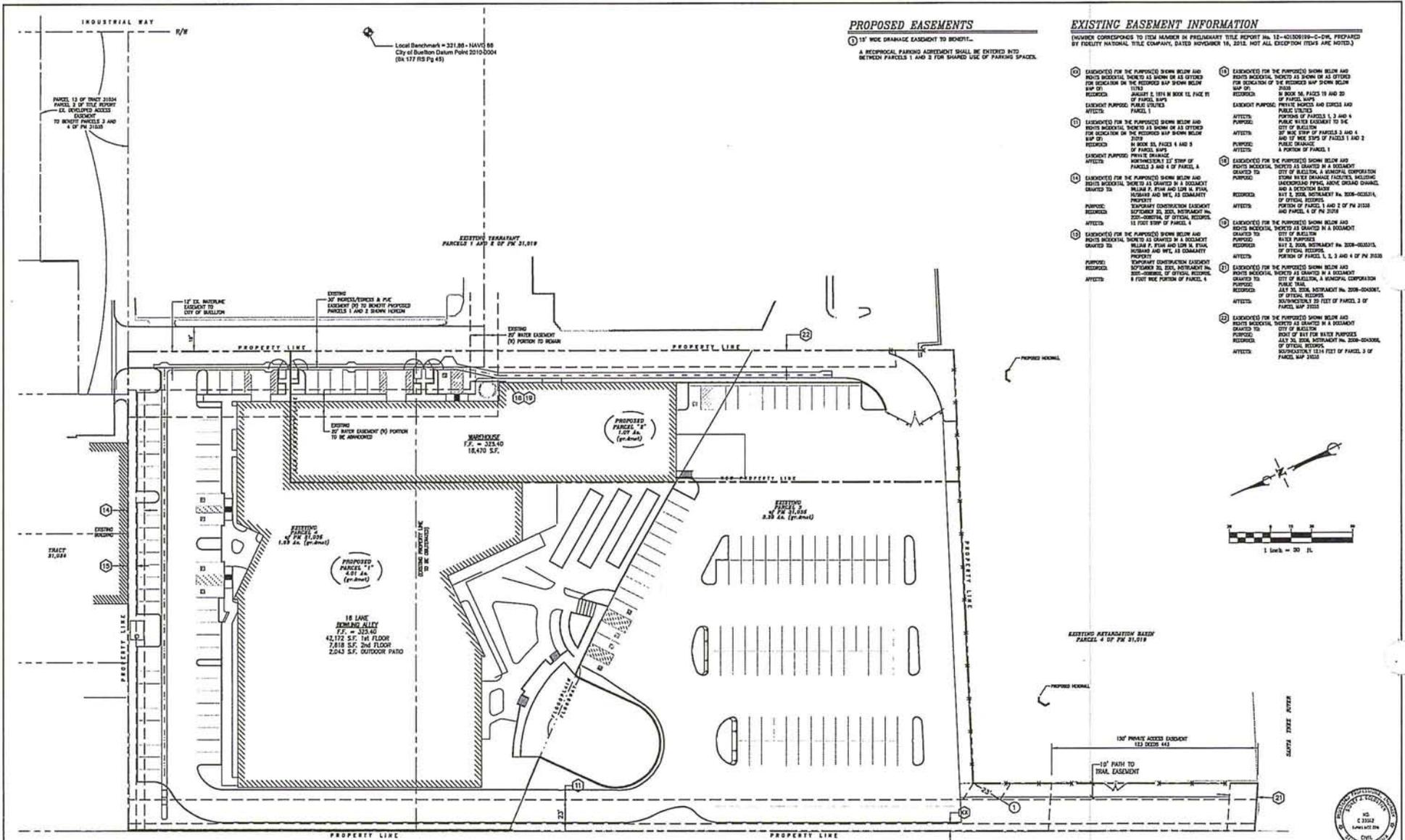
<p>CAUTION: UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-6133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.</p>	DATE:	REVISIONS	REVIEWED BY: 	SID GOLDSTIEN-CIVIL ENGINEER, INC. PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT 850 ALAMO PARKWAY ROAD SUITE 302 SOVANG, CA 93463 email: sid@sgc.com web: www.sgce.com	DRAWN BY: AMP	DATE: 20 MAY 2015	SCALE: 1" = 20'	COMPOSITE PLAN for LIVE OAK LANES & INDUSTRIAL CENTER BUELLTON, CA. 93427	SHEET NO. CE-03
					DESIGNER: SJC	SID GOLDSTIEN R.C.E. 33,042 (expires 6-30-18)		FILE NO. 14-10-100	





<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>SID GOLDSTIEN-CIVIL ENGINEER, INC. PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT 650 ALAMO PRADO ROAD SUITE 302 SOLVANG, CA 93143</p>	<p>DRAWN BY: AMP DATE: 20 MAY 2016 DESIGNER: SJC</p>	<p>SCALE: 1" = 20'</p>	<p>SITE PLAN for LIVE OAK LANES & INDUSTRIAL CENTER BUELLTON, CA. 93427</p>	<p>SHEET NO. CE-04 FILE NO. 14-10-100</p>
<p>DATE: _____ REVISIONS _____</p>		<p>APN 029-680-001</p>		<p>UNDEVELOPED PROPERTY</p>		





PROPOSED EASEMENTS

- ① 15' WIDE DRAINAGE EASEMENT TO BOUNDARY.
- A RECIPROCAL PARKING AGREEMENT SHALL BE ENTERED INTO BETWEEN PARCELS 1 AND 3 FOR SHARED USE OF PARKING SPACES.

EXISTING EASEMENT INFORMATION

(NUMBER CORRESPONDS TO ITEM NUMBER IN PRELIMINARY TITLE REPORT NO. 12-4012019W-C-DW, PREPARED BY FIDELITY NATIONAL TITLE COMPANY, DATED NOVEMBER 16, 2012. NOT ALL EXCEPTION ITEMS ARE NOTED.)

- ④ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN ON AS OFFERED FOR RECORD ON THE RECORDED MAP SHOW BELOW MAP OF: JANUARY 2, 1974 IN BOOK 12, PAGE 11 OF PARCEL MAPS. EASEMENT PURPOSE: PUBLIC UTILITIES. AFFECTS: PARCEL 1.
- ⑤ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN ON AS OFFERED FOR RECORD ON THE RECORDED MAP SHOW BELOW MAP OF: IN BOOK 24, PAGES 1 AND 3 OF PARCEL MAPS. EASEMENT PURPOSE: PRIVATE DRAINAGE. AFFECTS: PARCELS 3 AND 4 OF PARCEL A.
- ⑥ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN IN A DOCUMENT GRANTED TO: WILLIAM F. FRYM AND LISA M. FRYM, HUSBAND AND WIFE, AS COMANITY PROPERTY. EASEMENT PURPOSE: TEMPORARY CONSTRUCTION EASEMENT. EASEMENT REFERENCE TO: 2008-0240484. PORTION OF OFFICIAL RECORD: 15 FOOT STRIP OF PARCEL 4.
- ⑦ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN IN A DOCUMENT GRANTED TO: WILLIAM F. FRYM AND LISA M. FRYM, HUSBAND AND WIFE, AS COMANITY PROPERTY. EASEMENT PURPOSE: TEMPORARY CONSTRUCTION EASEMENT. EASEMENT REFERENCE TO: 2008-0240484. PORTION OF OFFICIAL RECORD: 8 FOOT WIDE PORTION OF PARCEL 4.
- ⑧ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION. EASEMENT PURPOSE: 15' WIDE DRAINAGE EASEMENT, INCLUDING UNDERGROUND PIPES, MANHOLE, DRAINAGE, AND A DETENTION BASIN. EASEMENT REFERENCE TO: JULY 31, 2004, INSTRUMENT NO. 2008-0240484. PORTION OF OFFICIAL RECORD: PORTION OF PARCELS 1 AND 2 OF PM 21223 AND PARCEL 4 OF PM 2018.
- ⑨ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION. EASEMENT PURPOSE: 15' WIDE DRAINAGE EASEMENT, INCLUDING UNDERGROUND PIPES, MANHOLE, DRAINAGE, AND A DETENTION BASIN. EASEMENT REFERENCE TO: JULY 31, 2004, INSTRUMENT NO. 2008-0240484. PORTION OF OFFICIAL RECORD: PORTION OF PARCELS 1, 2, 3 AND 4 OF PM 21223.
- ⑩ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION. EASEMENT PURPOSE: 15' WIDE DRAINAGE EASEMENT, INCLUDING UNDERGROUND PIPES, MANHOLE, DRAINAGE, AND A DETENTION BASIN. EASEMENT REFERENCE TO: JULY 31, 2004, INSTRUMENT NO. 2008-0240484. PORTION OF OFFICIAL RECORD: PORTION OF PARCEL 3 OF PARCEL MAP 21223.
- ⑪ EASEMENT FOR THE PROPOSED SHOW BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN IN A DOCUMENT GRANTED TO: CITY OF BUELLTON, A MUNICIPAL CORPORATION. EASEMENT PURPOSE: 15' WIDE DRAINAGE EASEMENT, INCLUDING UNDERGROUND PIPES, MANHOLE, DRAINAGE, AND A DETENTION BASIN. EASEMENT REFERENCE TO: JULY 31, 2004, INSTRUMENT NO. 2008-0240484. PORTION OF OFFICIAL RECORD: 15' WIDE PORTION OF PARCEL 3 OF PARCEL MAP 21223.

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
 850 ALAMO PIQUADO ROAD email: sid@gcinc.com (951) 858-1528
 SUITE 302 web: www.sjgcs.com FAX: (951) 858-8382
 SOLVANG, CA 93443

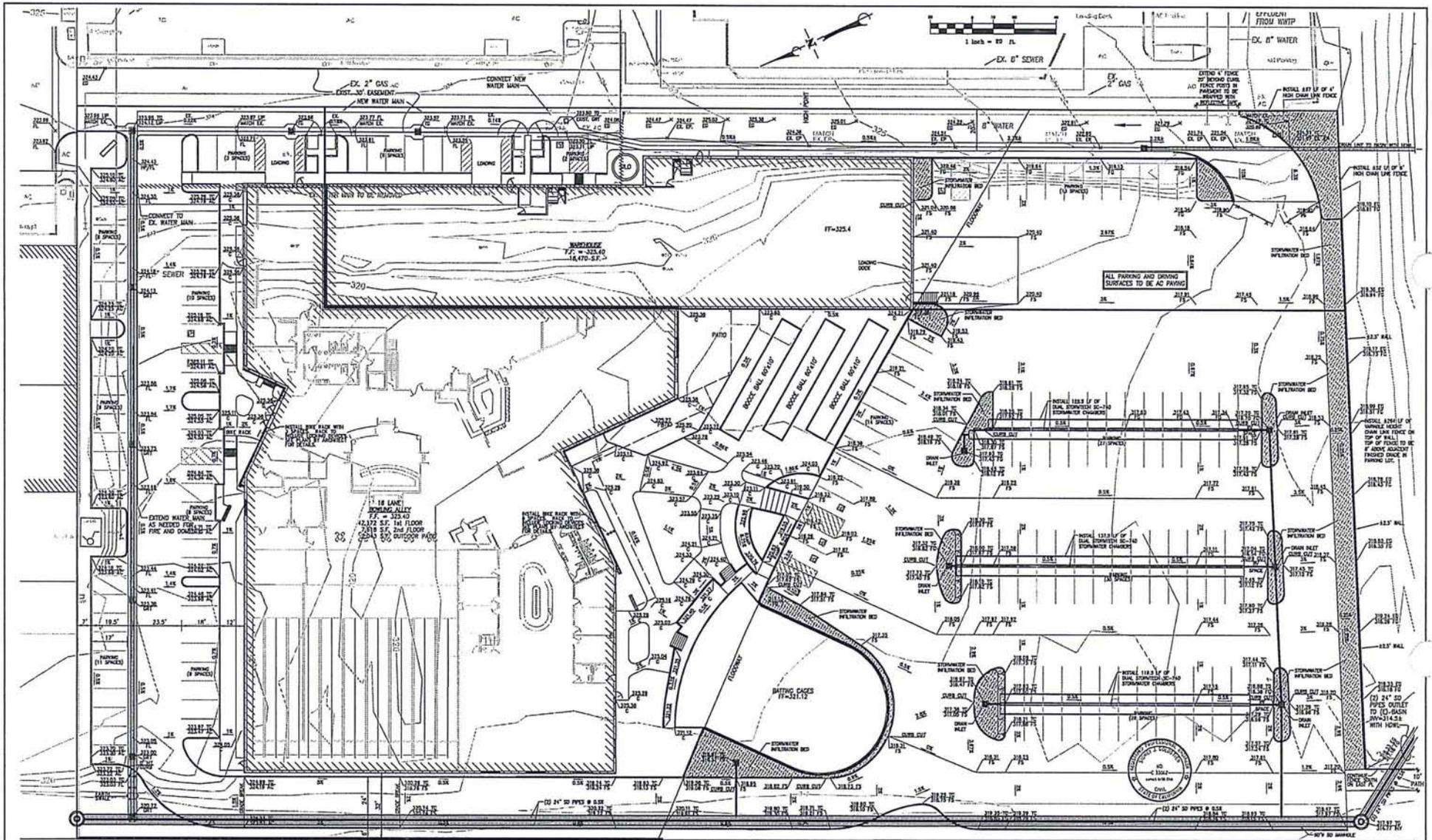
DRAWN BY: **AMP** DATE: **20 MAY 2016**
 DESIGNER: **SID GOLDSTIEN**
 P.C.E. 33,042 (employee 0-30-15)
 SJC

SCALE: **1" = 30'**

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

SHEET NO. **CE-06**
 FILE NO. **14-10-100**





UNDEVELOPED PROPERTY

APN 099-090-001

TOTAL FILL ABOVE EXISTING GROUND IN FLOODWAY = 27600 CY
 TOTAL CUT TO FINISHED GRADE IN FLOODWAY = 21600, CT

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:

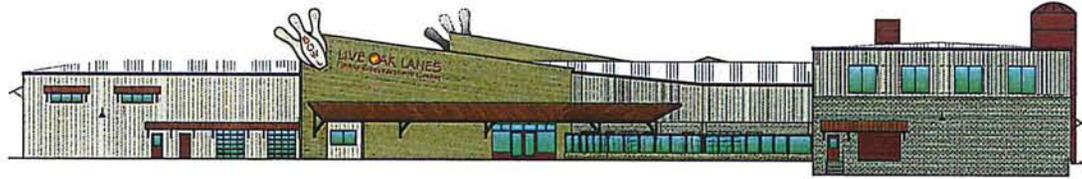
SID GOLDSTIEN-CIVIL ENGINEER, INC.
 PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT
 830 GRAND PRINCE ROAD
 SUITE 302
 SOLVING, CA 93143
 email: sid@sgc.com
 web: www.sgpc.com
 (562) 866-1228
 FAX: (805) 506-5582

DRAWN BY: AMP
 DATE: 20 MAY 2016
 DESIGNER: SID GOLDSTIEN
 EX-C-15 518-04-53
 (expires 6-30-16)

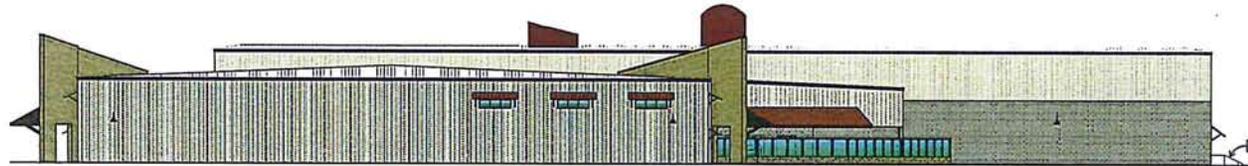
SCALE: 1" = 20'
PRELIMINARY GRADING PLAN
 for
LIVE OAK LANES & INDUSTRIAL CENTER
 BUELLTON, CA. 93427

SHEET NO. CE-07
 FILE NO. 14-10-100

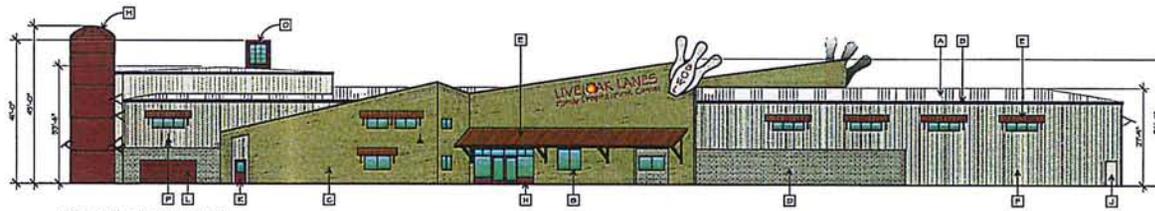
Checked: [Signature] Date: [Date] Scale: [Scale] Project: [Project Name]



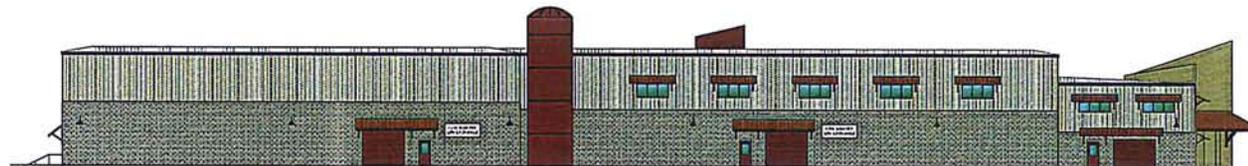
SOUTH ELEVATION
1/4" = 18'-0"



WEST ELEVATION
1/4" = 18'-0"



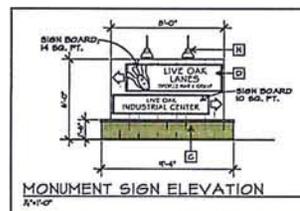
NORTH ELEVATION
1/4" = 20'-0"



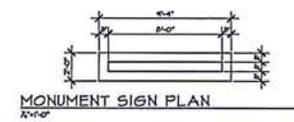
EAST ELEVATION
1/4" = 18'-0"

SIGN DATA			
COMMON SIGNAGE			
TYPE	SIZE SQ. FT.	LIT	REMARKS
MONUMENT PEG. I.C.	14 10	YES	HALL MOUNTED ON MASONRY WALL
INDUSTRIAL CENTER (I.C.)			
TYPE	SIZE SQ. FT.	LIT	REMARKS
HALL SIGN	2-315 EA.	NO	HALL MOUNTED

FAMILY ENTERTAINMENT CENTER (F.E.C.)			
TYPE	SIZE SQ. FT.	LIT	REMARKS
HALL SIGN NORTH HALL SOUTH HALL	150 150	YES	OFFSET LETTERS
BOWLING PIN GRAPHIC NORTH HALL SOUTH HALL	121 121	YES	HALL MOUNTED



MONUMENT SIGN ELEVATION
1/4" = 10'-0"

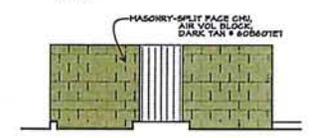


MONUMENT SIGN PLAN
1/4" = 10'-0"

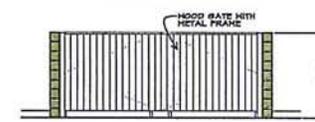
- MATERIAL & FINISH KEY**
- NOTE: SEE EXTERIOR COLORS & MATERIALS BOARD FOR SAMPLES AND COLORS.
- A ROOFING - SINGLE PLY PVC, HEAT BONDED MEMBRANE, WHITE
 - B OUTER & DOWNPOUT - PREFINISHED ALUMINUM FASCIA OUTER & ROUND DOWNPOUT, HANDBAND BROWN
 - C MASONRY - SPLIT FACE CHU, AIR VOL. BLOCK, DARK TAN & AGS04TET
 - D MASONRY - SMOOTH FACE CHU, AIR VOL. BLOCK, STANDARD GREY 800-101
 - E METAL ANHING - 1/2" CORRUGATED METAL, HESTER STATES METAL ROOFING, GORTER, ASP. BALK, 24 GA. P/OP PAINT FRESH ANHONG FRAME, STEEL, FRENCH ROAST SH #6064
 - F METAL SIDING - 1/2" PANEL INSULATED METAL PANEL, HCB1, ALMOND (1024)
 - G HHOONS - ALUMINUM SLIDERS OR FIXED, ANODIZED BRONZE
 - H ALUMINUM STOREFRONT - RUSTIG RED FINISH
 - I DOORS - SOLID, PAINTED TO MATCH ADJACENT SIDING COLOR
 - J DOORS - HALF GLASS, STEEL, PAINTED, RUSTIG RED SH #145
 - K OVERHEAD SECTIONAL DOORS - WITH OR WITHOUT GLASS PANELS, RUSTIG RED FINISH
 - L GRAN SILO - PREFABRICATED METAL, RUSTIG RED FINISH
 - M METAL RAILINGS & HANDRAILS - FABRICATED METAL RAIL, PAINTED, FRENCH ROAST SH #6064
 - N DISTILLERY STACK - METAL SIDING, RUSTIG RED FINISH
 - O HALL MOUNTED LIGHT FIXTURE - BRONZE POWDER COAT FINISH



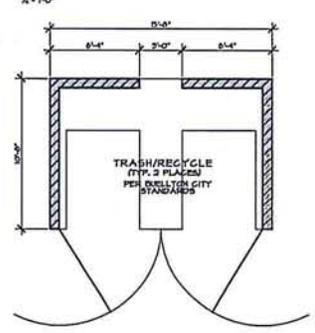
TYP. SIDE ELEVATION
1/4" = 10'-0"



BACK ELEVATION
1/4" = 10'-0"



FRONT ELEVATION
1/4" = 10'-0"



TYP. TRASH AREA PLAN
1/4" = 10'-0"

DAVID GOLDSTEN ARCHITECT INC. AIA

438 Alamo Plaza
Suite 202
San Jose, CA 95126
408.438.1535

LIVE OAK LANES

BUELLTON, CA

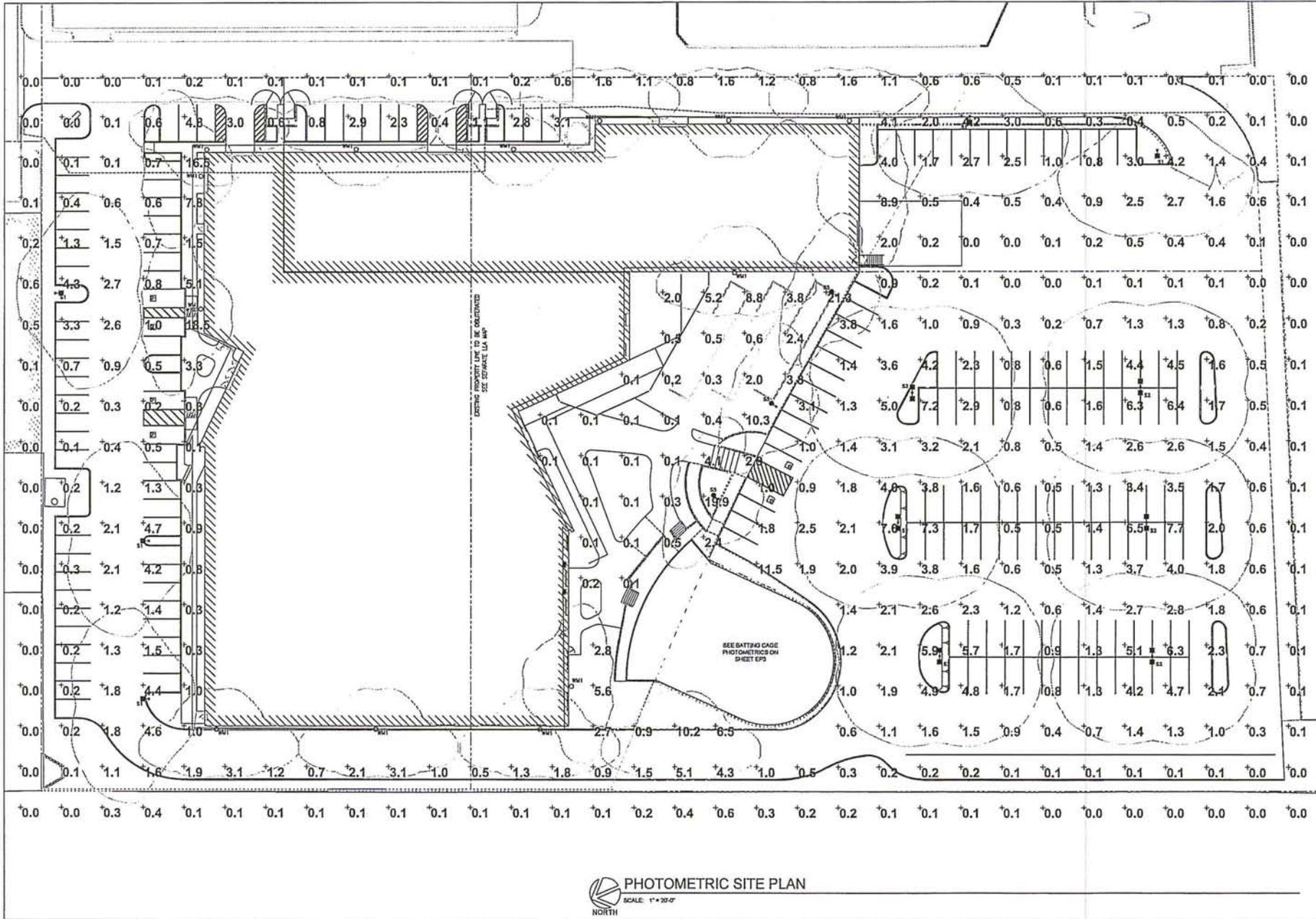
APPROVED
DAVID R. GOLDSTEN
NO. C-7534
APR. 25, 2018
STATE OF CALIFORNIA

REVISIONS

5-22-15 D.P. REV.
4-7-15 D.P. 5005

DATE: 5-21-15
DRAWN: MH
JOB: 1502

SHEET: **A8.0**



DAVID GOLDSTIEN ARCHITECT INC.
610 Alamo Plaza
Suite 310
San Jose, CA 95131
TEL: 415.351.1115



PROJECT
LIVE OAK LANE & LIVE OAK INDUSTRIAL CENTER

BUELLTON, CA

CONSULTANT
Thomas
THOMAS ENGINEERING & ARCHITECTURE
74 West Street, Suite 200
Buellton, CA 94708
TEL: 805.438.1111

CONSULT NO. 14-2017.01



REVISIONS

NO.	DATE	DESCRIPTION

PROJECT 05.21.15
DRAWN CJ
ARCH NO. 14-2017.01
SHEET NO.

EP1

PHOTOMETRIC SITE PLAN
SCALE: 1" = 20'-0"
NORTH

Symbol	Level	STY	Quantity	Description	Unit	Quantity	Level	STY	Quantity
8	FL1		1	BATTING CAGE LIGHT	LED	1	FL1		1



D-Series Size 3 LED Flood Luminaire

Specifications

Size: 1.4M x 0.9M

Depth: 5"

Width: 29.5"

Height: 13.5"

Weight: 11.5"

Height: 21.5"

BATTING CAGE LIGHT

FL1

Introduction:
The D-Series Size 3 Flood features precision optics to beautifully illuminate a variety of applications as its sleek, compact styling blends seamlessly with its environment. The D-Series Flood-reflector systems and cutting-edge chip-on-board LED technology produce low heat to beam ratios for minimal spill light and superior photometric performance. It's the ideal long life replacement for 250-400W metal halide floods, with typical energy savings of 67% and expected service life of over 100,000 hours.

EXAMPLE: D3073 LED @ A330/0K FL1 NVOLT TRX DD30X3

Item	Quantity	Description	Unit	Quantity	Level	STY	Quantity
D3073	1	D3073 LED @ A330/0K FL1 NVOLT TRX DD30X3	LED	1	FL1		1

Notes:

1. Flood conditions are allowed for shorter lead times.

Accessories:

1. LED Flood Luminaire for Battering Cage

2. LED Flood Luminaire for Battering Cage

3. LED Flood Luminaire for Battering Cage

4. LED Flood Luminaire for Battering Cage

5. LED Flood Luminaire for Battering Cage

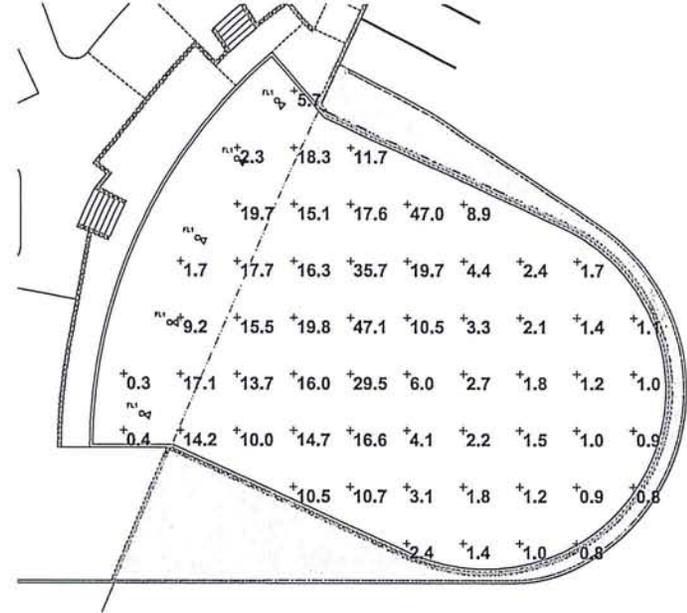
6. LED Flood Luminaire for Battering Cage

7. LED Flood Luminaire for Battering Cage

8. LED Flood Luminaire for Battering Cage

9. LED Flood Luminaire for Battering Cage

10. LED Flood Luminaire for Battering Cage



PHOTOMETRIC AT BATTING CAGE
SCALE: 1" = 10'-0"

DAVID GOLDSTEN ARCHITECT INC.
440 Alamo Plaza
Suite 210
San Jose, CA 95110
(408) 435-1310

dga

LIVE OAK LANES & LIVE OAK INDUSTRIAL CENTER

BUELLTON, CA

CONSULTANT
Thomas

CONSULTANT NO. 14-BOTT-01

STAMP & SIGN

NO. 10757

ISSUED: 04/29/19

REVISIONS

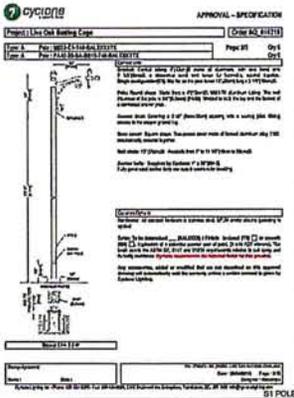
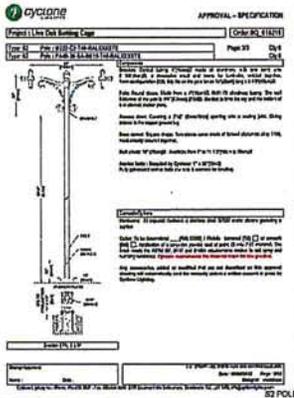
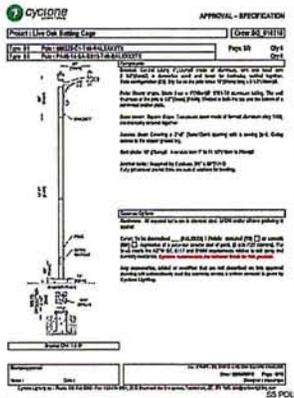
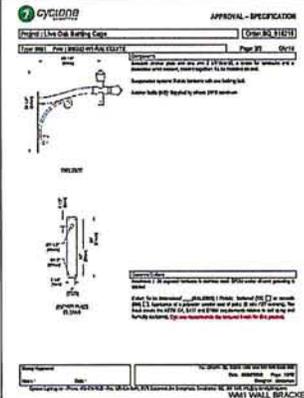
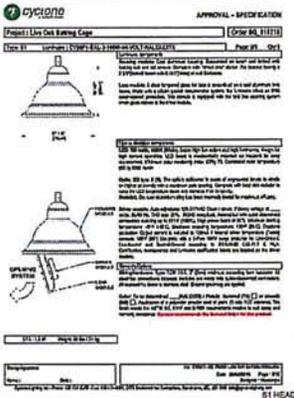
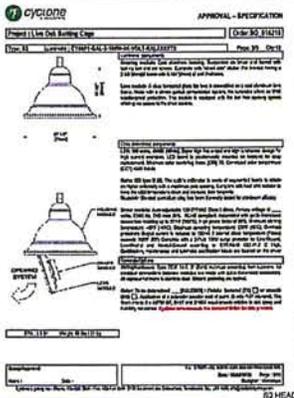
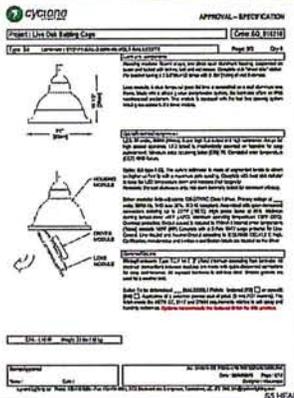
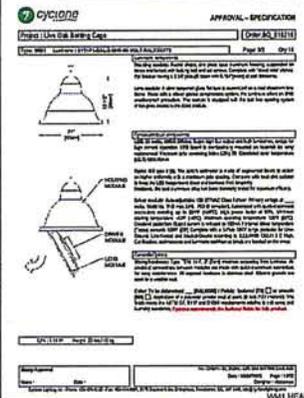
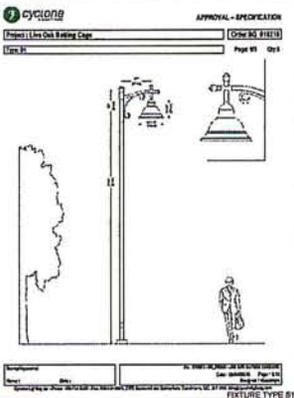
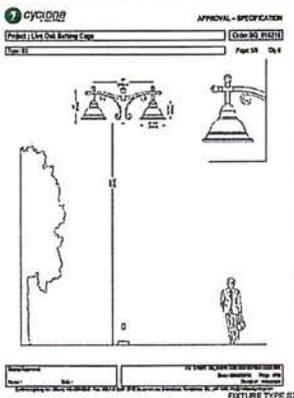
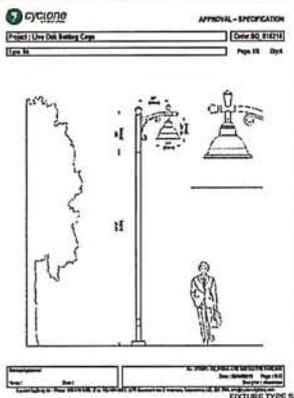
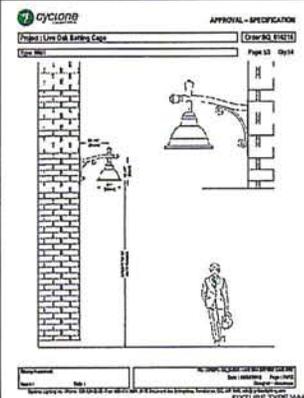
DATE: 05.21.19

DRAWN: CJ

CHECKED BY: B302

SHEET NO. EP3





CY55P1

City of Westminster - Village Hall Construction

Notes:
 1. Luminaire
 2. Mounting Pole
 3. Pole
 4. Pole
 5. Pole
 6. Pole
 7. Pole
 8. Pole
 9. Pole
 10. Pole
 11. Pole
 12. Pole
 13. Pole
 14. Pole
 15. Pole
 16. Pole
 17. Pole
 18. Pole
 19. Pole
 20. Pole
 21. Pole
 22. Pole
 23. Pole
 24. Pole
 25. Pole
 26. Pole
 27. Pole
 28. Pole
 29. Pole
 30. Pole
 31. Pole
 32. Pole
 33. Pole
 34. Pole
 35. Pole
 36. Pole
 37. Pole
 38. Pole
 39. Pole
 40. Pole
 41. Pole
 42. Pole
 43. Pole
 44. Pole
 45. Pole
 46. Pole
 47. Pole
 48. Pole
 49. Pole
 50. Pole
 51. Pole
 52. Pole
 53. Pole
 54. Pole
 55. Pole
 56. Pole
 57. Pole
 58. Pole
 59. Pole
 60. Pole
 61. Pole
 62. Pole
 63. Pole
 64. Pole
 65. Pole
 66. Pole
 67. Pole
 68. Pole
 69. Pole
 70. Pole
 71. Pole
 72. Pole
 73. Pole
 74. Pole
 75. Pole
 76. Pole
 77. Pole
 78. Pole
 79. Pole
 80. Pole
 81. Pole
 82. Pole
 83. Pole
 84. Pole
 85. Pole
 86. Pole
 87. Pole
 88. Pole
 89. Pole
 90. Pole
 91. Pole
 92. Pole
 93. Pole
 94. Pole
 95. Pole
 96. Pole
 97. Pole
 98. Pole
 99. Pole
 100. Pole

Symbol	Lead	Qty	Quantity	Description	Unit	Quantity	Unit Price	Total Price
□	S1	1	1	RECURRING POLE	POLE	1	\$6,000.00	\$6,000.00
□	S2	1	1	RECURRING POLE	POLE	1	\$6,000.00	\$6,000.00
○	S5	1	1	RECURRING POLE	POLE	1	\$6,000.00	\$6,000.00
○	WM1	1	1	RECURRING POLE	POLE	1	\$6,000.00	\$6,000.00

DAVID GOLDSTIEN ARCHITECT INC.
 630 Alhambra Blvd
 Suite 202
 Alhambra, CA 91801
 626-441-1100

dga

LIVE OAK LANES & LIVE OAK INDUSTRIAL CENTER

BUELLTON, CA

CONSULTANT
Thomas
 14-DOT-101

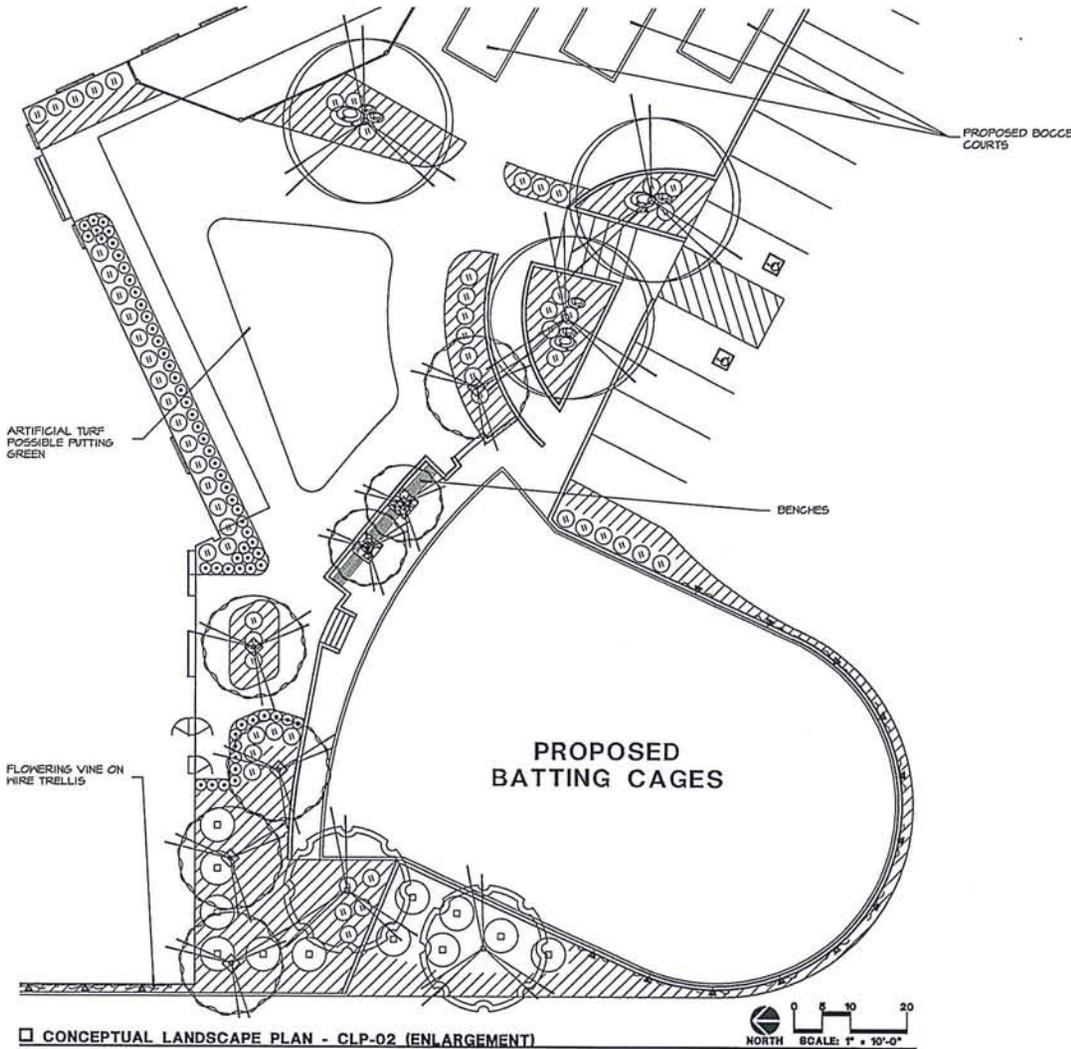
SEAL
 NO. 10737
 EXPIRES 06/30/15

REVISIONS

PERMITTED
 PROJECT: 05.21.15
 DRAWN: C.J.
 CHECKED: J.M.
 SHEET NO. 1502

EP2





CONCEPTUAL PLANT LIST:

SITE TREES

- Agonis Flexuosa; Peppermint Tree
- Alnus Rhombifolia; White Alder
- Bauhinia Blakiana; Orchid Tree
- Cercis Occidentalis; Western Redbud
- Cinnamomum Camphora; Camphor Tree
- Gelera Parviflora; Australian Willow
- Ginkgo Biloba 'Autumn Gold'; Maidenhair
- Koeleria Bipinnata; Chinese Flame
- Jacaranda Mimosifolia; Jacaranda
- Lagerstromia Indica; Grape Myrtle
- Leucadendron Argentum; Silver Tree
- Olea Europaea 'Smo Hill'; Fruitless Olive
- Pistachia Chinesis; Chinese Pistachio
- Platanus Racemosa; Sycamore Tree
- Quercus Agrifolia; Coast Live Oak
- Quercus Tomentosa; Island Oak
- Quercus Virginiana; Southern Live Oak
- Rhus Lancea; African Sumac
- Tristania Conferta; Brisbane Box

SHRUBS

- Agapanthus 'Rancho White'; Lily-of-the-Nile
- Arctostaphylos sp; Manzanita
- Artemisia sp.; Parmosad
- Callistemon Viminalis 'Little John'; Dwarf Bottlebrush
- Carpenaria Californica; Bush Anemone
- Cistus Purpureus; Gravel Rockrose
- Cistus ladanifer; 'Blanche' Rockrose
- Colanema Pulchrum; Pink Breath of Heaven
- Escallonia Rubrum; Escallonia 'Compact'
- Galvezia speciosa; Island Bush Snapdragon
- Hemerocallis; Daylily
- Kriphthia Hybrid; Red-Hat Poker
- Lavandula sp.; Lavender
- Mulinbergia rigens; Deer grass
- Phormium Tenax; Flax
- Phloxia Fraseri; Red Phloxia
- Pittosporum Tobira 'Variegata'; Mock Orange
- Rosmarinus Officinalis; Rosemary
- Xylisma Congestum; Shrub Xylisma
- Zauschneria Californica 'Summer Snow'; California Fuchsia

GROUNDCOVER

- Achillea sp.; Yarrow
- Arctostaphylos sp; Manzanita
- Artemisia Californica 'Canyon Gray'; Coastal Sagebrush
- Baccharis Ptilularis; Dwarf Coyote Brush
- Ceanothus sp.; Wild Lilac
- Duchesnea Indica; Indian Mock Strawberry
- Festuca Rubra; Creeping Red Fescue
- Gazania Wilifera (yellow); Trailing Gazania
- Grevillea laevis; Coastal Gem UKC Prostrate Grevillea
- Helianthemum Nummularium; Sunrose
- Liriope Spicata 'Silver Dragon'; Variegated Lily Turf
- Myoporum parvifolium; Prostrate Myoporum
- Palafoxium Peltatum; Trailing Geranium
- Senecio Serpens; Blue Chalksticks
- Turf

BASIN BIO-SWALE GRASSES

- Purple needlegrass; Nassella pulchra
- Holcus lanatus; Festuca rubra
- California barley; Hordeum californicum
- Heads-on barley; Hordeum brachyantherum brachyantherum
- SFS Seeds low growing non-irrigated seed mix
- Chondropetalum Tachibana; Small Gopa Rush
- Juncus Patens; California Gray Rush

PLANT LEGEND:

TREES

- Accent Tree
- Platanus racemosa
- Ginnomomum camphora
- Canopy Tree
- Quercus agrifolia - open areas
- Quercus laevis - open areas
- Quercus virginiana - small areas
- Flowering Tree

SHRUBS

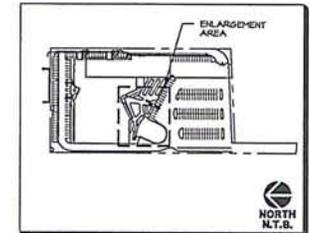
- Small Shrub
- Medium Shrub
- Large Shrub

GROUNDCOVER

- Flowering Groundcover
- Artificial Turf
- River Rock
- Decorative Boulders

GROUNDCOVER

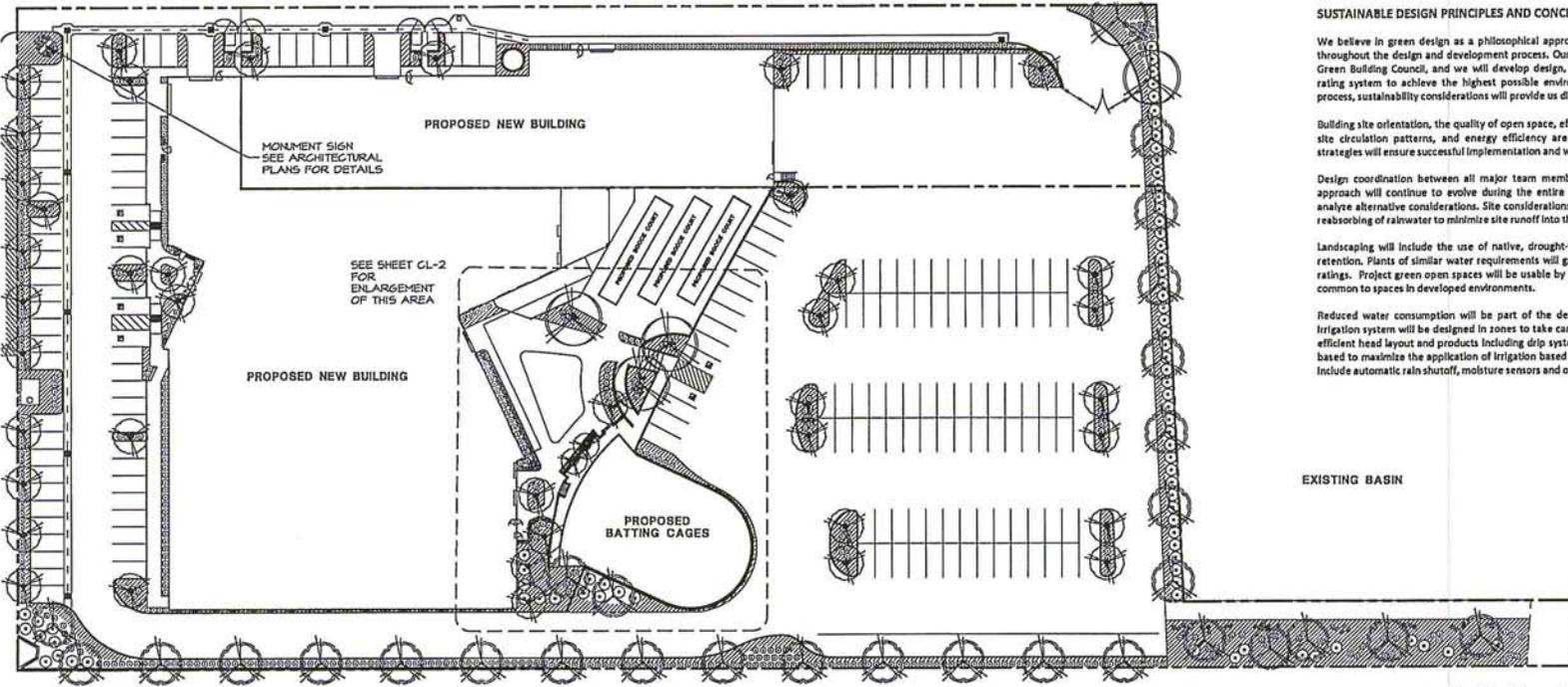
- Gingivine Vine
- Flowering Vine



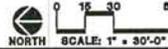
LIVE OAK LANES // Buellton, California / 2015.05.21

CONCEPTUAL LANDSCAPE PLAN / CLP-02

PLEINAIRE
DESIGN GROUP
LANDSCAPE ARCHITECTURE
EXTERIOR ARCHITECTURE
INTERIOR ARCHITECTURE
ARTISTS & DESIGNERS
1000 N. 1ST ST. #200
SANTA ANA, CA 92701



CONCEPTUAL LANDSCAPE PLAN - CLP-01



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 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 for 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.

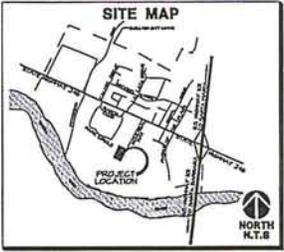
GENERAL NOTES:

1. MINIMUM PLANT SIZES:
TREES - 2 1/2" DIA.
SHRUBS - 1 GAL.
GROUNDCOVER - FLATS
2. 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.
3. POINT OF CONNECTION FOR WATER SUPPLY, SHALL BE BY A NEW LANDSCAPE METER.
4. ALL PLANTING AREAS SHALL RECEIVE A 3" LAYER OF MEDIUM BARK MULCH AFTER INSTALLATION.
5. ALL PLANT MATERIAL SHALL CONFORM TO THE CITY OF BUELLTON OR STATE OF CALIFORNIA MODEL WATER CONSERVATION ORDINANCE.
6. ALL PLANTING AND IRRIGATION SHALL BE INSTALLED PER THE CITY OF BUELLTON STANDARDS AND CODES.
7. FOR SITE WORK, ARCHITECTURAL, AND GRADING/DRAINAGE INFORMATION SEE PLANS BY OTHERS.
8. ALL AREAS BEYOND THE AREA OF WORK THAT ARE DISTURBED BY CONSTRUCTION SHALL BE RETURNED TO ORIGINAL CONDITION.
9. DRAWINGS ARE FOR DESIGN AND REVIEW PURPOSES ONLY AND SHALL NOT BE USED AS CONSTRUCTION DOCUMENTS.
10. TREES PLANTED IN AN AREA LESS THAN 6" WIDE SHALL BE INSTALLED WITH A ROOT BARRIER TO PROTECT AGAINST HARDSCAPE DAMAGE.
11. STREET TREES ARE TO BE SELECTED FROM THE CITY OF BUELLTON APPROVED TREE LIST.

Estimated Annual Water Consumption:

Project Description:	Live Oak Lanes Buellton, CA
Landscape Area: (est.)	21412.00 square feet
Total Landscape Area:	0.49 acres
Annual Precipitation:	10.02 inches
Cum. Evapotranspiration:	41.30 inches
Effective Rainfall:	8.06 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:	1.88 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
ESTABLISHED 2005
CONTRACT 15020401
NOVEMBER 2015

V:\Projects\2015\15020401\15020401-CLP-01.dwg 5/27/2015 11:22:24 AM DWS by PGP

FINAL
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

Approved:
City of Buellton, Planning Commission
Resolution No. 15-08
September 17, 2015

TABLE OF CONTENTS

Page

Initial Study

Project Title.....	3
Lead Agency and Contact Person.....	3
Project Applicant.....	3
Project Site Characteristics.....	3
Project Description.....	4
Public Agencies Whose Approval May Be Required For Subsequent Actions.....	5
References.....	5
Environmental Determination.....	8
Evaluation of Environmental Impacts.....	9
Aesthetics.....	10
Agricultural Resources.....	11
Air Quality.....	11
Biological Resources.....	18
Cultural Resources.....	19
Geology and Soils.....	20
Greenhouse Gas Emissions.....	23
Hazards and Hazardous Materials.....	28
Hydrology and Water Quality.....	30
Land Use and Planning.....	32
Mineral Resources.....	37
Noise.....	37
Population and Housing.....	44
Public Services.....	44
Recreation.....	45
Transportation/Traffic.....	46
Utilities and Service Systems.....	48
Mandatory Findings of Significance.....	50

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

Comments and Responses

- Comments Received
- Supplemental Memorandum #1 to Planning Commission, September 15, 2015; Live Oak Lanes – Modifications to Conditions and Response to Comments
- Supplemental Memorandum #2 to Planning Commission, September 16, 2015; Live Oak Lanes – Biology Comments

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	
Area	<0.1 metric tons CO ₂ E
Energy	246.7 metric tons CO ₂ E
Solid Waste	68.5 metric tons CO ₂ E
Water	56.3 metric tons CO ₂ E
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)*

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

Comments and Responses

- Comments Received
- Supplemental Memorandum #1 to Planning Commission, September 15, 2015;
Live Oak Lanes – Modifications to Conditions and Response to Comments
- Supplemental Memorandum #2 to Planning Commission, September 16, 2015;
Live Oak Lanes – Biology Comments



**Santa Barbara County
Air Pollution Control District**

Clear Vision Clean Air

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 NOx emissions. Please note that the threshold used in Table 3 for Total Emissions (Transportation and On-Site/Area Sources) for ROC and NOx 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



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



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).

Impacts to Nesting Birds

All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. §10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA. The City of Buellton General Plan Land Use Element and Circulation Element Update Final Environmental Impact Report, prepared in 2005, contains mitigation measure B-7(a), requiring nesting bird protection:

Ground Disturbance Timing. In order to avoid impacts to nesting birds including the ground-nesting northern harrier, or other 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.

The Department therefore recommends the City apply mitigation measure B-7(a) to the Project to minimize impacts to nesting birds.

Consistency with Existing City of Buellton General Plan Policies

The City of Buellton General Plan 2025 (Plan) includes a map depicting general land use, including an Open Space, Parks & Recreation (OSPR) zone (Figure LU-2 in the Plan). The OSPR zone includes "...areas to be preserved for their visual, biological and/or recreational value." One purpose of the Urban Growth Boundary within the City, as described in the Plan, is to ensure that "...open space lands are not prematurely or unnecessarily converted to other nonagricultural or non-open space uses without public debate and a vote of the people." The southern third of the proposed Project site is within the Plan's OSPR zone. The Department recommends the open space portion of the project area remain undisturbed.

Thank you for this opportunity to provide comments. Questions regarding this letter and further coordination on these issues should be directed to Mr. Martin Potter, Senior Environmental Scientist (Specialist) at Martin.Potter@wildlife.ca.gov or (805) 640-3677.

Sincerely,



Betty Courtney
Environmental Program Manager I
South Coast Region

cc: Ms. Christine Found-Jackson, CDFW, Los Alamitos
Mr. Scott Morgan, State Clearinghouse, Sacramento

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

Every Californian should conserve water. Find out how at:



SaveOurWater.com · Drought.CA.gov

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

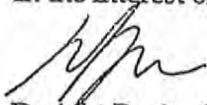
Development impact fees are collected at the current rate at time of payment.

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

To: Marc Bierdzinski, Planning Director, City of Buellton

Re: Adjacent Landowner Comment on the City of Buellton's Intent to Adopt a Draft Mitigated Negative Declaration for the Proposed Live Oak Lanes Development

Dear Mr. Bierdzinski,

I write today to submit public comments on the proposed Live Oak Lanes development and in advance of the Planning Commission's consideration of adopting a prepared Mitigated Negative Declaration (MND) for the project on September 17. As you are aware, our family owns the 35-acre parcel bordering the southern boundary of the Live Oak Lanes parcel, the Terravant parcels and their stormwater detention basin which the Live Oak Lanes project proposes to utilize and then discharge the outlet's increased stormwater onto our property and then into the Santa Ynez River. We write to request that City staff and Planning Commission reject this MND at this time due to the numerous inaccuracies within the document and associated biological report (KMA 2014), the inadequacy of the MND to meet the requirements of CEQA, and the legality of the proposed project, as outlined below. We also provide new information about listed species and habitats in the region not identified in the KMA report or MND and we request that this information be integrated into a revised project plan and permitting process with adequate resource agency input.

I. Aesthetics- Lighting and Noise

We disagree with findings in the draft MND that the proposed project would cause "less than significant impacts" to the "visual character or quality" or through the creation of a "new source of substantial light or glare which would adversely affect day or nighttime views in the area". The proposed pole mounted parking lot lights and "five 400-watt floodlights" for batting cages sited on the south side of the project, facing our property and the Santa Ynez River corridor, have a clear and significant lighting and sound impact on our property and to designated Critical Habitat and on multiple California Species of Special Concern documented on our property and adjacent to this proposed development (Please see recently biological survey results and impacts from lighting and noise in the below Biology section). In addition to wildlife impacts noted below, there is clearly a "potentially significant impact" from the project on the aesthetic, recreational, and conservation use and character of our adjacent parcel. We bought and use our property exclusively for the quiet and undeveloped recreation on the site, to protect habitat and wildlife, and to hike and camp at night. A brightly lit and loud parking lot and batting cage facing towards our property and the critical habitat of Santa Ynez River, and not towards the already developed urban area of Industrial Way, is a clear and significant impact to us and as you will see below to protected species and habitats on the river.

IV. Biological Resources

We disagree with findings in the draft MND that the proposed project would cause “no impact” or “less than significant impacts” to biological resources. The 2014 KMA Biological Resources report used to make these conclusions in the MND is deeply flawed and inadequate to base these findings on.

KMA Report:

This report is an incomplete and severely inadequate assessment to be utilized for a California Environmental Quality Act (CEQA) review and Mitigated Negative Declaration. Most blatantly, the KMA report does not even identify or address **State** listed species (including California Species of Special Concern) and focuses instead on federally listed species and habitat. Such a limited, and federally focused, report does not comply with the provisions of CEQA and renders this MND inadequate. You will see below that the KMA report and MND omit numerous sensitive State species and potential project impacts from their assessment and findings.

The KMA report also contains significant omissions and inaccuracies which render this MND incomplete and results in inaccurate findings. The KMA report, and MND, also fail to include the full extent of the project “site” and direct and indirect impacts on biological resources. The project site should include the stormwater discharge outlet from the stormwater detention basin back onto the southern boundary of the Live Oak Lanes parcel and directly onto our adjacent parcel. This should include direct and indirect impacts from the conveyance of elevated and modified stormwater discharge across our parcel. Neither the KMA or MND identify or assess indirect impacts from the proposed project on sensitive biological resources including Critical Habitat for steelhead, southwestern fly catcher, Southern Cottonwood Willow Riparian Forest (1986), and the documented nesting and migration corridor along the Santa Ynez River.

The KMA report, and MND, also state that the proposed project site is separated from the Santa Ynez River by a stormwater basin, but fails to identify that the discharge from this basin is onto our property and without any channel to direct flows to the river, prevent erosion, or indirect impacts to listed species and Critical Habitat.

The KMA report states that critical habitat for steelhead in the Santa Ynez River is over “400 feet south of the project area”. This is inaccurate as the modified stormwater run-off from the proposed project would discharge onto the banks of the river less than half that distance away and directly onto unprotected soil subject to erosion and sedimentation into the river and listed Critical Habitat for multiple species. The MND also fails to identify the elevated stormwater capacity and pollution that would be discharge onto our parcel, the resulting erosion, and indirect impact on listed species and Critical Habitat.

The KMA report states “Best Management Practices (BMPs) will be used to avoid potential indirect effects (i.e. due to erosion and sedimentation) to the Santa Ynez River”, but there is no discussion or measures proposed to accomplish this as stormwater run-off is conveyed onto and across on our parcel to the river. It is clear to any hydrologist that discharging significant stormwater from a development onto unprotected, loose soil will result in significant erosion and discharge of sediment into the downstream river. For this reason, and due to the lack of assessment or mitigation measures, the KMA report finding that “the proposed action will have no effect on steelhead and their habitat is without support.

The KMA report states “steelhead are presumed to be present on a seasonal basis in the Santa Ynez River corridor”. This is inaccurate as steelhead are present year-round in this reach in their juvenile and adult phase as they migrate up and downstream, rear, and even oversummer. Multiple year-round pools on our parcel contain steelhead and high quality summer pool habitat. One such pool occurs immediately across from where the proposed project’s stormwater outlet would discharge onto our unimproved and unprotected river bank soil and then into the river.

The KMA report states “The proposed project activities would not impact the river or associated riparian habitat, adjacent upland areas, or the stormwater basin”. This statement is completely unsupported. As noted earlier, the proposed project would dramatically increase the quantity of stormwater (and associated pollution) into the stormwater basin which then discharges onto our unprotected and loose upland soil. This elevates contamination and soil erosion into the basin, onto our property and into the Santa Ynez River. The report’s conclusion that “no avoidance and minimization measures are considered necessary” for listed species due to “physical separation between the project site and potential habitat areas in the region” is flawed and ignores the impacts of discharging additional polluted and erosive stormwater into adjacent listed Critical Habitats.

MND- Potentially Significant Biological Impacts:

Contrary to MND findings, the proposed project would result in “potentially significant impact” on listed species and critical habitat within the Santa Ynez River due to the above-mentioned stormwater run-off modifications and impacts across our property and into the river. Again, there are no agreements, best management practices, or stormwater conveyance features to minimize erosion and pollution from the stormwater outlet across our property and to the Santa Ynez River.

The project would result in “potentially significant impacts” to listed species migration, nesting, and adjacent critical habitat due to proposed high levels of lighting and noise facing south into this important wildlife corridor. These include

the following potential impacts on several species and habitats that both the KMA and draft MND fail to include or assess.

Early this year, Kisner Restoration and Ecological Consulting, Inc. (KR&EC) was contracted by us to conduct biological surveys of our property (APN 083-180-016). Surveys for wildlife were conducted including five morning surveys for birds and other wildlife and an acoustic bat survey. The vegetation of our parcel was surveyed and habitat was assessed including alliance mapping following A Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens 2009). Below are survey results to date, which have been submitted to the California Natural Diversity Database and will be included in a final report due out within the next two months. We will provide a copy of this coming report to the City and resource agencies when available.

Turtle:

Southern Western pond turtles, a California Species of Special Concern, were detected within the larger pools of water within the Santa Ynez River on the first four of the five daytime surveys. Up to ten turtles were detected during one survey. All turtles detected were adults though hatchlings, juveniles, and sub-adults can be difficult to detect due to their shy nature and smaller size. Neither the KMA or the MND identify the occurrence of this species in the river adjacent to the proposed project site or potential impacts to their habitat and nesting on upland habitats in the vicinity of the proposed project site.

Bats:

On June 22, 2015, KR&EC in collaboration with Bill Haas of the Pacific Coast Conservation Alliance, conducted an acoustic bat survey and documented seven bat species on our property and in the proposed project vicinity on this one evening including pallid bat (*Antrozous pallidus*), a California Species of Special Concern. The extensive night lighting and noise associated with the proposed project could have a direct and significant impact on bats in this area. Neither the KMA or MND describe this species or assess potential project impacts.

Mammals:

Terrestrial mammals, including bats, were documented opportunistically and are show in Table 5.

Table 5. Mammals Detected in 2015

Common Name	Scientific Name	Detection
Mule Deer	<i>Odocoileus hemionus</i>	Footprints, scat, visual
Bobcat	<i>Lynx rufus</i>	Footprints
Coyote	<i>Canis latrans</i>	Scat
Dusky-footed Woodrat	<i>Neotoma fuscipes</i>	Middens, scat
American Beaver	<i>Castor canadensis</i>	Dams, slides, gnaw marks
Botta's Pocket Gopher	<i>Thomomys bottae</i>	Mounds, vegetation

California Squirrel	Ground	<i>Spermophilus beecheyi</i>	pulling Visual
Western Gray Squirrel		<i>Sciurus griseus</i>	Visual, call
Brush Rabbit		<i>Sylvilagus bachmani</i>	Footprints, visual
Brazilian Free-tailed Bat		<i>Tadarida brasiliensis</i>	Vocalizations
California myotis		<i>Myotis californicus</i>	Vocalizations
Yuma myotis		<i>Myotis yumanensis</i>	Vocalizations
Canyon bat		<i>Parastrellus hesperus</i>	Vocalizations
Silver-haired bat		<i>Lasionycteris noctivagans</i>	Vocalizations
Big brown bat		<i>Eptesicus fuscus</i>	Vocalizations
Pallid Bat		<i>Antrozous pallidus</i>	Vocalizations

Birds:

Five bird surveys were conducted by David Kisner on April 11 and 26, May 6 and 23, and June 8, 2015. Between 41 and 51 species were detected during each of the five bird surveys. A high-count total of 398 individuals from 70 species of birds were detected on or over the Parcel during the five surveys. Nine species of birds that are federal, state and/or local “special status bird species” were detected on or over the property. Of these nine species, seven of the special status bird species bred or could breed on the property. The KMA report and draft MND do not include mention of these sensitive species or potential impacts.

Table 4. Special Status Bird Species

Common Name	Federal/State Sensitivity Status
Cooper's Hawk	CDFW: Watch List
Vaux's Swift	CDFW: Species of Special Concern
Nuttall's Woodpecker	USFWS: Bird of Conservation Concern and Santa Barbara Audubon Watch List
Peregrine Falcon	CDFW: Fully Protected and USFWS: Bird of Conservation Concern
Oak Titmouse	USFWS: Bird of Conservation Concern and Santa Barbara Audubon Watch List
Wrentit	Santa Barbara Audubon Watch List
California Thrasher	Santa Barbara Audubon Watch List
Yellow Warbler	CDFW: Species of Special Concern, USFWS: Bird of Conservation Concern, and Santa Barbara Audubon Watch List
Yellow-breasted Chat	CDFW: Species of Special Concern and Santa Barbara Audubon Watch List

Bird Migration:

As the MND states, the Santa Ynez River corridor is an important migratory pathway for birds and bats. Night lighting is known to adversely impact birds. Two experts for National Geographic News (<http://news.nationalgeographic.com/>) indicate that the impact is large and could affect listed species of birds.

“Artificial lighting seems to be taking the largest toll on bird populations. Nocturnal birds use the moon and stars for navigation during their bi-annual migrations.”

“Over 450 bird species that migrate at night across North America are susceptible to collisions with night-lit towers, including threatened or endangered species ...” - Michael Mesure, executive director of the Fatal Light Awareness Program

Another article (<http://www.learner.org/jnorth/tm/NightLights.html>) indicates that areas adjacent to rivers, such as the proposed project, are an even greater problem.

“Birds by the hundreds and even thousands can be injured or killed in a single night at just one building. The problem is greatest in cities along flyways and along large bodies of water (such as lakeshores or rivers), which birds follow during migration.”

The KMA report and the MND fail to assess the direct impacts of the proposed project on bird and bat migration and nesting in the adjacent wildlife corridor and listed habitats.

Critical Habitat:

Critical habitat for steelhead and southwestern willow flycatcher is adjacent to the proposed project. As mentioned above, stormwater run off produced by the project is expected to directly and indirectly impact water quality and create erosion and siltation issues in the river corridor and within listed Critical Habitat. The KMA report and MND do not accurately assess the modified stormwater run-off and discharge impacts leaving the southern end of the Live Oak Lanes property, onto the bare soil of our property (lacking any stormwater containment or erosion prevention features), and into listed Critical Habitat and the Santa Ynez River.

VI. Geology and Soils

We disagree with findings in the draft MND that the proposed project would cause “no impact” or “less than significant impacts” to a) potential **mudflow, landslides, soil erosion, or loss of topsoil** and b) “potentially result in on- or off-site **landslide, lateral spreading**, subsidence, liquefaction or collapse” on our property.

The draft MND states: "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."

Stormwater Easement and Impacts-

After conferring with our lawyers, our position is that the proposed project does not have the legal right to directly divert and significantly expand the stormwater input into the existing detention basin on Terravant property and then discharge this stormwater directly onto and across our property. It is also troubling that the Live Oak Lanes material and maps, as well as the draft MND, do not note that we have a 300-foot easement onto the southern portion of the Live Oak Lanes parcel from 1910 (123 Deeds 443) to ensure no obstruction to the flow of water. I sent the attached 2005 Penfield and Smith survey map and 1910 deed showing and describing this easement to you in an April 3, 2015 email. The proposed project would transform permeable surface area, and significant groundwater capture, into a mostly impervious surface area that would concentrate elevated run-off into one discharge point that ultimately empties onto our shared property boundary.

The MND and KMA report incorrectly imply that stormwater runoff from the proposed project and parcel go directly into the Santa Ynez River. In fact, the existing outlet from the detention basin discharges stormwater onto the southern portion of the Live Oak Lanes parcel and then immediately onto our parcel. There is no defined outlet drainage channel extending from the detention basin across our parcel to the Santa Ynez River. The existing conditions (which would be compounded by additional stormwater run-off from the proposed project) are highly problematic and will cause significant off-sight erosion, loss of topsoil, lateral spreading, and landslides both on our property and directly into the Santa Ynez River (and listed Critical Habitat for steelhead and other species). Exacerbating this already problematic stormwater run-off situation is a major oversight in the project planning and "less than significant" finding in the draft MND.

In addition to omitting, and not assessing, the impacts of stormwater directed onto our parcel, the draft MND also fails to identify the significant safety and geological risks associated with expanding the input of stormwater into, and potential failure of, the existing detention pond's southern levee. The basin levee borders our parcel and sits on, and is comprised of, weak and erosive soil. The proposed project has the potential to significantly alter the filling, carrying capacity, outlet capacity, and structural integrity of the stormwater pond and levees. This would result in an elevated risk to the geologic stability and biological resources of our property and the Santa Ynez River, without our approval or known easements to do so. I have seen no mention of who is responsible for the elevated liability associated with the project proposal to transfer stormwater detention and discharge off-site onto adjacent private

property. To be clear, we do not grant permission for the City or adjacent landowners to discharge polluted urban stormwater onto our property.

We recommend that the City require responsibly capture and treatment of stormwater associated with any development on the Live Oak Lanes parcel itself and without elevating damage and liability to adjacent property owners. We are not at all opposed to wise development of neighboring properties, but we are opposed to development plans that unnecessarily and unfairly burden neighbors and protected wildlife.

Trail Access and Property Rights

I have informed the City of Buellton that we are interested in working together on a plan that could enable safe and regulated access to the river while ensuring protection of the environmental and private property rights. We currently have ongoing problems with trespassing, off-road vehicle use, illegal fires, camping, shooting guns, poaching, and littering. Many of the people encountered on our property, and the numerous clearly visible access trails, are entering our property from the north and from the City of Buellton boundaries. We are concerned that the City of Buellton is not adequately consulting and planning for “river trails” with us as private landowners in unincorporated Santa Barbara County and owning lands between the City and the river itself. The draft MND states: “The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River.” We urge the City to coordinate with us on a plan that best facilitates the desired trail access while preserving the river ecosystem and respecting private property right.

Please contact me with any questions.

Matt Stoecker
Parcel (APN 083-180-016)

Cc:

USFWS
CDFW
NOAA
Regional Water Quality Control Board
Santa Barbara County



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director
Dianne Black, Assistant Director

September 16, 2015

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

E-Mail: irmat@cityofbuellton.com

Re: Live Oak Lanes Draft Mitigated Negative Declaration

Ms. Tucker,

Thank you for the opportunity to comment on this project. Planning and Development staff recently became aware of concerns from a County resident (Mr. Stoecker) who lives adjacent to this property. These concerns have been outlined in a letter previously submitted to the City of Buellton by Mr. Stoecker (attached). Planning and Development staff asks that the City of Buellton and the City Planning Commission review and take Mr. Stoecker's comments into consideration prior to rendering a decision on this project.

If you have any questions or require further information, please call me at 805-568-2072.

Thank you,

Matt Schneider
Deputy Director, Long Range Planning
County of Santa Barbara

cc: Marc Bierdzinski, Planning Director, City of Buellton

Attachment: Matt Stoecker E-mail - September 14, 2015



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2015-CPA-0099

September 16, 2015

Irma Tucker
City of Buellton
107 W. Highway 246
Buellton, California 93427

Subject: Live Oak Lanes Project, Buellton, Santa Barbara County, California

Dear Ms. Tucker:

We recently became aware of the subject proposed project, and are concerned that federally-listed species may be impacted during the project's construction and operation. The proposed project site is near the Santa Ynez River, which supports a variety of federally-listed species including the endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax trallii extimus*), and the threatened California red-legged frog (*Rana draytonii*). In addition, designated critical habitat for the southwestern willow flycatcher is located immediately adjacent to the project site.

Regulations

The Endangered Species Act of 1973, as amended (16 U.S.C. §1538; Act) prohibits the unpermitted "take" of listed species (16 U.S.C. 1538(a)(1)(B)). "Take" means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532(19)). "Harm" means "an act which actually kills or injures wildlife, including acts causing significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 Code of Federal Regulations (CFR) 17.4). Take may be authorized by permit (16 U.S.C. 1539) or through consultation between the U.S. Fish and Wildlife Service (Service) and a Federal agency authorizing, funding, or permitting an action (16 U.S.C. 1536). Violations of the Act can result in civil penalties of up to \$25,000 per violation or criminal penalties of up to \$100,000 and a year of imprisonment.

Exemptions to the prohibitions against take in the Act may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If the proposed project does not involve a Federal agency, but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. To qualify for

the permit, the project proponent would need to submit an application to the Service along with a habitat conservation plan (HCP) that describes, among other things, how the impacts of the proposed taking of federally listed species would be minimized and mitigated and how the plan would be funded. A complete description of the requirements for a HCP can be found at 50 CFR 17.32 or our website (<http://www.fws.gov/ventura>).

Proposed Project

The Mitigated Negative Declaration (MND) for the proposed project stated "there are no federal or state-listed species associated with the site". However, surveys for federally-listed species were never performed. The MND also states that "the site is also not within identified critical habitat areas." The MND does not mention that designated critical habitat for the southwestern willow flycatcher is approximately 100 feet away from the project site. Finally, the MND states that "no impacts to this habitat would occur as a result of project site disturbance and development." We disagree with this statement; habitat that supports the least Bell's vireo, southwestern willow flycatcher, and California red-legged frog is likely to be impacted by the construction and operation of the proposed project.

We recommend that the MND be revised to include a more thorough analysis of the potential impacts that may occur as a result of the construction and operation of the Live Oak Lanes project, including indirect impacts such as noise, lighting, storm water runoff, and predation by domestic and native mammals attracted to the project site (e.g., domestic cats). For example, least Bell's vireos and southwestern willow flycatchers utilizing riparian habitat adjacent to the project could potentially be disturbed to such an extent that they abandon breeding territories or active nests if noise levels exceed 60 decibels during the breeding season. Outdoor lighting that spills over from Live Oak Lanes into the riparian habitat could potentially disturb federally-listed species to the extent that they not utilize the habitat. Stormwater runoff from the site could potentially remove or alter the riparian habitat in the Santa Ynez River.

We recommend incorporating the following measures into the permit conditions:

1. During the typical bird breeding season (March 15 through September 15), the project proponent will ensure that construction and operation activities (including the operation of the bowling alley and other project infrastructure) do not generate noise greater than 60 decibels in riparian habitat for the least Bell's vireo and southwestern willow flycatcher in the nearby Santa Ynez River.
2. All temporary and permanent lighting will be shielded and directed away from riparian habitat in the Santa Ynez River for the protection of wildlife species.
3. Stormwater from the project site will be managed such that it will not remove, degrade or adversely alter the quality and quantity of the riparian habitat for the least Bell's vireo, southwestern willow flycatcher, and California red-legged frog.

We agree that protective measures BIO-1 through BIO-9 of the MND would help reduce the impacts of the project on federally-listed species; however, we recommend additional measures be added as described above. In addition, after a more thorough analysis is conducted on the potential impacts that may occur as a result of the construction and operation of the Live Oak Lanes project (as we recommend above), it may be determined that additional protective measures and/or mitigation are warranted. Finally, we recommend that the City of Buellton include a condition of approval that requires the applicant to ensure compliance with the Act.

Thank you for considering these comments on the proposed project and MND. If you have any questions regarding this letter, please contact Colleen Draguesku of my staff at (760) 431-9440 extension 241, or Colleen_Draguesku@fws.gov.

Sincerely,


Acting for / Stephen P. Henry
Field Supervisor

CITY OF BUELLTON
Planning Commission Supplemental Memo

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

To: The Honorable Chair and Commission Members
From: Marc P. Bierdzinski, Planning Director
Date: September 15, 2015
Subject: Live Oak Lanes - Modifications to Conditions and Response to Comments

Staff recommends that the following revised conditions of approval replace those in Planning Commission Resolution No. 15-09. Also, attached is a memo from the City Attorney regarding the City's drainage basin easement.

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 against the City, its officers, agents, and/or employees, arising from or in connection with the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project, including but not limited to writ proceedings, claims for inverse condemnation, personal injury, property damage, and/or breach of a mandatory duty, challenges under the California Environmental Quality Act, and/or any action that attacks, challenges, or seeks to set aside, void, or annul all or any part of the approvals, decisions, or actions concerning the Project.

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 the batting cage, fencing, walls, pathways, light poles, utilities, parking spaces, drive aisles, landscaping, and required storm water facilities as shown on the project plans. The project does not encroach into the 200-foot Santa Ynez River setback area.

Response to Comments to Matt Stoecker Letter (Received September 15, 2015)

Aesthetics/Lighting/Noise

Staff disagrees that the project will have significant lighting and noise impacts. As noted on Plan Sheet EP-1, almost no light will spillover on the adjoining property. The parking lot lighting is downward facing and designed to protect night skies. The noise study concludes that noise from the batting cages would be 46 decibels 1,000 feet from the batting cages and 43 decibels 1,500

feet from the batting cages. These noise levels are acceptable and meet City standards for sensitive land uses such as those in the Santa Ynez River. The conclusions of the MND stand.

Biological Resources/Drainage

The 2014 KMA Biological Report (KMA) adequately addresses the biological impacts of the project. Nine mitigation measures are included in the conditions of approval to ensure no impacts occur to biological resources. As noted in the KMA study, the project site itself is disturbed and not suitable nesting habitat for birds or other animals. Lighting on the site is downward directed and protects dark skies with almost no spillover into the river area. The project as stated in the KMA study would not significantly impact the river corridor or its resources with the inclusion of the mitigation measures. Pollution or erosion from storm water drainage from the project would also not impact the river corridor and its biological resources as noted in the next paragraph. The conclusions of the MND stand.

The project is required to meet, and has incorporated, stormwater design requirements that address storm flows and water quality and impacts to adjoining properties. The project includes Post Construction Design requirements and evaluated the potential flows, run-off and drainage management areas. In addition to the on-site infiltration beds, the site drainage is directed to the City's stormwater detention basin, which addresses both new and peak flow and also provides water quality benefits of natural infiltration (no direct flow to river during standard storm events). The proposed improvements are consistent with the City's Stormwater Management Plan that is approved by the State Regional Water Quality Control Board. In addition, the project is also conditioned to adhere to stormwater requirements during the construction phase which includes preparation of a SWPPP (stormwater pollution prevention plan) that details the Best Management Practices (BMP) requirements, prepared by a Qualified Stormwater Designer and implemented by a Qualified Stormwater Practitioner.

Historic drainage from the north (the entire drainage area goes to the ridge tops to the north) has always flowed into the Santa Ynez River, including all historic erosion impacts. Properties that have accepted flows in the past legally must continue to do so. The situation is vastly improved with the existing detention basin that captures these flows, thereby reducing erosion potential. Only overflow from large storms may potentially occur from the basin via the spillway by design. No overflow to the river occurs during regular storm events. No additional erosion other than what currently occurs in an active river bed would occur. Again, the conclusions from the MND stand.

Trail Access and Property Rights

As this project is not constructing the City's river trail, this point is moot. As we have previously told Mr. Stoecker, the City plans to provide fencing and restricted access to the river when the trail is constructed and will involve all parties adjoining the trail. This will be part of the trail planning process in the future.

Based on the above, staff recommends that the Planning Commission adopt Resolution No. 15-08 approving the Mitigated Negative Declaration as currently worded.

Attachments

September 14, 2015, Memo from the City Attorney on the Drainage Easement
September 15, 2015, Comment letter from Matt Stoecker



M E M O R A N D U M

TO: Marc Bierdzinski, City Manager
City of Buellton

FROM: Stephen A. McEwen

DATE: September 14, 2015

RE: Live Oak Lanes Project

At your request, we reviewed the current and historical easements (2000-0069655, 2006-0035314, 2008-0045083, and 2008-0045085) for the storm water drainage facilities and detention basin at the end of Industrial Way in the context of a possible objection by the servient property owner to the Live Oak Lanes Project proponent's drainage to the detention basin. We conclude that the existing easements are broad enough to permit Live Oak Lanes to drain directly into the detention basin.

"It is fundamental that the language of a grant of an easement determines the scope of the easement." (*County of Sacramento v. Pacific Gas & Elec. Co.* (1987) 193 Cal.App.3d 300, 313; see also Civ.Code, § 806 ["The extent of a servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired"].) The grant of an easement "is to be interpreted liberally in favor of the grantee." (Civil Code §1069.) "[T]he grant of an unrestricted easement, not specifically defined as to the burden imposed upon the servient land, entitles the easement holder to a use limited only by the requirement that it be reasonably necessary and consistent with the purposes for which the easement was granted." (*Pasadena v. California-Michigan* (1941) 17 Cal.2d 576, 582.)

In this situation, the language of the existing easements is clear. On May 2, 2006, Buellton Industrial Partners II, LLC, granted the City "an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect, and remove at any time and from time to time storm water drainage facilities, including underground piping, above ground channel, and a detention basin." The clear intent of the easement was to allow the City to collect and convey storm water drainage to the detention basin. The historical drainage pattern and topography draining towards the Santa Ynez River in this area supports this dedicated use

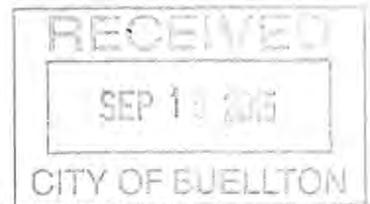
There is no provision in the existing easement that limits the detention basin or storm water drainage facilities to only storm water collected in the Industrial Way cul de sac. The City has the authority to "add to" the existing storm water drainage facilities and

Marc Bierdzinski, City Manager
City of Buellton
September 14, 2015
Page 2

detention basin. The proposed plan by which the Live Oak Lanes Project would connect directly to the detention basin, with or without crossing the servient land, falls within the City's broad easement rights and is consistent with the easements' objective to properly collect and convey storm water to the detention basin. The proposed use is both "reasonably necessary and consistent with the purposes for which the easement was granted." (*Pasadena v. California-Michigan, supra*, 17 Cal.2d at p. 582.)

For these reasons, we conclude that the proposed drainage plan for the Live Oak Lanes Project is within the City's existing easement rights.

SAM/jcv



To: Marc Bierdzinski, Planning Director, City of Buellton

Re: Adjacent Landowner Comment on the City of Buellton's Intent to Adopt a Draft Mitigated Negative Declaration for the Proposed Live Oak Lanes Development

Dear Mr. Bierdzinski,

I write today to submit public comments on the proposed Live Oak Lanes development and in advance of the Planning Commission's consideration of adopting a prepared Mitigated Negative Declaration (MND) for the project on September 17. As you are aware, our family owns the 35-acre parcel bordering the southern boundary of the Live Oak Lanes parcel, the Terravant parcels and their stormwater detention basin which the Live Oak Lanes project proposes to utilize and then discharge the outlet's increased stormwater onto our property and then into the Santa Ynez River. We write to request that City staff and Planning Commission reject this MND at this time due to the numerous inaccuracies within the document and associated biological report (KMA 2014), the inadequacy of the MND to meet the requirements of CEQA, and the legality of the proposed project, as outlined below. We also provide new information about listed species and habitats in the region not identified in the KMA report or MND and we request that this information be integrated into a revised project plan and permitting process with adequate resource agency input.

I. Aesthetics- Lighting and Noise

We disagree with findings in the draft MND that the proposed project would cause "less than significant impacts" to the "visual character or quality" or through the creation of a "new source of substantial light or glare which would adversely affect day or nighttime views in the area". The proposed pole mounted parking lot lights and "five 400-watt floodlights" for batting cages sited on the south side of the project, facing our property and the Santa Ynez River corridor, have a clear and significant lighting and sound impact on our property and to designated Critical Habitat and on multiple California Species of Special Concern documented on our property and adjacent to this proposed development (Please see recently biological survey results and impacts from lighting and noise in the below Biology section). In addition to wildlife impacts noted below, there is clearly a "potentially significant impact" from the project on the aesthetic, recreational, and conservation use and character of our adjacent parcel. We bought and use our property exclusively for the quiet and undeveloped recreation on the site, to protect habitat and wildlife, and to hike and camp at night. A brightly lit and loud parking lot and batting cage facing towards our property and the critical habitat of Santa Ynez River, and not towards the already developed urban area of Industrial Way, is a clear and significant impact to us and as you will see below to protected species and habitats on the river.

IV. Biological Resources

We disagree with findings in the draft MND that the proposed project would cause “no impact” or “less than significant impacts” to biological resources. The 2014 KMA Biological Resources report used to make these conclusions in the MND is deeply flawed and inadequate to base these findings on.

KMA Report:

This report is an incomplete and severely inadequate assessment to be utilized for a California Environmental Quality Act (CEQA) review and Mitigated Negative Declaration. Most blatantly, the KMA report does not even identify or address **State** listed species (including California Species of Special Concern) and focuses instead on federally listed species and habitat. Such a limited, and federally focused, report does not comply with the provisions of CEQA and renders this MND inadequate. You will see below that the KMA report and MND omit numerous sensitive State species and potential project impacts from their assessment and findings.

The KMA report also contains significant omissions and inaccuracies which render this MND incomplete and results in inaccurate findings. The KMA report, and MND, also fail to include the full extent of the project “site” and direct and indirect impacts on biological resources. The project site should include the stormwater discharge outlet from the stormwater detention basin back onto the southern boundary of the Live Oak Lanes parcel and directly onto our adjacent parcel. This should include direct and indirect impacts from the conveyance of elevated and modified stormwater discharge across our parcel. Neither the KMA or MND identify or assess indirect impacts from the proposed project on sensitive biological resources including Critical Habitat for steelhead, southwestern fly catcher, Southern Cottonwood Willow Riparian Forest (1986), and the documented nesting and migration corridor along the Santa Ynez River.

The KMA report, and MND, also state that the proposed project site is separated from the Santa Ynez River by a stormwater basin, but fails to identify that the discharge from this basin is onto our property and without any channel to direct flows to the river, prevent erosion, or indirect impacts to listed species and Critical Habitat.

The KMA report states that critical habitat for steelhead in the Santa Ynez River is over “400 feet south of the project area”. This is inaccurate as the modified stormwater run-off from the proposed project would discharge onto the banks of the river less than half that distance away and directly onto unprotected soil subject to erosion and sedimentation into the river and listed Critical Habitat for multiple species. The MND also fails to identify the elevated stormwater capacity and pollution that would be discharge onto our parcel, the resulting erosion, and indirect impact on listed species and Critical Habitat.

The KMA report states “Best Management Practices (BMPs) will be used to avoid potential indirect effects (i.e. due to erosion and sedimentation) to the Santa Ynez River”, but there is no discussion or measures proposed to accomplish this as stormwater run-off is conveyed onto and across on our parcel to the river. It is clear to any hydrologist that discharging significant stormwater from a development onto unprotected, loose soil will result in significant erosion and discharge of sediment into the downstream river. For this reason, and due to the lack of assessment or mitigation measures, the KMA report finding that “the proposed action will have no effect on steelhead and their habitat is without support.

The KMA report states “steelhead are presumed to be present on a seasonal basis in the Santa Ynez River corridor”. This is inaccurate as steelhead are present year-round in this reach in their juvenile and adult phase as they migrate up and downstream, rear, and even oversummer. Multiple year-round pools on our parcel contain steelhead and high quality summer pool habitat. One such pool occurs immediately across from where the proposed project’s stormwater outlet would discharge onto our unimproved and unprotected river bank soil and then into the river.

The KMA report states “The proposed project activities would not impact the river or associated riparian habitat, adjacent upland areas, or the stormwater basin”. This statement is completely unsupported. As noted earlier, the proposed project would dramatically increase the quantity of stormwater (and associated pollution) into the stormwater basin which then discharges onto our unprotected and loose upland soil. This elevates contamination and soil erosion into the basin, onto our property and into the Santa Ynez River. The report’s conclusion that “no avoidance and minimization measures are considered necessary” for listed species due to “physical separation between the project site and potential habitat areas in the region” is flawed and ignores the impacts of discharging additional polluted and erosive stormwater into adjacent listed Critical Habitats.

MND- Potentially Significant Biological Impacts:

Contrary to MND findings, the proposed project would result in “potentially significant impact” on listed species and critical habitat within the Santa Ynez River due to the above-mentioned stormwater run-off modifications and impacts across our property and into the river. Again, there are no agreements, best management practices, or stormwater conveyance features to minimize erosion and pollution from the stormwater outlet across our property and to the Santa Ynez River.

The project would result in “potentially significant impacts” to listed species migration, nesting, and adjacent critical habitat due to proposed high levels of lighting and noise facing south into this important wildlife corridor. These include

the following potential impacts on several species and habitats that both the KMA and draft MND fail to include or assess.

Early this year, Kisner Restoration and Ecological Consulting, Inc. (KR&EC) was contracted by us to conduct biological surveys of our property (APN 083-180-016). Surveys for wildlife were conducted including five morning surveys for birds and other wildlife and an acoustic bat survey. The vegetation of our parcel was surveyed and habitat was assessed including alliance mapping following A Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens 2009). Below are survey results to date, which have been submitted to the California Natural Diversity Database and will be included in a final report due out within the next two months. We will provide a copy of this coming report to the City and resource agencies when available.

Turtle:

Southern Western pond turtles, a California Species of Special Concern, were detected within the larger pools of water within the Santa Ynez River on the first four of the five daytime surveys. Up to ten turtles were detected during one survey. All turtles detected were adults though hatchlings, juveniles, and sub-adults can be difficult to detect due to their shy nature and smaller size. Neither the KMA or the MND identify the occurrence of this species in the river adjacent to the proposed project site or potential impacts to their habitat and nesting on upland habitats in the vicinity of the proposed project site.

Bats:

On June 22, 2015, KR&EC in collaboration with Bill Haas of the Pacific Coast Conservation Alliance, conducted an acoustic bat survey and documented seven bat species on our property and in the proposed project vicinity on this one evening including pallid bat (*Antrozous pallidus*), a California Species of Special Concern. The extensive night lighting and noise associated with the proposed project could have a direct and significant impact on bats in this area. Neither the KMA or MND describe this species or assess potential project impacts.

Mammals:

Terrestrial mammals, including bats, were documented opportunistically and are show in Table 5.

Table 5. Mammals Detected in 2015

Common Name	Scientific Name	Detection
Mule Deer	<i>Odocoileus hemionus</i>	Footprints, scat, visual
Bobcat	<i>Lynx rufus</i>	Footprints
Coyote	<i>Canis latrans</i>	Scat
Dusky-footed Woodrat	<i>Neotoma fuscipes</i>	Middens, scat
American Beaver	<i>Castor canadensis</i>	Dams, slides, gnaw marks
Botta's Pocket Gopher	<i>Thomomys bottae</i>	Mounds, vegetation

California Squirrel	Ground	<i>Spermophilus beecheyi</i>	pulling Visual
Western Gray Squirrel		<i>Sciurus griseus</i>	Visual, call
Brush Rabbit		<i>Sylvilagus bachmani</i>	Footprints, visual
Brazilian Free-tailed Bat		<i>Tadarida brasiliensis</i>	Vocalizations
California myotis		<i>Myotis californicus</i>	Vocalizations
Yuma myotis		<i>Myotis yumanensis</i>	Vocalizations
Canyon bat		<i>Parastrellus hesperus</i>	Vocalizations
Silver-haired bat		<i>Lasionycteris noctivagans</i>	Vocalizations
Big brown bat		<i>Eptesicus fuscus</i>	Vocalizations
Pallid Bat		<i>Antrozous pallidus</i>	Vocalizations

Birds:

Five bird surveys were conducted by David Kisner on April 11 and 26, May 6 and 23, and June 8, 2015. Between 41 and 51 species were detected during each of the five bird surveys. A high-count total of 398 individuals from 70 species of birds were detected on or over the Parcel during the five surveys. Nine species of birds that are federal, state and/or local "special status bird species" were detected on or over the property. Of these nine species, seven of the special status bird species bred or could breed on the property. The KMA report and draft MND do not include mention of these sensitive species or potential impacts.

Table 4. Special Status Bird Species

Common Name	Federal/State Sensitivity Status
Cooper's Hawk	CDFW: Watch List
Vaux's Swift	CDFW: Species of Special Concern
Nuttall's Woodpecker	USFWS: Bird of Conservation Concern and Santa Barbara Audubon Watch List
Peregrine Falcon	CDFW: Fully Protected and USFWS: Bird of Conservation Concern
Oak Titmouse	USFWS: Bird of Conservation Concern and Santa Barbara Audubon Watch List
Wrentit	Santa Barbara Audubon Watch List
California Thrasher	Santa Barbara Audubon Watch List
Yellow Warbler	CDFW: Species of Special Concern, USFWS: Bird of Conservation Concern, and Santa Barbara Audubon Watch List
Yellow-breasted Chat	CDFW: Species of Special Concern and Santa Barbara Audubon Watch List

Bird Migration:

As the MND states, the Santa Ynez River corridor is an important migratory pathway for birds and bats. Night lighting is known to adversely impact birds. Two experts for National Geographic News (<http://news.nationalgeographic.com/>) indicate that the impact is large and could affect listed species of birds.

“Artificial lighting seems to be taking the largest toll on bird populations. Nocturnal birds use the moon and stars for navigation during their bi-annual migrations.”

“Over 450 bird species that migrate at night across North America are susceptible to collisions with night-lit towers, including threatened or endangered species ...” - Michael Mesure, executive director of the Fatal Light Awareness Program

Another article (<http://www.learner.org/jnorth/tm/NightLights.html>) indicates that areas adjacent to rivers, such as the proposed project, are an even greater problem.

“Birds by the hundreds and even thousands can be injured or killed in a single night at just one building. The problem is greatest in cities along flyways and along large bodies of water (such as lakeshores or rivers), which birds follow during migration.”

The KMA report and the MND fail to assess the direct impacts of the proposed project on bird and bat migration and nesting in the adjacent wildlife corridor and listed habitats.

Critical Habitat:

Critical habitat for steelhead and southwestern willow flycatcher is adjacent to the proposed project. As mentioned above, stormwater run off produced by the project is expected to directly and indirectly impact water quality and create erosion and siltation issues in the river corridor and within listed Critical Habitat. The KMA report and MND do not accurately assess the modified stormwater run-off and discharge impacts leaving the southern end of the Live Oak Lanes property, onto the bare soil of our property (lacking any stormwater containment or erosion prevention features), and into listed Critical Habitat and the Santa Ynez River.

VI. Geology and Soils

We disagree with findings in the draft MND that the proposed project would cause “no impact” or “less than significant impacts” to a) potential **mudflow, landslides, soil erosion, or loss of topsoil** and b) “potentially result in on- or off-site **landslide, lateral spreading**, subsidence, liquefaction or collapse” on our property.

The draft MND states: "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."

Stormwater Easement and Impacts-

After conferring with our lawyers, our position is that the proposed project does not have the legal right to directly divert and significantly expand the stormwater input into the existing detention basin on Terravant property and then discharge this stormwater directly onto and across our property. It is also troubling that the Live Oak Lanes material and maps, as well as the draft MND, do not note that we have a 300-foot easement onto the southern portion of the Live Oak Lanes parcel from 1910 (123 Deeds 443) to ensure no obstruction to the flow of water. I sent the attached 2005 Penfield and Smith survey map and 1910 deed showing and describing this easement to you in an April 3, 2015 email. The proposed project would transform permeable surface area, and significant groundwater capture, into a mostly impervious surface area that would concentrate elevated run-off into one discharge point that ultimately empties onto our shared property boundary.

The MND and KMA report incorrectly imply that stormwater runoff from the proposed project and parcel go directly into the Santa Ynez River. In fact, the existing outlet from the detention basin discharges stormwater onto the southern portion of the Live Oak Lanes parcel and then immediately onto our parcel. There is no defined outlet drainage channel extending from the detention basin across our parcel to the Santa Ynez River. The existing conditions (which would be compounded by additional stormwater run-off from the proposed project) are highly problematic and will cause significant off-site erosion, loss of topsoil, lateral spreading, and landslides both on our property and directly into the Santa Ynez River (and listed Critical Habitat for steelhead and other species). Exacerbating this already problematic stormwater run-off situation is a major oversight in the project planning and "less than significant" finding in the draft MND.

In addition to omitting, and not assessing, the impacts of stormwater directed onto our parcel, the draft MND also fails to identify the significant safety and geological risks associated with expanding the input of stormwater into, and potential failure of, the existing detention pond's southern levee. The basin levee borders our parcel and sits on, and is comprised of, weak and erosive soil. The proposed project has the potential to significantly alter the filling, carrying capacity, outlet capacity, and structural integrity of the stormwater pond and levees. This would result in an elevated risk to the geologic stability and biological resources of our property and the Santa Ynez River, without our approval or known easements to do so. I have seen no mention of who is responsible for the elevated liability associated with the project proposal to transfer stormwater detention and discharge off-site onto adjacent private

property. To be clear, we do not grant permission for the City or adjacent landowners to discharge polluted urban stormwater onto our property.

We recommend that the City require responsibly capture and treatment of stormwater associated with any development on the Live Oak Lanes parcel itself and without elevating damage and liability to adjacent property owners. We are not at all opposed to wise development of neighboring properties, but we are opposed to development plans that unnecessarily and unfairly burden neighbors and protected wildlife.

Trail Access and Property Rights

I have informed the City of Buellton that we are interested in working together on a plan that could enable safe and regulated access to the river while ensuring protection of the environmental and private property rights. We currently have ongoing problems with trespassing, off-road vehicle use, illegal fires, camping, shooting guns, poaching, and littering. Many of the people encountered on our property, and the numerous clearly visible access trails, are entering our property from the north and from the City of Buellton boundaries. We are concerned that the City of Buellton is not adequately consulting and planning for "river trails" with us as private landowners in unincorporated Santa Barbara County and owning lands between the City and the river itself. The draft MND states: "The project will include bike racks to encourage bicycle use, and will maintain access to an existing easement along the Santa Ynez River." We urge the City to coordinate with us on a plan that best facilitates the desired trail access while preserving the river ecosystem and respecting private property right.

Please contact me with any questions.

Matt Stoecker
Parcel (APN 083-180-016)

Cc:

USFWS
CDFW
NOAA
Regional Water Quality Control Board
Santa Barbara County

CITY OF BUELLTON
Planning Commission Supplemental Memo

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

To: The Honorable Chair and Commission Members
From: Marc P. Bierdzinski, Planning Director
Date: September 16, 2015
Subject: Live Oak Lanes – Biology Comments

This memo will further clarify and document the biological analysis contained in the Mitigated Negative Declaration.

The proposed project does not impact the Santa Ynez River and its biological resources as noted in the staff report and Mitigated Negative Declaration and as summarized below:

- The identified Federal endangered species in the Buellton area as identified in the Buellton General Plan, prior biological studies, and the KMA Study were analyzed in the MND and appropriate mitigation measures have been made conditions of approval to protect these species
- The determination of no impacts to State listed species in the MND is based on the 2005 General Plan biological survey as well as the March 2015 Biology Study by Rincon Consultants for the Terravant Annex Storage Facility. The Terravant facility is in the immediate area of the proposed project with similar site characteristics. Said report is on file at the Planning Department as is available for review upon request
- The project developed area is setback 200 feet from the top of bank of the Santa Ynez River as required by the Buellton General Plan
- All storm water drainage from the proposed project is directed to the existing detention basin where the storm water will infiltrate into the ground. In addition, storm water is also directed to on-site infiltration areas. The detention basin is designed to hold storm water for a 25 year flood (e.g. a flood that statistically has a 4% chance of occurring in any given year). Larger storms will direct overflow into the river per historic drainage conditions through a spillway. All drainage information and calculations to support this are in the project file and available for review at the City of Buellton upon request
- All lighting is directed downward to protect dark skies and no light will encroach off the project site per the lighting plan submitted with the project. The river is also 200 feet away from the edge of the lighted area of the property further minimizing any light pollution
- The batting cages are located approximately 400 feet from the nearest habitat area in the river. Per the noise study, noise 20 feet from the batting cages would be 80 decibels, and would be 46 decibels 1,000 feet away. Using the standard formula that doubling the

distance reduces the noise level by 6 decibels, the noise level 320 feet from the batting cages would be 56 decibels. Therefore, the noise level would be less than the US Fish and Wildlife Service standard of 60 decibels and no noise impacts would occur.

Therefore, since no direct or indirect impacts have been identified to the Santa Ynez River system, the analysis in the MND regarding biological resources is valid. Any special status or sensitive species that could be present will not be impacted by any aspect of the project since the project does not impact the riverine system.

That being said, staff would recommend the additional conditions of approval recommended by the US Fish and Wildlife Service be added to ensure no impacts occur to biological resources:

1. During the typical bird breeding season (March 15 through September 15), the project proponent will ensure that construction and operation activities (including the operation of the bowling alley and other project infrastructure) do not generate noise greater than 60 decibels in riparian habitat for the least Bell's vireo and southwestern willow flycatcher in the nearby Santa Ynez River.

As previously noted, noise in the nearest habitat area would be less than 56 decibels..

2. All temporary and permanent lighting will be shield and directed away from riparian habitat in the Santa Ynez River for the protection of wildlife species.

As previously noted, no light spillover from the project site would occur into the Santa Ynez River.

3. Stormwater from the project site shall be managed such that it will not remove, degrade or adversely alter the quality of the riparian habitat for the least Bell's vireo, southwestern willow flycatcher, and California red-legged frog.

As noted previously, all stormwater is detained in the City's basin and storm flows do not directly enter the Santa Ynez River.

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.

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.

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.

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	

**Tier 4
Stormwater Control Plan
for
LIVE OAK LANES and INDUSTRIAL CENTER
A.P.N. 099-690-045 & -046
in the City of Buellton, California**

July 8th, 2015

Owner/Applicant:

Michael L. Peterson and Carolyn Leshner Peterson
980 Old Ranch Road
Solvang, CA 93463
tel: (805) 689-9631

Prepared by:

Sid Goldstien - Civil Engineer, Inc.
650 Alamo Pintado Road, Suite 302
Solvang, CA 93463
tel: (805) 688-1526 fax: (805) 688-6582
email: sid@sjgce.com

10

11

Table of Contents

I. Project Data..... 1

II. Setting 1

II.A. Project Location and Description 1

II.B. Existing Site Features and Conditions 2

II.C. Opportunities and Constraints for Stormwater Control..... 3

III. Low Impact Development Design Strategies 3

III.A. Optimization of Site Layout 3

III.A.1. Limitation of development envelope 3

III.A.2. Preservation of natural drainage features 3

III.A.3. Setbacks from creeks, wetlands, and riparian habitats 3

III.A.4. Minimization of imperviousness 3

III.A.5. Use of drainage as a design element 4

III.B. Use of Permeable Pavements..... 4

III.C. Dispersal of Runoff to Pervious Areas..... 4

III.D. Stormwater Control Measures 4

IV. Documentation of Drainage Design..... 4

IV.A. Descriptions of each Drainage Management Area 4

IV.A.1. Table of Drainage Management Areas 4

IV.A.2. Drainage Management Area Descriptions 5

IV.B. Tabulation and Sizing Calculations 5

IV.B.1. Information Summary for LID Facility Design 6

IV.B.2. Self-Treating Areas 6

IV.B.3. Self-Retaining Areas 6

IV.B.4. Areas Draining to Self-Retaining Areas 6

IV.B.5. Areas Draining to Bioretention Facilities (Tier 2 Projects) 6

V. Source Control Measures 11

V.A. Site activities and potential sources of pollutants 11

V.B. Source Control Table..... 12

V.C. Features, Materials, and Methods of Construction of Source Control BMPs 15

VI. Stormwater Facility Maintenance..... 15

VI.A. Ownership and Responsibility for Maintenance in Perpetuity 15

VI.B. Summary of Maintenance Requirements for Each Stormwater Facility..... 15

VII. Construction Checklist 15

VIII. Certifications..... 16

Tables

Table 1. Project Data	Page 1
Table 2. Drainage Management Areas	Page 4
Table 3. Information Summary for LID Facility Design	Page 6
Table 4. Self-Treating Areas	Page 6
Table 5. Areas Draining to Bio-Retention Facilities	Page 6
Table 6. Source Controls	Page 12

Figures

Vicinity Map	Page 1
DMA and SCM Map for Lower Parking Area	Page 17
Bio-Retention and Infiltration Bed Detail	Page 18

Attachments

Stormwater Control Measures Sizing Calculator (submit Excel file)
Preliminary Drainage Report for Live Oak Lanes and Industrial Center

This Stormwater Control Plan was prepared using the template dated 18 February 2014 [draft].

I. Project Data

Table 1. Project Data

Project Name/Number	Live Oak Lanes and Industrial Center 13-FDP-03, 13-CUP-02, 13-LLA-02
Application Submittal Date	November 8, 2013
Project Location	A.P.N. 099-690-045 & -046
Project Phase No.	N/A
Project Type and Description	42,172 square foot Bowling Alley and 18,470 square foot warehouse building with associated landscaping, walkways and paved parking
Total Project Site Area (acres)	221,284.80 square feet / 5.08 acres±
Total New Impervious Surface Area	177,477.62 square feet / 4.07 acres
Total Replaced Impervious Surface Area	15,350.57 square feet / 0.35 acre
Total Pre-Project Impervious Surface Area	16,311.91 square feet / 0.37 acre
Total Post-Project Impervious Surface Area	192,828.19 square feet / 4.43 acres
Net Impervious Area	192,828.19 square feet / 4.43 acres
Watershed Management Zone(s)	1
Design Storm Frequency and Depth	95 th Percentile = 1.9 inches
Urban Sustainability Area	N/A

II. Setting

II.A. Project Location and Description

The LIVE OAK LANES & INDUSTRIAL CENTER proposes the construction of a 42,172 square foot 16-lane bowling alley and a separate 18,470 square foot warehouse building, both with associated paved parking and driveways, concrete walkways and landscape areas. The Bowling Alley includes the construction of outdoor bocce ball courts, patio and batting cage. The project includes parking for 175 autos, 5 RV/buses, 2 loading spaces and 1 loading dock for the warehouse building.

The project site is located at the south end of Industrial Way in the City of Buellton and occupies 5.08 acres± over two undeveloped parcels identified as A.P.N. 099-690-045 & 046. The parcels are zoned Open Space and Industrial/Manufacturing per the City of Buellton Municipal Code. City of Buellton Application 13-LLA-02 proposes a Lot Line Adjustment to separate the Bowling Alley and warehouse buildings. A Reciprocal Parking Agreement will be created between Parcels 1 and 2 of 13-LLA-02.

Existing uses of the parcels surrounding the project site include wineries, tasting rooms, restaurants and breweries. The parcel west of the project site is undeveloped. The Santa Ynez River is to the south of the project site. A 20 foot wide Trail Easement along the Santa Ynez River crosses the extreme southern tip of A.P.N. 099-690-045. A 10 foot wide path is proposed to connect the project site to the Trail Easement. In addition, there are existing drainage, access and utility easements on the two project parcels.

FIGURE 1



II.B. Existing Site Features and Conditions

A.P.N. 099-690-045 is a 3.39 acre parcel located north of the Santa Ynez River. This parcel is identified as Parcel 3 of PM 31,035 and is roughly square in shape with a 35 foot wide “finger” in the southwest portion extending south to the river. The Santa Ynez River Floodway covers the southerly portion of A.P.N. 099-690-045.

A.P.N. 099-690-046 is a 1.69 acre parcel located adjacent to and north of A.P.N. 099-690-045. This parcel is identified as Parcel 4 of PM 31, 035 and is rectangular in shape, being longer from east to west. Both parcels are accessed via an existing access easement from Industrial Way.

The project site is undeveloped with an existing asphalt driveway covering 16,312± square feet of the extreme eastern portion. The project site slopes at approximately 2% from north to south with runoff tributary directly to the Santa Ynez River. Offsite Run-on from parcels to the north of the project site is 18.3 cfs (Q25).

The Natural Resources Conservation Service (NRCS) Web Soil Survey classifies the existing soil types as 85% *Mr* (*Mocho sandy loam*) with a Hydrologic Soil Group rating “B”, described as Well Draining and 15% *Sh* (*Sandy alluvial land*) with a Hydrologic Soil Group rating “A”, described as Excessively Drained. Hydrologic Soil Group “A” soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission. Hydrologic Soil Group “B” soils have a

moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission. Percolation Tests performed for this project by Braun and Associates demonstrate the excellent percolation rate (36"/hour) of the site's subsurface soils. A more conservative rate of 12"/hour is used for the purposes of the project design. The Percolation Test Report is included as an attachment to this Stormwater Control Plan.

II.C. Opportunities and Constraints for Stormwater Control

The proposed drainage improvements for the project include the construction of several Infiltration Beds located in the lower parking lot landscape areas. Additionally, the project proposes the installation of six StormTech SC-740 Chambers under the pavement in the lower parking lot. The Bioretention and Infiltration Beds and Chambers are designed to collect storm water runoff from the pavement areas and allow it to percolate into the subsurface soils. A storm drain located along the west property line will extend a proposed offsite drain line from the north. The discharge from the drain will be to the Existing Community Storm Water Basin. In addition, Storm Water Runoff from the developed site which is not collected in the Bioretention and Infiltration Beds and Chambers will be piped directly to the existing Community Basin. The existing Community Basin is designed to provide retention and address storm water quality for all properties on the west side of Industrial Way with 100 year capacity, per City of Buellton Engineering, Rose Hess. As such, all Post-Construction Stormwater requirements are met for all drainage conveyed to the existing Community Basin.

III. Low Impact Development Design Strategies

III.A. Optimization of Site Layout

III.A.1. Limitation of development envelope

- The project is designed to maximize the use of the property and is consistent with existing development on the adjacent parcels.

III.A.2. Preservation of natural drainage features

- There are no existing natural drainage features on the project site. The existing Community Basin located south of the site will be utilized for this project. The Santa Ynez River bank vegetation will not be impacted by this project.

III.A.3. Setbacks from creeks, wetlands, and riparian habitats

- The proposed buildings are located outside of the Santa Ynez River floodway.
- All proposed development is beyond the 200' setback from the Santa Ynez River.

III.A.4. Minimization of imperviousness

- The project is designed with Bioretention and Infiltration Beds in the lower parking lot to collect stormwater runoff from the paved parking areas. In addition, StormTech SC740 will be constructed below the pavement surface to allow for further infiltration of stormwater runoff into the subsurface soils.

III.A.5. Use of drainage as a design element

- Landscaped Bioretention and Infiltration Beds and underground infiltration chambers are employed as an element of the project design. In addition, stormwater which historically drained through the project parcels directly to the Santa Ynez River will be directed to the existing Community Basin where its rate of discharge can be metered and allowed to percolate into the soil.

III.B. Use of Permeable Pavements

- Permeable Pavements are not a part of the project design.

III.C. Dispersal of Runoff to Pervious Areas

- Stormwater runoff from the paved parking and driving areas will be directed to several Bioretention and Infiltration Beds located in the lower parking lot, or to the existing Community Basin. Overflow from the Bioretention and Infiltration Beds will enter the proposed underground infiltration chambers and percolate into the subsurface soils.

III.D. Stormwater Control Measures

- Bioretention and Infiltration Beds
- StormTech SC740 Chambers
- Existing Community Basin

IV. Documentation of Drainage Design

IV.A. Descriptions of each Drainage Management Area

IV.A.1. Table 2. Drainage Management Areas

DMA Name	Surface Type	Area (square feet)
A	Asphalt	12165.85
B	Concrete	2807.47
C	Asphalt	6355.98
D	Asphalt	4766.33
E	Asphalt	3731.02
F	Concrete	433.07
G	Asphalt	1206.96
H	Asphalt	4155.97

I	Asphalt	5011.07
J	Asphalt	3549.65
K	Asphalt	2499.58
L	Asphalt	2499.58
M	Asphalt	2399.87
N	Asphalt	13958.09
O	Asphalt	10196.42
P	Concrete/Asphalt	16783.45

IV.A.2. Drainage Management Area Descriptions

DMA A, totaling 12,165.85 square feet, is surfaced with asphalt pavement. DMA A covers the west side driveway and is tributary to SCM 15.

DMA B, totaling 2,807.47 square feet, is surfaced with concrete. DMA B covers the batting cage and is tributary to SCM 16.

DMA C, totaling 6,355.98 square feet, is surfaced with asphalt pavement. DMA C covers a portion of the lower parking lot and is tributary to SCM 14.

DMA D, totaling 4,766.33 square feet, is surfaced with asphalt pavement. DMA D covers a portion of the lower parking lot and is tributary to SCM 13.

DMA E, totaling 3,731.02 square feet, is surfaced with asphalt pavement. DMA E covers a portion of the lower parking lot and is tributary to SCM 12.

DMA F, totaling 433.07 square feet, is surfaced with concrete. DMA F covers a portion of the warehouse building loading dock and is tributary to SCM 11.

DMA G, totaling 1,206.96 square feet, is surfaced with asphalt pavement. DMA G covers a portion of the lower parking lot and is tributary to SCM 10.

DMA H, totaling 4,155.97 square feet, is surfaced with asphalt pavement. DMA H covers a portion of the lower parking lot and is tributary to SCM 9.

DMA I, totaling 5,011.07 square feet, is surfaced with asphalt pavement. DMA I covers a portion of the lower parking lot and is tributary to SCM 1.

DMA J, totaling 3,549.65 square feet, is surfaced with asphalt pavement. DMA J covers a portion of the lower parking lot and is tributary to SCM 2.

DMA K totaling 2,499.58 square feet, is surfaced with asphalt pavement. DMAKA covers a portion of the lower parking lot and is tributary to SCM 3.

DMA L, totaling 2,499.58 square feet, is surfaced with asphalt pavement. DMA L covers a portion of the lower parking lot and is tributary to SCM 4.

DMA M, totaling 2,399.87 square feet, is surfaced with asphalt pavement. DMA M covers a portion of the lower parking lot and is tributary to SCM 5.

DMA N, totaling 13,958.09 square feet, is surfaced with asphalt pavement. DMA N covers a portion of the lower parking lot and is tributary to SCM 6.

DMA O, totaling 10,196.42 square feet, is surfaced with asphalt pavement. DMA O covers a portion of the lower parking lot and is tributary to SCM 7.

DMA P, totaling 16,783.45 square feet, is surfaced with concrete and asphalt pavement. DMA P covers a portion of the warehouse loading dock and lower parking lot and is tributary to SCM 8.

IV.B. Tabulation and Sizing Calculations

IV.B.1. Table 3. Information Summary for LID Facility Design

Total Project Area (Square Feet)	221,284.80
Total LID Facility Design Area	92,520.36
Design Storm Depth	1.9"
Applicable Requirements	Tier 4

IV.B.2. Table 4. Self-Treating Areas

DMA Name	Area (square feet)
Q: covers the south "finger" of the property.	7,514.81

IV.B.3. Self-Retaining Areas: N/A

IV.B.4. Areas Draining to Self-Retaining Areas: N/A

IV.B.5. Table 5. Areas Draining to Bioretention Facilities

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area x runoff factor	SCM Name		
					15 - Bioretention and Infiltration Bed		
A	12,165.85	Asphalt	0.9	10,949.27	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>					0.04	437.97	774.62

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					16 - Bioretention and Infiltration Bed		
B	2,807.47	Concrete	0.9	2,526.72	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				2,526.72	0.04	101.07	381.22

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					14 - Bioretention and Infiltration Bed		
C	6,355.98	Asphalt	0.9	5,720.38	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				5,720.38	0.04	228.82	642.24

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					13 - Bioretention and Infiltration Bed		
D	4,766.33	Asphalt	0.9	4,289.70	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				4,289.70	0.04	171.59	607.70

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					12 - Bioretention and Infiltration Bed		
E	3,731.02	Asphalt	0.9	3,357.92	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				3,357.92	0.04	134.32	533.51

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					11 - Bioretention and Infiltration Bed		
F	433.07	Concrete	0.9	389.76	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				389.76	0.04	15.59	181.51

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					10 - Bioretention and Infiltration Bed		
G	1,206.96	Asphalt	0.9	1,086.26	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				1,086.26	0.04	43.45	164.41

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					9 - Bioretention and Infiltration Bed		
H	4,155.97	Asphalt	0.9	3,740.37	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				3,740.37	0.04	149.61	215.96

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					1 - Bioretention and Infiltration Bed		
I	5,011.07	Asphalt	0.9	4,509.96	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				4,509.96	0.04	180.40	410.99

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					2 - Bioretention and Infiltration Bed		
J	3,549.65	Asphalt	0.9	3,194.69	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				3,194.69	0.04	127.79	512.54

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					3 - Bioretention and Infiltration Bed		
K	2,499.58	Asphalt	0.9	2,249.62	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				2,249.62	0.04	89.98	616.62

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					4 - Bioretention and Infiltration Bed		
L	2,499.58	Asphalt	0.9	2,249.62	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				2,249.62	0.04	89.98	616.62

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					5 - Bioretention and Infiltration Bed		
M	2,399.87	Asphalt	0.9	2,159.88	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				2,159.88	0.04	86.40	309.44

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					6 - Bioretention and Infiltration Bed		
N	13,958.09	Asphalt	0.9	12,562.28	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				12,562.28	0.04	502.49	978.15

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					7 - Bioretention and Infiltration Bed		
O	10,196.42	Asphalt	0.9	9,176.78	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				9,176.78	0.04	367.07	1092.90

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					8 - Bioretention and Infiltration Bed		
P	16,783.45	Concrete / Asphalt	0.9	15,105.11	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				15,105.11	0.04	604.20	997.27

V. Source Control Measures

V.A. Site activities and potential sources of pollutants

- On-site Storm Drains
- Interior Floor Drains and Elevator Shaft Sump Pumps
- Landscape/Outdoor Pesticide Use/Building and Grounds Maintenance
- Food Service
- Refuse Areas

- Loading Docks
- Fire Sprinkler Test Water
- Miscellaneous Drain or Wash Water or Other Sources
- Plazas, Sidewalks, and Parking Lots

V.B. Table 6. Source Controls

Potential source of runoff pollutants	Permanent source control BMPs	Operational source control BMPs
On-site storm drain inlets (unauthorized non-stormwater discharges and accidental spills or leaks)	Mark all inlets with the words "No Dumping! Flows to Bay" or similar.	<p>Maintain and periodically repaint or replace inlet markings.</p> <p>Provide stormwater pollution prevention information to new site owners, lessees, or operators.</p> <p>See applicable operational BMPs in Fact Sheet SC-44, "Drainage System Maintenance," in the CASQA Stormwater Quality Handbooks at www.cabmphandbooks.com</p> <p>Include the following in lease agreements: "Tenant shall not allow anyone to discharge anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains."</p>
Interior floor drains and elevator shaft sump pumps	State that interior floor drains and elevator shaft sump pumps will be plumbed to sanitary sewer.	Inspect and maintain drains to prevent blockages and overflow.
Landscape/ Outdoor Pesticide Use/Building and Grounds Maintenance	<p>State that final landscape plans will accomplish all of the following:</p> <ul style="list-style-type: none"> • Preserve existing native trees, shrubs, and ground cover to the maximum extent possible. • Design landscaping to minimize irrigation and runoff, to promote surface infiltration where appropriate, and 	<p>Maintain landscaping using minimum or no pesticides.</p> <p>See applicable operational BMPs in Fact Sheet SC-41, "Building and Grounds Maintenance," in the CASQA Stormwater Quality Handbooks at www.cabmphandbooks.com</p> <p>Provide IPM information to new owners, lessees and operators.</p>

<p>Landscape/ Outdoor Pesticide Use/Building and Grounds Maintenance (cont'd)</p>	<p>to minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.</p> <ul style="list-style-type: none"> • Where landscaped areas are used to retain or detain stormwater, specify plants that are tolerant of saturated soil conditions. • Consider using pest-resistant plants, especially adjacent to hardscape. • To insure successful establishment, select plants appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency, and plant interactions. 	
<p>Food service</p>	<p>Describe the location and features of the designated cleaning area.</p> <p>Describe the items to be cleaned in this facility and how it has been sized to insure that the largest items can be accommodated.</p>	<p>N/A</p>
<p>Refuse areas</p>	<p>State how site refuse will be handled and provide supporting detail to what is shown on plans.</p> <p>State that signs will be posted on or near dumpsters with the words "Do not dump hazardous materials here" or similar.</p>	<p>State how the following will be implemented:</p> <p>Provide adequate number of receptacles. Inspect receptacles regularly; repair or replace leaky receptacles. Keep receptacles covered. Prohibit/prevent dumping of liquid or hazardous wastes. Post "no hazardous materials" signs. Inspect and pick up litter daily and clean up spills immediately. Keep spill control materials available on-site. See Fact Sheet SC-34, "Waste</p>

Refuse areas (cont'd)	(see above)	Handling and Disposal" in the CASQA Stormwater Quality Handbooks at www.cabmphandbooks.com
Loading Docks	N/A	Move loaded and unloaded items indoors as soon as possible. See Fact Sheet SC-30, "Outdoor Loading and Unloading," in the CASQA Stormwater Quality Handbooks at www.cabmphandbooks.com
Fire Sprinkler Test Water	Provide a means to drain fire sprinkler test water to the sanitary sewer.	See the note in Fact Sheet SC41, "Building and Grounds Maintenance," in the CASQA Stormwater Quality Handbooks at www.cabmphandbooks.com
Miscellaneous Drain or Wash Water or Other Sources <ul style="list-style-type: none"> • Condensate drain lines • Rooftop equipment • Roofing, gutters, and trim. 	<ul style="list-style-type: none"> • Condensate drain lines may discharge to landscaped areas if the flow is small enough that runoff will not occur. Condensate drain lines may not discharge to the storm drain system. • Rooftop equipment with potential to produce pollutants shall be roofed and/or have secondary containment. • Avoid roofing, gutters, and trim made of copper or other unprotected metals that may leach into runoff. 	N/A
Plazas, sidewalks, and parking lots	N/A	Sweep plazas, sidewalks, and parking lots regularly to prevent accumulation of litter and debris. Collect debris from pressure

Plazas, sidewalks, and parking lots (cont'd)	(see above)	washing to prevent entry into the storm drain system. Collect washwater containing any cleaning agent or degreaser and discharge to the sanitary sewer not to a storm drain.
--	-------------	--

V.C. Features, Materials, and Methods of Construction of Source Control BMPs

All Source Control BMPs listed in the Table above shall be implemented with appropriate features, materials and methods of construction.

VI. Stormwater Facility Maintenance

VI.A. Ownership and Responsibility for Maintenance in Perpetuity

The owner shall execute and record an agreement that "runs with the land." The agreement shall provide the municipality a right of access for inspections and require the owner to certify annually that facilities have been recently inspected and are functioning as intended. If maintenance is not adequate, the municipality may conduct any maintenance or repairs needed and bill the owner to recover costs. The agreement is binding on future owners of the entire property or any subdivided portion of the property.

The agreement shall be drafted and approved by the City of Buellton during the time of final project design

VI.B. Summary of Maintenance Requirements for Each Stormwater Facility

Maintenance Requirements for the Bioretention and Infiltration Beds and StormTech SC-740 Chambers shall be drafted and made part of this plan at the time of final project design.

VII. Construction Checklist

The Construction Checklist will be completed during the time of final project design. The Construction Checklist Table shall be copied from the Stormwater Control Plan and printed on the project final grading and drainage plans.

VIII. Certifications

The preliminary design of stormwater treatment facilities and other stormwater pollution control measures in this plan are in accordance with the current edition of the Santa Barbara County Project Clean Water's Stormwater Technical Guide.

By:  7/8/15

Sid Goldstien - Civil Engineer, Inc.
R.C.E. 33,042 (Expires 06/30/16)



FIGURE 2

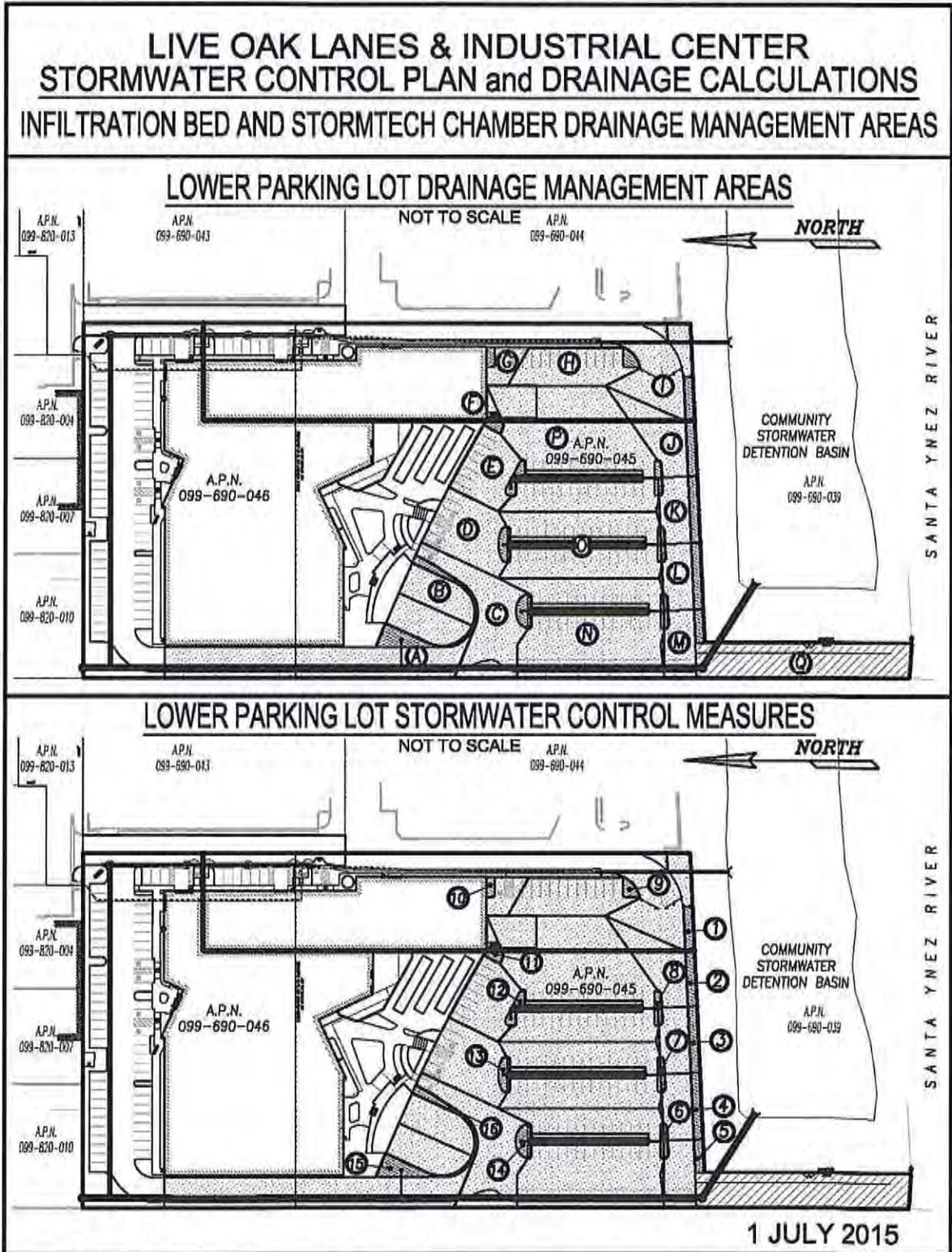
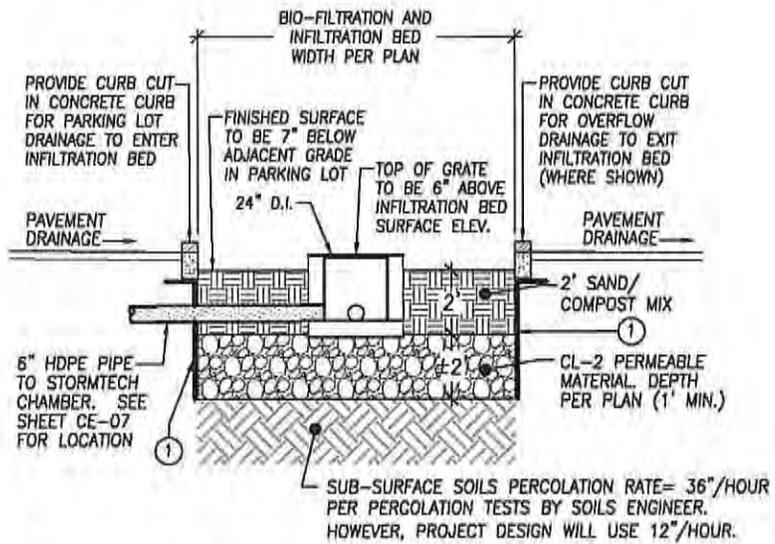


FIGURE 3

**LIVE OAK LANES & INDUSTRIAL CENTER
STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS
BIO-RETENTION AND INFILTRATION BEDS**



① — LINE SIDES OF INFILTRATION BED WITH "FIRESTONE EPDM PONDGARD" 45 MIL LINER, OR APPROVED EQUAL. LINER TO BE WRAPPED 12" MINIMUM UNDER CONCRETE CURB EDGE RESTRAINT AS SHOWN AND TO BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS

1 JULY 2015

ATTACHMENTS

Central Coast Region Stormwater Control Measure Sizing Calculator

Version: 2/26/2014

1. Project Information

Project name:	Live Oak Bowl - Lower Parking Area	
Project location:	A.P.N. 099-690-045 & 046 - Buellton, CA	
Tier 2/Tier 3:	Tier 3 - Retention	
Design rainfall depth (in):	1.9	
Total project area (ft²):	92520.36	
Total new impervious area (ft ²):	92520.36	
Total replaced Impervious in a USA (ft ²):	0	
Total replaced Impervious not in a USA (ft ²):	0	
Total pervious/landscape area (ft ²):	0	

2. DMA Characterization

Name	DMA Type	Area (ft ²)	Surface Type	New, Replaced?	Connection
A	Drains to SCM	12165.85	Concrete or asphalt	New	15
B	Drains to SCM	2807.47	Concrete or asphalt	New	16
C	Drains to SCM	6355.98	Concrete or asphalt	New	14
D	Drains to SCM	4766.33	Concrete or asphalt	New	13
E	Drains to SCM	3731.02	Concrete or asphalt	New	12
F	Drains to SCM	433.07	Concrete or asphalt	New	11
G	Drains to SCM	1206.96	Concrete or asphalt	New	10
H	Drains to SCM	4155.97	Concrete or asphalt	New	9
I	Drains to SCM	5011.07	Concrete or asphalt	New	1
J	Drains to SCM	3549.65	Concrete or asphalt	New	2
K	Drains to SCM	2499.58	Concrete or asphalt	New	3
L	Drains to SCM	2499.58	Concrete or asphalt	New	4
M	Drains to SCM	2399.87	Concrete or asphalt	New	5
N	Drains to SCM	13958.09	Concrete or asphalt	New	6
O	Drains to SCM	10196.42	Concrete or asphalt	New	7
P	Drains to SCM	16783.45	Concrete or asphalt	New	8

DMA Summary Area

Total project impervious area (ft ²):	92520.36
New Impervious area (ft ²):	92520.36
Replaced Impervious within a USA (ft ²):	0
Replaced impervious not in a USA (ft ²):	0
Total pervious/landscape area (ft ²):	0

3. SCM Characterization

Name	SCM Type	Safety Factor	SCM Soil Type	Infiltr. Rate (in/hr)	Area (ft ²)
1	Direct Infiltration	2	Site-Specific	12	410.99
2	Direct Infiltration	2	Site-Specific	12	512.54
3	Direct Infiltration	2	Site-Specific	12	616.62
4	Direct Infiltration	2	Site-Specific	12	616.62
5	Direct Infiltration	2	Site-Specific	12	309.44
6	Direct Infiltration	2	Site-Specific	12	978.15
7	Direct Infiltration	2	Site-Specific	12	1092.9
8	Direct Infiltration	2	Site-Specific	12	997.27
9	Direct Infiltration	2	Site-Specific	12	215.96
10	Direct Infiltration	2	Site-Specific	12	164.41
11	Direct Infiltration	2	Site-Specific	12	181.51

12	Direct Infiltration	2	Site-Specific	12	533.51
13	Direct Infiltration	2	Site-Specific	12	607.7
14	Direct Infiltration	2	Site-Specific	12	642.24
15	Direct Infiltration	2	Site-Specific	12	774.62
16	Direct Infiltration	2	Site-Specific	12	381.22

4. Run SBUH Model

5. SCM Minimum Sizing Requirements

SCM Name	Min. Required Storage Vol. (ft ³)	Depth Below Underdrain (ft)	Drain Time (hours)
1	0	0.00	0.0
2	0	0.00	0.0
3	0	0.00	0.0
4	0	0.00	0.0
5	0	0.00	0.0
6	0	0.00	0.0
7	0	0.00	0.0
8	94	0.24	0.0
9	43	0.49	0.0
10	0	0.00	0.0
11	0	0.00	0.0
12	0	0.00	0.0
13	0	0.00	0.0
14	0	0.00	0.0
15	36	0.12	0.0
16	0	0.00	0.0

6. Self-Retaining Area Sizing Checks

Self-Retaining DMA Name	Self-Retaining DMA Area (ft ²)	Tributary DMA Name	Tributary DMA Area (ft ²)	Tributary / SRA Area Ratio

- PRELIMINARY -

STORMWATER CONTROL PLAN

and

DRAINAGE CALCULATIONS

for

LIVE OAK LANES and INDUSTRIAL CENTER
INDUSTRIAL WAY
BUELLTON, CA 93427
A.P.N. 099-690-045 & 046

PREPARED 1 JULY 2015 By:

SID GOLDSTIEN-CIVIL ENGINEER, INC.

PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT

850 ALAMO PINTADO ROAD
SUITE 302
SOLVANG, CA. 93463

email: sid@sjgce.com
web: www.sjgce.com

tel: (805) 688-1526
fax: (805) 688-6582



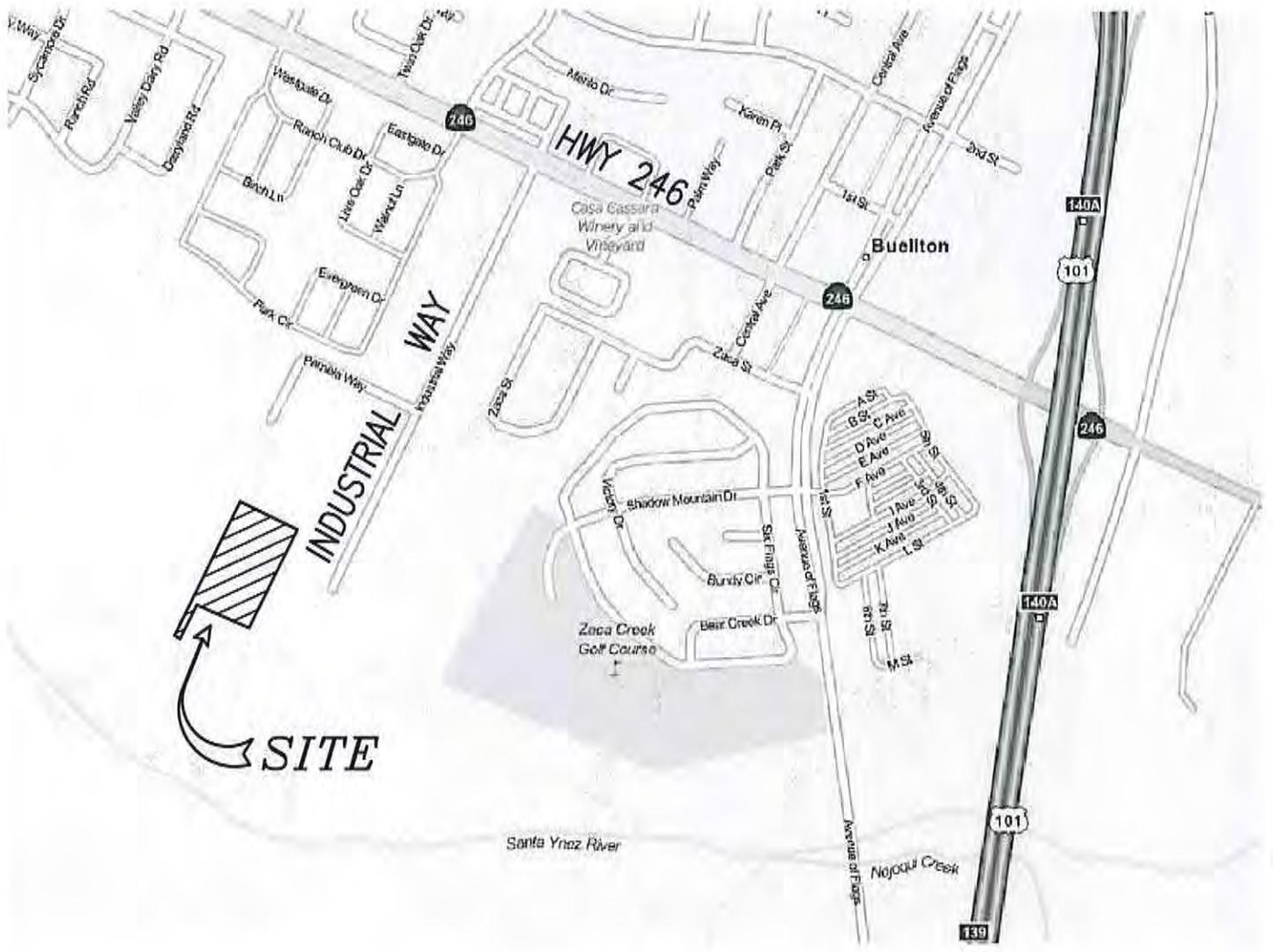
LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

TABLE OF CONTENTS

<u>Table of Contents</u>	<u>Page</u>
Vicinity Map	1
Drainage Report Introduction	2
Percolation Test Results	3
Pre Development Drainage Map	5
Pre Development Stormwater Runoff Totals	6
Post Development Drainage map	7
Post Development Stormwater Runoff Totals	8
Stormwater Runoff Summaries	9
Infiltration Bed and StormTech Chamber Drainage map	13
County of S.B. SCM Sizing Calculations	14
Bio-Retention and Infiltration Bed Detail	16
StormTech SC-740 Chamber Detail	17
Storm Drain Pipe Calculations	18

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

A.P.N. 099-690-045 & 046



VICINITY MAP
NO SCALE

1 JULY 2015

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

DRAINAGE REPORT INTRODUCTION

The proposed LIVE OAK LANES & INDUSTRIAL CENTER proposes the construction of a 42,172 square foot bowling alley and 18,470 square foot warehouse building. The project site, located at the south end of Industrial Way in the City of Buellton occupies two vacant parcels identified as A.P.N. 099-690-045 & 046. This drainage report was prepared to document the increases in storm water runoff due to the new construction, and to demonstrate the effectiveness of the proposed Infiltration Beds and StormTech Chambers to reduce these flows to equal or less than the pre-developed conditions.

The proposed drainage improvements for the project include the construction of several Infiltration Beds located in the lower parking lot landscape areas. Additionally, the project proposes the installation of six StormTech SC-740 Chambers under the pavement in the lower parking lot. The Infiltration Beds and Chambers are designed to collect storm water runoff and allow it to percolate into the subsurface soils. The Percolation Tests performed for this project demonstrate the excellent percolation rate (36"/hour) of the site's subsurface soils. A more conservative rate of 12"/hour is used for the purposes of the project design.

A storm drain located along the west property line will extend a proposed offsite drain line from the north. The discharge from the drain will be to the Existing Community Storm Water Basin. In addition, Storm Water Runoff from the developed site which is not collected in the Infiltration Beds and Chambers will be piped directly to the Existing Community Basin.

The project is subject to the County of Santa Barbara's Project Clean Water Post Construction Requirements. The project is classified as a Tier 4 Project, which is described in the Project Clean Water Stormwater Technical Guide as a "Project that creates or replaces 22,500 square feet of impervious surface." The Tier 4 requirements are as follows:

1. Implement LID Measures:
 - a. Limit disturbance of natural drainage features.
 - b. Limit clearing, grading, and soil compaction.
 - c. Minimize impervious surfaces.
 - d. Minimize runoff by dispersing runoff to landscape or using permeable pavements
2. Treat runoff with an approved and appropriately sized LID treatment system prior to discharge from the site.
3. Prevent offsite discharge from events up to the 95th percentile rainfall event using Stormwater Control Measures.
4. Control peak flows to not exceed pre-project flows for the 2-year through 10-year events.

The County of Santa Barbara's Project Clean Water Post Construction Storm Water Control Measure Calculator was used as an aid in the design of the Infiltration Beds and Chambers. The existing Community Basin is designed to provide retention and address storm water quality for all properties on the west side of Industrial Way.

PRE-DEVELOPMENT ANALYSIS

The total project site size is ± 5.08 acres. The site slopes at approximately 2% from north to south with runoff tributary directly to the Santa Ynez River. Off-Site Run-on from the parcels to the north of the project site is 18.30 cfs (Q_{25}). An existing asphalt driveway covers the extreme east side of the project site.

In a 25yr storm event, the Pre-Development flows leaving the site directly to the Santa Ynez River are 26.25 cfs.

POST-DEVELOPMENT ANALYSIS

The proposed development of the LIVE OAK LANES & INDUSTRIAL CENTER will include paved parking lots, concrete sidewalks and landscape areas.

The new drainage improvements for the project have been designed to capture all storm water runoff generated on site. A total of 30.60 cfs (Q_{25}) is calculated as the storm water runoff generated on the developed project site (including the offsite run-on). 25.05 cfs (Q_{25}) of the runoff from the project site will be piped directly to the existing Community Basin. The existing Community Basin is designed to provide retention and address storm water quality for all properties on the west side of Industrial Way. 0.26 cfs (Q_{25}) will continue to flow directly to the S.Y. River from areas not to be developed. The remaining 5.29 cfs (Q_{25}) of the runoff from the project site will be collected in the proposed Infiltration Beds and StormTech Chambers where it will percolate into the subsurface soils.

In a 25yr storm event, the Post-Development flows leaving the site are reduced by 0.94 cfs to 25.31 cfs (Q_{25}).

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

PERCOLATION TEST RESULTS



March 19, 2014

Sid Goldstien Civil Engineer, Inc
650 Alamo Pintado, Suite 302
Solvang, CA 93463

Re: Storm Water Infiltration Design, Live Oak Lanes, Industrial Way, Buellton, CA

Dear Mr. Goldstien;

Per our agreement this report is the infiltration design recommendations for the referenced project. Our testing was conducted using the leach line test method to determine the infiltration rate of the native on site soils. A description of our testing method and results are presented below.

Percolation testing is conducted by drilling a 12 inch diameter hole in a triangular pattern where possible in the desired area. Testing is conducted by presaturating the hole with 12 inches of water for a period of 24 hours. Once the presaturation is completed testing is performed. The test procedure consists of placing 6 inches of water in the bottom of the hole and monitoring the drop at a time period of between 5 and 15 minutes. Each reading is then taken and the water level is reestablished at the initial height. Readings are then taken until the drop in the water elevation is noted to repeat and become consistent. Infiltration test results based on this constant value are shown below:

TEST NO.	DEPTH OF TEST (Feet)	PERCOLATION RATE (Inches per Hour)
1	3.0	30"
2	3.5	36"
3	3.5	36"

Results of our tests indicate the infiltration rate of between 30" and 36" per hour was obtained at the depth of approximately 1 to 5 foot below present ground surface. This rate equates to an infiltration rate of 2 minutes per inch.

Please be aware this rate is based on native in place soils and does not assume the results of regrading of the proposed dispersal area. It is expected grading will be limited to the structures while the rest of the parcel will remain ungraded.

Should you have any further questions regarding this matter please feel free to call me at (805) 688-5429.



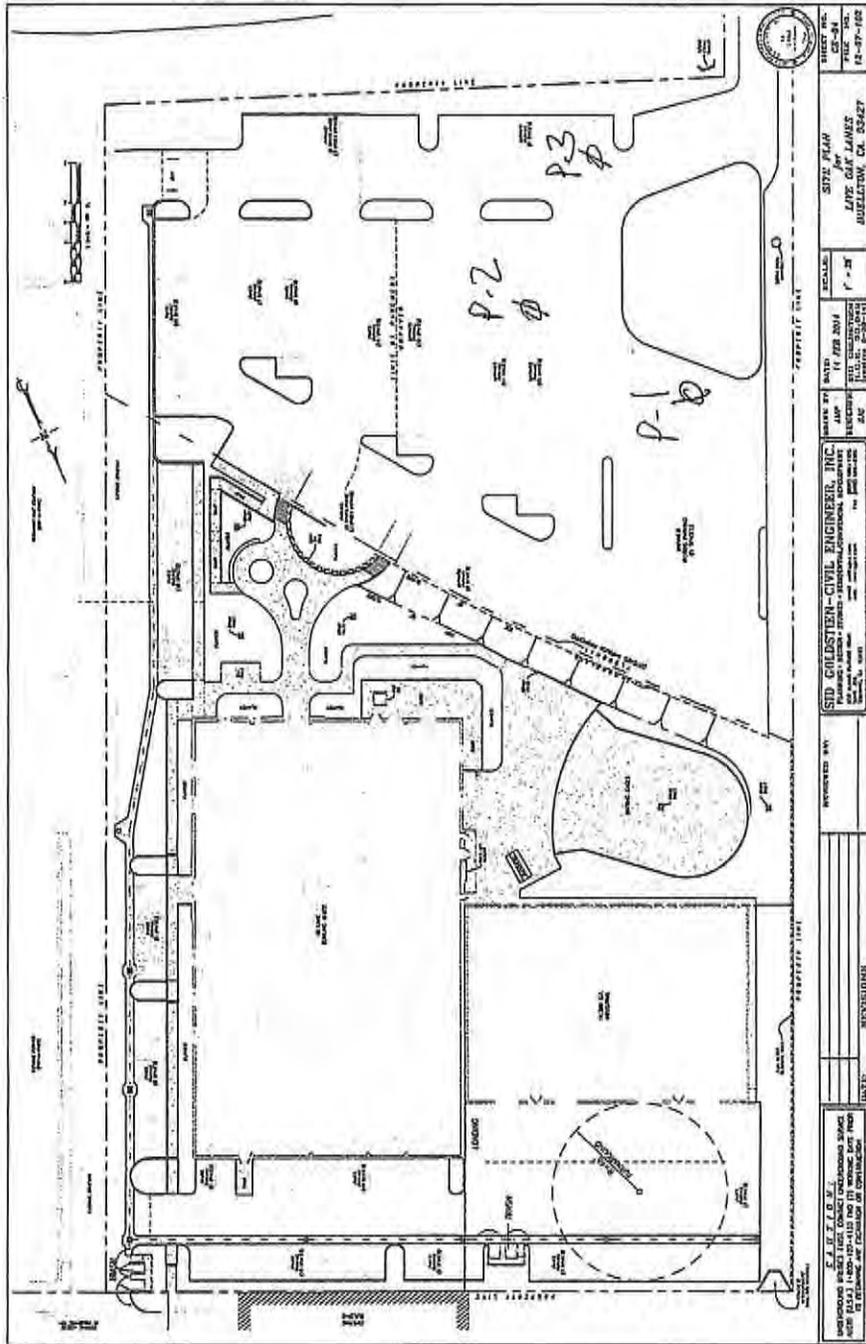
Soils Engineering ▼ Materials Testing

Mailing: P.O. Box 2004, Buellton, CA 93427 • Phone (805) 688-5429 • Fax (805) 688-7239

1 JULY 2015

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

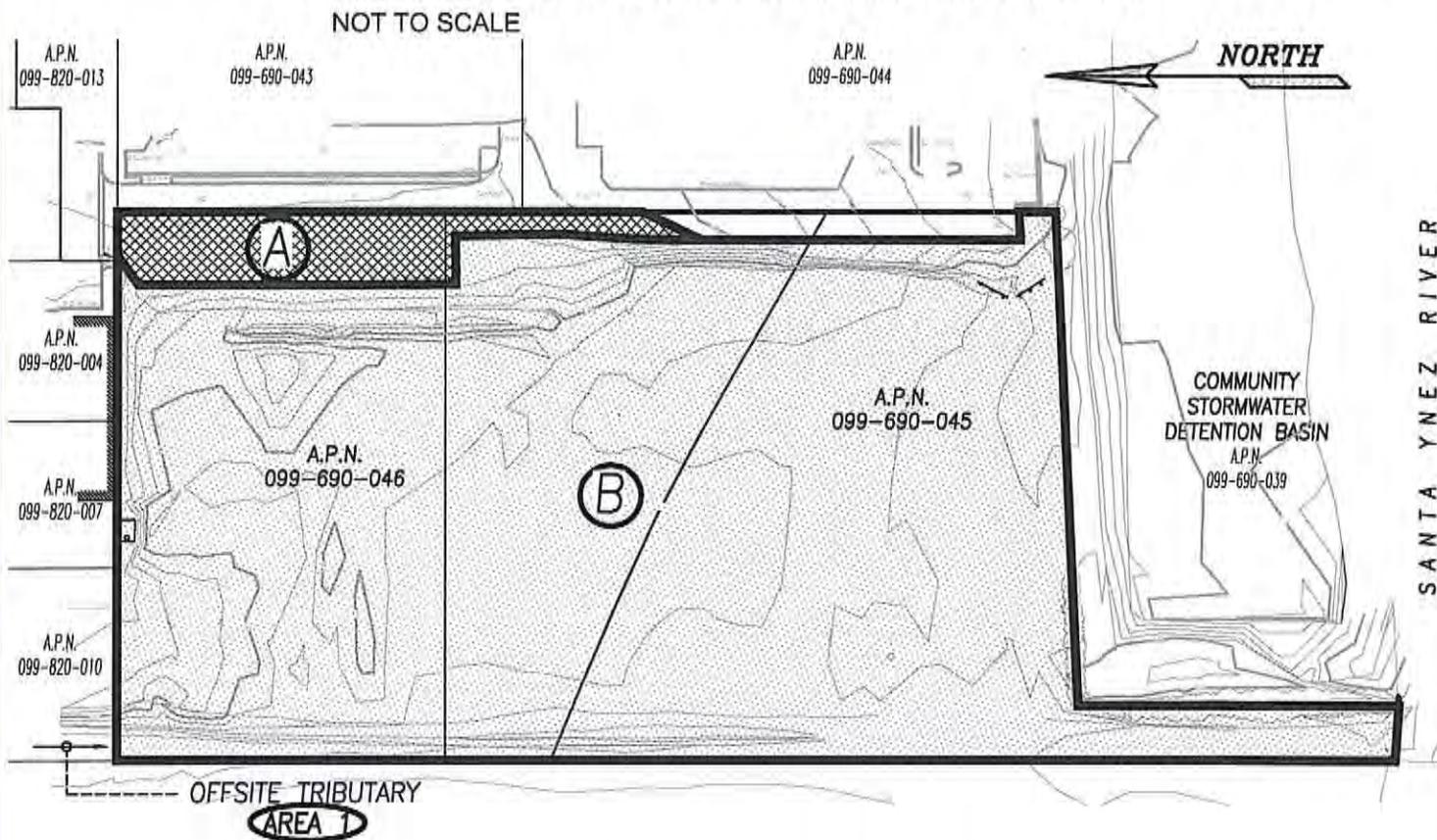
PERCOLATION TEST RESULTS



1 JULY 2015

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

PRE-DEVELOPMENT DRAINAGE AREAS



PRE-DEVELOPMENT DRAINAGE ROUTING:

PRE-DEVELOPMENT STORM WATER RUNOFF
FLOWS DIRECTLY TO SANTA YNEZ RIVER

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

PRE-DEVELOPMENT STORMWATER RUNOFF TOTALS Q₂ through Q₂₅

Q ₂	DRAINAGE SUB-AREA	Q ₂ and Q ₅ VALUES CALCULATED USING HYDRAFLOW HYDROGRAPHS	DRAINAGE AREA Acres "a"	Q ₂ cfs
	A			0.28
B			4.71	1.72
1				5.39
TOTAL				7.40

Q ₅	DRAINAGE SUB-AREA	Q ₂ and Q ₅ VALUES CALCULATED USING HYDRAFLOW HYDROGRAPHS	DRAINAGE AREA Acres "a"	Q ₅ cfs
	A			0.28
B			4.71	4.11
1				10.39
TOTAL				15.00

Q ₁₀	DRAINAGE SUB-AREA	RUNOFF COEFFICIENT "c"	RAINFALL INTENSITY in/hr "i" ³	DRAINAGE AREA Acres "a"	Q ₁₀ cfs (c)(i)(a)
	A		0.98	2.35	0.28
B		0.53	2.35	4.71	5.87
1					13.85
TOTAL					20.36

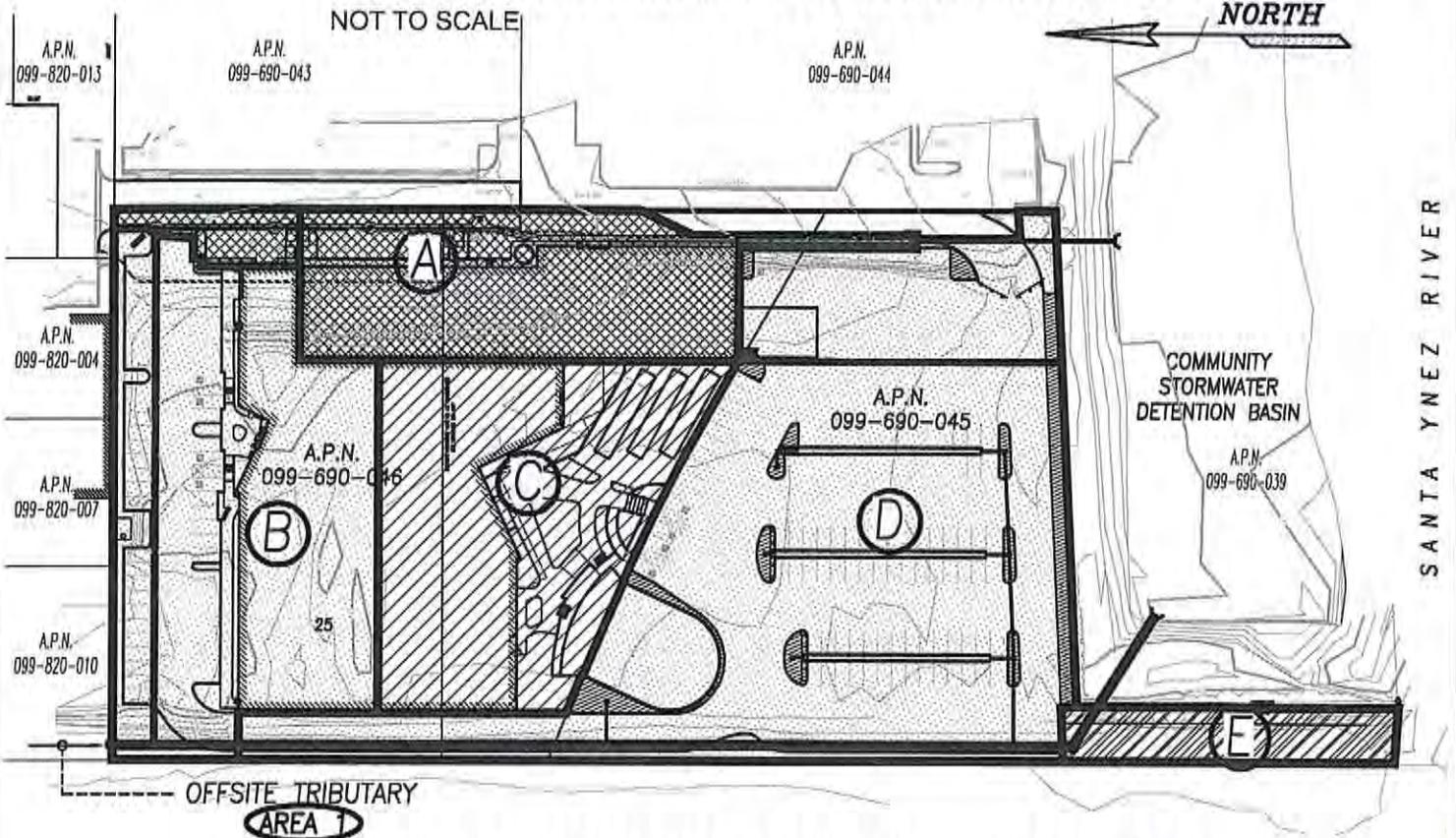
³ RAINFALL INTENSITY "i" per RATIONAL-XL FOR Q₁₀ and Q₂₅

Q ₂₅	DRAINAGE SUB-AREA	RUNOFF COEFFICIENT "c"	RAINFALL INTENSITY in/hr "i" ³	DRAINAGE AREA Acres "a"	Q ₂₅ cfs (c)(i)(a)
	A		0.98	2.87	0.28
B		0.53	2.87	4.71	7.16
1					18.30
TOTAL					26.25

³ RAINFALL INTENSITY "i" per RATIONAL-XL FOR Q₁₀ and Q₂₅

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

POST-DEVELOPMENT DRAINAGE AREAS



POST-DEVELOPMENT DRAINAGE ROUTING

DRAINAGE SUB-AREA	PIPED DIRECTLY TO COMMUNITY BASIN ¹	DRAINAGE DIRECTED TO INFILTRATION BEDS AND STORMTECH CHAMBERS ²	OVERLAND FLOW TO S.Y. RIVER
A ¹	✓		
B ¹	✓		
C ¹	✓		
D ²		✓	
E			✓
1 ¹	✓		

POST-DEVELOPMENT STORMWATER TOTALS Q₂ through Q₂₅

STORMWATER RUNOFF	PIPED DIRECTLY TO COMMUNITY BASIN ¹	DRAINAGE DIRECTED TO INFILTRATION BEDS AND STORMTECH CHAMBERS ²	OVERLAND FLOW TO S.Y. RIVER
Q ₂	7.73 cfs	1.83 cfs	0.06 cfs
Q ₅	14.62 cfs	3.32 cfs	0.14 cfs
Q ₁₀	19.37 cfs	4.33 cfs	0.21 cfs
Q ₂₅	25.05 cfs	5.29 cfs	0.26 cfs

¹ EXISTING COMMUNITY BASIN IS INTENDED TO ACCOMMODATE RETENTION AND STORM WATER QUALITY ISSUES FOR ALL PROPERTIES ON WEST SIDE OF INDUSTRIAL WAY.

² SEE INFILTRATION BED AND STORMTECH CHAMBER DRAINAGE MANAGEMENT AREA MAP.

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

POST-DEVELOPMENT STORMWATER RUNOFF TOTALS Q₂ through Q₂₅

Q ₂	DRAINAGE SUB-AREA	Q ₂ and Q ₅ VALUES CALCULATED USING HYDRAFLOW HYDROGRAPHS	DRAINAGE AREA Acres "a"	Q ₂ cfs
		A		0.70
	B		1.11	0.94
	C		0.89	0.76
	D		2.12	1.83
	E		0.17	0.06
	1			5.39
			TOTAL	9.62

Q ₅	DRAINAGE SUB-AREA	Q ₂ and Q ₅ VALUES CALCULATED USING HYDRAFLOW HYDROGRAPHS	DRAINAGE AREA Acres "a"	Q ₅ cfs
		A		0.70
	B		1.11	1.71
	C		0.89	1.38
	D		2.12	3.32
	E		0.17	0.14
	1			10.39
			TOTAL	18.08

Q ₁₀	DRAINAGE SUB-AREA	RUNOFF COEFFICIENT "c" WEIGHTED	RAINFALL INTENSITY in/hr "i" ³	DRAINAGE AREA Acres "a"	Q ₁₀ cfs (c)(i)(a)
		A	0.90	2.35	0.70
	B	0.86	2.35	1.11	2.24
	C	0.86	2.35	0.89	1.80
	D	0.87	2.35	2.12	4.33
	E	0.53	2.35	0.17	0.21
	1				13.85
			TOTAL		23.91

³ RAINFALL INTENSITY "i" per RATIONAL-XL FOR Q₁₀ and Q₂₅

Q ₂₅	DRAINAGE SUB-AREA	RUNOFF COEFFICIENT "c" WEIGHTED	RAINFALL INTENSITY in/hr "i" ³	DRAINAGE AREA Acres "a"	Q ₂₅ cfs (c)(i)(a)
		A	0.90	2.87	0.70
	B	0.86	2.87	1.11	2.74
	C	0.86	2.87	0.89	2.20
	D	0.87	2.87	2.12	5.29
	E	0.53	2.87	0.17	0.26
	1				18.30
			TOTAL		30.60

³ RAINFALL INTENSITY "i" per RATIONAL-XL FOR Q₁₀ and Q₂₅

**LIVE OAK LANES & INDUSTRIAL CENTER
STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS**
STORM WATER RUNOFF ANALYSIS

Q₂ SUMMARY

<u>PRE-DEVELOPMENT</u>	<u>POST-DEVELOPMENT</u>
<p>Existing Storm Water Runoff Including Off-Site Tributary Flow</p> <p style="text-align: center;">$Q_2 = 7.40 \text{ cfs}$</p>	<p>Increase in Storm Water Runoff without On-Site Infiltration Including Off-Site Tributary Flow</p> <p style="text-align: center;">$Q_2 = 9.62 \text{ cfs}$</p> <p>Storm Water Runoff Piped Directly to Community Storm Water Basin</p> <p style="text-align: center;">$Q_2 = 7.73 \text{ cfs}$</p> <p>Storm Water Runoff Flows Overland to Santa Ynez River</p> <p style="text-align: center;">$Q_2 = 0.06 \text{ cfs}$</p> <p>Storm Water Runoff Retained On-Site in Infiltration Beds and StormTech Chambers</p> <p style="text-align: center;">$Q_2 = 1.83 \text{ cfs}$</p>
	<p><u>INCREASE IN RUNOFF TO BE METERED BY EXISTING COMMUNITY BASIN</u></p> <p>$Q_2 = 7.40 - (7.73+0.06) = + \underline{0.39 \text{ cfs}}$</p>

**LIVE OAK LANES & INDUSTRIAL CENTER
STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS**
STORM WATER RUNOFF ANALYSIS

Q₅ SUMMARY

<u>PRE-DEVELOPMENT</u>	<u>POST-DEVELOPMENT</u>
<p>Existing Storm Water Runoff Including Off-Site Tributary Flow</p> <p style="text-align: center;">$Q_5 = 15.00 \text{ cfs}$</p>	<p>Increase in Storm Water Runoff without On-Site Infiltration Including Off-Site Tributary Flow</p> <p style="text-align: center;">$Q_5 = 18.08 \text{ cfs}$</p> <p>Storm Water Runoff Piped Directly to Community Storm Water Basin</p> <p style="text-align: center;">$Q_5 = 14.62 \text{ cfs}$</p> <p>Storm Water Runoff Flows Overland to Santa Ynez River</p> <p style="text-align: center;">$Q_5 = 0.14 \text{ cfs}$</p> <p>Storm Water Runoff Retained On-Site in Infiltration Beds and StormTech Chambers</p> <p style="text-align: center;">$Q_5 = 3.32 \text{ cfs}$</p>
	<p><u>DECREASE IN RUNOFF DUE TO ONSITE RETENTION and INFILTRATION</u></p> <p>$Q_5 \quad 15.00 - (14.62+0.14) = - 0.24 \text{ cfs}$</p>

1 JULY 2015

**LIVE OAK LANES & INDUSTRIAL CENTER
 STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS
 STORM WATER RUNOFF ANALYSIS**

Q₁₀ SUMMARY

<u>PRE-DEVELOPMENT</u>	<u>POST-DEVELOPMENT</u>
<p>Existing Storm Water Runoff Including Off-Site Tributary Flow</p> <p align="center">Q₁₀ = 20.36 cfs</p>	<p>Increase in Storm Water Runoff without On-Site Infiltration Including Off-Site Tributary Flow</p> <p align="center">Q₁₀ = 23.91 cfs</p> <p>Storm Water Runoff Piped Directly to Community Storm Water Basin</p> <p align="center">Q₁₀ = 19.37 cfs</p> <p>Storm Water Runoff Flows Overland to Santa Ynez River</p> <p align="center">Q₁₀ = 0.21 cfs</p> <p>Storm Water Runoff Retained On-Site in Infiltration Beds and StormTech Chambers</p> <p align="center">Q₁₀ = 4.33 cfs</p>
	<p align="center"><u>DECREASE IN RUNOFF DUE TO ONSITE RETENTION and INFILTRATION</u></p> <p align="center">Q₁₀ 20.36 - (19.37+0.21) = <u>- 0.78 cfs</u></p>

**LIVE OAK LANES & INDUSTRIAL CENTER
 STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS
 STORM WATER RUNOFF ANALYSIS**

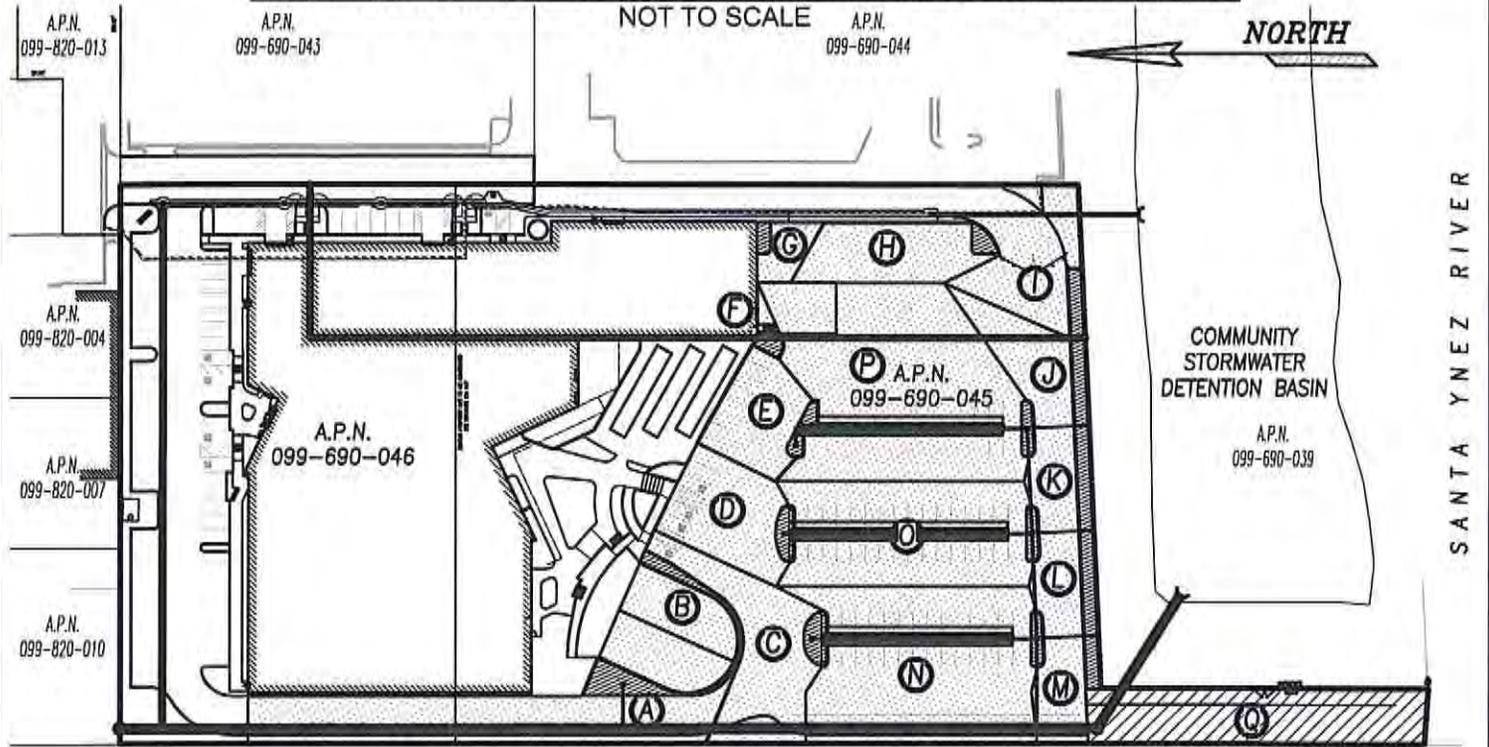
Q₂₅ SUMMARY

<u>PRE-DEVELOPMENT</u>	<u>POST-DEVELOPMENT</u>
<p>Existing Storm Water Runoff Including Off-Site Tributary Flow</p> <p style="text-align: center;">$Q_{25} = 26.25 \text{ cfs}$</p>	<p>Increase in Storm Water Runoff without On-Site Infiltration Including Off-Site Tributary Flow</p> <p style="text-align: center;">$Q_{25} = 30.60 \text{ cfs}$</p> <p>Storm Water Runoff Piped Directly to Community Storm Water Basin</p> <p style="text-align: center;">$Q_{25} = 25.05 \text{ cfs}$</p> <p>Storm Water Runoff Flows Overland to Santa Ynez River</p> <p style="text-align: center;">$Q_{25} = 0.26 \text{ cfs}$</p> <p>Storm Water Runoff Retained On-Site in Infiltration Beds and StormTech Chambers</p> <p style="text-align: center;">$Q_{25} = 5.29 \text{ cfs}$</p>
	<p><u>DECREASE IN RUNOFF DUE TO ONSITE RETENTION and INFILTRATION</u></p> <p>$Q_{25} \quad 26.25 - (25.05+0.26) = - 0.94 \text{ cfs}$</p>

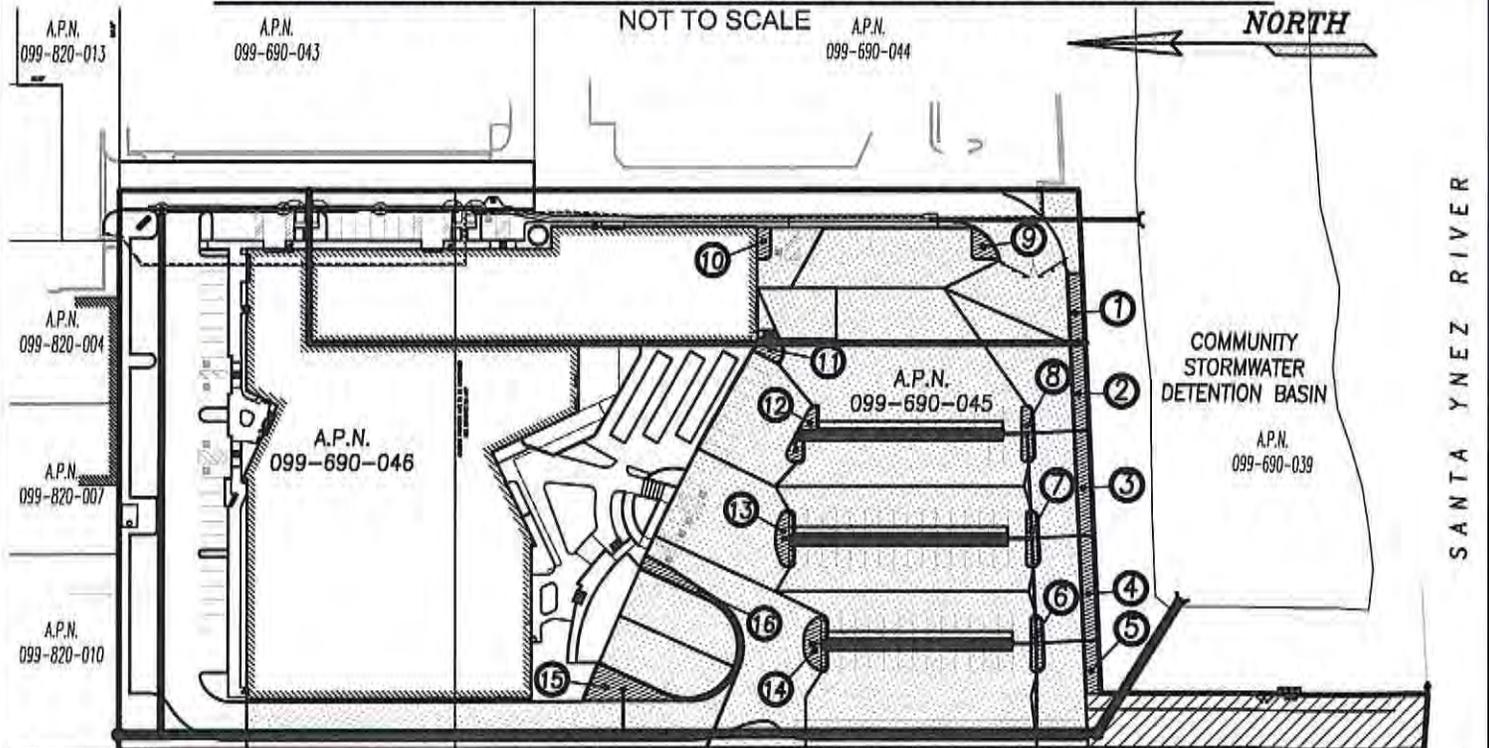
LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

INFILTRATION BED AND STORMTECH CHAMBER DRAINAGE MANAGEMENT AREAS

LOWER PARKING LOT DRAINAGE MANAGEMENT AREAS



LOWER PARKING LOT STORMWATER CONTROL MEASURES



1 JULY 2015

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

COUNTY OF S.B. SCM SIZING CALCULATIONS

Central Coast Region Stormwater Control Measure Sizing Calculator	Version: 2/26/2014
--	--------------------

1. Project Information

Project name:	Live Oak Bowl - Lower Parking Area		Tier 4
Project location:	A.P.N. 099-690-045 & 046 - Buellton, CA		
Tier 2/Tier 3:		Tier 3 - Retention	
Design rainfall depth (in):		1.9	
Total project area (ft²):		92520.36	
Total new impervious area (ft ²):		92520.36	
Total replaced impervious in a USA (ft ²):		0	
Total replaced impervious not in a USA (ft ²):		0	
Total pervious/landscape area (ft ²):		0	

2. DMA Characterization

Name	DMA Type	Area (ft ²)	Surface Type	New, Replaced?	Connection
A	Drains to SCM	12165.85	Concrete or asphalt	New	15
B	Drains to SCM	2807.47	Concrete or asphalt	New	16
C	Drains to SCM	6355.98	Concrete or asphalt	New	14
D	Drains to SCM	4766.33	Concrete or asphalt	New	13
E	Drains to SCM	3731.02	Concrete or asphalt	New	12
F	Drains to SCM	433.07	Concrete or asphalt	New	11
G	Drains to SCM	1206.96	Concrete or asphalt	New	10
H	Drains to SCM	4155.97	Concrete or asphalt	New	9
I	Drains to SCM	5011.07	Concrete or asphalt	New	1
J	Drains to SCM	3549.65	Concrete or asphalt	New	2
K	Drains to SCM	2499.58	Concrete or asphalt	New	3
L	Drains to SCM	2499.58	Concrete or asphalt	New	4
M	Drains to SCM	2399.87	Concrete or asphalt	New	5
N	Drains to SCM	13958.09	Concrete or asphalt	New	6
O	Drains to SCM	10196.42	Concrete or asphalt	New	7
P	Drains to SCM	16783.45	Concrete or asphalt	New	8

DMA Summary Area

Total project impervious area (ft ²):	92520.36
New impervious area (ft ²):	92520.36
Replaced impervious within a USA (ft ²):	0
Replaced impervious not in a USA (ft ²):	0
Total pervious/landscape area (ft ²):	0

3. SCM Characterization

Name	SCM Type	Safety Factor	SCM Soil Type	Infiltr. Rate (in/hr)	Area (ft ²)
1	Direct Infiltration	2	Site-Specific	12	410.99
2	Direct Infiltration	2	Site-Specific	12	512.54
3	Direct Infiltration	2	Site-Specific	12	616.62
4	Direct Infiltration	2	Site-Specific	12	616.62
5	Direct Infiltration	2	Site-Specific	12	309.44
6	Direct Infiltration	2	Site-Specific	12	978.15
7	Direct Infiltration	2	Site-Specific	12	1092.9
8	Direct Infiltration	2	Site-Specific	12	997.27
9	Direct Infiltration	2	Site-Specific	12	215.96
10	Direct Infiltration	2	Site-Specific	12	164.41
11	Direct Infiltration	2	Site-Specific	12	181.51

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

COUNTY OF S.B. SCM SIZING CALCULATIONS

12	Direct Infiltration	2	Site-Specific	12	533.51
13	Direct Infiltration	2	Site-Specific	12	607.7
14	Direct Infiltration	2	Site-Specific	12	642.24
15	Direct Infiltration	2	Site-Specific	12	774.62
16	Direct Infiltration	2	Site-Specific	12	381.22

4. Run SBUH Model

5. SCM Minimum Sizing Requirements

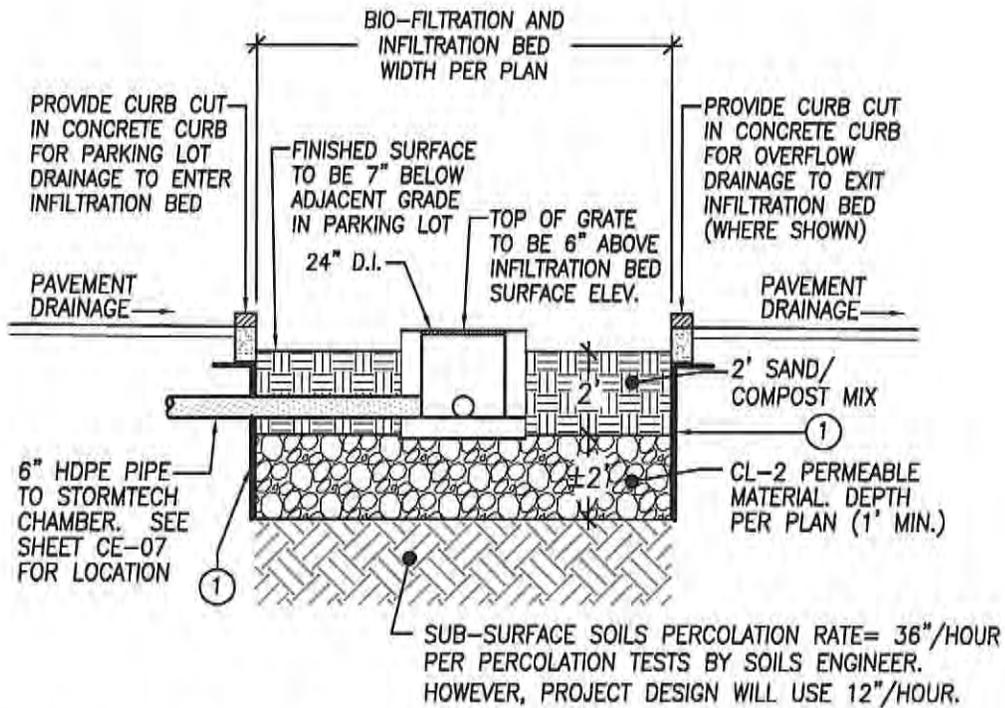
SCM Name	Min. Required Storage Vol. (ft ³)	Depth Below Underdrain (ft)	Drain Time (hours)
1	0	0.00	0.0
2	0	0.00	0.0
3	0	0.00	0.0
4	0	0.00	0.0
5	0	0.00	0.0
6	0	0.00	0.0
7	0	0.00	0.0
8	94	0.24	0.0
9	43	0.49	0.0
10	0	0.00	0.0
11	0	0.00	0.0
12	0	0.00	0.0
13	0	0.00	0.0
14	0	0.00	0.0
15	36	0.12	0.0
16	0	0.00	0.0

6. Self-Retaining Area Sizing Checks

Self-Retaining DMA Name	Self-Retaining DMA Area (ft ²)	Tributary DMA Name	Tributary DMA Area (ft ²)	Tributary / SRA Area Ratio

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

BIO-RETENTION AND INFILTRATION BEDS



- ① — LINE SIDES OF INFILTRATION BED WITH "FIRESTONE EPDM PONDGARD" 45 MIL. LINER, OR APPROVED EQUAL. LINER TO BE WRAPPED 12" MINIMUM UNDER CONCRETE CURB EDGE RESTRAINT AS SHOWN AND TO BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

STORM TECH SC-740 CHAMBER SYSTEM

StormTech SC-740 Chamber

Designed to meet the most stringent industry performance standards for superior structural integrity while providing designers with a cost-effective method to save valuable land and protect water resources. The StormTech system is designed primarily to be used under parking lots thus maximizing land usage for commercial and municipal applications.



StormTech SC-740 Chamber (not to scale)

Nominal Chamber Specifications

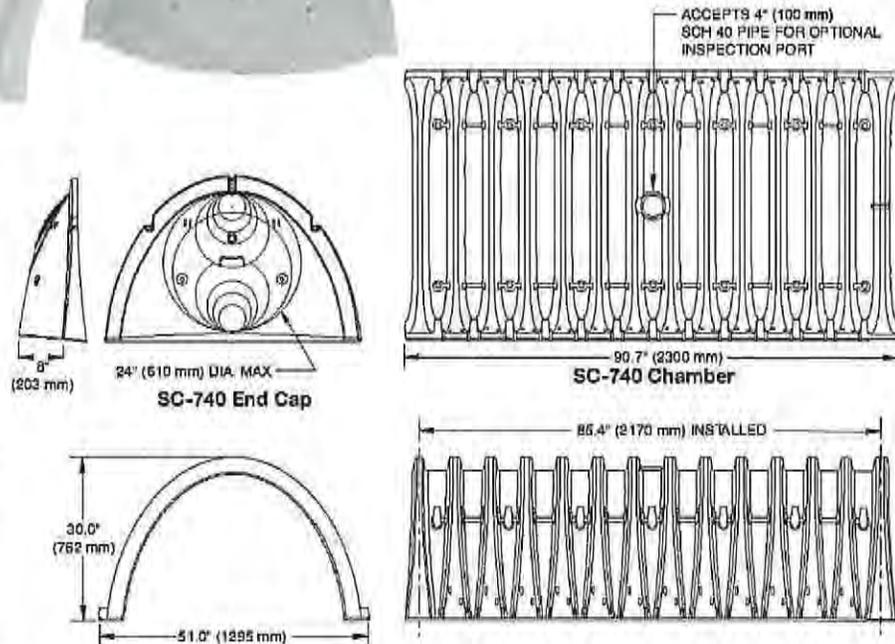
Size (L x W x H)
85.4" x 51.0" x 30.0"
(2170 x 1295 x 762 mm)

Chamber Storage
45.9 ft³ (1.30 m³)

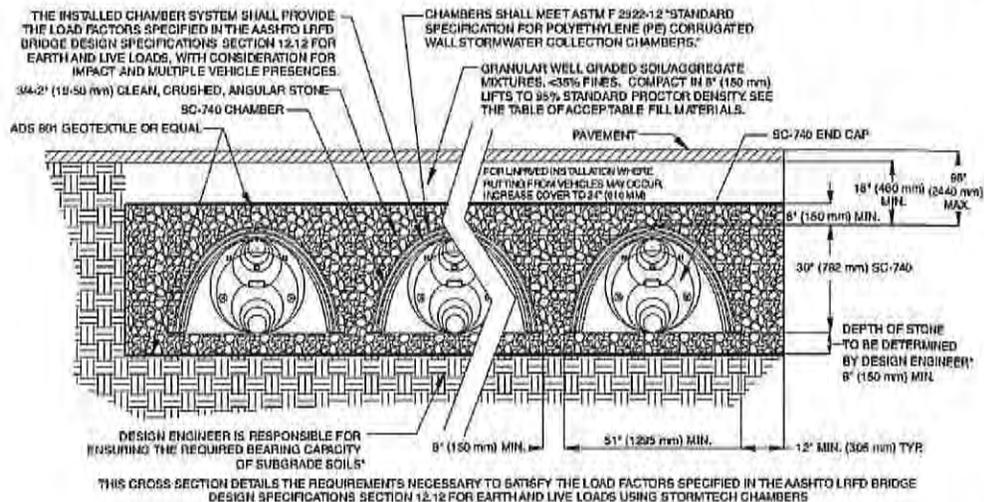
Minimum Installed Storage*
74.9 ft³ (2.12 m³)

Weight
74.0 lbs (33.6 kg)

Shipping
30 chambers/pallet
60 end caps/pallet
12 pallets/truck

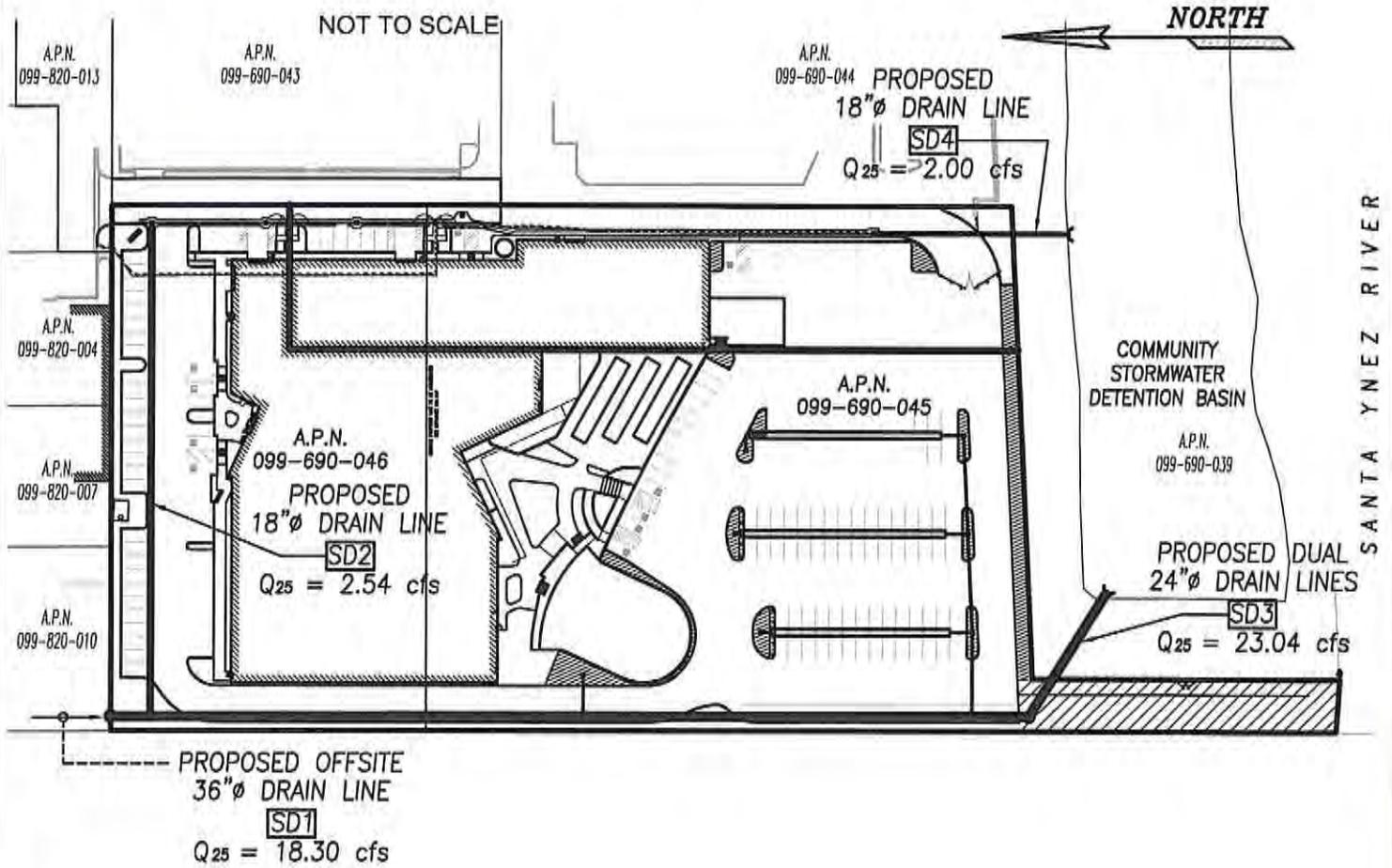


Typical Cross Section Detail (not to scale)



LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

STORM DRAIN PIPE CALCULATIONS



PIPE I.D.	PIPE DIAMETER (inches)	PIPE LENGTH (feet)	PIPE SLOPE (%)	PIPE Q ₂₅ FLOW (cfs)	PIPE CAPACITY (cfs)
SD1	36	130	0.25	18.30	43.35
SD2	18	325	0.50	2.54	9.65
SD3	(2) 24	715	0.50	23.04	41.58
SD4	18	615	0.50	2.00	9.65

LIVE OAK LANES & INDUSTRIAL CENTER STORMWATER CONTROL PLAN and DRAINAGE CALCULATIONS

STORM DRAIN PIPE CALCULATIONS

LIVE OAK LANES

18" HDPE STORMDRAIN CAPACITY

Set units: m mm ft inches

Pipe diameter, d_0	18 inches
Manning roughness, n ?	0.010
Pressure slope (possibly ? equal to pipe slope), S_0	0.50 % rise/run
Percent of (or ratio to) full depth (100% or 1 if flowing full)	100 %

Results:

Flow, q	9.6551	cfs
Velocity, v	5.4638	ft/sec
Velocity head, h_v	0.4640	ft
Flow area	1.7672	ft ²
Wetted perimeter	4.7123	ft
Hydraulic radius	0.3750	ft
Top width, T	0.0000	ft
Froude number, F	0.00	
Shear stress (tractive force), τ	0.4683	psf

LIVE OAK LANES

24" HDPE STORMDRAIN CAPACITY

Set units: m mm ft inches

Pipe diameter, d_0	24 inches
Manning roughness, n ?	0.010
Pressure slope (possibly ? equal to pipe slope), S_0	0.50 % rise/run
Percent of (or ratio to) full depth (100% or 1 if flowing full)	100 %

Results:

Flow, q	20.7934	cfs
Velocity, v	6.6189	ft/sec
Velocity head, h_v	0.6809	ft
Flow area	3.1416	ft ²
Wetted perimeter	6.2831	ft
Hydraulic radius	0.5000	ft
Top width, T	0.0000	ft
Froude number, F	0.00	
Shear stress (tractive force), τ	0.6244	psf

LIVE OAK LANES

36" HDPE STORMDRAIN CAPACITY

Set units: m mm ft inches

Pipe diameter, d_0	36 inches
Manning roughness, n ?	0.010
Pressure slope (possibly ? equal to pipe slope), S_0	.25 % rise/run
Percent of (or ratio to) full depth (100% or 1 if flowing full)	100 %

Results:

Flow, q	43.3498	cfs
Velocity, v	6.1329	ft/sec
Velocity head, h_v	0.5846	ft
Flow area	7.0687	ft ²
Wetted perimeter	9.4247	ft
Hydraulic radius	0.7500	ft
Top width, T	0.0000	ft
Froude number, F	0.00	
Shear stress (tractive force), τ	0.4683	psf

**HYDRAULIC ANALYSIS OF THE SANTA YNEZ RIVER
FOR THE PROPOSED
LIVE OAK LANES & INDUSTRIAL CENTER
BUELLTON, CA 93427**

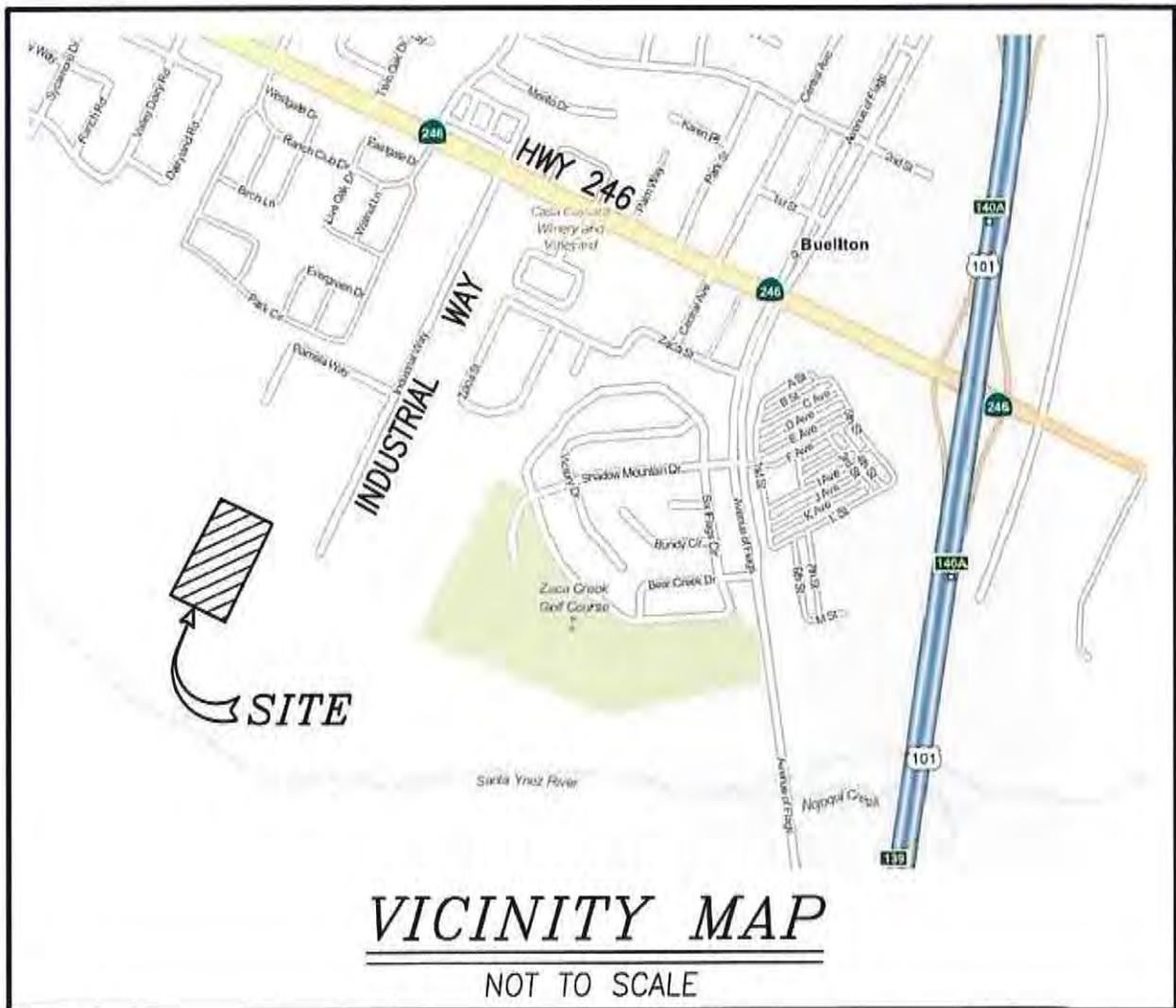
**PREPARED FOR
MICHAEL L. PETERSON
&
CAROLYN LESHER PETERSON
980 OLD RANCH ROAD
SOLVANG, CA. 93463
TEL. (805) 689-9631**

**November 6, 2014
Revised July 8, 2015**

INTRODUCTION

This report was prepared for the purpose of a proposed development on Industrial Way in Buellton California. The site is located on the north bank of the Santa Ynez River in Santa Barbara County. The assessor parcel numbers for the proposed project are 099-690-045 & 099-690-046. The proposed development consists of a bowling alley and a warehouse.

The computer software used to model the existing and post development conditions is the US Army Corps of Engineers' HEC-RAS River Analysis System. Multiple scenarios of the proposed parking area for the Live Oak Lanes Project were modeled. This report only contains the results of the existing conditions and the optimized parking lot finished ground elevation for the proposed development.



Flood Insurance Rate Map

The latest Flood Insurance Rate Map (FIRM) prepared under the National Flood Insurance Program shows that both Live Oak Lanes parcels are in the 100 year flood plain and a portion of the southerly parcel is in the floodway. See map below.



It is proposed that the property line between the two parcels be adjusted. The proposed property line adjustment is not a part of this report.

The project consists of the construction of a parking lot in the existing floodway and the construction of the Live Oak Lanes building and warehouse in the flood plain. This is to be accomplished without raising the water surface elevation for the design flood above the finish floor elevation of the existing upstream properties. The design flood water flow rate is symbolized as "Q" which is measured in cubic feet of water per second (CFS).

Brief History of the Santa Ynez River

Storm water flow of 120,000 CFS or more has been estimated in some portions of the Santa Ynez River prior to the construction of three man-made dams in the water shed. The natural storm water flood quantities or "Q's" for the Santa Ynez River have been modified by the construction of these three man-made dams constructed from about the 1920s to the 1950s. The Live Oak Lanes project is located downstream of all three of the existing dams. The nearest dam upstream of the Live Oak Lanes project is Bradbury Dam which has the most influence on the Santa Ynez River. The reservoir created by Bradbury Dam is Lake Cachuma which is the main water source for the south coast of Santa Barbara County.

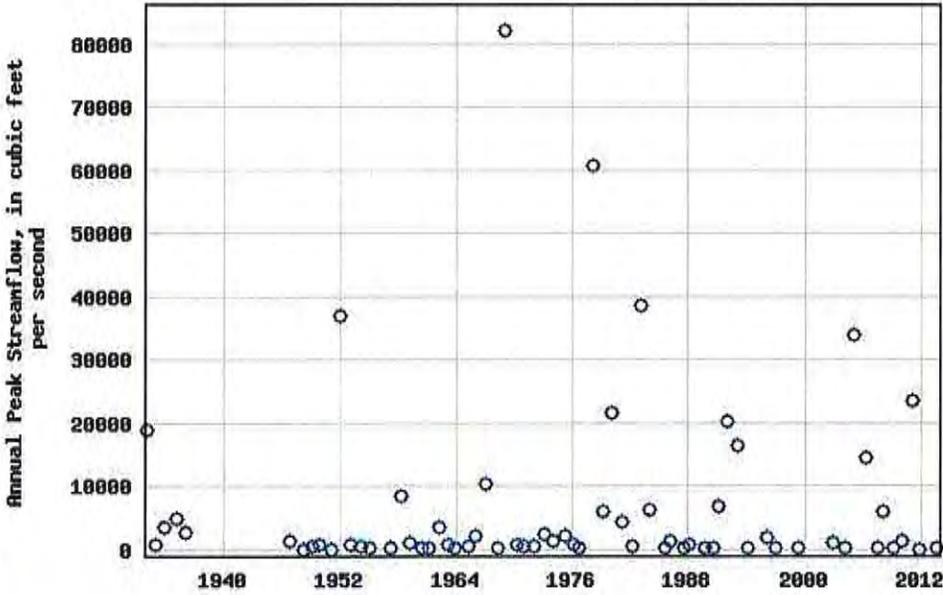
According to a County of Santa Barbara report titled "MODIFIED STORM OPERATIONS – BRADBURY DAM, CACHUMA PROJECT – SANTA BARBARA COUNTY, CALIFORNIA" dated December 29, 1998, the Bradbury dam spillway capacity is approximately 160,000 cubic feet per second (CFS). The same report

also states that between January 23rd and 26th in 1969, the flow of the Santa Ynez River at Lompoc “was 80,000 CFS which resulted in widespread damage”.

According to the United States Geologic Survey (USGS), station No. 11128500 on the Santa Ynez River measured a flow of approximately 82,000 CFS in January of 1969.



USGS 11128500 SANTA YNEZ R A SOLVANG CA



Therefore, a Q of 82,000 CFS was assumed for the River Analysis of this project.

Existing upstream development

The adjacent upstream parcel is already developed and occupied by the Terravant Wine Company. The Terravant parcel also appears to be located in the 100 year flood plain. Based on the Flood Insurance Rate Map, the Terravant building is located in the flood plain and its parking lot in the floodway. Research shows that the Terravant warehouse and buildings were built at finish floor elevations above the storm water surface elevation for a flow of 82,000 CFS. Per as-built plans provided by the City of Buellton, the finish floor elevation at the Terravant Wine Co. is 323.00' on the 1929 vertical datum. Because most of the records and mapping for this report are on the 1988 vertical datum, the as-built elevation at Terravant was adjusted to the NAVD 1988 datum. It was then estimated that the finish floor elevation at Terravant is 325.60' on the NAVD 1988 datum. Based on a survey report by Jon McKellar L.S. dated September 16th, 2014, the finish floor elevation at Terravant is 325.7' per NAVD 1988 datum.



The Topography and “n” Values

The aerial topography used in this analysis was provided by the County of Santa Barbara. The “n” values were estimated using the values given in table 3-1 of the HEC-RAS manual and a review of aerial photography by Google Earth.

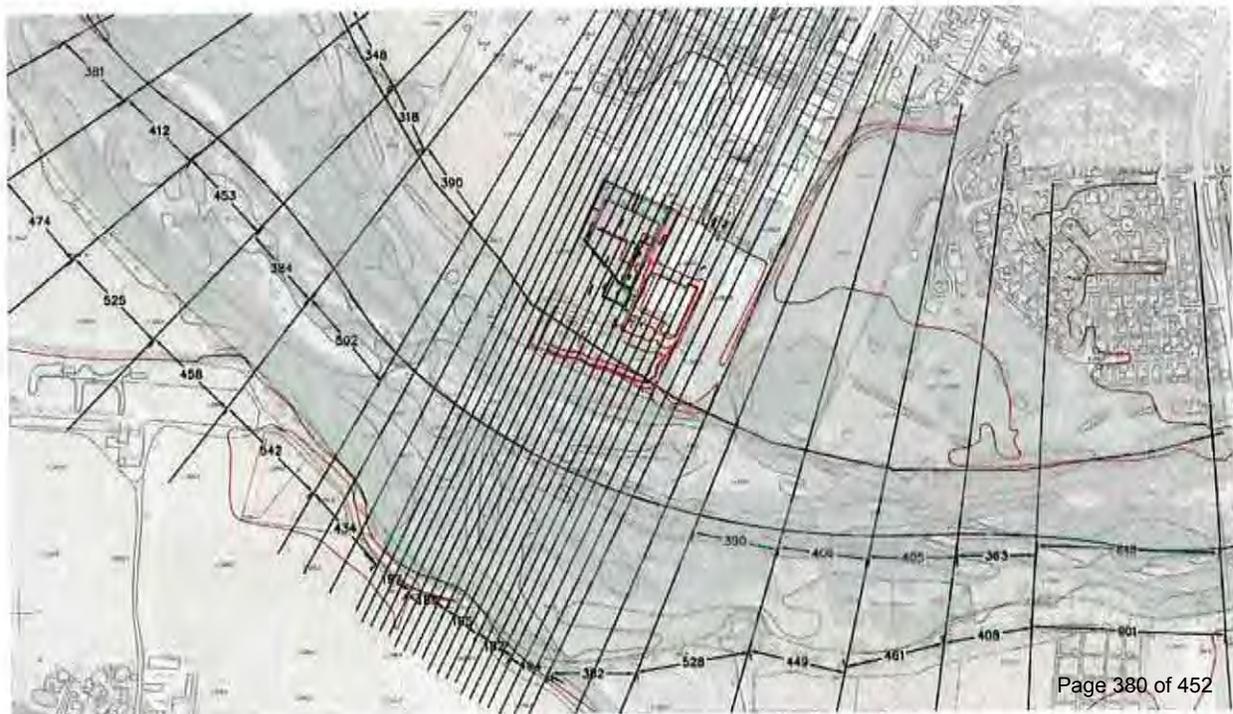
There is variability in the “n” values as a result of the level of vegetation growth. The main channel appears to have medium to dense brush in the winter. Therefore, an “n” value of 0.70 was estimated for the main channel. The overbank areas appear to have an “n” value that could fluctuate between pasture with short grass (“n” = 0.03) and scattered brush with heavy weeds or light brush and trees in winter (“n”=0.05).

To evaluate the model’s sensitivity to the “n” variability of the overbank, the model was ran in steady state mode twice for each scenario of pre and post development with the “n” values of the overbank areas adjusted between (“n”=0.03 and “n”=0.05). In post construction, some of the overbank area at the site will be paved and landscaped. In such area, an “n”=0.02 was applied.

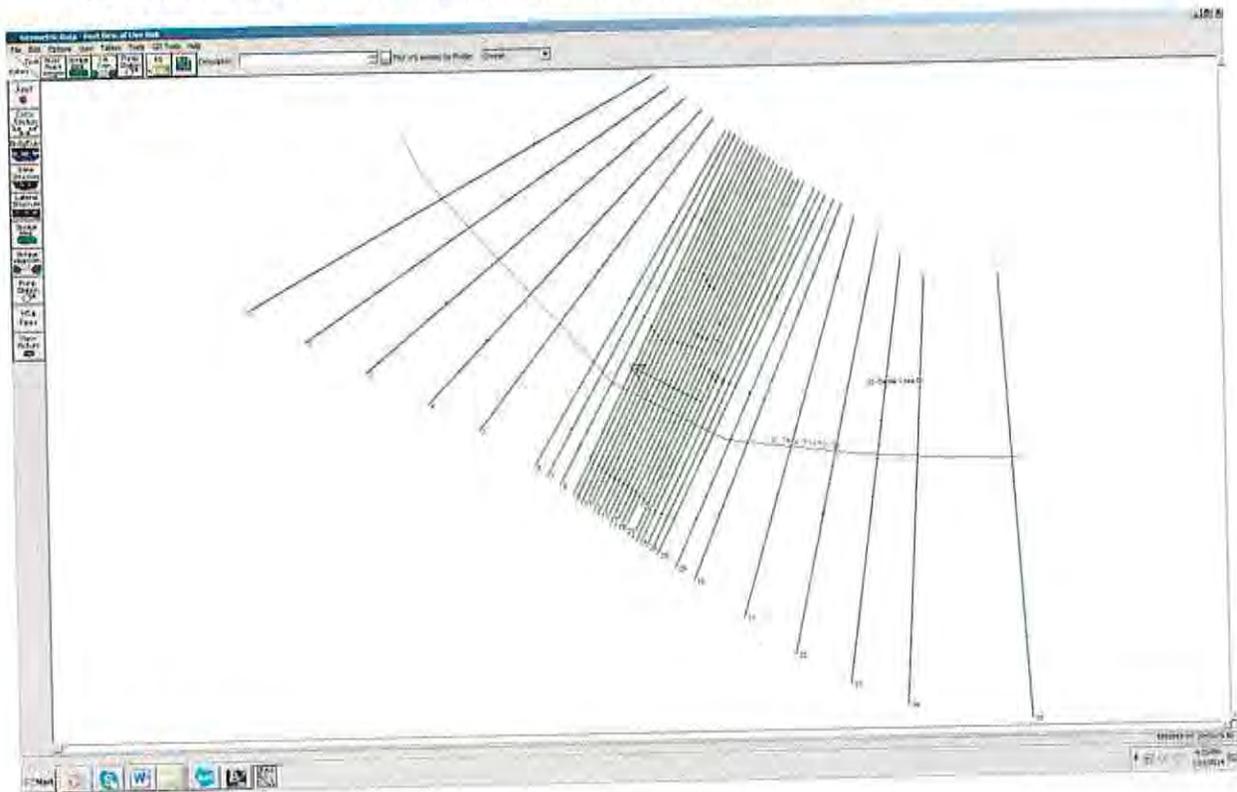
Fences, walls and fill are being proposed in post development. The proposed fences are to be removable if a flood event was to occur. As such, ineffective flow areas were added to the model to represent the cross sectional areas taken by the proposed walls and fill but does not include the fences.

The as-built plans of Terravant Wine Co., the aerial map from the County of Santa Barbara, the existing ground topography map for Line Oak Lanes project and the County of Santa Barbara parcel maps were combined to create one composite AutoCAD file. The data of all of these files was used to create a digital terrain model. Reference alignments for the channel of the Santa Ynez River and both banks were then created.

The map below is what the composite AutoCAD file looks like before being exported to HEC-RAS.



The display below shows the AutoCAD data after being imported from AutoCAD to HEC-RAS



A "Q" value of 82,000 CFS was added to the model. The upstream gage station flow records from January 1969 were reviewed which indicated the depth of flow during the 1969 flood to be 17.1'. An assumption of subcritical flow was then used on the model for predevelopment condition. The HEC-RAS program was then ran in the subcritical mode and the results appeared to match relatively close to the record data of the upstream gage station. Then a few adjustments were made to the model at the boundary conditions and the results again closely matched the field measurements of the upstream gage station's data.

The model was run assuming two different "n" values for the overbank conditions, a lower limit of 0.03 and an upper limit of 0.05. A water surface elevation was obtained at the upstream edge of the Terravant building (RS-26) which was estimated to be from a low of 324.76' to a high of 325.24'. The energy grade elevation at RS-26 was calculated to be from 325.39' to 325.81'.

The proposed Live Oak Lanes site layout and finish surface elevations were added to the model and were ran with both overbank "n" values. Based on these results, the Live Oak Lanes Project would raise the water surface elevation at Terravant (RS-26) to an estimated elevation between 324.98' and 325.28' and raise the total energy grade elevation to an estimated 325.58' to 325.85'.

CONCLUSION

The results of the pre and post development water surface elevations for both "n" values were below the existing Terravant finish floor elevation of 325.7'. Both upper "n" value for the pre development and post development energy grade elevations are above the finish floor elevation at Terravant.

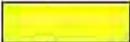
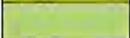
Summary Table

River Station 26 (RS-26) Existing Terravant F.F. =325.7'	Water Surface Elev.	Energy Grade Elev.
Pre-Development		
Overbank Manning's "n" = 0.03	324.76'	325.39'
Overbank Manning's "n" = 0.05	325.24'	325.81'
Post Development		
Overbank Manning's "n" = 0.03	324.98	325.58'
Overbank Manning's "n" = 0.05	325.28	325.85'

<u>Legend</u>	
Below Terravant Finish Floor	
Above Terravant Finish Floor	

See the attached data from HEC-RAS.

Pre Development with n=0.05 overbank							
River Sta	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Froude # Chl
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	
35	314.04	331.59	324.2	332.04	0.002291	5.87	0.28
34	310	329.23	323.73	329.77	0.003006	6.65	0.32
33	309.94	328.54	322.34	328.86	0.001761	5.14	0.24
32	309.87	327.83	321.87	328.13	0.001738	4.8	0.24
31	309.8	327.25	321.41	327.49	0.001293	4.3	0.21
30	309.73	326.74	319.44	326.97	0.001278	4.18	0.2
29	309.7	326.3	319.77	326.69	0.002187	5.09	0.26
28	309.67	325.75	319.98	326.26	0.003279	5.78	0.32
27	309.66	325.49	319.93	326.04	0.003726	6.01	0.34
26	309.65	325.24	319.5	325.81	0.003732	6.1	0.34
25	309.64	325.1	319.27	325.6	0.002621	5.28	0.28
24	309.63	324.92	319.26	325.42	0.003098	5.52	0.31
23	309.62	324.77	319.25	325.28	0.002948	5.5	0.3
22	309.61	324.63	319.25	325.14	0.003259	5.63	0.31
21	309.61	324.47	318.84	324.97	0.003621	5.73	0.33
20	309.6	324.21	318.72	324.79	0.003987	6.2	0.35
19	309.59	324.13	318.69	324.59	0.003285	5.63	0.31
18	309.58	324.05	318.74	324.42	0.002659	5.08	0.28
17	309.57	323.96	318.46	324.3	0.002424	4.87	0.27
16	309.57	323.88	318.59	324.18	0.002198	4.56	0.26
15	309.56	323.79	319.04	324.08	0.002084	4.47	0.25
14	309.55	323.51	318.58	323.94	0.003391	5.54	0.32
13	309.54	323.42	319.4	323.77	0.002803	4.93	0.29
12	309.53	323.29	319.22	323.64	0.002751	4.79	0.28
11	309.53	323.14	319.23	323.51	0.002926	4.86	0.29
10	309.52	322.99	319.14	323.37	0.003025	4.88	0.29
9	309.51	322.83	319.2	323.22	0.003254	4.97	0.3
8	309.49	322.66	319.08	323.05	0.003515	5.1	0.31
7	309.47	322.4	318.03	322.71	0.002225	4.26	0.25
6	309.45	322.12	318.17	322.46	0.002539	4.45	0.27
5	309.1	320.66	317.33	321.1	0.003684	4.94	0.32
4	304.99	319.2	316.48	319.68	0.004688	5.7	0.36
3	304.97	317.72	314	318.12	0.004067	5.28	0.34
2	304.9	315.98	312.24	316.39	0.004358	5.46	0.35
1	299.99	314	311.5	314.46	0.00538	5.32	0.37

 Terravant River Stations
 Live Oak River Stations

Pre Development with n=0.03 Overbank

River Sta	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Froude # Chl
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	
35	314.04	330.82	324.18	331.32	0.002438	5.85	0.28
34	310	328.43	323.79	329.04	0.002811	6.18	0.3
33	309.94	327.82	322.32	328.19	0.001568	4.69	0.23
32	309.87	327.2	321.87	327.53	0.001523	4.34	0.22
31	309.8	326.75	321.32	327.03	0.000942	3.58	0.18
30	309.73	326.38	319.39	326.62	0.001002	3.63	0.18
29	309.7	325.91	319.84	326.36	0.002239	5.04	0.26
28	309.67	325.33	320	325.9	0.003709	5.98	0.33
27	309.66	325.04	319.94	325.66	0.004334	6.29	0.36
26	309.65	324.76	319.52	325.39	0.004273	6.37	0.36
25	309.64	324.46	319.26	325.17	0.002904	5.33	0.3
24	309.63	324.31	319.25	324.94	0.003617	5.72	0.33
23	309.62	324.09	319.24	324.78	0.003429	5.68	0.32
22	309.61	323.93	319.24	324.6	0.003975	5.93	0.34
21	309.61	323.77	318.84	324.41	0.004047	6.03	0.35
20	309.6	323.57	318.72	324.21	0.004422	6.26	0.36
19	309.59	323.42	318.7	324.03	0.003345	5.42	0.31
18	309.58	323.38	318.8	323.84	0.002822	5.01	0.29
17	309.57	323.29	318.56	323.71	0.002503	4.74	0.27
16	309.57	323.21	318.9	323.58	0.002165	4.32	0.25
15	309.56	323.12	319.17	323.48	0.002024	4.23	0.24
14	309.55	322.84	318.58	323.34	0.00402	5.75	0.34
13	309.54	322.7	319.31	323.18	0.002876	4.73	0.29
12	309.53	322.52	319.03	323.04	0.002724	4.48	0.28
11	309.53	322.35	319.07	322.91	0.002934	4.56	0.29
10	309.52	322.18	318.91	322.76	0.003053	4.59	0.29
9	309.51	321.99	318.84	322.6	0.003352	4.71	0.3
8	309.49	321.76	318.71	322.42	0.003689	4.84	0.32
7	309.47	321.57	318.01	322.07	0.001996	3.78	0.24
6	309.45	321.3	317.99	321.84	0.002318	3.98	0.25
5	309.1	319.88	317.33	320.62	0.003345	4.39	0.3
4	304.99	318.63	316.29	319.28	0.004602	5.37	0.35
3	304.97	317.3	314.05	317.76	0.003793	5.17	0.32
2	304.9	315.67	312.24	316.12	0.004097	5.15	0.33
1	299.99	314	311.36	314.58	0.003341	4.33	0.3

 Terravant River Stations
 Live Oak River Stations

Post Development with n=0.05 Overbank Without Fences							
River Sta	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Froude # Chl
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	
35	314.04	331.59	324.2	332.04	0.002292	5.87	0.28
34	310	329.23	323.73	329.77	0.003007	6.65	0.32
33	309.94	328.54	322.34	328.86	0.001762	5.15	0.24
32	309.87	327.83	321.87	328.13	0.001739	4.8	0.24
31	309.8	327.25	321.41	327.49	0.001294	4.31	0.21
30	309.73	326.76	319.43	326.99	0.001193	4.05	0.2
29	309.7	326.33	319.77	326.71	0.002165	5.08	0.26
28	309.67	325.78	319.98	326.29	0.003238	5.75	0.31
27	309.66	325.53	319.93	326.08	0.003675	5.99	0.33
26	309.65	325.28	319.5	325.85	0.003684	6.07	0.33
25	309.64	325.14	319.28	325.61	0.002963	5.63	0.3
24	309.63	324.93	319.27	325.42	0.003314	5.71	0.32
23	309.62	324.77	319.27	325.27	0.003251	5.78	0.32
22	309.61	324.59	319.26	325.11	0.00355	5.87	0.33
21	309.61	324.43	318.79	324.95	0.003476	5.86	0.32
20	309.6	324.19	318.78	324.79	0.003174	5.36	0.31
19	309.59	323.94	318.78	324.62	0.003431	5.51	0.32
18	309.58	323.57	318.65	324.45	0.003199	5.25	0.31
17	309.57	323.52	318.29	324.29	0.002395	4.88	0.27
16	309.57	323.17	318.43	324.15	0.003157	5.08	0.3
15	309.56	322.97	318.18	323.99	0.003622	5.3	0.32
14	309.55	322.99	318.64	323.75	0.003256	5.49	0.31
13	309.54	323.1	319.4	323.49	0.003256	5.19	0.31
12	309.53	322.95	319.22	323.34	0.003217	5.04	0.3
11	309.53	322.77	319.23	323.18	0.003481	5.14	0.31
10	309.52	322.59	319.13	323.01	0.003661	5.2	0.32
9	309.51	322.38	319.12	322.82	0.004026	5.33	0.33
8	309.49	322.14	319.01	322.61	0.004624	5.6	0.36
7	309.47	321.79	318.03	322.16	0.002942	4.67	0.29
6	309.45	321.36	318.17	321.78	0.003668	5.03	0.32
5	309.1	320.99	317.33	321.4	0.003129	4.68	0.29
4	304.99	319.21	316.44	319.69	0.004654	5.68	0.36
3	304.97	317.71	314.01	318.12	0.003855	5.39	0.33
2	304.9	315.9	312.22	316.33	0.004562	5.55	0.35
1	299.99	314	311.54	314.42	0.004738	5.16	0.35

Legend

- Terravant River Sections
- Live Oak River Sections

Post Development with n=0.03 Overbank Without Fences							
River Sta	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Froude # Chl
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	
35	314.04	330.84	324.2	331.33	0.002424	5.84	0.28
34	310	328.47	323.82	329.07	0.002771	6.15	0.3
33	309.94	327.88	322.37	328.24	0.001523	4.63	0.22
32	309.87	327.28	321.91	327.61	0.001465	4.27	0.22
31	309.8	326.84	321.32	327.12	0.000903	3.52	0.17
30	309.73	326.5	319.38	326.73	0.000949	3.56	0.18
29	309.7	326.06	319.85	326.49	0.002107	4.93	0.26
28	309.67	325.52	320.04	326.06	0.003444	5.83	0.32
27	309.66	325.24	319.97	325.83	0.004007	6.13	0.35
26	309.65	324.98	319.47	325.58	0.004009	6.23	0.35
25	309.64	324.82	319.38	325.35	0.0029	5.45	0.3
24	309.63	324.63	319.31	325.15	0.003444	5.7	0.32
23	309.62	324.46	319.32	325	0.003255	5.67	0.31
22	309.61	324.28	319.26	324.84	0.003713	5.88	0.33
21	309.61	324.12	318.88	324.66	0.003682	5.9	0.33
20	309.6	323.8	318.77	324.48	0.003721	5.65	0.33
19	309.59	323.57	318.8	324.3	0.003989	5.79	0.34
18	309.58	323.16	318.64	324.09	0.003804	5.56	0.33
17	309.57	323.08	318.36	323.91	0.002886	5.21	0.29
16	309.57	322.64	318.42	323.73	0.003977	5.48	0.33
15	309.56	322.41	318.19	323.53	0.004723	5.8	0.36
14	309.55	322.39	318.64	323.23	0.004394	6.11	0.36
13	309.54	322.45	319.31	322.96	0.003303	4.97	0.31
12	309.53	322.23	319.06	322.8	0.003176	4.73	0.3
11	309.53	322.03	319.07	322.64	0.003499	4.85	0.31
10	309.52	321.82	318.98	322.46	0.003734	4.91	0.32
9	309.51	321.58	318.83	322.27	0.004234	5.09	0.34
8	309.49	321.29	318.72	322.04	0.004838	5.3	0.36
7	309.47	320.99	318.01	321.58	0.00274	4.22	0.27
6	309.45	320.54	318	321.22	0.003606	4.64	0.31
5	309.1	320.19	317.34	320.86	0.002804	4.13	0.27
4	304.99	318.68	316.31	319.31	0.004467	5.31	0.35
3	304.97	317.31	314.16	317.77	0.003774	5.16	0.32
2	304.9	315.54	312.24	316.01	0.004481	5.33	0.35
1	299.99	314	311.36	314.51	0.003014	4.12	0.28
Legend							
Terravant River Sections							
Live Oak River Sections							

CITY OF BUELLTON
COMMUNITY RETENTION BASIN
HYDROLOGIC STUDY

for
LIVE OAK LANES and INDUSTRIAL BUILDING
INDUSTRIAL WAY
BUELLTON, CA 93427
A.P.N. 099-690-045 & 046

REVISED JAN 19, 2016
PREPARED 20 OCT 2015 By:

SID GOLDSTIEN-CIVIL ENGINEER, INC.
PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT

650 ALAMO PINTADO ROAD
SUITE 302
SOLVANG, CA. 93463

email: sid@sjgce.com
web: www.sjgce.com

tel: (805) 688-1526
fax: (805) 688-6582

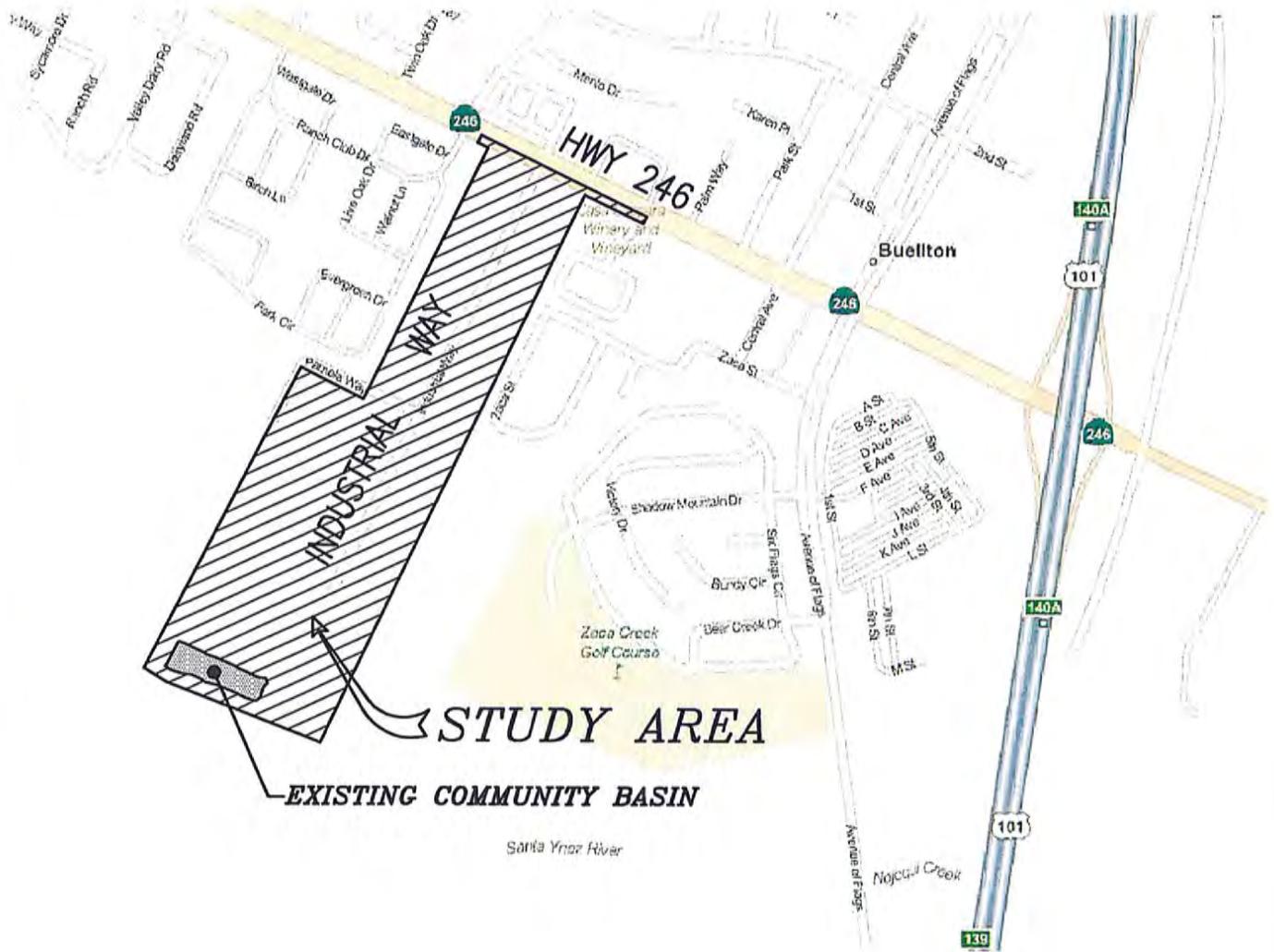


C:\Users\jgoldstien\Documents\Long_VDRK_PROJECTS\SJGCE_Jobs\14-10-100_Live_Dsk_Lens\URBAN\AGE\246 INDUSTRIAL\246 INDUSTRIAL_TDP\04g Oct 20, 2015 - 10:40am

CITY OF BUELLTON COMMUNITY RETENTION BASIN TABLE OF CONTENTS

<u>Table of Contents</u>	<u>Page</u>
Vicinity Map	1
Drainage Report Introduction	2
Hydrologic Study Area Map	3
Aerial Photo Overlay	4
Hydraflow Hydrographs	5
NRCS Soil Information	14
SCS Curve Numbers	16
Kirpich Nomograph	17
Summit Engineering, Inc. Existing Detention Basin Analysis	18
Braun & Associates Percolation Test Results	19

CITY OF BUELLTON COMMUNITY RETENTION BASIN VICINITY MAP



CITY OF BUELLTON COMMUNITY RETENTION BASIN HYDROLOGIC ANALYSIS INTRODUCTION

The proposed LIVE OAK LANES & INDUSTRIAL BUILDING proposes the construction of a 42,172 square foot Family Entertainment Center and 18,470 square foot warehouse building. The project site, located at the south end of Industrial Way in the City of Buellton occupies two vacant parcels identified as A.P.N. 099-690-045 & 046. The project site runoff is proposed to be routed to the existing community retention basin located on the adjacent parcel to the south, A.P.N. 099-690-039. This hydrologic analysis was prepared to document the quantity of stormwater runoff tributary to the community basin and to demonstrate its capacity.

The area tributary to the existing community basin includes a portion of Highway 246, and all of the parcels on the immediate east and west sides of Industrial Way. This area, shown as Drainage Area "A" on the attached exhibits, is 29.65 acres. For the purposes of this report, it is assumed that all parcels which are currently vacant are to be developed as commercial properties. Drainage Area "B" is 14.58 acres and includes parcels to the west of Industrial Way which are currently, or are intended to be tributary to the existing community basin. This includes the proposed Live Oak Lanes & Industrial Building parcels. A storm drain located along the west property line of A.P.N. 099-690-045 will extend an offsite drain line from the north (approved by the City of Buellton). The discharge from the drain will be to the Existing Community Retention Basin. This drain line will operate to benefit existing properties north of Live Oak Lanes and west of Industrial Way. This hydrologic analysis demonstrates that the existing Community Basin is designed to provide retention and address storm water quality for all parcels in Drainage Areas "A" and "B".

EXISTING COMMUNITY RETENTION BASIN

The existing community basin is rectangular in shape. It is approximately 130 feet wide, 466 feet long, 5 feet deep and has a bottom elevation of 315. The basin outlet is a rectangular spillway with a length of 6 feet and crest elevation of 318.7. The spillway surface drains to the southwest and eventually to the Santa Ynez River. Data used for the existing basin was obtained from the Summit Engineering, Inc. "Existing Detention Basin Analysis" memo to the City of Buellton, dated January 21, 2015. A topographic survey prepared for the Live Oak Lanes project shows portions of the basin bottom lower than elevation 315. The datum used in this hydrologic analysis is NAVD88.

HYDROLOGIC ANALYSIS

Autodesk HydraFlow Hydrographs modeling software was used to calculate stormwater runoff rates and volumes for the two drainage areas. Based on NRCS Web Soil Survey, the soils in the area are classified as Hydrologic Soil Group A, Type "Sh" Sandy alluvial which is excessively drained. An infiltration rate of 10"/hr is incorporated in the basin modeling. Actual percolation rates obtained by testing performed by Braun & Associates indicate infiltration rates of 30"/hr to 36"/hr. The percolation test results are provided in this hydrologic analysis. Weighted Runoff Curve Numbers (CN) were applied to the drainage areas according SCS land use tables.

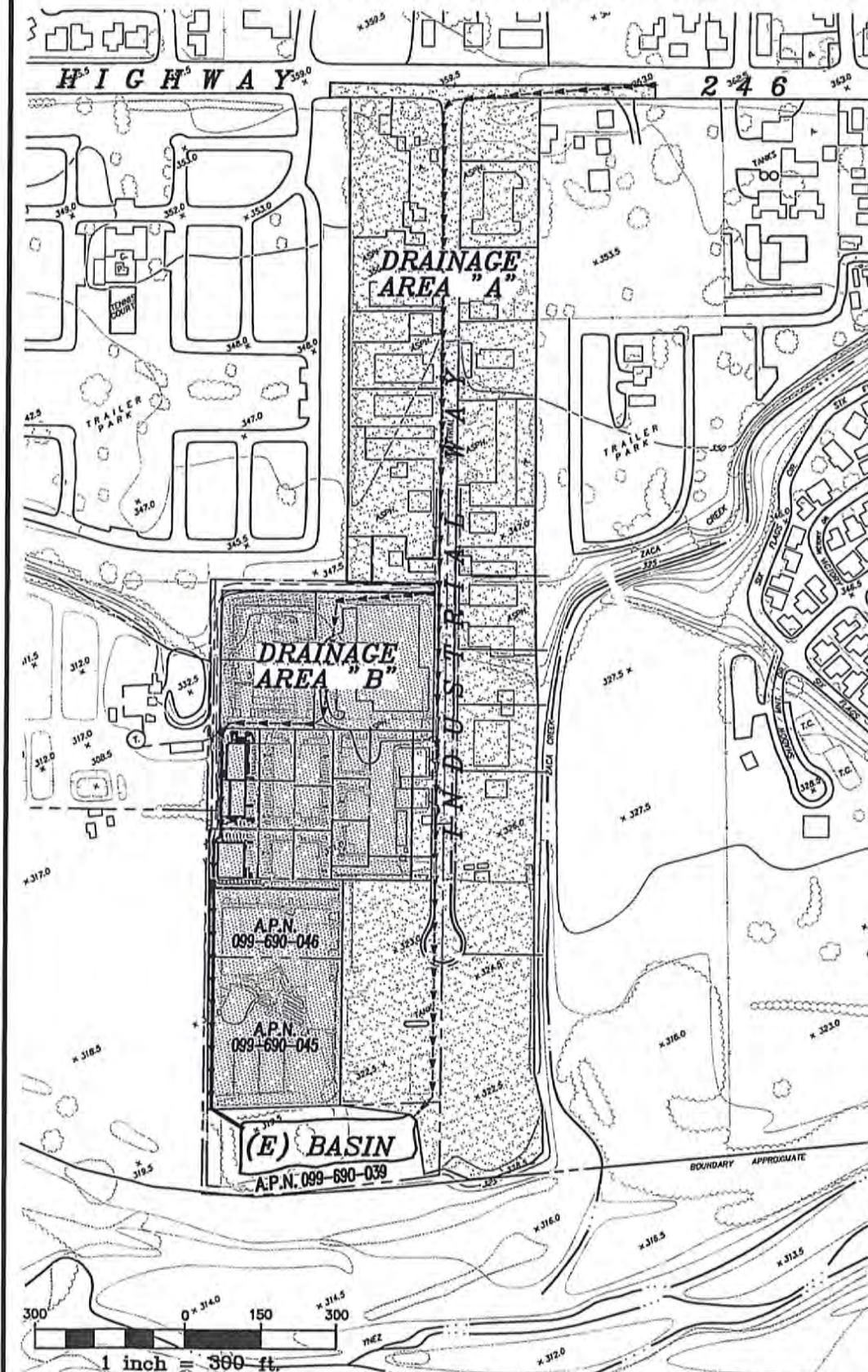
Drainage Area "B" Q_{25} runoff was calculated in a separate drainage report prepared for the Live Oak Lanes project, dated July 1, 2015. The calculations for the separate Live Oak Lanes drainage report include proposed onsite infiltration beds and underground stormwater chambers. The CN in the hydrograph provided herein for Drainage Area "B" was manipulated to achieve the same Q_{25} runoff as in the separate Live Oak Lanes drainage report.

<u>Drainage Area "A"</u>	<u>Drainage Area "B"</u>	<u>RUNOFF TOTAL</u>
$Q_{25} = 85.46 \text{ cfs}$	$Q_{25} = 25.31 \text{ cfs}$	$Q_{25} = 110.76 \text{ cfs}$
+	=	
<u>Exfiltration Due to Percolation</u>	<u>Basin Max. WSL</u>	
$Q_{25} = 17.33 \text{ cfs}$	$Q_{25} = 317.88$	

Based on a Q_{25} of 110.76 draining to the basin and an exfiltration due to percolation of 17.33 cfs within the basin, the Q_{25} maximum water surface level is 317.88. Therefore, the basin fully contains the Q_{25} without spilling.

In a Q_{25} or greater event, the water surface in the Santa Ynez River is 321.06 which is over the top of the existing community basin berm by 1.06'.

CITY OF BUELLTON COMMUNITY RETENTION BASIN HYDROLOGIC STUDY AREA



DRAINAGE AREA "A"
AREA = 29.65 acres

DRAINAGE AREA "B"
AREA = 14.58 acres

(E) COMMUNITY BASIN
BOTTOM LENGTH = 130'
BOTTOM WIDTH = 466'
DEPTH = 5'
SPILLWAY LENGTH = 6'
SPILLWAY DEPTH = 1.3'

Hydraflow Table of Contents

25 - Year

Summary Report.....	5
Hydrograph Reports.....	6
Hydrograph No. 1, SBUH Runoff, DRAINAGE AREA A.....	6
Hydrograph No. 2, SBUH Runoff, DRAINAGE AREA B.....	7
Hydrograph No. 3, Combine, COMBINED RUNOFF.....	8
Hydrograph No. 4, Reservoir, BASIN INCL. PERC.....	9
Pond Report - Community Basin with exfilt.....	10
Hydrograph No. 5, Reservoir, BASIN EXCL. PERC.....	11
Pond Report - Community Basin no exfilt.....	12
IDF Report.....	13

Hydrograph Summary Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2013 by Autodesk, Inc. v10

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description	
1	SBUH Runoff	85.46	6	600	518,415	—	—	—	DRAINAGE AREA A	
2	SBUH Runoff	25.31	6	600	190,666	—	—	—	DRAINAGE AREA B	
3	Combine	110.76	6	600	709,080	1, 2	—	—	COMBINED RUNOFF	
4	Reservoir	17.33	6	672	709,078	3	317.88	195,021	BASIN INCL. PERC	
5	Reservoir	16.71	6	678	451,042	3	319.59	330,250	BASIN EXCL. PERC	
246 INDUSTRIAL.gpw					Return Period: 25 Year			Wednesday, 01 / 6 / 2016		
Page 394 of 452										

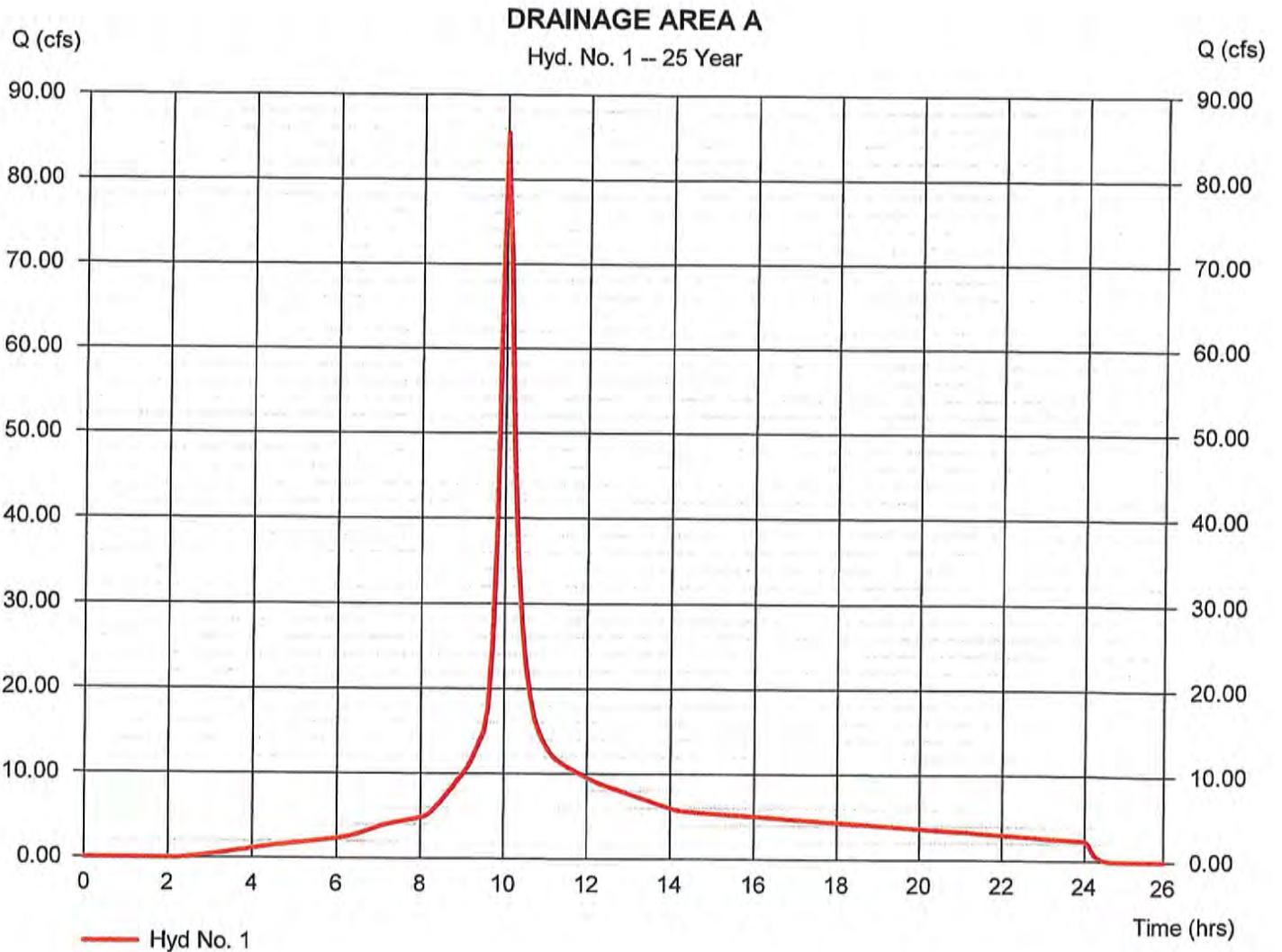
Hydrograph Report

Hyd. No. 1

DRAINAGE AREA A

Hydrograph type	= SBUH Runoff	Peak discharge	= 85.46 cfs
Storm frequency	= 25 yrs	Time to peak	= 10.00 hrs
Time interval	= 6 min	Hyd. volume	= 518,415 cuft
Drainage area	= 29.650 ac	Curve number	= 90*
Basin Slope	= 1.2 %	Hydraulic length	= 3290 ft
Tc method	= User	Time of conc. (Tc)	= 8.50 min
Total precip.	= 5.97 in	Distribution	= Type I
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = [(3.210 x 98) + (26.440 x 89)] / 29.650

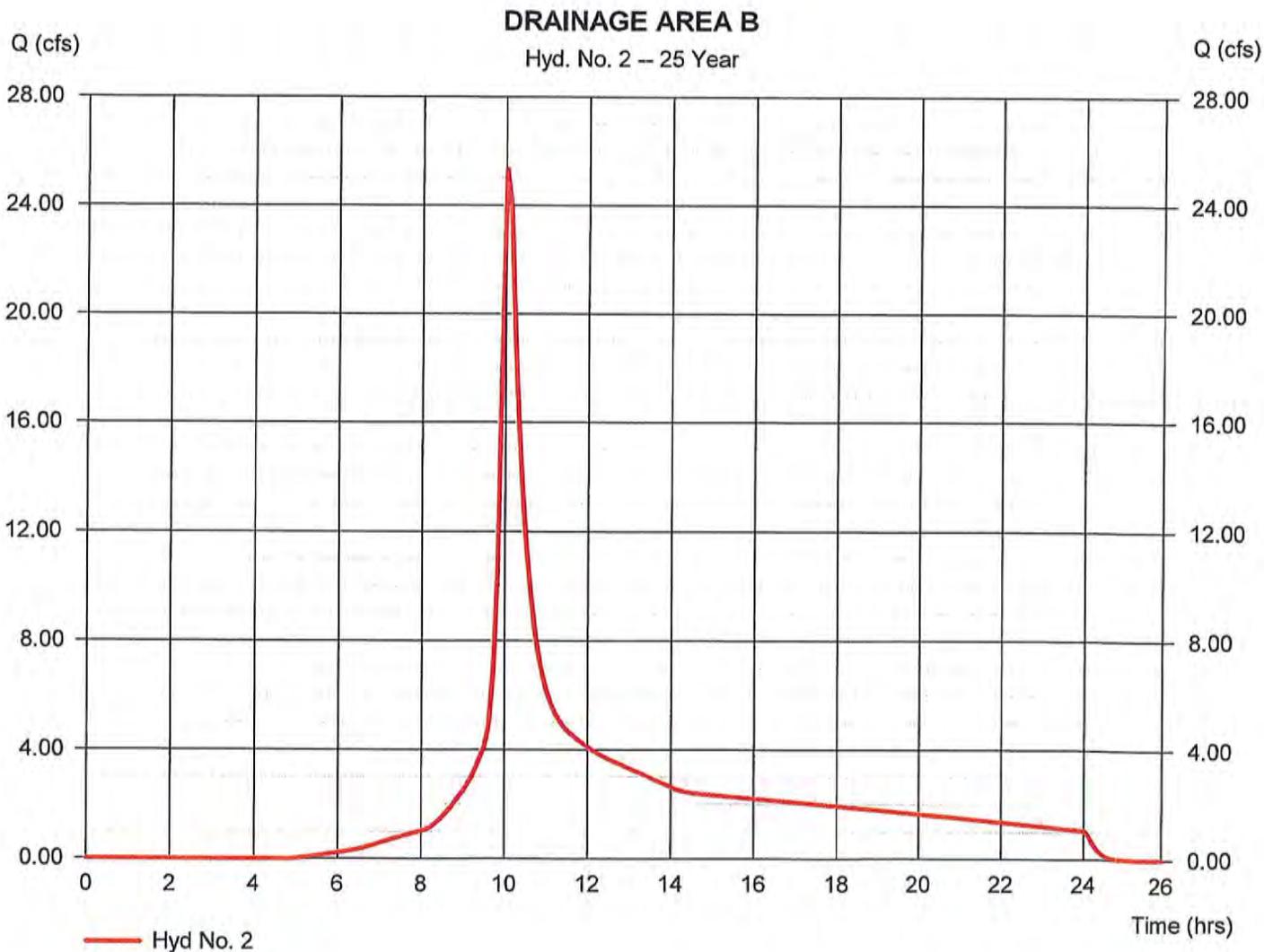


Hydrograph Report

Hyd. No. 2

DRAINAGE AREA B

Hydrograph type	= SBUH Runoff	Peak discharge	= 25.31 cfs
Storm frequency	= 25 yrs	Time to peak	= 10.00 hrs
Time interval	= 6 min	Hyd. volume	= 190,666 cuft
Drainage area	= 14.580 ac	Curve number	= 78.5
Basin Slope	= 1.2 %	Hydraulic length	= 1875 ft
Tc method	= KIRPICH	Time of conc. (Tc)	= 14.18 min
Total precip.	= 5.97 in	Distribution	= Type I
Storm duration	= 24 hrs	Shape factor	= n/a



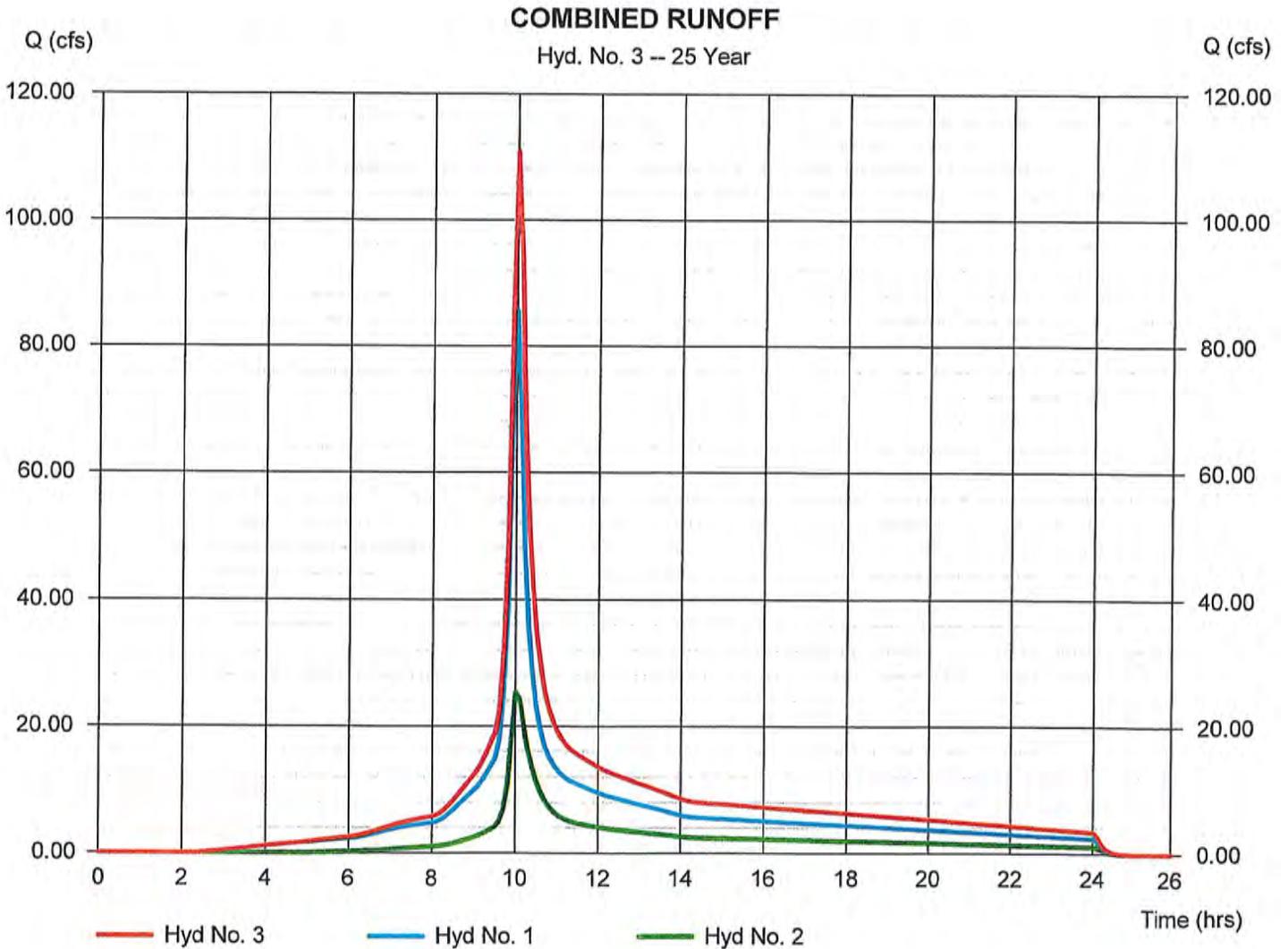
Hydrograph Report

Hyd. No. 3

COMBINED RUNOFF

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 6 min
Inflow hyds. = 1, 2

Peak discharge = 110.76 cfs
Time to peak = 10.00 hrs
Hyd. volume = 709,080 cuft
Contrib. drain. area = 44.230 ac



Hydrograph Report

Hyd. No. 4

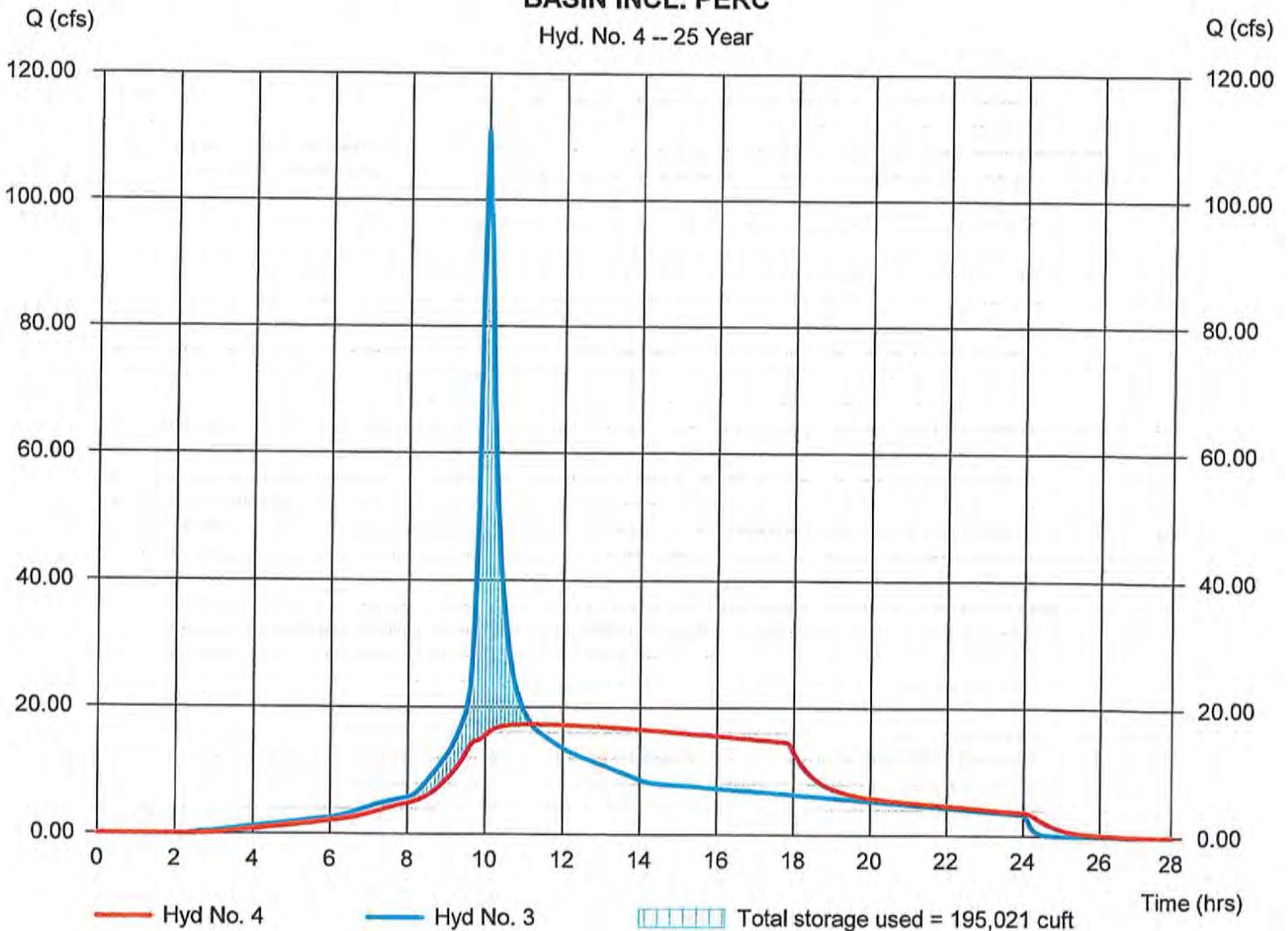
BASIN INCL. PERC

Hydrograph type	= Reservoir	Peak discharge	= 17.33 cfs
Storm frequency	= 25 yrs	Time to peak	= 11.20 hrs
Time interval	= 6 min	Hyd. volume	= 709,078 cuft
Inflow hyd. No.	= 3 - COMBINED RUNOFF	Max. Elevation	= 317.88 ft
Reservoir name	= Community Basin with exfilt.	Max. Storage	= 195,021 cuft

Storage Indication method used. Outflow includes exfiltration.

BASIN INCL. PERC

Hyd. No. 4 -- 25 Year



Pond Report

Pond No. 1 - Community Basin with exfil.

Pond Data

Trapezoid -Bottom L x W = 466.0 x 130.0 ft, Side slope = 4.00:1, Bottom elev. = 315.00 ft, Depth = 5.00 ft

Stage / Storage Table

Stage (ft)	Elevation (ft)	Contour area (sqft)	Incr. Storage (cuft)	Total storage (cuft)
0.00	315.00	60,580	0	0
0.50	315.50	62,980	30,889	30,889
1.00	316.00	65,412	32,097	62,985
1.50	316.50	67,876	33,321	96,306
2.00	317.00	70,372	34,561	130,867
2.50	317.50	72,900	35,817	166,683
3.00	318.00	75,460	37,089	203,772
3.50	318.50	78,052	38,377	242,149
4.00	319.00	80,676	39,681	281,829
4.50	319.50	83,332	41,001	322,830
5.00	320.00	86,020	42,337	365,167

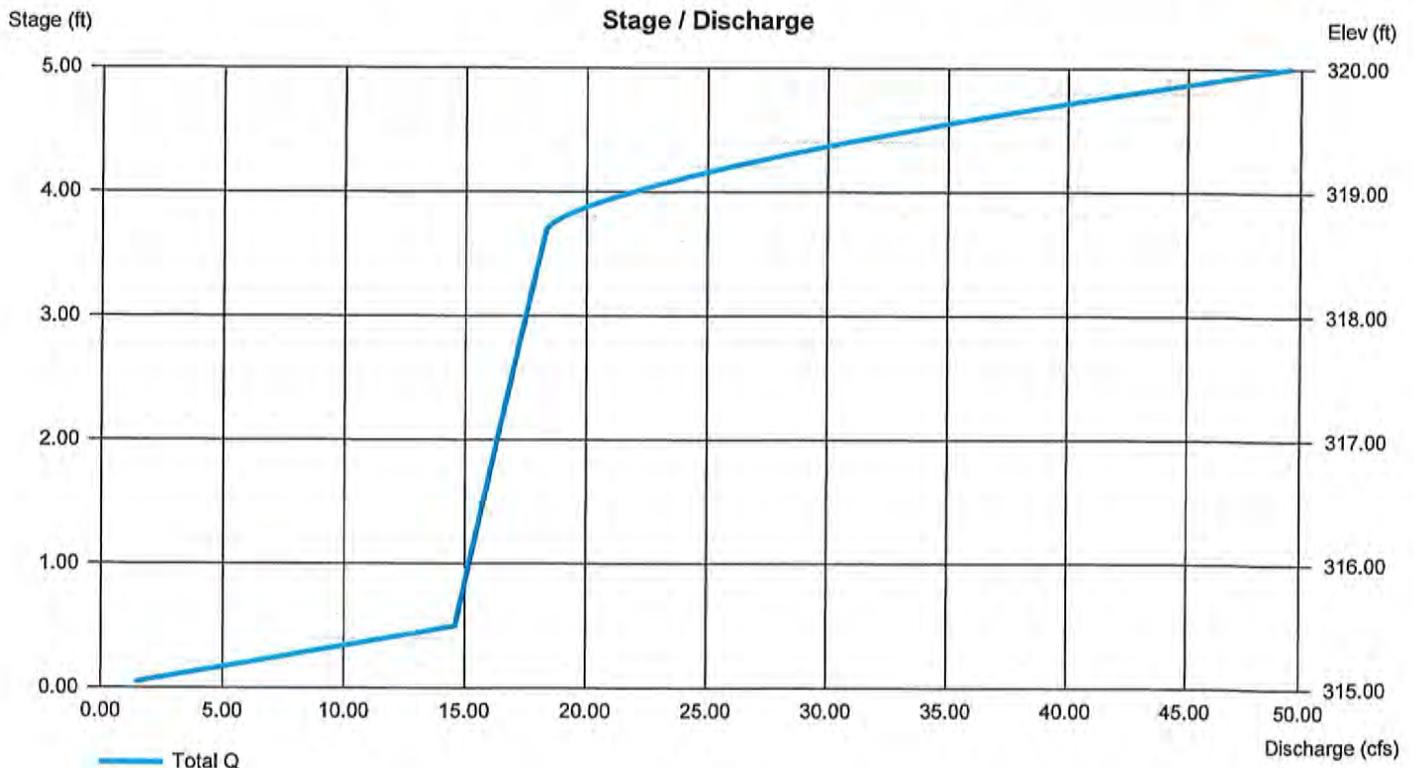
Culvert / Orifice Structures

	[A]	[B]	[C]	[PrfRsr]
Rise (in)	= 0.00	0.00	0.00	0.00
Span (in)	= 0.00	0.00	0.00	0.00
No. Barrels	= 0	0	0	0
Invert El. (ft)	= 0.00	0.00	0.00	0.00
Length (ft)	= 0.00	0.00	0.00	0.00
Slope (%)	= 0.00	0.00	0.00	n/a
N-Value	= .013	.013	.013	n/a
Orifice Coeff.	= 0.60	0.60	0.60	0.60
Multi-Stage	= n/a	No	No	No

Weir Structures

	[A]	[B]	[C]	[D]
Crest Len (ft)	= 6.00	0.00	0.00	0.00
Crest El. (ft)	= 318.70	0.00	0.00	0.00
Weir Coeff.	= 3.33	3.33	3.33	3.33
Weir Type	= Rect	—	—	—
Multi-Stage	= No	No	No	No
Exfil.(in/hr)	= 10.000 (by Contour)			
TW Elev. (ft)	= 0.00			

Note: Culvert/Orifice outflows are analyzed under inlet (ic) and outlet (oc) control. Weir risers checked for orifice conditions (ic) and submergence (s).



Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2013 by Autodesk, Inc. v10

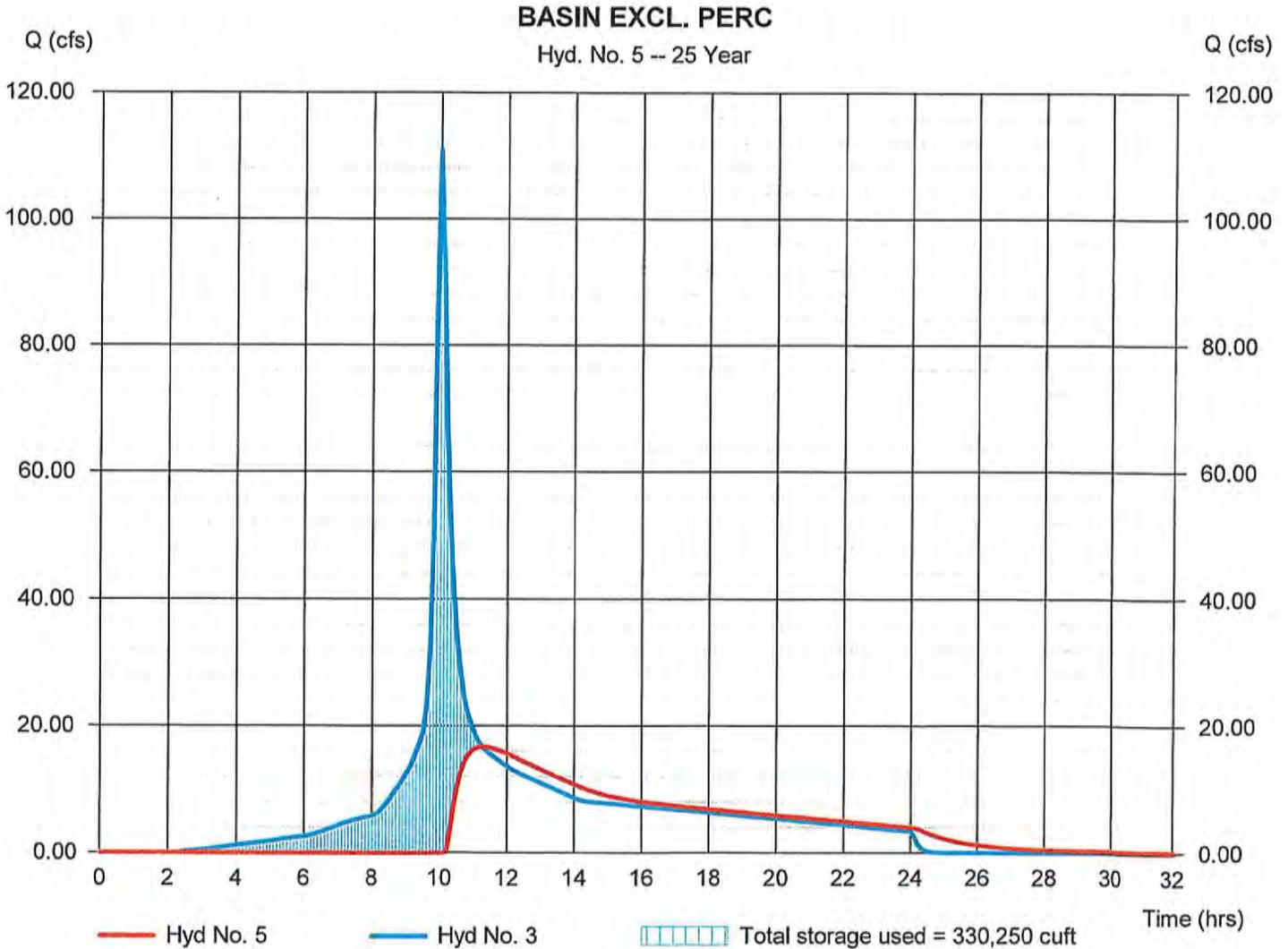
Wednesday, 01 / 6 / 2016

Hyd. No. 5

BASIN EXCL. PERC

Hydrograph type	= Reservoir	Peak discharge	= 16.71 cfs
Storm frequency	= 25 yrs	Time to peak	= 11.30 hrs
Time interval	= 6 min	Hyd. volume	= 451,042 cuft
Inflow hyd. No.	= 3 - COMBINED RUNOFF	Max. Elevation	= 319.59 ft
Reservoir name	= Community Basin no exfilt.	Max. Storage	= 330,250 cuft

Storage Indication method used. Outflow excludes exfiltration



Pond Report

Pond No. 2 - Community Basin no exfilt.

Pond Data

Trapezoid -Bottom L x W = 466.0 x 130.0 ft, Side slope = 4.00:1, Bottom elev. = 315.00 ft, Depth = 5.00 ft

Stage / Storage Table

Stage (ft)	Elevation (ft)	Contour area (sqft)	Incr. Storage (cuft)	Total storage (cuft)
0.00	315.00	60,580	0	0
0.50	315.50	62,980	30,889	30,889
1.00	316.00	65,412	32,097	62,985
1.50	316.50	67,876	33,321	96,306
2.00	317.00	70,372	34,561	130,867
2.50	317.50	72,900	35,817	166,683
3.00	318.00	75,460	37,089	203,772
3.50	318.50	78,052	38,377	242,149
4.00	319.00	80,676	39,681	281,829
4.50	319.50	83,332	41,001	322,830
5.00	320.00	86,020	42,337	365,167

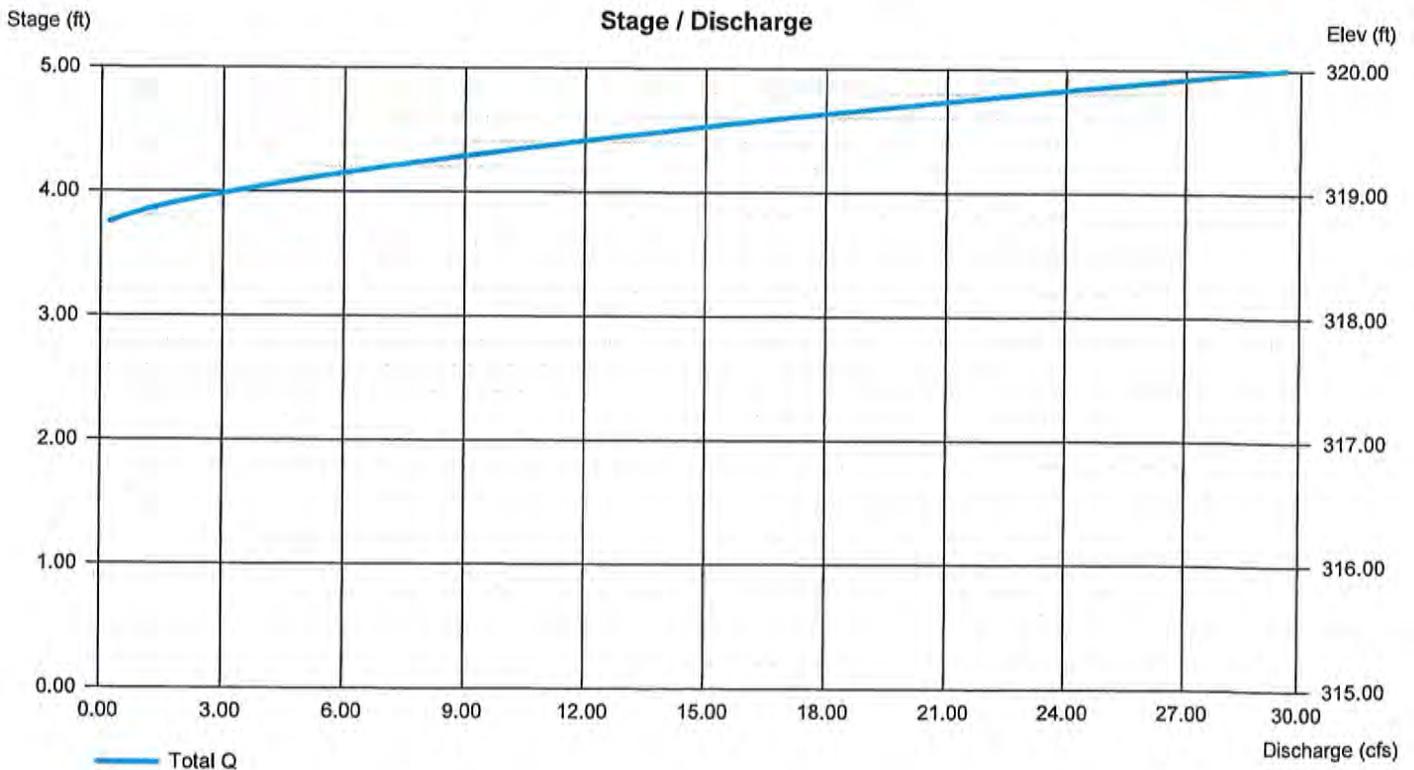
Culvert / Orifice Structures

	[A]	[B]	[C]	[PrfRsr]
Rise (in)	= 0.00	0.00	0.00	0.00
Span (in)	= 0.00	0.00	0.00	0.00
No. Barrels	= 0	0	0	0
Invert El. (ft)	= 0.00	0.00	0.00	0.00
Length (ft)	= 0.00	0.00	0.00	0.00
Slope (%)	= 0.00	0.00	0.00	n/a
N-Value	= .013	.013	.013	n/a
Orifice Coeff.	= 0.60	0.60	0.60	0.60
Multi-Stage	= n/a	No	No	No

Weir Structures

	[A]	[B]	[C]	[D]
Crest Len (ft)	= 6.00	0.00	0.00	0.00
Crest El. (ft)	= 318.70	0.00	0.00	0.00
Weir Coeff.	= 3.33	3.33	3.33	3.33
Weir Type	= Rect	—	—	—
Multi-Stage	= No	No	No	No
Exfil.(in/hr)	= 0.000 (by Contour)			
TW Elev. (ft)	= 0.00			

Note: Culvert/Orifice outflows are analyzed under inlet (ic) and outlet (oc) control. Weir risers checked for orifice conditions (ic) and submergence (s).



Hydraflow Rainfall Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2013 by Autodesk, Inc. v10

Wednesday, 01 / 6 / 2016

Return Period (Yrs)	Intensity-Duration-Frequency Equation Coefficients (FHA)			
	B	D	E	(N/A)
1	0.0000	0.0000	0.0000	—
2	41.3766	10.7000	0.8283	—
3	0.0000	0.0000	0.0000	—
5	51.0794	10.7000	0.8283	—
10	58.4759	10.7000	0.8283	—
25	66.8267	10.7000	0.8283	—
50	73.9845	10.7000	0.8283	—
100	80.3471	10.7000	0.8283	—

File name: Buellton SantaYnez.IDF

Intensity = B / (Tc + D)^E

Return Period (Yrs)	Intensity Values (in/hr)											
	5 min	10	15	20	25	30	35	40	45	50	55	60
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	4.23	3.36	2.81	2.43	2.14	1.92	1.74	1.60	1.48	1.38	1.29	1.22
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	5.22	4.15	3.47	2.99	2.64	2.37	2.15	1.98	1.83	1.70	1.59	1.50
10	5.98	4.75	3.97	3.43	3.03	2.71	2.47	2.26	2.09	1.95	1.83	1.72
25	6.83	5.43	4.54	3.92	3.46	3.10	2.82	2.59	2.39	2.23	2.09	1.96
50	7.56	6.01	5.03	4.34	3.83	3.43	3.12	2.86	2.65	2.47	2.31	2.17
100	8.21	6.53	5.46	4.71	4.16	3.73	3.39	3.11	2.88	2.68	2.51	2.36

Tc = time in minutes. Values may exceed 60.

Precip. file name: Buellton-SantaYnez2.pcp

Storm Distribution	Rainfall Precipitation Table (in)							
	1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr
SCS 24-hour	0.00	2.83	0.00	4.10	4.93	5.97	6.72	7.45
SCS 6-Hr	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-1st	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-2nd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-3rd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-4th	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-Indy	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Custom	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

CITY OF BUELLTON COMMUNITY RETENTION BASIN NRCS SOIL INFORMATION

Map Unit Description: Sandy alluvial land—Northern Santa Barbara Area, California

EXISTING COMMUNITY BASIN

Northern Santa Barbara Area, California

Sh—Sandy alluvial land

Map Unit Setting

National map unit symbol: hc1r
Mean annual precipitation: 14 inches
Mean annual air temperature: 61 degrees F
Farmland classification: Not prime farmland

Map Unit Composition

Sandy alluvial land and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Sandy Alluvial Land

Setting

Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Yy

Typical profile

H1 - 0 to 10 inches: sand
H2 - 10 to 30 inches: stratified sand to loam
H3 - 30 to 60 inches: stratified gravelly sand to gravelly loam

Properties and qualities

Slope: 0 to 5 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: Occasional
Frequency of ponding: None
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: Moderate (about 6.1 inches)

Interpretive groups

Land capability classification (irrigated): 7s
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Ecological site: SANDY ALLUVIAL (R014XD098CA)

Minor Components

Unnamed

Percent of map unit: 10 percent

CITY OF BUELLTON COMMUNITY RETENTION BASIN NRCS SOIL INFORMATION

Map Unit Description: Sandy alluvial land--Northern Santa Barbara Area, California

EXISTING COMMUNITY BASIN

Unnamed

Percent of map unit: 5 percent

Landform: Drainageways

Data Source Information

Soil Survey Area: Northern Santa Barbara Area, California

Survey Area Data: Version 9, Sep 25, 2014

CITY OF BUELLTON COMMUNITY RETENTION BASIN NRCS SOIL INFORMATION

SCS Curve Numbers (CN)

Page 1 of 1

SCS Curve Numbers (CN)

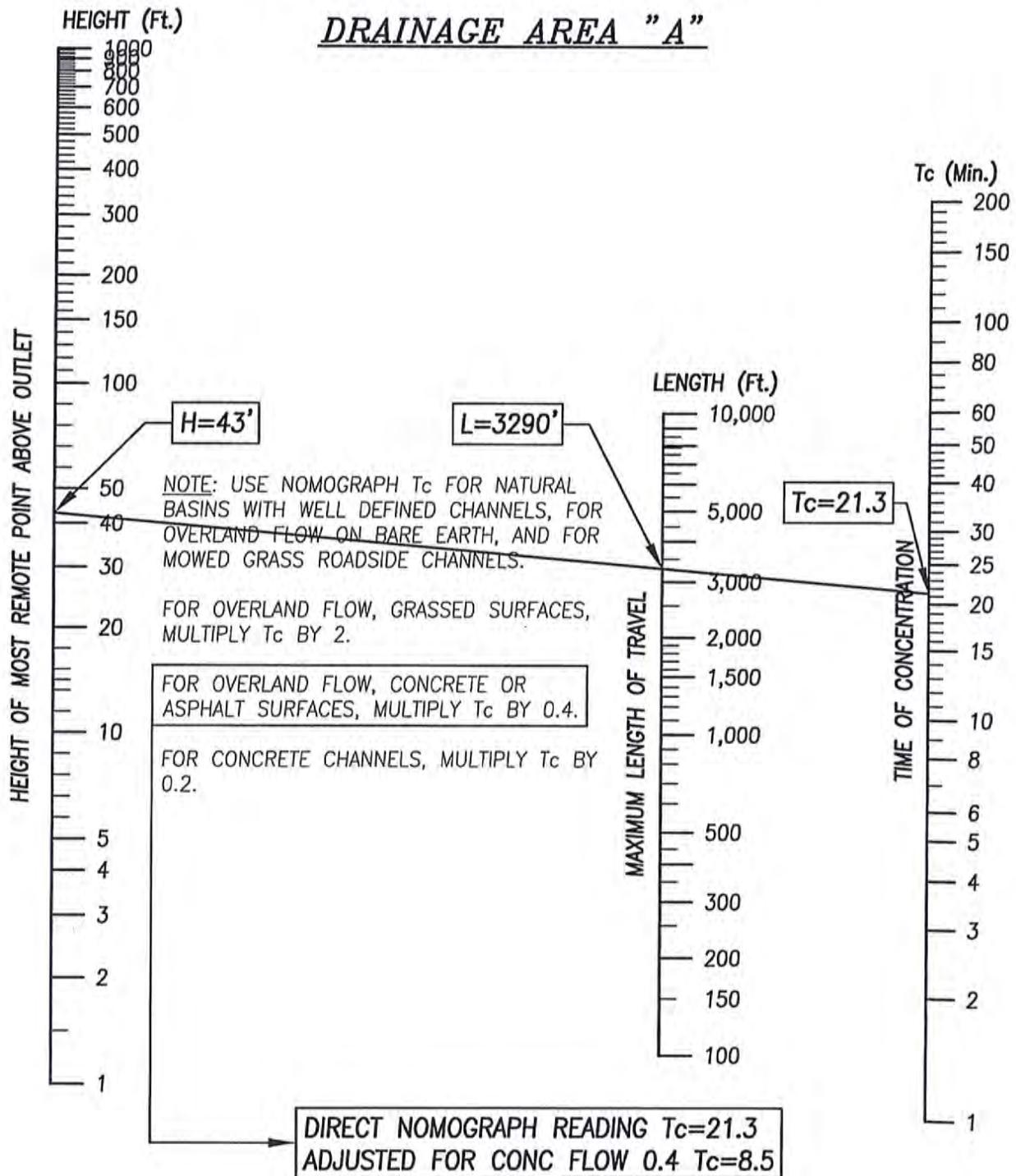
Land Use Description	Hydrologic Soil Group			
	A	B	C	D
Residential				
Average lot size:				
1/8 acre or smaller	77	85	90	92
1/4 acre	61	75	83	87
1/3 acre	57	72	81	86
1/2 acre	54	70	80	85
1 acre	51	68	79	84
2 acre	46	65	77	82
1/8 acre or smaller	77	85	90	92
Paved parking lots and roofs	98	98	98	98
Streets and roads:				
Paved with curbs	98	98	98	98
Gravel	76	85	89	91
Dirt	72	82	87	89
Commercial and business areas	89	92	94	95
Industrial districts	81	88	91	93
Open spaces, lawns, and parks:				
Good condition	39	61	74	80
Fair condition	49	69	79	84
Fallow	77	86	91	94
Row crops	72	81	88	91

*Average Runoff Condition. Ia = 0.2S

Source: Soil Conservation Service TR-55

CITY OF BUELLTON COMMUNITY RETENTION BASIN KIRPICH NOMOGRAPH

DRAINAGE AREA "A"



Based on study by P.Z. Kirpich,
Civil Engineering, Vol. 10, No. 6, June 1940, p. 362

CITY OF BUELLTON COMMUNITY RETENTION BASIN EXISTING STORMWATER BASIN DATA



CIVIL STRUCTURAL ELECTRICAL WATER/WASTEWATER



MEMO

To: Rose Hess, PE
Public Works Director / City
Engineer
City of Buellton, CA

From: Eric Tilden, EIT
Jessica Pollitz, PE

Project: Terravant Winery

Project No.: 2014155

Re: Existing Detention Basin Analysis

Date: January 21, 2015

This memo summarizes the analysis of the capacity of the existing detention basin to receive runoff from the proposed Terravant Winery project. This project will follow the Stormwater Technical Guide for Low Impact Development (STGLID) in order to comply with stormwater post-construction requirements for Santa Barbara County, as well as the City of Buellton, for a Tier 4 project.

Retention facilities are sized at a minimum of 4% of the equivalent tributary area, as specified in the Phase II Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.

The document titled Stormwater Control Plan for Terravant Winery contains detailed analysis of stormwater control measures and treatment for the project site.

EXISTING STORMWATER DETENTION BASIN

Table 1-1 of the STGLID classifies this project as "Tier 4" because it includes over 22,500 square feet of new impervious surfacing. Therefore peak flows are not to exceed pre-project levels for the 2-year through 10-year storm events. All requirements for Tier 1 – Tier 3 projects also apply and are described in the Stormwater Control Plan for Terravant Winery. An existing detention basin on a neighboring parcel will be used to provide additional detention for stormwater runoff from the project site generated by storms between the 10-year and 100-year events. This approach has been reviewed and conceptually approved by Kent Yankee of the City of Buellton.

The existing off-site detention basin currently receives stormwater runoff from the parcel to the west as well as runoff from Industrial Way. It is rectangular in shape. It is approximately 466 feet long, 130 feet wide, 5 feet deep, and has a bottom elevation of 315 feet. A rectangular spillway serves as an outlet to the adjacent Santa Ynez River. The spillway has a crest elevation of 318.7 feet (NAVD88) and crest length of six feet. A weir coefficient of 3.33 was used in the following calculations.

Hydrology for runoff entering the existing detention basin was modeled using the Santa Barbara Unit Hydrograph (SBUH) Method. The capacity of the existing detention basin was analyzed to determine if it could handle the 100-yr post-project stormwater runoff volume from the contributing project watershed, as well as the existing contribution from the neighboring parcel. Design and precipitation data from the previously approved and constructed Santa Rita Gateway Project (report by Tartaglia

CITY OF BUELLTON COMMUNITY RETENTION BASIN PERCOLATION TEST RESULTS



March 19, 2014

Sid Goldstien Civil Engineer, Inc
650 Alamo Pintado, Suite 302
Solvang, CA 93463

Re: Storm Water Infiltration Design, Live Oak Lanes, Industrial Way, Buellton, CA

Dear Mr. Goldstien;

Per our agreement this report is the infiltration design recommendations for the referenced project. Our testing was conducted using the leach line test method to determine the infiltration rate of the native on site soils. A description of our testing method and results are presented below.

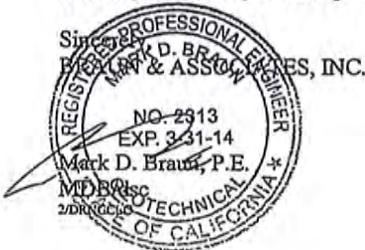
Percolation testing is conducted by drilling a 12 inch diameter hole in a triangular pattern where possible in the desired area. Testing is conducted by presaturating the hole with 12 inches of water for a period of 24 hours. Once the presaturation is completed testing is performed. The test procedure consists of placing 6 inches of water in the bottom of the hole and monitoring the drop at a time period of between 5 and 15 minutes. Each reading is then taken and the water level is reestablished at the initial height. Readings are then taken until the drop in the water elevation is noted to repeat and become consistent. Infiltration test results based on this constant value are shown below:

TEST NO.	DEPTH OF TEST (Feet)	PERCOLATION RATE (Inches per Hour)
1	3.0	30"
2	3.5	36"
3	3.5	36"

Results of our tests indicate the infiltration rate of between 30" and 36" per hour was obtained at the depth of approximately 1 to 5 foot below present ground surface. This rate equates to an infiltration rate of 2 minutes per inch.

Please be aware this rate is based on native in place soils and does not assume the results of regrading of the proposed dispersal area. It is expected grading will be limited to the structures while the rest of the parcel will remain ungraded.

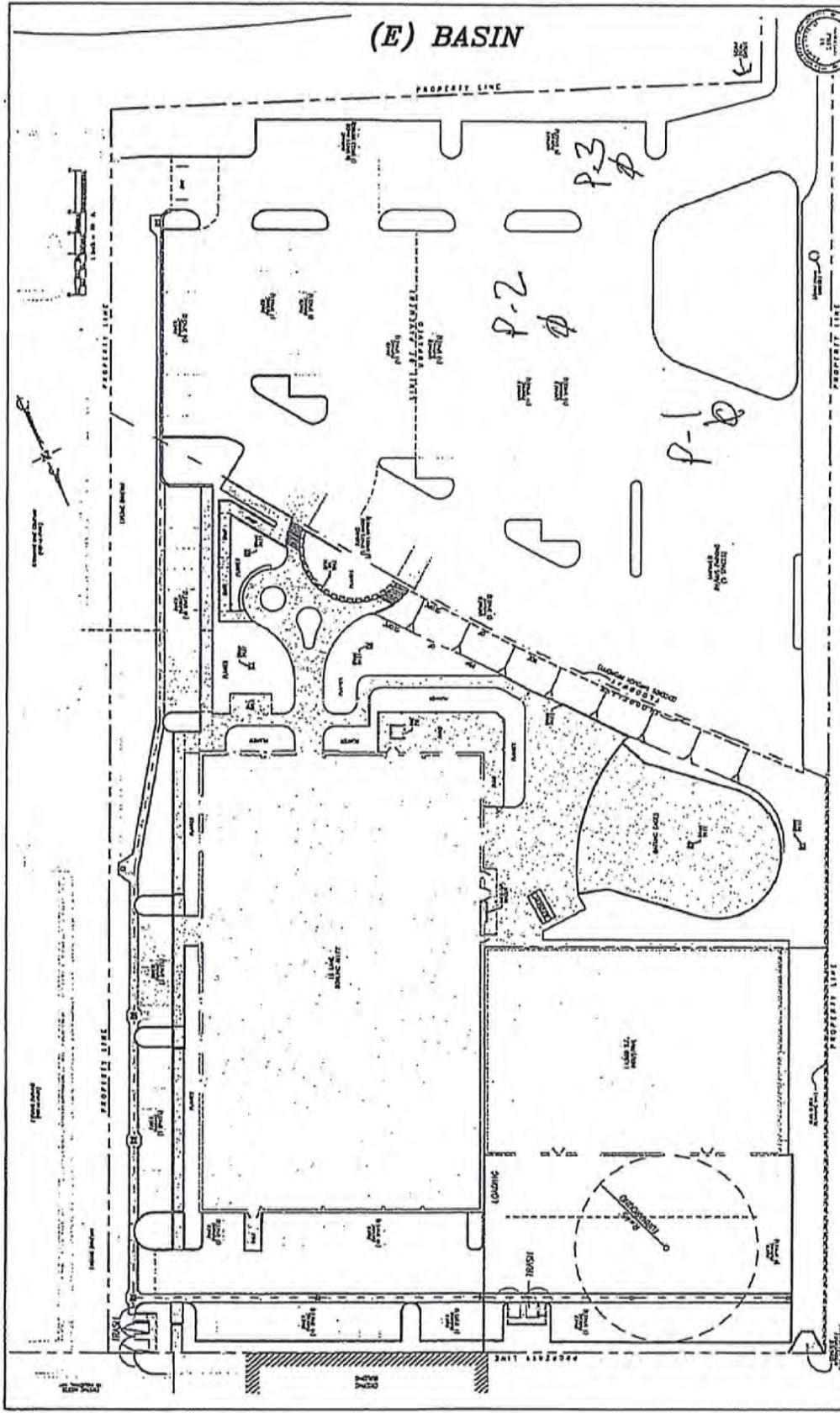
Should you have any further questions regarding this matter please feel free to call me at (805) 688-5429.



Soils Engineering ▼ Materials Testing

Mailing: P.O. Box 2004, Buellton, CA 93427 • Phone (805) 688-5429 • Fax (805) 688-7239

CITY OF BUELLTON COMMUNITY RETENTION BASIN PERCOLATION TEST RESULTS



(E) BASIN

	REVIEWED BY:	DATE:	DRAWN BY:	DATE:	ISSUE NO.:
			SID GOLDSTEIN - CIVIL ENGINEER, INC.	AUP	CR-04
			REGISTERED PROFESSIONAL ENGINEER No. 10000 License No. 10000 Exp. 12/31/14	14 FEB 2014	FILE NO.
			REVIEWED BY:	DATE:	12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04
					FILE NO.
					12-07-102
					M.D. 114
					SHEET NO.
					CR-04

Sid Goldstien, RCE

From: "Christopher Wall" <cwall.civil@gmail.com>
Date: Thursday, September 17, 2015 5:37 PM
To: <sid@sjgce.com>
Attach: hec ras Q=52000 at XS 15.png
Subject: HEC-RAS

Hello Sid

At Station 15

52000 CFS = WSE 321.06

--

Christopher Wall P.E.
30 W. Mission St.
#5
Santa Barbara, CA 93101

805-563-6323
805-708-4081 Cell Ph.

Live Oak Santa Ynez River - Terravent

Geom: Rev 6-29-2015 prop-Live Oak n-03 F-Remo

RS = 15 Live Oak 3

360 350 340 330 320 310 300
0 500 1000 1500 2000 2500 3000 3500 4000
Station (ft)

0.03 0.07 0.02

see attached exhibit for location

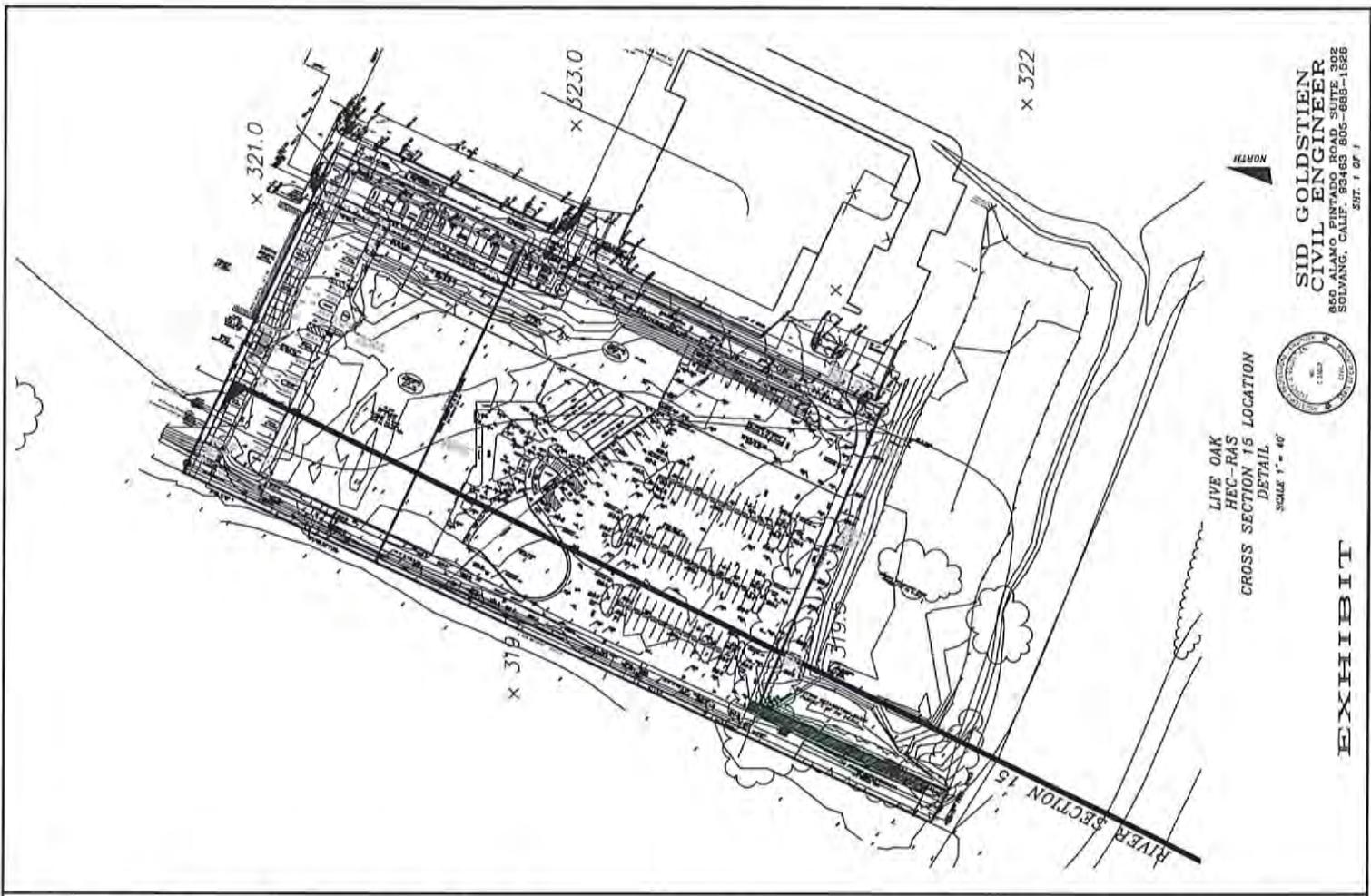
Legend	
EG PF 1	Energy Grade
WS PF 1	Water Surface
Crit PF 1	Critical Depth
Ground	Elevation
Ineff	Ineffective Flow
Bank Sta	Profile

*SEE BELOW

Proposed Building

*Legend

- EG= Energy Grade
- WS= Water Surface
- Crit= Critical Depth
- Ground= Elevation
- Ineff= Ineffective Flow
- PF= Profile

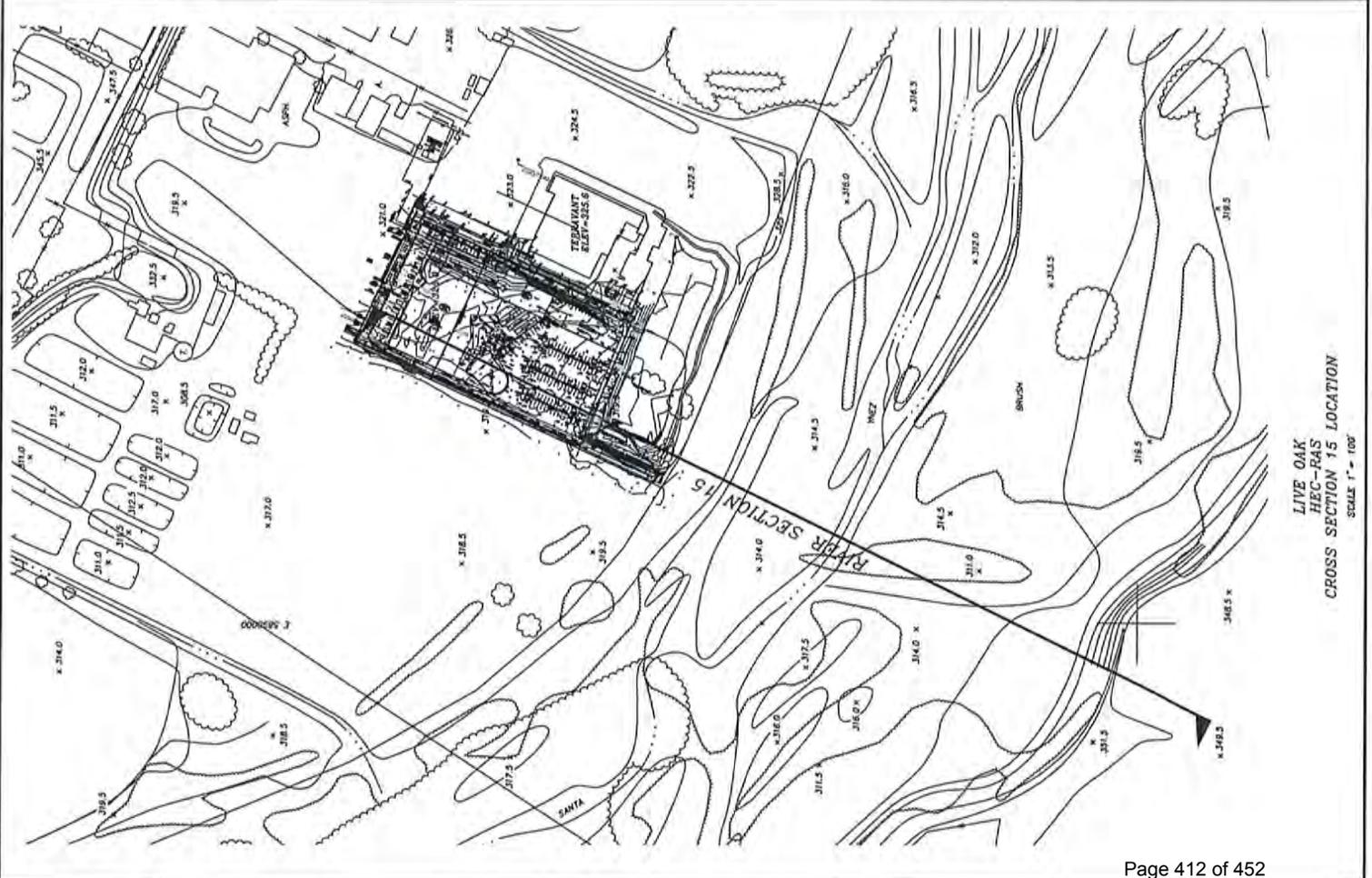


LIVE OAK
 HEC-RAS
 CROSS SECTION 15 LOCATION
 DETAIL
 SCALE 1" = 40'



SID GOLDSTIEN
 CIVIL ENGINEER
 850 ALAMO PINTADO ROAD, SUITE 302
 SOLVANG, CALIF. 93463 806-888-1526
 SHEET 1 OF 1

EXHIBIT



LIVE OAK
 HEC-RAS
 CROSS SECTION 15 LOCATION
 SCALE 1" = 100'



KEVIN MERK ASSOCIATES, LLC

P.O. BOX 318

SAN LUIS OBISPO, CA 93406

805-748-5837 (O)

805-439-1616 (F)

Environmental Consulting Services

MEMORANDUM

Date: January 19, 2016
To: Sid Goldstien, RCE and Marc Bierdzinski
Organization: Sid Goldstein-Civil Engineer, Inc. and the City of Buellton
From: Kevin Merk
Email: kmerk@kevinmerkassociates.com
cc:
Re: Live Oak Lanes Supplemental Biological Information

This memorandum provides the results of our review of state listed and other special status biological resources as defined under the California Environmental Quality Act (CEQA) that are known to occur in the general project area. The review was conducted in an effort to make sure the City of Buellton's CEQA document prepared for the project adequately identified all impacts to biological resources resulting from project development and operation. As part of our analysis, we reviewed the City of Buellton's Initial Study/Mitigated Negative Declaration for the Live Oak Lanes Project (15-MND-01), and the comments submitted by "concerned neighbors". This included the appeals by Mr. Matt Stoecker and Terravant Wine Company. We also reviewed the City's General Plan Environmental Impact Report and the Goals and Policies included in the Conservation and Open Space Elements that were used to support findings in the project MND. In addition, a recent biological report (KR&EC, October 2015) prepared for Mr. Stoecker's property was also reviewed to assess potential impacts to offsite resources.

As stated above, the purpose of our supplemental review was to ensure that special status species not covered in our previous report would not be adversely affected by the proposed project. Please note that the purpose of our "Focused Biological Resources Assessment" prepared in October 2014 was to analyze federal-listed species as part of the Federal Emergency Management Agency (FEMA) floodway zone clearance request process. CEQA analysis requires that all special status species, which include state listed (i.e.: endangered, threatened or rare) plants and animals, California Rare Plant Ranked plants, and species of special concern, be evaluated to determine if a proposed project would adversely affect them.

Our 2014 report concluded that no federal-listed plant or animal species, or potentially suitable habitat for federal-listed species would be affected by the project. We determined that *"No avoidance and minimization measures are considered necessary for California tiger salamander, southern steelhead trout, southwestern willow flycatcher, or least Bell's vireo due to lack of suitable habitat onsite, and physical separation between the project site and potential habitat areas in the region."* The report included impact

avoidance and minimization measures for the California red-legged frog due to the presence of marginally suitable habitat in the adjacent stormwater basin, which is next to the Santa Ynez River corridor. The protective measures were developed by the U.S. Fish and Wildlife Service and provided via email dated August 4, 2014 to Mr. Alessandro Amaglio of FEMA for the project. While unlikely, the measures were provided in case a CRLF were to move overland onto the site or basin during the winter rain season from potentially suitable aquatic habitat in the Santa Ynez River. Given the potential for a variety of birds to nest in the onsite grasslands or small bushes, a preconstruction nesting bird survey measure was included to avoid impacts to birds, both common and special status.

The supplemental biological analysis and conclusions presented below are based on the information gathered during our “Focused Biological Resource Assessment” prepared in October 2014, review of the documents referenced above, and an updated search of the California Natural Diversity Data Base (CNDDDB) in November 2015. The CNDDDB is maintained by the California Department of Fish and Wildlife and was searched for occurrence records of all special status species documented within five miles of the project. Additional site visits were conducted in September and October 2015, and in January 2016 to evaluate the existing conditions of the site and the adjacent stormwater basin. The separation of the site from the Santa Ynez River was reviewed in the field and office to determine if construction activities and long-term use of the site could potentially disturb species occurring within the river’s riparian corridor. Habitat conditions on the adjoining properties were inspected from the perimeter of the project site using binoculars, which was deemed appropriate given the proposed disturbance footprint of the project in relation to native riparian habitat within the river system. Updated noise and lighting plans provided by the applicant’s team were also reviewed to support the impact analysis. The following provides the results of our supplemental analysis.

CEQA Special Status Species Analysis

The recent CNDDDB search identified four special status plant species and five special status wildlife occurrences within five miles of the project site. In addition, our knowledge of the region identified two additional species that were not documented in the CNDDDB as occurring in the project area. As stated above, the CEQA special status species listed below were not discussed in the 2014 KMA report since they are not federal-listed as threatened, endangered or candidate species. An assessment of their potential to occur onsite is provided in the Project Site Suitability/Observations column.

Table 1. CEQA Special Status Species Occurrences in the Vicinity of the Site

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
PLANTS			
1) Hoover’s bent grass <i>Agrostis hooveri</i>	--/--/1B.2	Perennial herb; blooms April through July; found typically occurring on sandy soils in open chaparral (maritime), oak woodland, at elevations below 600 meters.	Not expected. No suitable habitat present onsite, although soils are sandy. Surveys conducted outside this species typical bloom period, but perennial grass would have been in identifiable condition during surveys; not expected to occur onsite due to the disturbed nature of the grassland habitat and lack of maritime chaparral and oak woodland habitats.

Table 1. CEQA Special Status Species Occurrences in the Vicinity of the Site

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
2) Miles' milk-vetch <i>Astragalus didymocarpus</i> var. <i>milesianus</i>	--/--/1B.2	Annual herb; blooms March to June; found in coastal scrub habitats, typically occurring on clay soils; ranges in elevation from 20 to 90 meters.	Not expected. No suitable habitat or soils present. Although surveys were conducted outside this species bloom period, not expected to occur within project area or be affected by the project due to the lack of suitable habitat.
3) Santa Ynez groundstar <i>Ancistrocarphus keilii</i>	--/--/1B.1	Annual herb; blooms March to April; found in sandy soils in chaparral habitat (typically growing under shrubs) bordering oak woodlands, ranges in elevation from 40 and 130 meters.	Not expected. No suitable habitat present. Although surveys were conducted outside this species bloom period, it is not expected to occur within project area or be affected by the project due to the lack of suitable habitat.
4) Southern curly-leaved monardella <i>Monardella undulata</i>	--/--/4.2	Annual herb; blooms May through September; occurs on coastal dunes and sandy soils in coastal strand, chaparral, northern coastal scrub, coastal sage scrub habitats at elevations below 300 meters.	Not expected. No suitable habitat present. Not observed during surveys. Not expected to occur within project site or be affected by the project due to the lack of suitable habitat.
WILDLIFE			
5) American badger <i>Taxidea taxus</i>	--/SSC/--	Friable soils and open, uncultivated ground for denning. Preys on burrowing rodents such as ground squirrels.	Potential. Known to occur in the region. Marginal habitat is present onsite and no dens or potential prey base (i.e.: ground squirrel colonies) were observed during surveys. Highly mobile species could potentially move across the property in between areas of suitable habitat. Unlikely for species to den or breed onsite. Pre-construction survey prescribed in 2014 report would be sufficient to avoid impacts to this species.
6) Ferruginous hawk <i>Buteo regalis</i>	--/WL/-- (nonbreeding/ wintering)	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon-juniper habitats. Eats mostly lagomorphs, ground squirrels and mice.	Unlikely. Although prey base is low, suitable foraging habitat present in disturbed grasslands on-site. Proximity to existing development also reduces the likelihood that ferruginous hawks would forage on the project site. This species typically does not nest in California. Could occur as a seasonal transient during fall/winter months, but is not expected to nest onsite and be affected by the project.
7) Pallid bat <i>Antrozous pallidus</i>	--/SSC/--	Occurs in deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts under bridges and in some areas in old structures such as barns.	Potential. Suitable foraging habitat in on-site grasslands, but no roosting habitat present. Known to occur in the region and could be present periodically foraging over the general area.

Table 1. CEQA Special Status Species Occurrences in the Vicinity of the Site

Species	Status* Fed/CA/CDFW	Habitat Requirements	Project Site Suitability/Observations
8) Southern Pacific (western) pond turtle <i>Emys marmorata</i>	--/SSC/--	Highly aquatic species found in pools and channels of creeks and rivers. Uses basking sites such as partially submerged logs, vegetation mats, or open mud banks. Aestivates under water often in muddy bottom of pool or by burying itself in soft bottom mud during dry summer months.	Unlikely. No suitable aquatic habitat present onsite. Still, pond turtles have been known to move through upland habitat while foraging or in between areas of suitable aquatic habitat. However, the site is bordered by existing industrial development to the north and west, and no suitable aquatic habitat is present to the north of the project site that would promote turtle movement across the property in search of suitable habitat. While suitable aquatic habitat is present in Santa Ynez River corridor where ponded water is located, it is unlikely that pond turtles would move onto the site and be affected by the project due to separation of the site from the Santa Ynez River.
9) Townsend's western big-eared bat <i>Corynorhinus townsendii townsendii</i>	--/-SSC/--	Requires caves, tunnels, mines, or similar man-made structures for roosting. This bat feeds primarily on moths, but will eat a variety of soft-bodied insects.	Potential. Suitable foraging habitat present in disturbed grasslands onsite, but no roosting habitat present within the site. Species not expected to be affected by the proposed project. Potentially could have increased foraging opportunities post project construction since night lighting may attract more flying insects.
10) Two-striped garter snake <i>Thamnophis hammondi</i>	--/SSC/--	Perennial and intermittent streams bordered by dense vegetation; stock ponds bordered by dense emergent riparian vegetation.	Not expected. No suitable habitat present within the project site. Suitable habitat located in Santa Ynez River corridor, but species not expected to be affected by the project due to its separation from suitable aquatic habitat.
11) Yellow warbler <i>Setophaga petechia</i>	--/--/SSC	Riparian plants; prefers willows, cottonwoods, aspens, sycamores and alders for resting and foraging; resident, winter/breeding migrant.	Not expected. No suitable nesting habitat present within the project site. Suitable nesting habitat located in Santa Ynez River corridor, but species not expected to be affected by the project due to its separation from suitable habitat.

*E = Endangered; T = Threatened; R = Rare CE = Candidate for Endangered Status; SSC = California Species of Special Concern; FP = Fully Protected; WL = Watch List; SA = Special Animal; '—' = no status; List 1B = Rare, threatened, or endangered in California and elsewhere; List 2 = Rare, threatened or endangered in California, but more common elsewhere; List 4 = Limited distribution (Watch List). Source: California Natural Diversity Database (California Department of Fish and Wildlife 2015); California Native Plant Society Online Inventory of Rare Plants, accessed October 2015 (online at www.cnps.org); Special Animals List (California Department of Fish and Wildlife 2015); Special Vascular Plants, Bryophytes, and Lichens List (California Department of Fish and Wildlife 2015).

Based on our analysis, no special status species are expected to be present on the site and adversely affected by the project. The existing mitigation measures in the Final Mitigated Negative are considered adequate to avoid potential impacts to special status species resulting from project construction and future human presence on the site. The preconstruction bird survey measure was included if project activities were to commence during the nesting bird season, and therefore, it was determined that this measure adequately covered nesting bird issues for the project. Below is a review of potential indirect impacts associated with noise and lighting from the project. As we have discussed, the project

engineering team evaluated concerns with erosion and sediment on the neighboring property should the community stormwater basin overtop.

Noise and Lighting Impacts on Riparian Habitats and Species. Based on the project MND and additional information provided by the project engineer, the increase in noise and lighting caused by the proposed project is within the required limits for the area and zoning. Given the project buildings and batting cages are concentrated in the northern part of the property, estimated noise levels at the southern property line post construction (i.e.: during batting cage use) would be 54dBA. This is below the USFWS general standard of 60dBA as a threshold for disturbance to birds (USFWS, 2006 and 2013). As described in our 2014 report, riparian habitat suitable for bird nesting activities is situated over 400 feet from the property line, providing additional attenuation of sound over distance, and the associated reduction of noise levels in these native habitat areas.

The project photometric lighting plan shows estimated light levels ranging between 0.0 to 0.1 foot-candles on the ground at the southerly property line at the retention basin. Foot-candle readings for the batting cages at ground level and at a height of 30 feet at the southerly property line are estimated at 0.0, and therefore indirect impacts associated with night lighting would not be significant pursuant to CEQA.

Examination of the site identified existing uses on the adjacent property to the east that include paved parking areas, outdoor lighting, and heavy machinery operation immediately adjacent to the stormwater basin. Based on the project noise and lighting levels, adjacent uses, and the distance from the Live Oak Lanes property line to riparian habitat areas, no impacts to wildlife are expected to result from noise and lighting associated with proposed uses on the site post construction. In addition, since the site is over 400 feet from the edge of riparian habitat (and in some instances over 500 feet away) indirect impacts to nesting birds in the riparian corridor and aquatic species in the active river channel and in-channel pools are not expected to occur.

Stormwater Flows and Erosion Impacts to Offsite Resources. As we understand, stormwater runoff from the proposed project would be captured onsite in various Low Impact Development features, and then directed into the adjacent community stormwater basin. KMA conducted several site visits to examine the basin, spillway, and outfall path across adjacent property toward the Santa Ynez River. The examination found the basin to have a small, shallow spillway at the western end that directs overflow to the dirt road along the western property boundary. This roadway also receives runoff from a portion of the project site. The road and adjacent property areas to the south exhibited a faint swale that faded out into annual grassland before reaching the adjacent river terrace. No signs of active erosion such as gullying or head-cutting were observed.

According to calculations performed by the project engineer, the basin berm top is at an elevation of 320 feet. The calculated 25-year storm flood level at the site is 321 feet, indicating that both the basin and the lower portion of the proposed parking lot and surrounding land would be flooded during a 25-year event. As such, there would be no focused discharge point from the basin that would result in erosion since the entire area would be within active flowing water from the river.

Based on our review of the project, there is no activity proposed that would place fill within waters of the United States. As such, a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and subsequent Section 401 Water Quality Certification from the Regional Water Quality Control Board would not be required. Industry standard Best Management Practices would be developed as part of the Stormwater Pollution Prevention Plan that will protect offsite water quality and areas from erosion and sedimentation during construction.

Biological Information provided by Adjacent Property Owner. The neighboring property owner submitted information on September 15, 2015 that a series of biological surveys were conducted on his property situated along the Santa Ynez River south of the project site. Mr. Stoecker provided a final report dated October 2015 prepared by KR&EC that characterized habitat types, and documented the results of a series of botanical and wildlife surveys. Habitat types were mapped on his property as well as outside of the property limits, which included portions of the Live Oak Lanes project site, the community stormwater basin, and properties at the southeastern end of Industrial Way. The Stoecker biology report identified numerous plants and wildlife species present in the Santa Ynez River corridor, including two plants, dwarf brodiaea (*Brodiaea terrestris* ssp. *terrestris*) and black walnut (*Juglans californica* var. *californica*) that are on the Santa Barbara Botanical Garden's List of Rare Plants of Santa Barbara County. These plants, however, were not observed on the project site. In addition, the two species do not meet the CEQA rarity threshold identified in Section 15380 utilized by the City of Buellton, and were therefore, not included on the list of special status species analyzed in our reports. The report documented a variety of avian species that were observed in the river corridor, but did not confirm the presence of any state or federal listed bird species or other special status terrestrial species onsite. Two species of special concern, including western pond turtle and the pallid bat were documented in the river corridor.

Conclusion

The existing site conditions are the result of long-term human disturbances and regular management (i.e.: grading, mowing, disking and weed abatement) that has eliminated most native plants and habitat types. The Live Oak Lanes site conditions do not provide suitable habitat for any of the special status plant species known to occur in the region. Based on the information presented above, and along with the project mitigation measures developed to avoid impacts to California red-legged frog and nesting birds, the potential for impacts to the bird and wildlife species listed in Table 1 is unlikely. While the American badger was not directly evaluated in the City's MND, a limited prey base in concert with active developed areas adjacent to the site make it unlikely that a badger would take up residence on the site. Similarly, due to the lack of aquatic habitat onsite, and the mitigation measures designed to avoid impacts to the California red-legged frog if present in the adjacent basin, the project would not directly impact special status aquatic wildlife. Indirect impacts to special status species from erosion or sedimentation resulting from increased flows out of the basin are also very unlikely, since the engineering calculations provided show the basin would be underwater from flows within the Santa Ynez River even at the 25 year storm event before water was discharged. Because no new project related impacts were identified in our supplemental biological analysis, no new avoidance, minimization or mitigation measures are proposed for the project beyond those included in the Final Mitigated Negative Declaration.

ATTACHMENT 12

Live Oak Lanes
October 16 at 1:04pm · Edited ·

Live Oak Lanes Carol Lesher Kelly Lesher Valerie Lesher
ACT NOW!! Show Support!!
You still have time to get LETTERS to the CITY OF BUELLTON
BEFORE the next meeting on: Thur, Nov. 12th, 2015 at 6:00pm
E-mail: marcb@cityofbuellton.com
Mail To: City Of Buellton PO Box 1819 Buellton, CA 93427
Thank You!

Date _____ 2015

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427
or E-mail the city at: marcb@cityofbuellton.com

Regarding: Live Oak Lanes "Bowling Alley"

Date 10/26 2015

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

Address:
Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)

City, State, Zip
I am in favor of
Bowling Alley

Lik

16 people

3 shares

I Cecelia Salcido
(First & Last Name)

Address: 565 Oak Ridge Road

City, State, Zip Solvang, CA 93463

I am in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427

Live C

Live
BY

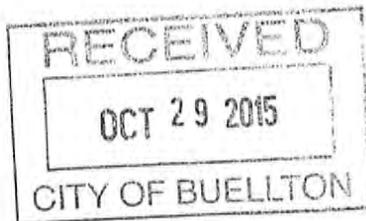
09-17-2015

Construction Still On Hold!
Next Meeting!
Thurs, Nov. 12th, 2015
6:00pm

PLEASE SEND SUPPORT LETTERS TO:

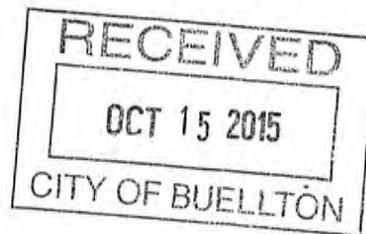
Buellton City Hall
PO Box 1819
Buellton, CA 93427

Or E-mail City Manager At:
marcb@cityofbuellton.com



*fingers & toes
crossed ...
so needed
in our
community*

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427



Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)

I Rocio Garcia
(First & Last Name)

Address: 350 TWIN OAK DR.

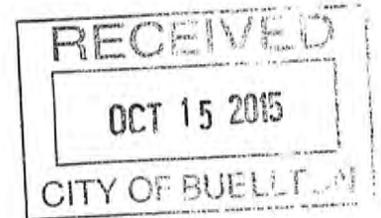
City, State, Zip Buellton CA 93427

is in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)

I Jennifer Waddill
(First & Last Name)



Address: 350 TWIN OAK DR.

City, State, Zip Buellton CA 93427

is in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427

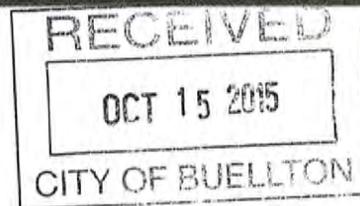
To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)

I Kris Bohm

(First & Last Name)

Address: 226 N D St, Lompoc



City, State, Zip Lompoc, CA 93436

is in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427

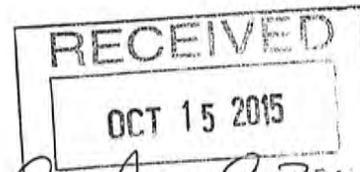
To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)

I Greg Ellis
(First & Last Name)

Address: 52 Victory Dr.

City, State, Zip Buellton, CA 93427



is in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427

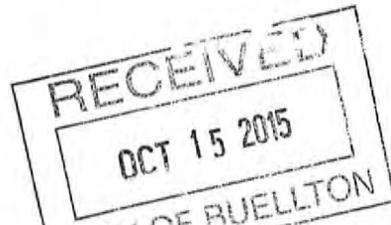
To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)

Yes Please
(!!)

I Shelly Pinoli
(First & Last Name)

Address: 238 Menlo Drive



City, State, Zip Buellton, CA 93427

is in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427

Date 10/14 2015

Received

OCT 19 2015

CITY OF BUELLTON

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

**Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)**

I Mikki Robinson
(First & Last Name)

Address: 535 Dawn Dr

City, State, Zip Buellton CA 93427

**am in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427**

X Mikki Robinson

Date 10/14/15 2015

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

**Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)**

I Lezlee Churchfield

(First & Last Name)

Lezlee Churchfield

Address: 3644 Paloma St,

City, State, Zip Santa Cruz CA 93160

**am in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427**

Date 10-14 2015

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

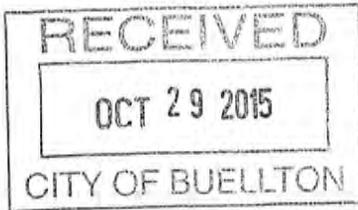
**Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)**

I Charles Churchfield
(First & Last Name)

Address: 3644 Palomg

City, State, Zip Santa Ynez CA
93460

**am in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427**



Live Oak Lanes
 October 16 at 1:04pm · Edited ·
 Live Oak Lanes Carol Lesher Kelly Lesher Valerie Lesher
 ACT NOW!! Show Support!!
 You still have time to get LETTERS to the CITY OF BUELLTON
 BEFORE the next meeting on: Thur, Nov. 12th, 2015 at 6:00pm
 E-mail: marcb@cityofbuellton.com
 Mail To: City Of Buellton PO Box 1819 Buellton, CA 93427
 Thank You!

Date _____ 2015
To: Buellton City Hall
 PO Box 1819 Buellton, CA 93427
 or E-mail the city at: marcb@cityofbuellton.com
Regarding: Live Oak Lanes "Bowling Alley"

Date 10/26 / 2015

To: Buellton City Hall
PO Box 1819 Buellton, CA 93427

Regarding: Live Oak Lanes "Bowling Alley"
(Please Print)

City, State, Zip
am I
Bowl
off it

Lik
16 peo
3 share
I Elena Salcido
(First & Last Name)

Address: 565 Oak Ridge Road

City, State, Zip Selma, CA 93463

**am in favor of the future plans of the
Bowling Alley & Family Entertainment Center
off Industrial Way in Buellton, CA 93427**

Liv
BY

09-17-2015

Construction Still On Hold!

Next Meeting!
Thurs, Nov. 12th, 2015
6:00pm

PLEASE SEND SUPPORT LETTERS TO:

Buellton City Hall
PO Box 1819
Buellton, CA 93427

Or E-mail City Manager At:
marcb@cityofbuellton.com

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 5

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, City Manager

Meeting Date: January 28, 2016

Subject: Ordinance No. 16-01 – “An Ordinance of the City Council of the City of Buellton, California, Approving an Amendment to the Zoning Map (15-ZOA-02) from CR to M for a Portion of Assessor’s Parcel Number 099-690-048” (Second Reading)

BACKGROUND

On January 14, 2016, the City Council introduced and held the first reading of Ordinance No. 16-01 relating to an amendment to the Zoning Map for a portion of Assessor’s Parcel Number 099-690-048. Attached Ordinance No. 16-01 is ready for adoption by the City Council.

RECOMMENDATION

Staff recommends that the City Council consider the adoption of Ordinance No. 16-01 – “An Ordinance of the City Council of the City of Buellton, California, Approving an Amendment to the Zoning Map (15-ZOA-02) from CR to M for a Portion of Assessor’s Parcel Number 099-690-048” by title only and waive further reading.

ATTACHMENT

Ordinance No. 16-01 (Exhibit A)

ORDINANCE NO. 16-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING AN AMENDMENT TO THE ZONING MAP (15-ZOA-02) FROM CR TO M FOR A PORTION OF ASSESSOR'S PARCEL NUMBER 099-690-048

THE CITY COUNCIL OF THE CITY OF BUELLTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: An application has been filed by Peter Hauber, property owner, and Thomas Hauber, agent, hereinafter referred to as "Applicant", requesting a Zoning Ordinance Amendment for the property located east of Industrial Way (a portion of Assessor's Parcel Number 099-690-048). The subject property is currently zoned CR (General Commercial) and OS (Open Space).

SECTION 2: The following action is proposed:

A. Zoning Ordinance Amendment (15-ZOA-02): A change to the Zoning Designation for the designated property from CR to M, as depicted in Exhibit A.

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 City Council finds the following:

A. Record. Prior to rendering a decision on the Project, the City Council 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 November 19, 2015 ("Planning Commission Public Hearing").
2. All oral, written and visual materials presented by City staff in conjunction with that certain Planning Commission Public Hearing.
3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on January 14, 2016 ("City Council Public Hearing").
4. All oral, written and visual materials presented by City staff in conjunction with that certain City Council Public Hearing.
5. The following informational documents, which by reference, are incorporated herein:

- a. That certain written report submitted by the Planning Department dated January 14, 2016 (the City Council “Staff Report”).
- b. The report and recommendation of the Planning Commission approved on November 19, 2015, and set forth in Resolution No. 15-12.

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 Public Hearing was published in a newspaper of general circulation on September 17, 2015 (the “Planning Commission Public Notice”), a minimum of 10 days in advance of the Planning Commission Public Hearing conducted on November 19, 2015.
2. The Planning Commission 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 17, 2015, a minimum of 10 days in advance of the Public Hearing.
3. The Planning Commission Public Notice was posted in three public locations on September 17, 2015, a minimum of 10 days in advance of the Public Hearing.
4. A notice of City Council Public Hearing was published in a newspaper of general circulation on December 31, 2015 (the “City Council Public Notice”), a minimum of 10 days in advance of the City Council Public Hearing conducted on January 14, 2016.
5. The City Council 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 December 31, 2015, a minimum of 10 days in advance of the Public Hearing.
6. The City Council Public Notice was posted in three public locations on December 31, 2015, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Review. No development activity is proposed with this application. Any future development on the site will be subject to full review under the California Environmental Quality Act. This project is therefore exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), and (ii) testimony and comments received in connection with the Public Hearing, the City Council does hereby declare as follows:

1. Zoning Ordinance Amendment.**a. Findings:**

- i.** The Amendment is in the interests of the general community welfare.
- ii.** The request is consistent with the General Plan, the requirements of state planning and zoning laws, and this title.
- iii.** The request is consistent with good zoning and planning practices because a higher intensity use is not appropriate for this site due to circulation and access issues.

SECTION 4: Based on the findings set forth in Sections 2 and 3, the City Council approves a Zoning Ordinance Amendment (15-ZOA-02) for the project as shown on Exhibit A (Zoning Ordinance Amendment) and directs staff to modify the City's Zoning Map accordingly.

SECTION 5: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 6: The City Clerk (i) shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law; (ii) is hereby authorized and directed to make typographical, grammatical and similar corrections in the final text of the Ordinance so long as such corrections do not constitute substantive changes in context; and (iii) cause the Buellton Municipal Code to be reprinted by adding the language contained within Section 3 of this Ordinance.

PASSED, APPROVED AND ADOPTED this 28th day of January, 2016.

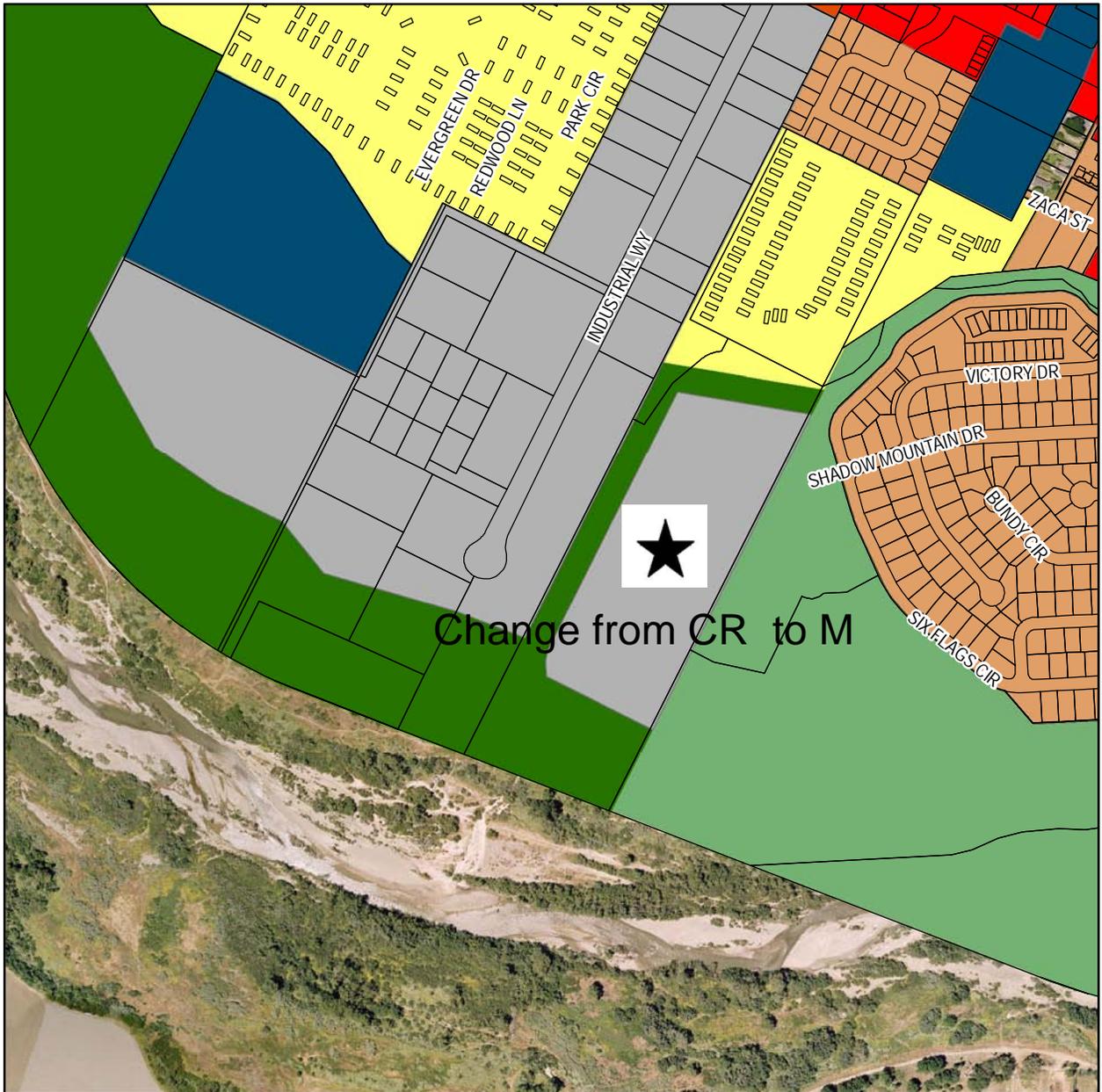
Ed Andrisek
Mayor

ATTEST:

Linda Reid
City Clerk



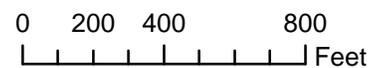
Exhibit A - Zoning Map



Legend

- City Parcels
- ZONE_CR
- ZONE_CS
- ZONE_M
- ZONE_MHP
- ZONE_OS
- ZONE_PQP
- ZONE_PRD
- ZONE_PRD-OS
- ZONE_REC
- ZONE_RM-8
- ZONE_RS-10

Project Location



CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 6

To: The Honorable Mayor and City Council

From: Carolyn Galloway-Cooper, Finance Director

Meeting Date: January 28, 2016

Subject: Financial Report for the Second Quarter Ending December 31, 2015

BACKGROUND

Four times each year, City staff completes a comprehensive analysis of City finances, including projected fund balances, revenues to date, departmental budgets, expenditures, encumbrances and potential budget adjustments. This financial report summarizes the Second Quarter of the 2015-16 Fiscal Year for the General Fund and Enterprise Funds.

The attached report provides an overview of the current economic outlook on the Local, State and National levels; General Fund revenues, expenditures, projected fund balances; and activity in the two Enterprise Funds. Though this information is not audited and does not contain all the usual periodic adjustments, accruals or disclosures, the information does provide a picture of the City's activity and developing financial trends.

FISCAL IMPACT

The Interim financial statement provides the community with an understanding of the financial activity of the City's primary funds.

RECOMMENDATION

That the City Council receives, reviews, and files this Second Quarter Financial Report.

ATTACHMENT

Attachment 1 - Quarterly Financial Report for the period ending December 31, 2015

CITY OF BUELLTON



QUARTERLY FINANCIAL REPORT

Second Quarter Ending December 31, 2015

January 28, 2016

Overview

The purpose of this financial report is to provide financial information for the City of Buellton. This report covers the second quarter of fiscal year 2015-16 or the period July 1, 2015 through December 31, 2015. The report will be presented quarterly and concentrates on the General Fund and Enterprise Funds. The quarterly financial report presents the City's financial position, considers economic factors and highlights trends based on the City's budget versus what actually occurred during the period. A discussion of other economic factors provides a means of comparing the local economy against larger economic events that may affect the City of Buellton. This quarterly financial report is a valuable tool to the Council, staff and general public.

US Economy

The consumer-price index, which measures what Americans pay for everything, fell a seasonally adjusted 0.1 percent in December. The cost of shelter and medical care has been steadily increasing even as prices for energy products and consumer goods have fallen. The number of unemployed person, at 7.9 million, was essentially unchanged in December, and the unemployment rate was 5.0 percent for the third month in a row. Building permits fell 3.9 percent but permits for the construction of single-family homes rose 1.8 percent in the prior month. Multi-family building permits tumbled 11.4 percent. The Federal Reserve has said it will carefully monitor inflation goals as it considers subsequent rate increases in the year ahead. In December, it raised short-term interest rates from near-zero for the first time in nearly a decade.

State Economy

Governor Brown's 2016-17 State Budget proposes \$3.6 Billion for Road System Maintenance and Repair. He supported his argument with charts demonstrating the rise and fall of revenues and years of massive deficits followed by small surpluses. The budget proposes many positive aspects for cities, including proposed allocations of \$3.1 billion in cap and trade funds, allocations of water bond funds and drought and disaster assistance proposals, among other items. Of major importance to the cities is the proposal to provide an annual amount of transportation funding but the Governor's revenue package relies on adjusting the variable gas tax and highway user fees. No new proposals are made affecting redevelopment dissolution.

City of Buellton

The City's General fund ended the second quarter of the 2015-16 fiscal year with over \$7 Million in fund balance. The legal decision was rendered concerning the City's current lawsuit against the State of California and remittance of \$5,943,790 was made to the Santa Barbara County Auditor Controller. The residual balance in "Restricted Cash" leftover after the remittance is \$241,649. This amount will be added to the unrestricted cash reserves in the General Fund. General Fund finished the quarter with excess revenues over budget at 52 percent. Expenditures are below budget at 43 percent. The City's Enterprise funds ended the first quarter with negative and positive results in fund balances. Details are provided in a later discussion.

GENERAL FUND

General Fund Balance

The chart below shows that with 50% of the year complete revenues are above projections at 52% while expenditures are below expected at 43% of appropriations. “Revenue versus budget” gaps are explained in the next paragraph.

General Fund - Fund Balance	Budget	Actual	Percent
Balance, at Start of Year	\$ 12,810,992	\$ 12,810,992	
Revenues *	6,665,000	3,485,253	52%
Expenditures *	(6,653,082)	(2,891,060)	43%
Restricted Cash		(5,943,790)	
Balance, at End of Year	<u>\$ 12,822,910</u>	<u>\$ 7,461,395</u>	

The chart below provides summary comparison information on revenues and expenditures for the second quarter ending December 31, 2015 versus the second quarter ending December 31, 2014. Total revenues are higher in the current year. The major cause of this variance is because of the redistribution of property tax resulting from the payment to the Santa Barbara County Auditor-Controller. After payment, the City’s share of property tax was returned to the General Fund. Although expenditures are higher compared to the prior year second quarter, overall costs are within budget and in line with appropriations. Capital projects in progress include Fundware software replacement (near completion with \$20,000 under-budget to be used refining modules), Storm Drain Cleaning/Retrofit, Facilities Maintenance, Riverview Park Improvements, Village Park Improvements, Road Maintenance and Industrial Way Streetlights.

General Fund	2015-16	2014-15	Over (Under)
Revenues:			
Taxes	3,287,641	2,363,073	924,568
Fees and Permits	10,725	6,800	3,925
Fines and Penalties	13,504	13,840	(336)
Charges For Current Services	91,818	96,158	(4,340)
Other Revenues	81,565	98,775	(17,210)
Total Revenues	<u>3,485,253</u>	<u>2,578,646</u>	<u>906,607</u>
Expenditures:			
General Government	2,787,897	2,582,048	205,849
Capital	103,163	83,454	19,709
Total Expenditures	<u>2,891,060</u>	<u>2,665,502</u>	<u>225,558</u>

Top Five Revenues

Top Five Revenues	Budget	YTD Actual	Percent
Sales Tax	2,050,000	557,364	27%
TOT	1,600,000	891,699	56%
Property Tax	1,188,000	1,787,496	150%
MVLF	363,000	1,990	1%
Franchise Fees	210,000	51,083	24%
Other Revenues	759,441	195,621	26%
Total Revenues	6,170,441	3,485,253	56%

Sales Tax

The City received Mid-Year Sales Tax revenue projection from HdL in January 2016. According to HdL, revenue is expected to be higher than expected at \$2,092,000. Sales Tax payments fluctuate each month but trends are expected to exceed target for the 2015-16 fiscal year. Sales tax is the top revenue source in the General Fund. The City has experienced strong revenue streams from local sales tax and increasing trends are expected. The State's reimbursement for the "Triple-Flip" wind down process will be completed in the latter half of 2015-16. Triple flip is ending and according to law, the full 1 percent rate will then return on January 1, 2016 and the 0.25 percent state Fiscal Recovery Fund rate ends.

Transient Occupancy Tax (TOT)

This revenue source is a major component of the City's General Fund revenue. The City expects TOT revenue streams to meet budgeted levels with total receipts at 56 percent at the end of the second quarter. TOT receipts have been received through November. Payments for the reporting period are due on the 20th of the following month, which causes revenue streams to lag one month.

Property Tax

The City's property tax revenues are received later in the fiscal year at intervals set by the Santa Barbara County Auditor-Controller. Property tax is expected to be above target with budget. The major cause is the dissolution of the Redevelopment Agency and the redistribution of property tax resulting from the recent payment to the Santa Barbara County Auditor-Controller. The City's share of property tax was redistributed to the General Fund causing the City to increase this category.

Motor Vehicle License Fees

Payments for 2015-16 are expected to be on course with budget. Payments from the State of California are received intermittently throughout the fiscal year, usually January and June.

Franchise Fees

The majority of the City's Franchise Fees are collected from MarBorg Industries, the City's solid waste service provider. Other franchise fees are received from various utilities. This revenue source is on target with budget with timing delays in the second quarter.

Expenditures

The chart below summarizes operating costs by department and shows that one budget unit is over budget. Overall the General fund is within budget at the end of the second quarter.

Department Expenditures	Budget	YTD Actual	% Expended
City Council	142,622	66,404	47%
City Manager	213,832	99,274	46%
City Clerk	111,385	47,941	43%
City Attorney	150,000	78,830	53%
Non-Departmental	900,792	437,240	49%
Finance	312,580	146,884	47%
Police and Fire	1,977,896	911,712	46%
Library	99,741	94,275	95%
Recreation	474,058	240,890	51%
Street Lights	55,000	27,540	50%
Storm Water	184,600	43,393	24%
Public Works - Parks	320,800	97,696	30%
Public Works - Landscape	100,500	42,762	43%
Public Works - Engineering	110,000	16,402	15%
Public Works - General	584,205	255,346	44%
Planning (Comm Dev)	450,187	181,308	40%
Transfer to CIP Fund 92	464,884	103,163	22%
Total All Departments	6,653,082	2,891,060	43%

As of December 31, 2015 or 50 percent of the year expended, the General Fund budget ended at 43 percent spent (including CIP budget versus actual). Actual General Fund expenditures were approximately \$2.9 Million. Almost all Budget Units ended the quarter within budget except for the Buellton Library. This overage was due to a contract payment early in the fiscal year. The General Fund absorbed the overage because numerous departments were within appropriations and ended the quarter under-budget. The Recreation Department experienced a slight increase in maintenance costs during the quarter. The City Attorney expenditures exceeded budget by a small margin as part of legal fees associated with operations. CIP expenditures include costs for the Fundware Replacement and Storm Drains. All CIPs will be discussed later in the fiscal year. Because of the positive condition of the other General Fund budget units, there are no budget amendments required this quarter for the General Fund.

Major Expenditure Variances

Expenditures By Type	Budget	YTD Actual	% Expended
Staffing	1,633,560	675,785	41%
Contract Services	3,075,737	1,633,525	53%
Telecomm and Utilities	263,092	85,571	33%
Supplies and Materials	254,050	15,913	6%
Other Operating Costs	913,009	344,768	38%
Minor Capital & CIPs	513,634	135,497	26%
Total by Type	6,653,082	2,891,060	43%

The chart above shows General Fund operating and CIP expenditures by Expenditure Type. With 50 percent of the year expended as of the second quarter of fiscal year 2015-16, all budget categories are within budget with the exception of “Contract Services”. This category includes expenditures for Public Safety, Engineering and various Professional Services that support the City’s ongoing operations. Staff will monitor this overage and return in the third quarter to verify a the category is within budget or explain the shortfall. The overall General Fund operating expenditures are within budget.

ENTERPRISE FUNDS

The Statement of Revenues and Expenses for the second quarter of Fiscal Year 2015-16 are shown below.

Revenues and Expenses

Enterprise Funds	Water	Wastewater
Revenues		
Charges for Service	832,516	385,573
Interest Income		
Other Revenues*	316,090	169,582
Total Revenues	1,148,606	555,155
Expenses		
Operating	428,328	326,692
Transfers Out/CIP	342,816	117,973
State Water	500,000	-
Total Expenses	1,271,144	444,665
Profit (Loss)	(122,538)	110,490

*Connection Fees

Operating revenues have exceeded operating expenditures by over \$220,000 in the second quarter of Fiscal Year 2015-16 (excludes Capital Improvement Projects). The Water fund utilizes reserves to fund Capital Improvement projects (CIPs) which amount to about \$340,000 expended as of December 31, 2015. The total CIP budget for fiscal year 2015-16 includes Reservoirs 1 & 2 Improvements, Water Treatment Plant Facilities Improvements and Water Treatment Plant Backwash Reclamation Improvement Project, Water Meter Improvements, Recycled Water Concept (costs shared jointly with Wastewater) and Fundware Financial and Utility Billing Replacement Project. The Water Fund will split the cost of the Fundware Software Replacement Project equally between Water, Wastewater and General Fund (1/3 each). Budgeted appropriations for CIPs amount to approximately \$1.1 Million. A water rate study is planned to provide direction regarding the need for future rate increases. The Water Fund ended the second quarter with approximately \$1.8 Million in reserves.

Wastewater Fund

Operating revenues exceeded operating expenditures by about \$228,000 in the second quarter of Fiscal Year 2015-16 (excludes Capital Improvement Projects). The Sewer fund utilizes reserves to fund Capital Improvement projects (CIPs) which amount to zero expended as of December 31, 2015. The total CIP budget for fiscal year 2015-16 includes Wastewater Treatment Plant Facilities Improvements, Sewer Collection System Clean (CCTV), Recycled Water Concept (costs shared jointly with Water) and Fundware Financial and Utility Billing Software Replacement. The Wastewater Fund will split the cost of the Fundware Software Replacement Project equally between Water, Wastewater and General Fund (1/3 each). Total budgeted appropriations for CIPs amount to about \$280,000. A sewer rate study is planned to provide direction regarding the need for future rate increases. The Sewer Fund ended the second quarter with slightly over \$1.5 Million in reserves.

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 7

To: The Honorable Mayor and City Council

From: Carolyn Galloway-Cooper, Finance Director

Meeting Date: January 28, 2016

Subject: Resolution No. 16-02 – “A Resolution of the City Council of the City of Buellton, California, for the Purpose of Budget Amendments from Operational Changes Related to Fiscal Year 2015-16 through the Second Quarter Ending December 31, 2015”

BACKGROUND

As part of the City’s budget process, staff periodically presents to the City Council for consideration various capital, operational and personnel adjustments in conjunction with the quarterly financial report. Staff is presenting the following amendments for incorporation into the 2015-16 Budget. The net increase to the General Fund as a result of these amendments is \$1,389,984.

General Fund: Appropriation to fund payment due to Department of Finance: Increase Transfer-Out from Restricted Cash to the Successor Agency Operating fund – “Other Funds” Due Diligence Review (+\$5,943,790). A legal decision was rendered concerning the City’s lawsuit against the State of California. The payment was made to the Santa Barbara County Auditor Controller. For the purpose of this anticipated payment, Finance staff restricted over \$6 Million in cash. The residual balance leftover after remittance of the amount due is \$241,649. This amount will be added to the unrestricted cash reserves in the General Fund.

Successor Agency – Appropriations for payment to Department of Finance: Increase appropriations to remit the contested tax increment to the Santa Barbara County Auditor Controller – “Other Funds” Due Diligence Review (+\$5,943,790). This payment settles the amount owed and all debt to the Department of Finance is paid in full.

General Fund: Appropriation for Property Tax Revenue: Increase Property Tax revenue resulting from the redistribution to taxing entities resulting from the payment to the Auditor-Controller - “Other Funds” Due Diligence Review (\$1,173,335). As part of the redistribution, the City of Buellton’s General Fund increased by over \$1 Million. These funds are the City’s share of property tax returned to us from the \$5,943,790 that the City remitted to the County Auditor-Controller.

General Fund/Enterprise Funds: Appropriation for Incentive Pay: Increase Salary and Benefit expenditures from September 2015 through June 2016 (+\$25,000). Additional cost for salary and benefits resulted from adding the following incentives: Education, Bilingual, Professional Certificates and Licenses.

FISCAL IMPACT

The proposed appropriation increases in revenue and expenditures for the General Fund amount to a net increase of \$1,389,984. It is important to restate that the payment remitted to Department of Finance was paid with the restricted cash held separately from the City's Operating Budget. The proposed appropriation increases in revenue and expenditures for the Successor Agency fund amounts to net zero.

RECOMMENDATION

That the City Council consider approval of Resolution No. 16-02 – “A Resolution of the City Council of the City of Buellton, California, for the Purpose of Budget Amendments from Operational Changes Related to Fiscal Year 2015-16 through the Second Quarter Ending December 31, 2015”

ATTACHMENT

Resolution No. 16-02

RESOLUTION NO. 16-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, FOR THE PURPOSE OF BUDGET AMENDMENTS FROM OPERATIONAL CHANGES RELATED TO FISCAL YEAR 2015-16 THROUGH THE SECOND QUARTER ENDING DECEMBER 31, 2015

WHEREAS, the City Council adopted the fiscal Year 2015-16 budget; and

WHEREAS, it is necessary to make amendments to the 2015-16 budget as part of the Second Quarter Financial Report;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buellton as follows:

That the following budget amendments for the fiscal Year 2015-16 budget are approved:

- 1.) *Increase appropriations for Interfund Transfer-Out from General Fund Restricted Cash to Successor Agency Fund: (+5,943,790)
Account #: 001-410-69100 [Expenditure]*
- 2.) *Increase appropriations for Salaries and Benefits for General Fund and Enterprise Funds: (+\$25,000)
Account #: 001-50000 through 50200
Account #: 005-50000 through 50200
Account #: 020-50000 through 50200
[Expenditure]*
- 3.) *Increase appropriations for General Fund Property Tax Revenue:
(+\$1,173,335)
Account #:001-41005
[Revenue]*
- 4.) *Increase appropriations for Interfund Transfer-In from General Fund Restricted Cash to Successor Agency Fund: (+5,943,790)
Account #: 051-49709
[Revenue]*
- 5.) *Increase appropriations for "Other Funds" Due Diligence Review expenditures for Successor Agency Fund: (+5,943,790)
Account #: 051-566-67226
[Expenditure]*

The proposed appropriation increases in revenue and expenditures for the General Fund amount to a net increase to the General Fund's Operating Cash of \$1,389,984. General Fund Restricted Cash was set-aside in a prior year to cover the payment to the Department of Finance. The proposed appropriation increases in revenue and expenditures for the Successor Agency fund amounts to net zero. Detailed explanations related to these budget increases and decreases are outlined in the attached staff report.

PASSED, APPROVED and ADOPTED this 28th day of January 2016.

Ed Andrisek
Mayor

Linda Reid
City Clerk

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 8

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Meeting Date: January 28, 2016

Subject: Consideration of Contract for Water and Sewer Rate Study

BACKGROUND

Pursuant to the City Council's direction on December 10, 2015, staff reviewed Water Consultancy's proposed scope of work for a Water and Sewer Rate Study and worked with the firm to revise the proposal. The revised scope of work, which is included as Attachment 1, does not include discussion and review of recycled water alternatives and review of other service charges and has fewer meetings. The revised scope of work and proposed contract amount of \$48,290 are consistent with water rate studies performed for other nearby agencies. For example, the City of Solvang completed their last Water and Sewer Rate Study Update in 2010 at a cost of \$45,000.

Under Proposition 218, water and sewer fees cannot exceed either the cost of providing the service or the proportional cost of the service attributable to a particular parcel. Because the last formal rate study was completed in 1996, the City has a critical need for a comprehensive, updated fee study. The City's characteristics have changed dramatically since 1996 with a sizeable influx of commercial and industrial customers. In addition, it is critical that the revenues provide the appropriate rate coverage as required under our agreement with the Central Coast Water Authority (CCWA). Due to increasing expenditures resulting from increased chemical costs and repairs and maintenance that cannot be deferred, the City has not met its rate coverage of 1.25. This negatively affects the bonds placed by CCWA by increasing the bond rates, which increases the payment rates to all of its participants.

The City contacted the consultants originally solicited in the RFP process and spoke with other nearby agencies. These agencies were only familiar with the same firms that we solicited previously. Each of these firms remains unavailable to perform a rate study for the City. Staff also reached out to CCWA staff members, who do not prepare rates as their costs are spread amongst the member agencies. CCWA provided us with a contact at Kennedy-Jenks, who in turn recommended Mr. Takaichi and Water Consultancy. The rate study must be performed by a professional who is familiar with finance structures and the water/wastewater industry.

Study Objectives

It is critical for the City to maintain reasonable reserves in order to handle emergencies, fund working capital, maintain a good credit rating, and generally follow sound financial management practices. Any rate increases must reflect the need to meet operating and capital costs, maintain adequate debt coverage, and build reserve funds. As such, the City's objectives for the rate study are as follows:

- A. Propose water and sewer rates that are fair and objective and reflect the cost of services.
- B. Propose water rates that encourage water conservation.
- C. Review and propose equitable water and sewer rates depending on customer class.
- D. Propose recycled water rates (based on the Recycled Water Feasibility Study) to capture capital and operational expenditures.
- E. Provide a comparison of current water and sewer system costs (operations, capital improvements, environmental resource management) against appropriate industry benchmarks.
- F. Identify those portions of water and sewer system revenues that fund water and sewer system costs.
- G. Recommend a baseline rate structure required to fund water and sewer system costs as well as adjustments to rates needed to fund other costs for a five-year period.
- H. Recommend a rate increase structure to eliminate fund balance deficits within the timeframe designated by Council.
- I. Review the City's current water and sewer connection fees that would fund Capital Improvement Projects (CIPs) for new service locations and assess its suitability for cost recovery.

Please note that these are general objectives. The rate study will propose increments of rates increases over a five-year period. The time period in which the rate increases would cover fund balance deficits is to be determined by the Council and may not necessarily fall within the five-year period. The only shortfall that needs to be met within this five-year period is the rate coverage ratio with CCWA. Also, a rate study does not approve a particular rate structure. The City Council, in accordance with Proposition 218 procedures, is responsible for setting the new rates. The rate study only provides the data needed for the City Council to make an informed decision on of the amount of an increase, if any, and over what time period any such increase should occur.

Council may make the determination to establish the length of time to cover fund balance deficits at this time or at a future council meeting. It is requested that one or two Council members be appointed to serve on a Rate Committee that would work closely with staff and review information during the rate study process.

FISCAL IMPACT

The Water and Sewer Rate Study has been budgeted for FY 15/16 and will be a shared cost between Water and Sewer Capital Funding Projects. The revised proposal cost is \$48,290.

RECOMMENDATION

Staff recommends that Council award the contract for the Water and Sewer Rate Study in the amount of \$48,290 to Water Consultancy and authorize the City Manager to execute that contract.

ATTACHMENT

Attachment 1– Revised Scope of Work and Water Consultancy Fee Proposal

Scope of Services

Task 1 – General Project Tasks

Task 1.1 Project Goal and Objectives

To enhance project efficiency, the study will commence with a kickoff meeting with City staff prior to conducting the work. This meeting will serve two purposes. First, it will serve as a conventional kick-off meeting to facilitate the availability of appropriate data and establish departmental contacts. Second, and most importantly, it will be held to discuss and validate project goals, objectives, and desires of the study.

Task 1.2 Conduct Data Collection and Billing System Review

In this task, we will collect and review the relevant data necessary for the successful completion of this project. Water Consultancy will prepare and submit a comprehensive list of data required to conduct the study prior to the kickoff meeting. In addition, we will further review the City's utility billing system to assess the system capability and flexibility of accommodating alternative water and wastewater rate structures, as appropriate.

Task 2 – Water Rate Analysis

Task 2.1 Assess Revenue Requirements

In this task, Water Consultancy will perform a financial projection of the water utility based on the use of historical financial statements and the projection of future utility revenue and funding requirements. This task will be completed by performing the following subtasks: a) derive a historical performance of the utility based on audited financial statements, b) in close coordination with City staff, project annual increases in customer accounts and demands for the designated planning period, c) project the utility operation and maintenance expenses based on the projected level of utility services and new changes in water supply strategies, d) project the utility non-operating revenues and expenses including any inter-fund transfers and, e) review and incorporate the City's capital improvement program, new CIP components derived through this study, and any existing debt service obligations, f) examine the existing utility reserve funds and amounts and develop recommendation for appropriate reserve funds and targets, and g) based on the results of the preceding subtasks, prepare a financial projection that reflects annualized revenue sources and uses for the desired projection period. The financial projection will provide the basis for developing a time-phased plan for the City in which the amounts and timing of user charge revenue adjustments are defined. The plan will also establish the utilization of other sources of funds and financing to be employed to supplement user charge revenues and discuss the capital expansion-related expense requirements so that appropriate decisions can be made by the City.

Task 2.2 Conduct Water System Cost of Service Analysis

To support the development of new utility charges, we will perform a water cost of service evaluation in accordance with AWWA Guidelines (Manual M1) which allocates system costs to user classes by water use characteristics, determines the fairness and equity of rates charged to user classes, and derives unit costs useful in developing appropriate rates and charges. To accomplish the evaluation, we will: a) review the City's existing customer classes and contrast the rate structure with available water demand data to support an evaluation of existing rate structure adequacy, b) review water usage by user class and develop user class allocation factors to classify system investment and operating/non-operating costs to each user class, c) classify investments in water facilities and operating/non-operating expenses to base/peak demand, and customer related cost components and investment and expenses between fixed and variable components, and d) derive unit costs of service useful in developing an appropriate rate structure. The findings of the cost of service evaluation will explain the development of water rates which are fair and equitable to each user class and will identify the costs of providing service to the different users of the City's water system.

Task 2.3 Evaluate Alternative Ratemaking Concepts

In this task, we will evaluate alternative ratemaking concepts which could be incorporated into the recommended water rates and rate structure. The alternatives and administrative issues to be evaluated will incorporate the study's ratemaking goals and objectives and ongoing discussion and direction from the City.

Task 2.4 Develop Recommended Water Rates

In this task, we will use the results from the preceding tasks to address ratemaking issues and summarize proposed rates that can be adopted by the City. The subtasks to be performed in this task are: 1) summarize the current rate and fee schedules, b) describe the current rate schedule, 3) survey the water rates of comparable water agencies, 4) Prepare a rate schedule consistent with the prior task findings that updates the current charge structure that are consistent with current laws/regulations and meet current City equity, community understanding, and are compatible with the City's policy goals.

Task 3 – Wastewater Rate Analysis

Task 3.1 Assess Revenue Requirements

In this task, Water Consultancy will perform a financial projection of the wastewater utility based on the use of historical financial statements and the projection of future utility revenue and funding requirements. This task will be completed by performing the following subtasks: a) derive a historical performance of the utility based on audited financial statements, b) in close coordination with City staff, project annual increases in customer accounts and demands for the designated planning period, c) project the utility operation and maintenance expenses based on the projected level of utility services, d) project the utility non-operating revenues and expenses including any inter-fund transfers, e) review and incorporate the City's capital improvement program and any existing debt service obligations, f) examine the existing utility reserve funds and amounts and develop recommendations for appropriate reserve funds and targets, and g) based on the results of the preceding subtasks, prepare a financial projection that reflects annualized revenue sources and uses for the desired projection period. The financial projection will provide the basis for developing a time-phased plan for the City in which the amounts and timing of user charge revenue adjustments are defined. The plan will also establish the utilization of other sources of funds and financing to be employed to supplement user charge revenues and discuss the capital expansion-related expense requirements so that appropriate decisions can be made by the City.

Task 3.2 Conduct Wastewater System Cost of Service Analysis

To support the development of new utility charges, we will perform a wastewater cost of service evaluation in accordance with SWRCB Guidelines which allocates system costs to user classes by wastewater characteristics, determines the fairness and equity of rates charged to user classes, and derives unit costs useful in developing appropriate wastewater rates and charges. To accomplish the evaluation, we will: a) review the City's existing customer classes and contrast the rate structure with available sewer flow and strength data to support an evaluation of existing rate structure adequacy, b) review water usage by user class and wastewater flow and strength data to develop return to sewer ratios based on a system mass balance, c) classify investments in wastewater facilities and operating/non-operating expenses to flow, strength, and customer related cost components and investment and expenses between fixed and variable components, d) develop user class allocation factors to classify system investment and operating/non-operating costs to each user class, and e) derive unit costs of service for volume, strength, and customer-based costs useful in developing an appropriate rate structure. The findings of the cost of service evaluation will explain the development of wastewater rates which are fair and equitable to each user class and will identify the costs of providing service to the different users of the City's wastewater system.

Task 3.3 Evaluate Alternative Ratemaking Concepts

Water Consultancy will evaluate alternative ratemaking concepts which could be incorporated into the recommended wastewater rates and rate structure. The alternative and administrative issues to be evaluated will incorporate the study's ratemaking goals and objectives and ongoing discussion and direction from the City.

Task 3.4 Develop Recommended Wastewater Rates

In this task, we will use the results from the preceding tasks to address ratemaking issues and summarize proposed rates that can be adopted by the City. The subtasks to be performed in this task are: 1) summarize the current rate and fee schedules, b) describe the current rate schedule, 3) survey the wastewater rates of comparable wastewater agencies, 4) Prepare a rate schedule consistent with the prior task findings that updates the current charge structure that are consistent with current laws/regulations and meet current City equity, community understanding, and are compatible with the City's policy goals.

Task 4 – Develop Recommended Capital Facility Fees – Water and Wastewater

California Government Code Sections 60013, 66016, 66022 and 66023 are the primary statutes applicable to the development and recovery of “capacity charges: (historically known as connection fees). These sections of Government Code indicate that utility facility charges should reflect new development's impact on the cost of capacity in a utility system. It should be noted however, that the documentation and supporting nexus for deriving the level of charges is not limited to a single method, acknowledging the fact that individual communities have unique circumstances that would result in charges that are appropriate to, and representative of, those circumstances. Courts have approved different charge structures and methods over the years such that there is variation in the approach and method. The City's Scope of Work and Water Consultancy's suggested subtasks to be performed in this task are as follows.

Task 4.1 Perform a Water and Wastewater Capital Facility Fee Study to include the following:

- Evaluate water capital facility fees to recover costs associated with increased demand due to development.
- Evaluate wastewater capital facility fees to recover costs associated with increased demand due to development.
- Evaluate recycled water capital facility fees to recover costs associated with increased demand due to development.
- Review and assess the appropriateness of the City's current capital facility fees.
- Assess the existing but unused capacity of the City's local water and wastewater systems based on City provided planning reports and discussions with City staff.
- Identify utility assets, including existing but unused facilities and future CIP or expansion-related projects, to include in the valuation of facility fees. Develop the unit value of existing but unused system capacity.
- Recommend new or updated water and wastewater capital facility fees for the recovery of expansion-related capital costs. Discuss alternative methods of assessing these charges to new development for new wastewater connections, including water meter size and EDU-based approaches.
- Evaluate the potential financial impacts on each user class. Incorporate the revenues derived from the updated impact fees into the utility financial models.

Task 5 – Combined Tasks

Since the project schedule reflected in the RFP suggest an earlier timeline for the draft rate analysis, we have assumed that the efforts of this task will be documented in separate reports. This assumption is reflected in our scope below and associated project budget.

Task 5.1 Preliminary, Draft and Final Reports

Prepare and submit a spreadsheet analysis of findings and meet with the City to review rate and revenue assumptions. Prepare a Draft Report and submit a digital file in Word and Excel file

formats for distribution within the City for review. Incorporate revisions as appropriate and prepare a Final Report of findings in Word and Excel file formats. A list of Frequently Asked Questions will be incorporated into the Draft and Final Reports. Provide 7 copies and one digital original of the Final Report to the City.

Task 5.2 Assistance with Proposition 218 Noticing Requirements

In this task, Water Consultancy will prepare the required Proposition 218 public hearing notices and associated public outreach materials. The City will provide copies and mailing services.

Task 5.3 Prepare Computer Spreadsheet Financial Models

In this task, we will prepare a computer spreadsheet model for each enterprise in Microsoft Excel for future updates and analysis by the City. We will hold a four-hour instructional meeting with up to three City staff members to explain the model and discuss the model's tabular linkage and input parameters to promote model maintenance and future updates.

Task 5.4 Meetings

Water Consultancy believes that key to successful execution of this important assignment is frequent and effective communication between the City and its consultant. Accordingly, our proposal includes the following meetings:

- Kickoff Meeting
- Working Meetings with City Staff as Necessary
- At Least 2 Meetings with the Rate Committee
- Attendance at 2 City Council Meetings (1 workshop and 1 public hearing/workshop)

In addition, we anticipate frequent conference calls to discuss City-provided data, financial assumptions, and current City policies.

Proposal Fee Estimate

Water Consultancy

CLIENT Name: Buellton
 PROJECT Description: Rate Study
 Proposal/Job Number: _____

July 1, 2015 Rates	Principal	Senior Associate	Associate	Research Assistant	Admin. Assist.	Total	WC Labor	WC ODCs	WC ODCs Markup	Total Labor	Total Expenses	Total Labor + Expenses
Classification:						Hours	Fees	Fees	10%			Fees
Hourly Rate:	\$270	\$250	\$175	\$140	\$85							
Task 1-General Project Tasks	16					16	\$4,320		\$0	\$4,320	\$0	\$4,320
Task 2-Water Rate Analysis	48			16	4	68	\$15,540		\$0	\$15,540	\$0	\$15,540
Task 3-Wastewater Rate Analysis	40			8	4	52	\$12,260		\$0	\$12,260	\$0	\$12,260
Task 4-Capital Facility Fees	24			4	4	32	\$7,380		\$0	\$7,380	\$0	\$7,380
Task 5-Combined Tasks	28			4	4	36	\$8,460	\$300	\$30	\$8,460	\$330	\$8,790
Total- Tasks 1 - 5	156		0	32	16	204	\$47,960	\$300	\$30	\$47,960	\$330	\$48,290