



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of April 6, 2017 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California**

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

CALL TO ORDER

Chair Mercado

PLEDGE OF ALLEGIANCE

Commissioner McLaughlin

ROLL CALL

Commissioners Dan Heedy, Morgen McLaughlin, Joe Padilla, Vice Chair Brian Dunstan and Chair Art Mercado

REORDERING OF AGENDA

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of February 16, 2017

PUBLIC COMMENTS

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

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

- 2. **Resolution No. 17-01 - “A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (16-MND-02) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project Located at 290 East Highway 246, Assessor’s Parcel Number 137-200-078 and Making Related Findings Under the California Environmental Quality Act”;**

and

Resolution No. 17-02 – “ A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-03), Conditional Use Permit (16-CUP-01) and Sign Ordinance Exemption (16-EXP-01) for the Live Oak Lanes Project Located at 290 East Highway 246, Assessor’s Parcel Number 137-200-078 and Making Findings in Support Thereof”

❖ *(Staff Contact Assistant Planner Andrea Keefer)*

- 3. **Resolution No. 17-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (16-MND-01) and Mitigation Monitoring and Reporting Program for The Commons at Zaca Creek, a 54,286 Square Foot Mixed-use Commercial Project Located at 610 McMurray Road, Assessor’s Parcel Number 137-170-068, and Making Related Findings Under the California Environmental Quality Act in Support Thereof”;**

and

Resolution No. 17-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-05), Conditional Use Permit (16-CUP-02) and Sign Ordinance Exemption (17-EXP-01) for The Commons at Zaca Creek Project, a 54,286 Square Foot Mixed-use Commercial Project Located at 610 McMurray Road, Assessor’s Parcel Number 137-170-068, and Making Findings in Support Thereof”

❖ *(Staff Contact City Planner Irma Tucker)*

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, April 20, 2017 at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

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

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

**Regular Meeting of February 16, 2017 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner McLaughlin led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Dan Heedy, Morgan McLaughlin and Chair Art Mercado

Absent: Commissioner Padilla and Vice Chair Dunstan

Staff: Public Works Director Rose Hess
Contract Planner Irma Tucker
Assistant Planner Andrea Keefer

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of January 19, 2017

MOTION:

Commissioner Heedy moved and Commissioner McLaughlin seconded the motion to approve the Minutes of January 19, 2017.

VOTE:

Motion passed with a 3-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

2. Preliminary Review –The Central Townhomes Project, 17-FDP-01 and TTM 31059

STAFF REPORT:

Assistant Planner Andrea Keefer presented the staff report.

SPEAKERS/DISCUSSION:

Sang Kim, Licensed Engineer and Applicant, stated he wasn't aware of the affordable housing requirement or the parking requirement of 2.5 spaces per unit due to the size of the proposed units. He stated that the pine tree would be removed and that they would incorporate the existing building into the project as a clubhouse.

The Commission discussed the following:

- Scale of the project does not fit the neighborhood
- Eliminate the third story, too high for neighborhood
- Add architectural elements to add interest
- Traffic impacts on Second Street and Central Avenue
- Status of the existing pine tree in relation to the proposed playground
- Clubhouse must meet current setback requirements or Applicant must apply for a Development Plan Modification
- Parking requirements
- Variation in types of trees
- Suggested making the individual units smaller; 3 bedrooms or less
- Location of play area and surrounding fencing
- Fire Department comments will be incorporated into the incomplete letter

Commissioner Heedy commented that with the increase in development in Buellton traffic will become an issue. He suggested a comprehensive traffic study be done that would include Second Street.

Commissioner McLaughlin spoke in support of infill residential development.

The Commission thanked the Applicant for his presentation and look forward to the next submittal.

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

Contract City Planner Irma Tucker updated the Commission the status of various projects and mentioned several upcoming projects.

ADJOURNMENT

Chair Mercado adjourned the meeting at 6:50 p.m. to the next regular scheduled meeting of the Planning Commission to be held March 2, 2017 at the City Council Chambers, 140 West Highway 246, Buellton.

Art Mercado, Planning Commission Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

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

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: _____
Planning Commission Agenda Item No: _____2

To: The Honorable Chair and Commission Members
From: Andrea Keefer, Assistant Planner
Meeting Date: April 6, 2017
Subject: **Live Oak Lanes**

Resolution No. 17-01 - “A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (16-MND-02) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project Located at 290 East Highway 246, Assessor’s Parcel Number 137-200-078 and Making Related Findings Under the California Environmental Quality Act”; and

Resolution No. 17-02 – “ A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-03), Conditional Use Permit (16-CUP-01) and Sign Ordinance Exemption (16-EXP-01) for the Live Oak Lanes Project Located at 290 East Highway 246, Assessor’s Parcel Number 137-200-078 and Making Findings in Support Thereof”

BACKGROUND

Owner: Carol Leshler-Peterson

Agent: Sid Goldstien

General Plan Designation: General Commercial and Open Space, Parks & Recreation

Zoning: CR (General Commercial) and Open Space (OS)

APN: 137-200-078

Carol Leshler-Peterson, property owner, and Sid Goldstien, agent (“Applicant”) have submitted an application for a Final Development Plan (16-FDP-03), Conditional Use Permit (16-CUP-01), Sign Ordinance Exemption (16-EXP-01) and related Mitigated Negative Declaration (16-MND-02).

The 10.26-acre property is located at 290 East Highway 246 in Buellton on Assessor’s Parcel Number 137-200-078 (**Attachment 1 - Vicinity Map**).

The proposed project consists of a Final Development Plan (16-FDP-03), Conditional Use Permit (16-CUP-01) and Sign Ordinance Exemption (16-EXP-01) for a 45,633 square foot two-story building for use as a Family Entertainment Center (34,439 square foot ground floor), and parking and landscaping in support of those facilities. A 456 square foot trash enclosure building is located to the west of the proposed building near the large parking area. There would also be an outdoor patio for lounging and dining, a second floor balcony, and three outdoor bocce ball courts located at the southern end of the building. The property is currently vacant with one small residential unit on site, which is proposed to be removed as part of the project.

Under the City's General Plan, the southernmost portion of the property is designated as OS (Open Space) and the northern portion is CR (General Commercial). 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 CR (General Commercial). A portion of the outdoor patio, two wind walls, bocce ball courts, and parking areas at the southern end of the project site are located within the required 200 foot structural setback area. However, no habitable structures are located within this required setback and the proposed uses are permitted within the setback area. Parking and access areas are located on the western, eastern and northern portions of the site.

The project consists of the following applications:

- **Final Development Plan (16-FDP-03):** Proposal for a two-story 45,633 square-foot Family Entertainment Center (34,439 square-foot ground floor) (which includes a bowling alley and other amenities), and parking and landscaping in support of those facilities. A Development Plan Modification will be required for the proposed increase in height.
- **Conditional Use Permit (16-CUP-01):** Required for "sports facilities and outdoor public assembly" uses. Both the outdoor seating areas, and outdoor bocce ball courts are considered "sports facilities and outdoor public assembly", triggering this requirement.
- **Sign Ordinance Exemption (16-EXP-01):** Required for the proposed off-premises directory monument sign.

Each major project component is described in more detail below. The architectural, landscape, lighting, civil, and sign plans are included as **Attachment 2**. Full size plans have been provided to the Planning Commission.

A colors and materials board will be provided at the Planning Commission meeting. Story poles were erected on March 1, 2017. A photo is included as Attachment 3.

DISCUSSION

Project Features

The two-story 45,633 square foot (34,439 square foot ground floor) Family Entertainment Center and associated improvements will be built on an approximately 3.05 acre portion of the 10.26 acre project site, and will include the following uses:

- A 18-lane bowling alley , including 4 lanes separate from the main bowling alley to allow for private parties
- Restaurant/bar
- Party and meeting rooms
- Game area on first floor, arcade on second floor
- Office space, with additional offices provided on a second floor mezzanine
- Restrooms and associated uses

In addition to the indoor uses, the development includes three outdoor bocce ball courts, an outdoor patio for dining and lounging and a second floor balcony, as well as landscaping around the entire property. Parking is proposed to be provided adjacent to the building in a paved lot. The main parking area will be located to the west of the building, however parking will also be located to the north and east of the building.

Hours of operation for the entertainment center will be approximately 9 AM to midnight, Sunday through Thursday, and 9 AM to 1 AM on Friday and Saturday. It is estimated that 15 full-time and 30 part-time employees will be needed.

Consistency With City Standards

The project site is designated as CR (General Commercial) and OS (Open Space) under the City's General Plan. All development will take place in the northern portion of the site designated as General Commercial, with a corresponding zoning of General Commercial (CR). Proposed uses have been determined to be consistent with the General Plan and zoning designations. A Conditional Use Permit is required for the outdoor bocce ball courts, and outdoor seating areas. The proposed project generally conforms to the City's CR (General Commercial) zone standards, as summarized in the following table (Table 1). Because the subject property meets the definition for an interior lot, the required setback standards for the CR zone do not apply in this case. Code section 19.04.160 instead requires that there is a minimum of a 10-foot structural setback from all property lines. This project is also in conformance with the applicable policies of the Buellton General Plan. A detailed analysis of General Plan consistency is set forth in the Initial Study/Mitigated Negative Declaration (**Attachment 4**).

Table 1. Zoning Analysis Project Consistency With CR Zoning District Standards (interior lot)			
Development Feature	City Requirement	Proposed	Project Consistency
Minimum Lot Area	No minimum	10.26 acres	Consistent
Front Setback (North Property Line)	10 feet for interior lot	38 feet (7.5 feet to parking)	Consistent
Side Setbacks (East and West Property Lines)	10 feet for interior lot	Varies, 142 feet to bldg. on West, 72.85 feet on East (7.85 feet to parking on East, 6.8 feet to parking on West)	Consistent
Rear Setback (South Property Line)	10 feet	Varies, minimum setback = 130 feet, structure is 200 feet from top of bank	Consistent
Landscaping	5% Minimum	17% (24,167 sf)	Consistent
Paving/ Hardscape	Not Specified	56.5% (74,215 sf)	Consistent
Site Coverage	No Maximum	26.5% 34,439 sf plus 456 sf trash building	Consistent
Floor Area	No Maximum	45,633 sf	Consistent
Height Limits	35 feet	38 feet 5 inches	Development Plan Modification Required
Parking	Bowling Alley: 8 per lane (144 spaces for 18 lanes) 1 loading space per building (1 space) = 144 total, plus 1 loading	186 spaces (including 8 accessible and 4 compact spaces) plus 1 loading	Consistent
<i>Source: City of Buellton Municipal Code, Title 19, Zoning.</i>			

Because the subject property meets the definition for an interior lot, the required setback for all structures is a minimum of 10 feet from all property lines. Parking and landscaping are the only project elements which are located within 10 feet of any property line, thereby meeting this requirement.

Parking

The parking requirement for bowling alleys is 8 spaces per lane. A total of 18 lanes are proposed, therefore requiring 144 parking spaces. A total of 186 parking spaces, including 8 ADA accessible spaces, and 1 loading space are proposed, exceeding the parking requirement by 44 spaces. Bicycle parking is proposed to accommodate 13 bicycles.

Height Limit Modification

A Development Plan Modification is required for the proposed increase in maximum height permitted in the CR zone from 35 feet to 38 feet 5 inches. The predominant height of the building is 35 feet. However, some architectural features, particularly on the northwest corner of the building extend to a maximum height of 38 feet 5 inches. These architectural elements serve to add to the architectural character of the building, which is consistent with the Contemporary Ranch design style of the Community Design Guidelines. A Development Plan Modification is allowed per Municipal Code Section 19.08.120(G), which allows the Planning Commission to modify the allowed maximum building height when it finds that such modifications are justified.

Architecture and Design

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

The building materials include masonry, stucco, and a combination of wood and metal architectural features, consistent with the commercial area in which the project is located (**Attachment 2**). A unique architectural feature is proposed primarily on the north and west side of the building that consists of metal wood grain siding and emulates the look of a bowling lane. Staff believes that this provides unique character, while being consistent with the community design guidelines and surrounding architecture. A color and materials board will be provided at the Planning Commission meeting.

Development of the project site would result in a new building, separate trash enclosure building, parking areas, and landscaping that would replace a vacant parcel that currently consists of one small residential unit on site that is proposed to be removed. These proposed improvements are bounded on the north, east and west by existing commercial 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.

Comments from Contract City Architect

The project application and proposed project plans were reviewed by the City's contract architect. Comments received from the architect were included in the Incomplete Letter to the applicant. The architectural elevations were revised in response to comments received from the architect, and these revisions were found to be in compliance with the Community Design Guidelines by the City's contract architect.

Initial comments from the City's contract architect included concerns with the lack of ranch style elements that conform to the Contemporary Ranch design style, and not including enough variation in materials used on the building facades. The prominent north and west elevations were revised to include more wood grain siding, board and batt siding, and stucco, materials which are consistent with the Contemporary Ranch design style. More variety of materials and colors were incorporated into the elevations, and

multiple materials from base to parapet are included. The City's contract architect indicated that compliance with the Contemporary Ranch design style was analyzed through the use of materials, rather than the incorporation of traditional ranch style elements. Because of the nature of the function of the building, it is understood that many of the elements of the ranch style may not be able to be incorporated on a large scale. However, the materials used on the building facades do generally conform to the Community Design Guidelines. The addition of wood grain and board and batt siding primarily to the north and west sides of the building allow the building to read as a large wood-sided building, which is consistent with the Contemporary Ranch design style.

Landscaping

The landscaping design meets the Community Design Guidelines and significantly exceeds the municipal code standards. Only 5% of the site is required to be landscaped and 17% of the site is proposed to be landscaping. New landscaping will be provided along the east and west property lines, and to the south of the proposed development. Landscaping is also proposed along the building on the north, west and southern sides. The parking aisle in the parking lot to the west of the building is landscaped with bioretention landscaping to accommodate onsite drainage. Similar landscaping is also proposed to the south of the proposed building.

The Conceptual Landscape Plans propose native and drought tolerant plants and an irrigation system that is in compliance with the State of California Water Conservation Mandate. All trees shall be specified at a minimum size of 24 inch box. The proposed trees are either on the City's Approved Tree Planting List or are generally suitable for the local climate. Final Landscape Plans will be required to comply with these standards.

Signage

In the General Commercial (CR) zone, one square foot of signage is permitted per one foot of lineal street frontage. The proposed signage for this project is difficult to compare against this standard because the site is located on an interior lot with no street frontage. The frontage of the project site is bound by an existing private access road to the existing commercial center on the north property line. The amount of permitted signage for the Live Oak Lanes project was determined based on this frontage, which totals 416 feet. However, a maximum of 400 square feet of signage is permitted, unless a Minor Use Permit is obtained. The project proposes a total of 391 square feet of signage, consistent with this requirement and no Minor Use Permit is required.

The proposed signage detail is provided within **Attachment 2**. Wall-mounted signs would be included on the north, south and west building elevations of the bowling alley. These include individual letters lit from above ("LIVE OAK LANES FAMILY ENTERTAINMENT CENTER", "LIVE OAK GRILL" and "LIVE OAK LANES"), as well as a unique internally-lit sign depicting three bowling pins. Finally, there will be a single two-sided off-site monument at the entrance to the commercial center ("LIVE OAK LANES FAMILY ENTERTAINMENT CENTER"). A Sign Standard Exemption is required for the off-site monument sign.

The following table summarizes the project signage:

Table 2. Project Signage		
Location	Sign Characteristics	Sign Area
Project Entrance (off-site)	Type: Two-sided, off-site Monument Sign; interior lit Information: "LIVE OAK LANES FAMILY ENTERTAINMENT CENTER" (with arrow)	47.25 SF
Bowling Alley – North Wall	Type: Wall mounted; Raised solid letters, lit from above Information: "LIVE OAK LANES FAMILY ENTERTAINMENT CENTER"	104.7 SF
Bowling Alley – North Wall	Type: Wall mounted; interior lit Information: three bowling pins	40 SF
Bowling Alley – West Wall	Type: Wall mounted; Raised solid letters, lit from above Information: "LIVE OAK LANES FAMILY ENTERTAINMENT CENTER"	104.7 SF
Bowling Alley – West Wall	Type: Wall mounted; Raised solid letters, lit from above Information: "LIVE OAK GRILL"	29.4 SF
Bowling Alley – South Wall	Type: Wall mounted; Raised solid letter, lit from above Information: "LIVE OAK LANES"	65 SF
TOTAL SIGN AREA		391.05 SF
TOTAL AREA OF SIGNS FACING HIGHWAY 246 (North façade)		144.7 SF

The proposed signage is generally consistent with City standards described in Section 19.04.172 of the Municipal Code. However, a Sign Standard Exemption is required for the off-site monument sign.

Sign Standard Exemption

The proposed off-site monument sign would be 7 feet, 9 inches tall (including the sign base) and the face of would be 47.25 square feet. The overall height of the sign is consistent with the City's maximum height limit of eight feet. The maximum width of the sign that is permitted is 18 inches for a double-sided sign. Three bowling pins that match the proposed wall mounted sign would also be included on the monument sign. The bowling pins are included in the square footage calculation and will be interior illuminated.

The intent of the code is to minimize signs that are out of scale, visually intrusive, or inappropriate for the area. The proposed signage 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 plans be approved as proposed.

Access and Circulation

The primary vehicular access to the entertainment center is through an existing access easement from Highway 246 (**Attachment 5a**). Customers to the entertainment center would take the access point into the existing commercial center toward the parking lot area north and west of the building. Additional parking is provided on the east side of the building. Additional access easements leading into the project site from the Albertson's shopping center would serve as secondary access points into the project site (**Attachment 5b**).

Trail

Pursuant to the Bicycle and Pedestrian Master Plan, there is a City-maintained east-west river trail that is planned to run through this property. The applicant will be required to dedicate a 20-foot wide easement to accommodate the portion of the trail that is located on their property. The final location of the river trail will be determined prior to occupancy, at which time the 20-foot wide easement dedication shall be made to the City. The project conditions require that once the trail installed, the property owner will be responsible for maintaining their portion of the trail. The applicant must also provide a public connection to the trail from the project site. A 6-foot wide decomposed granite trail is proposed, to connect the project site with the future trail. The proposed connection is shown in **Attachment 2**.

Drainage

Three on-site bio-retention landscape areas are proposed to accommodate drainage from the site. They are located in the landscape area along the western parking area, to the south of the outdoor patio area, and to the east of the bocce ball courts. The water is captured in these landscape areas and into underground detention chambers.

Planning Commission Comments

A Preliminary review of the Project was held on August 4, 2016. The Planning Commission comments are noted below, and staff has indicated how they have been addressed by the applicant.

1. Traffic and Circulation to and from the project site may be an issue. The applicant shall be as detailed as possible showing access and circulation on the plans. **Response:** *The Traffic Study did not include any requirement for re-design of the project as it relates to access and circulation to and from the project site. Attachment 5 was provided to the City's contract traffic engineer that conducted the Traffic and Circulation Study for the project. This attachment shows all of the access points into the project site. This study was included as part of the IS/MND. The analysis concluded that no additional frontage or driveway improvements are required to accommodate project traffic. However, the Traffic Study did show that the intersection at Highway 246 and McMurray Road will have a P.M. peak hour cumulative impact with a Level of Service "D". Improvements are planned (lane additions) for this intersection that will address this impact, mitigating it to a less*

than significant level. Additionally, Mitigation Measure T-1 from the IS/MND prepared for the project requires that the applicant pay a Traffic Mitigation fee that goes toward funding these types of improvements.

2. Provide some elevation break up on building façade; particularly on the East and North facing walls. **Response:** *Changes have been made to the architectural elevations to include more architectural details and break up of the facades. Changes include; adding more awnings, architectural elements, and more colors and materials that are more consistent with the contemporary ranch design style.*
3. Planning Commission does not believe it is necessary for the applicant to provide a security wall or fence on east property line for property owner to the east of the project site. Lighting provided on East side of building provides adequate security. **Response:** *A landscape strip is included along the Eastern property line between the property line and bowling alley parking with trees and shrubs included to separate the project from the adjacent property. Parking lot lighting on the eastern portion of the property is also included.*

ENVIRONMENTAL REVIEW (CEQA)

Environmental Record

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”) (**Attachment 4**).

On March 2, 2017, 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 two public locations.

The IS/MND dated March 2017 was circulated for public and agency review and comment from March 6, 2017 through April 4, 2017. Copies of the IS/MND were made available to the public at the Planning Department on March 6, 2017, and the IS/MND was distributed to interested parties and agencies.

The Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a several potentially 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, greenhouse gas emissions, hazards and hazardous materials, 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 **Exhibit A with Resolution No. 17-01**.

CEQA Comments

The City received two comment letters during the public review period (Included as part of **Attachment 4**), as of the date of this staff report. Any comment letters received after this date will be transmitted to the Planning Commission under separate cover.

1. Email comment dated March 9, 2017, from Matt Van der Linden at Santa Ynez Valley Transit. The email notes that the project is within easy walking distance of an existing Santa Ynez Valley Transit bus stop in the Albertson's Shopping Center. No other comments were noted. **Response:** *The proximity of the existing bus stop to the proposed project will provide alternative transportation options for patrons of the family entertainment center.*

2. Email comment dated March 8, 2017, from Sid Goldstien. The email states that in several locations in the IS/MND, the parcel is described as vacant. Sid expressed that the existence of a single family home and an accessory structure shall be noted. **Response:** *The project description in the Conditions of Approval within Resolution No. 17-02 indicates the presence of "one small residential unit that is proposed to be removed as part of the project". This Staff Report, dated April 6, 2017 also indicates this, to further clarify this concern. The removal of the existing residential unit on the site is taken into account in the IS/MND, and less than significant impacts were found.*

CONDITIONS OF APPROVAL

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

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

The complete list of conditions is included within Planning Commission Resolution No. 17-02.

RECOMMENDATION

That the Planning Commission consider the adoption of Resolutions No. 17-01 and 17-02 as follows (separate motion for each):

Resolution No. 17-01 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (16-MND-02) and Mitigation Monitoring and Reporting Program for the Live Oak Lanes Project Located at 290 East Highway 246, Assessor's Parcel Number 137-200-078 and Making Related Findings Under the California Environmental Quality Act"; and

Resolution No. 17-02 – “ A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-03), Conditional Use Permit (16-CUP-01) and Sign Ordinance Exemption (16-EXP-01) for the Live Oak Lanes Project Located at 290 East Highway 246, Assessor’s Parcel Number 137-200-078 and Making Findings in Support Thereof”

ATTACHMENTS

Planning Commission Resolution No. 17-01 (adopting MND)

Planning Commission Resolution No. 17-02 (approving project with conditions of approval)

Attachment 1: Vicinity Map

Attachment 2: Project Plans

Attachment 3: Photo of Story Poles

Attachment 4: Initial Study/Mitigated Negative Declaration/comments received/
Mitigation Monitoring and Reporting Program

Attachment 5: Access and Circulation Exhibits

PLANNING COMMISSION RESOLUTION NO. 17-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION (16-MND-02) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LIVE OAK LANES PROJECT LOCATED AT 290 EAST HIGHWAY 246, ASSESSOR'S PARCEL NUMBER 137-200-078 AND MAKING RELATED FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

WHEREAS, Carol Peterson, property owner, and Sid Goldstien, agent, (collectively "Applicant") have filed an application for approval of a **Final Development Plan (16-FDP-03), Conditional Use Permit (16-CUP-01), and Sign Ordinance Exemption (16-EXP-01)** to allow the construction of a 45,633 square foot Family Entertainment Center (34,439 square foot ground floor), which includes a bowling alley and other amenities, and associated outdoor uses (the "Application") on property located at 290 East Highway 246 (APN 137-200-078) in the City of Buellton within the General Commercial "CR" 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 dated March 2017 was circulated for public and agency review and comment from March 6, 2017 through, and including April 4, 2017. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on March 6, 2017, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On March 2, 2017, 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 two public locations; and,

WHEREAS, two comment letters were received during the circulation period from March 6, 2017 through April 4, 2017; one email comment letter from Santa Ynez Valley Transit and one email comment letter from Sid Goldstien, agent for the applicant, comments which were addressed in the Staff Report for the project dated April 6, 2017 and did not discuss the adequacy of the Initial Study/Mitigated Negative Declaration; 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 (“Exhibit A - 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 (Attachment 4 to the Planning Commission Staff Report dated April 6, 2017) 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 April 6, 2017, 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.

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, including comment letters received, 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 6th day of April 2017.

Art Mercado, Chair

Clare Barcelona, Planning Commission Secretary

Exhibit A – Mitigation Monitoring and Reporting Program

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 17-01 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 6th day of April 2017, by the following vote, to wit.

AYES: ()

NOES: ()

ABSENT: ()

NOT VOTING: ()

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April 2017.

Clare Barcelona
Planning Commission Secretary

Exhibit A

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 17-02, dated April 6, 2017. 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(a): Special Status Plant Species Surveys. Prior to the start of on-site construction activities and when special status plants are in a phenological stage conducive to positive identification (i.e., usually during the blooming period for the species), the applicant shall ensure an approved biologist will conduct surveys for special status plant species throughout suitable habitat within the project site.

Monitoring: The applicant shall provide documentation to the City of Buellton Planning Department that a survey was conducted by a qualified biologist and the results of that survey prior to Grading and/or Building Permits.

BIO-1(b): Special Status Plant Species Avoidance. If special status plant species are discovered within the study area, the applicant shall ensure an approved biologist will flag and fence these locations before construction activities start to avoid impacts.

Monitoring: The applicant shall provide plans to the City of Buellton Planning Department, certified by a qualified biologist showing the location of the special status plant species and the proposed flags and fencing prior to Grading and/or Building Permits.

BIO-1(c): Restoration Plan. If avoidance is not feasible; the applicant shall ensure all impacts be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each special status plant species that is impacted as a component of habitat restoration. The applicant shall prepare and submit a restoration plan to the City of Buellton for approval. The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);

- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year, along with performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, and annual monitoring reports to be submitted to the City for a maximum of five years;
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Monitoring: If required, the applicant shall submit the plan to the City of Buellton Planning Department prior to issuing Grading and/or Building Permits. Quarterly and annual reports shall also be submitted to the City of Buellton Planning Department.

BIO-2: Pre-construction Survey. A pre-construction survey for California red-legged frog shall be conducted of the project site within the 100-year floodplain by a qualified biologist within 30 days of the start of construction of the granite trail and overflow outlet. A report documenting results of the survey shall be provided to the City of Buellton prior to the issuance of any grading and/or building permits. In the event any life stage of any sensitive species is encountered, measures in BIO-4 below shall be implemented.

Monitoring: The applicant shall provide results of the survey to the City of Buellton Planning Department. The survey shall be conducted by a qualified biologist. The Planning Department will verify compliance prior to issuing grading and/or building permits.

BIO-3: Construction Practices to Minimize Effects. The following measures shall be implemented during construction to minimize the potential for inadvertent or indirect effects on sensitive species:

- If construction occurs between November 1 and April 30, the qualified biologist should conduct a pre-activity clearance sweep prior to start of project activities within 48 hours after any rain events of 0.1 inch or greater.
- If trenches are not closed nightly, then adequate means of escape shall be provided (i.e. earthen ramps not more than 2:1 slope, wooden boards, etc.). Trenches shall be inspected daily for wildlife and shall be inspected immediately prior to backfilling.

- Before any activities begin within the 100-year floodplain, an approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

Monitoring: The City of Buellton Planning Department will verify compliance with this mitigation measure. If necessary, City Staff will monitor activities between the applicant/owner, City, CDFW and/or USFWS, as appropriate.

BIO-4: Procedures for Sensitive Species, if Encountered. In the event the pre-construction survey identifies the presence of California Red-legged frog, the applicant shall stop work and comply with all relevant requirements of the federal Endangered Species Act prior to re-initiating activities.

Monitoring: The Planning Department will verify compliance prior to issuing grading permit. A qualified biologist shall verify that all requirements of the Federal Endangered Species Act have been satisfied prior to re-initiating activities.

BIO-5: Native/Breeding Native Bird Protection. To avoid impacts to nesting birds, including birds protected under the Migratory Bird Treaty Act and CFGC, all initial ground disturbing activities, including tree and structure removal, should be limited to the time period between August 16 and January 31 (i.e., outside the nesting season) if feasible. If initial site disturbance, grading, and vegetation removal cannot be conducted during this time period, a pre-construction survey for active nests within the project site shall be conducted by a qualified biologist at the site no more than two weeks prior to any construction activities. If an active bird nest is located, the nest site shall be fenced at a distance commensurate with the particular species and in consultation with CDFW until juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The project proponent shall record the results of the recommended protective measures described above to document compliance with applicable state and federal laws pertaining to protection of native birds.

Monitoring: The Planning Department will verify compliance prior to issuing grading and/or building permit. The qualified biologist shall provide documentation that a pre-construction survey was conducted within the time frame prior to any construction activities. In the event that a nest is located, the qualified biologist shall certify that appropriate mitigation is conducted and provide documentation to the Planning Department.

BIO-6: Native Tree Removal. Protected trees shall not be removed without prior authorized consent from the planning director. Prior to the removal of any protected tree, the applicant shall submit an application, on a form authorized by the city, along with the applicable fee, to the planning department of the city for determination by the planning director. Replacement standards shall include the following:

- All oak trees of sizes defined as protected in the Native Tree Ordinance shall be replaced at a ratio of three oak trees planted for every oak tree removed.
- Prior to removal of any protected trees, a tree replanting schedule, site plan, and long term maintenance plan shall be submitted and approved.
- Replacement oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted.
- Replacement oak trees shall be established in a location suitable for their growth and survival as determined by an arborist, no closer than twenty (20) feet from each other or from existing oak trees and no farther than one hundred sixty-five (165) to one hundred eighty (180) feet from each other or existing oak trees unless otherwise approved by the arborist.
- The replacement trees shall be nurtured for five years, the last two without supplemental watering. At the end of the five years, all replacement trees must be alive, in good health as determined by the arborist, and capable of surviving without nurturing and protection
- Each replacement tree must be protected against damage from ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from browsing by animals both below and above ground until it has reached a minimum of eight feet in height.

Monitoring: The Planning Department will verify compliance with this condition prior to issuing Zoning Clearance.

BIO-7: Native Tree Protection. Existing protected trees on and adjacent to the project site shall be avoided through setbacks and installation of protective fencing to the extent feasible during demolition and construction. All fencing must be installed prior to the beginning of construction activities.

Monitoring: The Planning Department will verify compliance prior to issuing grading permit. Grading Plans shall show the location of any required protective fencing.

CR-1: Halt Work Order for Archaeological Resources. If cultural resources are exposed during construction of a Project, 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 should monitor any mitigation excavation associated with the Native American materials.

Monitoring. Upon notification by project developer of discovery of a potential find, Planning Department will verify that archaeologists and native American representatives have been contacted to evaluate the materials found and, if necessary to monitor any consequent mitigation activities.

GHG-1: GHG Reduction Plan. The project shall reduce operational GHG emissions through implementation of one or more of the following measures:

- A. Prior to permit issuance, develop a project GHG Reduction Plan that reduces annual GHG emissions from the project by a minimum of 411 MT CO₂e per year

over the operational life of the project. The plan will be implemented on site by the project applicant and may include, but is not be limited to, the following components:

1. Charging stations for alternative fuel vehicles
2. Energy and water efficient equipment, appliances, heating and cooling
3. Energy efficient lighting
4. Green building and roofs
5. Water conservation and recycling
6. Renewable energy production
7. Trip reduction (e.g., employee ridesharing, vanpool/shuttle)
8. Carbon sequestration
9. Recycling and composting of solid waste

and/or

- B. If GHG emissions cannot be fully reduced by a minimum of 411 MT CO₂e per year over the operational life of the project through compliance with a project GHG Reduction Plan, purchase carbon offsets to reduce GHG emissions below threshold levels.

Monitoring: The Planning Department will verify compliance prior to issuing Zoning Clearance. Applicable elements of the project GHG Reduction Plan shall be reflected on project site plans prior to issuing Zoning Clearance. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets shall be approved by Planning Department staff prior to issuing Zoning Clearance. Condition compliance shall monitor and verify implementation of measures included in the GHG Reduction Plan to ensure implementation of mitigation measures included in the plan.

T-1: Traffic Impact Fee. Payment of the Buellton Traffic Impact Fee shall be paid prior to issuance of the occupancy 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.

HAZ-1: Phase I Environmental Site Assessment. Prior to issuance of building permits, a Phase I Environmental Site Assessment prepared in accordance with the standards for such assessments promulgated by the EPA 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 and/or grading permits.

Live Oak Lanes Project Mitigation Monitoring and Reporting Verification Checklist			
Mitigation Measure	Responsibility	Timing	Verification
BIO-1(A-C). Special Status Plant Species Survey, Avoidance, and Restoration Plan	Planning Department	Prior to issuance of Grading and/or Building Permits	
BIO-2 Pre-construction Surveys	Planning Department	Within 30 days prior to start of construction, prior to Grading and/ or Building permit issuance	
BIO-3 Construction Practices to Minimize Effects	Planning Department	Ongoing, during construction, as applicable	
BIO-4 Procedures for Sensitive Species, if Encountered	Planning Department	If needed, upon occurrence of applicable event during construction	
BIO-5 Native/Breeding Native Bird Protection	Planning Department	Prior to issuance of Grading and/or Building Permits; Two weeks prior to initial ground disturbance, if construction is occurring during nesting season	
BIO-6 Native Tree Removal	Planning Department	Prior to Zoning Clearance approval	
BIO-7 Native Tree Protection	Public Works/Engineering Department	Prior to issuing Grading permits	
CR-1. Halt Work Order for Archaeological Resources	Planning Department	If needed, upon occurrence of applicable event during construction	
GHG-1 GHG Reduction Plan	Planning Department	Prior to Zoning Clearance approval	
T-1. Traffic Impact Fee	Planning Department	prior to issuing occupancy permits	
HAZ -1 Phase I Environmental Site Assessment	Planning Department	Prior to issuance of Grading and/or Building permits	

PLANNING COMMISSION RESOLUTION NO. 17-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (16-FDP-03), CONDITIONAL USE PERMIT (16-CUP-01) AND SIGN ORDINANCE EXEMPTION (16-EXP-01) FOR THE LIVE OAK LANES PROJECT LOCATED AT 290 EAST HIGHWAY 246, ASSESSOR'S PARCEL NUMBER 137-200-078 AND MAKING FINDINGS IN SUPPORT THEREOF

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) on a 10.26-acre site located at 290 East Highway 246 (APN 137-200-078). The northern approximately three-quarters of the site has a General Plan designation of General Commercial (zoned CR – General Commercial), while approximately the southern quarter 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 (16-FDP-03): The FDP accommodates a two-story, 45,633 square foot Family Entertainment Center (34,439 square foot ground floor), and parking and landscaping in support of those facilities. The project components are described more fully below.

Family Entertainment Center (Live Oak Lanes)

The two-story, 45,633 square foot (34,439 square foot ground floor) Family Entertainment Center and associated improvements will be built on an approximately 3.05-acre portion of the site, and will include the following functions:

- A 18-lane bowling alley , including 4 lanes separate from the main bowling alley to allow for private parties
- Restaurant/Bar
- Party and meeting rooms
- Game area on first floor, arcade on second floor
- Office space, with additional offices provided on the second floor mezzanine
- Restrooms and associated uses
- Outdoor uses, including; three outdoor bocce ball courts, an outdoor patio for dining and lounging and a 750 square foot second floor balcony
- Hours of operation for the entertainment center will be approximately 9 AM to 12 AM, Sunday through Thursday, and 9 AM to 1 AM on Friday and Saturday. It is estimated that 15 full time, and 30 part time employees will be needed.

- B. Conditional Use Permit (16-CUP-01):** The CUP is required for “sports facilities and outdoor public assembly” uses. Both the proposed bocce ball courts, outdoor patio and second floor balcony are considered “sports facilities and outdoor public assembly”, triggering this requirement.
- C. Sign Ordinance Exemption (16-EXP-01):** A Sign Ordinance Exemption is required for the off-premise private directory monument sign.

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 April 6, 2017 (“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 16-FDP-03, 16-CUP-01, 16-EXP-01, and the set of project plans dated October 11, 2016 (Civil Plans) and February 15, 2017 (Architectural Plans).
 - b. The staff report dated April 6, 2017.
 - c. The Initial Study and Mitigated Negative Declaration for the project (16-MND-02), dated March 2017.
- 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 March 23, 2017 (the “PC Public Notice”), a minimum of 10 days in advance of the PC Public Hearing conducted on April 6, 2017.
 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 March 23, 2017, a minimum of 10 days in advance of the PC Public Hearing.

3. The PC Public Notice was posted in two public locations on March 23, 2017, 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 March 6, 2017 through, and including, April 4, 2017. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on March 6, 2017, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On March 2, 2017, 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 two public locations. Findings for the CEQA document are included in Planning Commission Resolution 17-01. Planning Commission Resolution 17-01 was adopted prior to the consideration of Planning Commission Resolution 17-02.

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 as determined by the City Engineer and Traffic Study dated February 9, 2017.
- 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 are adequate and properly designed pursuant to the requirements of the City Engineer and the Traffic Study. 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 commercial uses, and surrounding land uses are also commercial. 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 as reviewed by the City's contract architect.

2. 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. With the incorporation of the wind walls into the project design, no additional conditions are required for the Conditional Use Permit.

- ii. That significant environmental impacts are mitigated to the maximum extent feasible. With the incorporation of the wind walls into the project design, no additional conditions are required for the Conditional Use Permit.
- iii. That streets and highways are adequate and properly designed.
- 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. With the incorporation of the wind walls in to the project design, no additional conditions are required for the Conditional Use Permit.
- 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 proposed development is in conformance with the Contemporary Ranch architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

3. Sign Standard Exemption.

a. Findings:

- i. The existing standards do not allow for effective business identification due to a special (physical) circumstance

applicable to the site as the site is located on an interior lot approximately 600 feet from Highway 246, and partially blocked by other commercial buildings. The monument sign will provide directional assistance to drivers along Highway 246, the primary access point.

- ii. All other alternatives within the established sign standards have been examined, and the results would still not provide effective business identification as the project site has limited visibility from Highway 246, the main access point to the project, and
- iii. The resulting sign proposal is visually compatible with the existing site and surroundings, and meets the intents and purposes of this chapter. There is an additional existing monument sign located immediately adjacent to the proposed monument sign and the materials used are compatible. Additionally, the monument sign meets the maximum height standards of the Buellton Municipal Code.

4. **Height Limit Modification.**

a. **Findings:**

- i. The increased height will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas. The predominant building height of the main building is 35 feet with some architectural features, particularly on the northwest corner of the building, extending to a maximum of 38 feet 5 inches. The roof peaks serve to add architectural character and diversity consistent with the Contemporary Ranch style called for by the Community Design Guidelines.
- ii. The increased height would not be incompatible with the surrounding area because: the proposed building is located in an interior lot, approximately 600 feet from Highway 246 and the existing buildings to the north in the commercial center will partially block the bowling alley building to the south. Additionally, height limit modifications have been approved in the Village Specific Plan neighborhood further north, allowing building heights greater than 35 feet.

- iii. The increased height conforms with other applicable provisions of Title 19 (Zoning), with the general plan and with 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 (16-FDP-03), Conditional Use Permit (16-CUP-01), and Sign Ordinance Exemption (16-EXP-01).

PASSED, APPROVED and ADOPTED this 6th day of April 2017.

Art Mercado
Chair

ATTEST:

Clare Barcelona
Planning Commission Secretary

CONDITIONS OF APPROVAL

LIVE OAK LANES PROJECT
FINAL DEVELOPMENT PLAN 16-FDP-03
CONDITIONAL USE PERMIT 16-CUP-01
SIGN ORDINANCE EXEMPTION 16-EXP-01

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by Carol Peterson (the “Applicant”) for a **Final Development Plan (16-FDP-03), Conditional Use Permit (16-CUP-01), and Sign Ordinance Exemption (16-EXP-01)** for a two story, 45,633 square foot Family Entertainment Center (34,439 square foot ground floor), and parking and landscaping in support of those facilities (“The Project”). The 10.26-acre property is located at 290 Industrial Way, and includes one parcel (Assessor’s Parcel Number 137-200-078) (“The Property”). An approximately 3.05-acre portion of the site will be developed into the Family Entertainment Center and required parking and landscaping. A Conditional Use Permit (16-CUP-01) is required for the outdoor public assembly areas, including the outdoor seating area and three bocce ball courts to the south of the family entertainment center building. A Sign Ordinance Exemption (16-EXP-01) is required for the off-site directory monument sign. The property is currently vacant with one small residential unit that is proposed to be removed as part of the project. The project plans that are included in this approval are dated October 11, 2016 (Civil Plans) and February 15, 2017 (Architectural, Landscaping, Lighting and Sign Plans).

The proposed project consists of the following uses:

- A 18-lane bowling alley (Live Oak Lanes), including 4 lanes separate from the main bowling alley to allow for private parties
- Restaurant/Bar
- Party and meeting rooms
- Game area on first floor, arcade on second floor
- Office space, with additional offices provided on the second floor mezzanine
- Restrooms and associated uses
- Outdoor uses, including; three outdoor bocce ball courts, an outdoor patio for dining and lounging and a 750 square foot second floor balcony

Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental

review. Deviations without the above-described authorization will constitute a violation of this approval.

2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.
4. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.
 - a. **“Applicant”** means Carol Leshner-Peterson, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
 - b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
 - c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
 - d. **“County”** means the County of Santa Barbara.
 - e. **“Environmental Monitor”** means person or personnel of the City assigned to monitor field mitigation in order to ensure compliance with the Mitigation Measures. The City has discretion to determine the qualifications of the Environmental Monitor, the number of monitors

needed and the disciplines of the monitors, their duties and the arrangements for compensation

- f. **“Final Building Inspection Clearance”** means acknowledgement by the Building Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.
- g. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of special district.
- h. **“Mitigation Measures”** means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.
- i. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- j. **“Project”** means and includes all of the actions described in the Project description above.
- k. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.
- l. **“Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.
- m. **“Property”** means the land and improvements identified in the Project Description.
- n. **“Property Owner”** means Carol Leshler-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.** The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, 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. City shall promptly notify the applicant of any Action brought and request that the applicant defend the City. It is expressly agreed that applicant may select legal counsel providing the applicant’s defense and the City shall have the right to approve separate legal counsel providing the City’s defense. The applicant shall reimburse City for any attorneys’ fees, costs

and expenses directly and necessarily incurred by the City in the course of the defense.

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. ENVIRONMENTAL MITIGATION MEASURES

Biological Resources

15. **BIO-1(a): Special Status Plant Species Surveys.** Prior to the start of on-site construction activities and when special status plants are in a phenological stage conducive to positive identification (i.e., usually during the blooming period for the species), the applicant shall ensure an approved biologist will conduct surveys for special status plant species throughout suitable habitat within the project site. **Monitoring:** The applicant shall provide documentation to the City of Buellton Planning Department that a survey was conducted by a qualified biologist and the results of that survey prior to Grading and/or Building Permits.

BIO-1(b): Special Status Plant Species Avoidance. If special status plant species are discovered within the study area, the applicant shall ensure an approved biologist will flag and fence these locations before construction activities start to avoid impacts. **Monitoring:** The applicant shall provide plans to the City of Buellton Planning Department, certified by a qualified biologist showing the location of the special status plant species and the proposed flags and fencing prior to Grading and/or Building Permits.

BIO-1(c): Restoration Plan. If avoidance is not feasible; the applicant shall ensure all impacts be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each special status plant species that is impacted as a component of habitat restoration. The applicant shall prepare and submit a restoration plan to the City of Buellton for approval. The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and

values of habitat type(s) to be established, restored, enhanced, and/or preserved];

- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year, along with performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, and annual monitoring reports to be submitted to the City for a maximum of five years;
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Monitoring: If required, the applicant shall submit the plan to the City of Buellton Planning Department prior to issuing Grading and/or Building Permits. Quarterly and annual reports shall also be submitted to the City of Buellton Planning Department.

16. **BIO-2: Pre-construction Survey.** A pre-construction survey for California red-legged frog shall be conducted of the project site within the 100-year floodplain by a qualified biologist within 30 days of the start of construction of the granite trail and overflow outlet. A report documenting results of the survey shall be provided to the City of Buellton prior to the issuance of any grading and/or building permits. In the event any life stage of any sensitive species is encountered, measures in BIO-4 below shall be implemented. **Monitoring:** The applicant shall provide results of the survey to the City of Buellton Planning Department. The survey shall be conducted by a qualified biologist. The Planning Department will verify compliance prior to issuing grading and/or building permits.
17. **BIO-3: Construction Practices to Minimize Effects.** The following measures shall be implemented during construction to minimize the potential for inadvertent or indirect effects on sensitive species:

- If construction occurs between November 1 and April 30, the qualified biologist should conduct a pre-activity clearance sweep prior to start of project activities within 48 hours after any rain events of 0.1 inch or greater.
- If trenches are not closed nightly, then adequate means of escape shall be provided (i.e. earthen ramps not more than 2:1 slope, wooden boards, etc.). Trenches shall be inspected daily for wildlife and shall be inspected immediately prior to backfilling.
- Before any activities begin within the 100-year floodplain, an approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

Monitoring: The City of Buellton Planning Department will verify compliance with this mitigation measure. If necessary, City Staff will monitor activities between the applicant/owner, City, CDFW and/or USFWS, as appropriate.

18. **BIO-4: Procedures for Sensitive Species, if Encountered.** In the event the pre-construction survey identifies the presence of California Red-legged frog, the applicant shall stop work and comply with all relevant requirements of the federal Endangered Species Act prior to re-initiating activities. **Monitoring:** The Planning Department will verify compliance prior to issuing grading permit. A qualified biologist shall verify that all requirements of the Federal Endangered Species Act have been satisfied prior to re-initiating activities.
19. **BIO-5: Native/Breeding Native Bird Protection.** To avoid impacts to nesting birds, including birds protected under the Migratory Bird Treaty Act and CFGC, all initial ground disturbing activities, including tree and structure removal, should be limited to the time period between August 16 and January 31 (i.e., outside the nesting season) if feasible. If initial site disturbance, grading, and vegetation removal cannot be conducted during this time period, a pre-construction survey for active nests within the project site shall be conducted by a qualified biologist at the site no more than two weeks prior to any construction activities. If an active bird nest is located, the nest site shall be fenced at a distance commensurate with the particular species and in consultation with CDFW until juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The project proponent shall record the results of the recommended protective measures described above to document compliance with applicable state and federal laws pertaining to protection of native birds. **Monitoring:** The Planning Department will verify compliance prior to issuing grading and/or building permit. The qualified biologist shall provide documentation that a pre-construction survey was conducted within the time frame prior to any

construction activities. In the event that a nest is located, the qualified biologist shall certify that appropriate mitigation is conducted and provide documentation to the Planning Department.

20. **BIO-6: Native Tree Removal.** Protected trees shall not be removed without prior authorized consent from the planning director. Prior to the removal of any protected tree, the applicant shall submit an application, on a form authorized by the city, along with the applicable fee, to the planning department of the city for determination by the planning director. Replacement standards shall include the following:

- All oak trees of sizes defined as protected in the Native Tree Ordinance shall be replaced at a ratio of three oak trees planted for every oak tree removed.
- Prior to removal of any protected trees, a tree replanting schedule, site plan, and long term maintenance plan shall be submitted and approved.
- Replacement oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted.
- Replacement oak trees shall be established in a location suitable for their growth and survival as determined by an arborist, no closer than twenty (20) feet from each other or from existing oak trees and no farther than one hundred sixty-five (165) to one hundred eighty (180) feet from each other or existing oak trees unless otherwise approved by the arborist.
- The replacement trees shall be nurtured for five years, the last two without supplemental watering. At the end of the five years, all replacement trees must be alive, in good health as determined by the arborist, and capable of surviving without nurturing and protection
- Each replacement tree must be protected against damage from ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from browsing by animals both below and above ground until it has reached a minimum of eight feet in height.

Monitoring: The Planning Department will verify compliance with this condition prior to issuing Zoning Clearance.

21. **BIO-7: Native Tree Protection.** Existing protected trees on and adjacent to the project site shall be avoided through setbacks and installation of protective fencing to the extent feasible during demolition and construction. All fencing must be installed prior to the beginning of construction activities. **Monitoring:** The Planning Department will verify compliance prior to issuing grading permit. Grading Plans shall show the location of any required protective fencing.

Cultural Resources

22. **CR-1: Halt Work Order for Archaeological Resources.** If cultural resources are exposed during construction of a Project, 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 should monitor any mitigation excavation associated with the Native American materials. **Monitoring.** Upon notification by project developer of discovery of a potential find, Planning Department will verify that archaeologists and native American representatives have been contacted to evaluate the materials found and, if necessary to monitor any consequent mitigation activities.

Greenhouse Gas Emissions

23. **GHG-1: GHG Reduction Plan.** The project shall reduce operational GHG emissions through implementation of one or more of the following measures:
- A. Prior to permit issuance, develop a project GHG Reduction Plan that reduces annual GHG emissions from the project by a minimum of 411 MT CO₂e per year over the operational life of the project. The plan will be implemented on site by the project applicant and may include, but is not be limited to, the following components:
1. Charging stations for alternative fuel vehicles
 2. Energy and water efficient equipment, appliances, heating and cooling
 3. Energy efficient lighting
 4. Green building and roofs
 5. Water conservation and recycling
 6. Renewable energy production
 7. Trip reduction (e.g., employee ridesharing, vanpool/shuttle)
 8. Carbon sequestration
 9. Recycling and composting of solid waste
- and/or
- B. If GHG emissions cannot be fully reduced by a minimum of 411 MT CO₂e per year over the operational life of the project through compliance with a project GHG Reduction Plan, purchase carbon offsets to reduce GHG emissions below threshold levels.

Monitoring: The Planning Department will verify compliance prior to issuing Zoning Clearance. Applicable elements of the project GHG Reduction Plan shall be reflected on project site plans prior to issuing Zoning Clearance. If GHG emissions cannot be reduced through

compliance with such a plan, purchased carbon offsets shall be approved by Planning Department staff prior to issuing Zoning Clearance. Condition compliance shall monitor and verify implementation of measures included in the GHG Reduction Plan to ensure implementation of mitigation measures included in the plan.

Transportation/Traffic

24. **T-1. Traffic Impact Fee.** Payment of the Buellton Traffic Impact Fee shall be paid prior to issuance of the occupancy 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.

Hazards and Hazardous Materials

25. **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.

C. ENGINEERING CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

26. **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.
27. **Improvement Plan Requirements.** Plans 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. Final plans shall be wet-stamped by the Civil and Soils Engineer and subsequently signed by the City Engineer prior to permitting.
28. **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.

29. **Grading Oversight by Geotechnical Engineer.** 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.
30. **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.
31. **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 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. Any work within floodplain areas shall be reviewed and analyzed in the Hydraulic and Hydrology study to ensure there is no adverse effects of flooding to any properties.
32. **Stormwater.** 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. A Stormwater Control Plan that analyzes the potential flows, run-off and drainage management area's and proposed lid improvements to address run-off and water quality, including a maintenance/water quality control plan, shall be submitted. This document shall 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.

33. **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.
34. **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.
35. **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 1 year after the City has approved a Notice of Completion and after receipt/approval of the As-built Record Drawings.
36. **FOG Program.** All restaurant activities shall comply with City's FOG Program and shall identify grease interceptors in grading improvement plans.
37. **Stormwater Outfall Maintenance.** Project includes a stormwater outfall, pre-treated through the bioretention facility. This outfall shall be maintained by the property owner at all times. Should any erosion of access roads, slope, etc, the property owner shall make appropriate repairs and re-establish the integrity of those facilities.

PRIOR TO BUILDING PERMIT ISSUANCE:

38. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
39. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
40. **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.

PRIOR TO OCCUPANCY CLEARANCE:

41. **Completion of Improvements.** The applicant shall complete all required improvements to the satisfaction of the City Engineer.
42. **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.
43. **Traffic Impact Fees.** The applicant shall pay all Traffic Mitigation Fees prior to occupancy.
44. **Dedication of Public Easements.** Any public easements requiring dedication shall be approved and accepted by the City prior to occupancy.
45. **Payment of Fees.** All fees and any unpaid balances from plan check or inspection and permits, shall be paid in full.

GENERAL CONDITIONS:

46. **Public Improvement 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.
47. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
48. **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. Should any utilities be determined to be public, appropriate easements shall be granted to the City.
49. **River Trail.** Pursuant to the City's Bicycle and Pedestrian Master Plan, a multi-use trail shall be incorporated on-site for a "River trail". A public trails easement (of a minimum 20' width) shall be dedicated to the City prior to occupancy. Trails shall be developed consistent with adjacent properties and trail needs. 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.
50. **On-Site Trail Connection.** The 6 foot wide decomposed granite trail connection that connects the project site and amenities to the north to the future multi-use river trail to the south shall be installed prior to occupancy. The on-site connection shall be consistent with the final approved easement location.
51. **As-Built Record Drawings.** Prior to the release of any bonds, 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”. A PDF of the final As-Built Record Drawings shall be submitted to the City.

D. PLANNING CONDITIONS

52. **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.
53. **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.
54. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
55. **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.
56. **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.
57. **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.

58. **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.
59. **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).
60. **Compliance with Air Quality Regulations.** The project shall comply with APCD Rule 345 and related air quality requirements, as described below, which would ensure that construction emissions would remain less than significant.
- a. No person shall engage in any construction or demolition activity or earth moving activities subject to this rule in a manner that causes discharge into the atmosphere beyond the property line visible dust emissions of 20% opacity or greater for a period or periods aggregating more than 3 minutes in any 60 minute period.
 - b. No person, including facility or site owner or operator of source, shall load or allow the loading of bulk materials or soil onto outbound trucks unless at least one of the following dust prevention techniques is utilized:
 1. Use properly secured tarps or cargo covering that covers the entire surface area of the load or use a container-type enclosure.
 2. Maintain a minimum of 6 inches of freeboard below the rim of the truck bed where the load touches the sides of the cargo area and ensure that the park of the load does not extend above any part of the upper edge of the cargo area.
 3. Water or otherwise treat the bulk material to minimize loss of material to wind or spillage.
 4. Other effective dust prevention control measures approved in writing by the Control Officer.
 - c. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be controlled as outlined below:

1. Visible roadway dust shall be minimized by the use of any of the following track-out/carry-out and erosion control measures that apply to the project or operations: track-out grates of gravel beds at each egress point, wheel-washing at each egress point during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and
 2. Visible roadway dust shall be removed at the conclusion of each work day when bulk material removal ceases, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only a PM₁₀-Efficient Street Sweeper shall be used. The use of blowers for removal of track-out/carry-out is prohibited.
61. **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.
62. **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.
63. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
64. **Landscape and Irrigation Plans.** The final landscape and irrigation plans shall include a signed statement by a licensed landscape architect stating that the plans comply the City's Water Efficient Landscaping Ordinance and utilize species from the City's Approved Tree Planting List or to the satisfaction of the City Planning Director.
65. **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.

66. **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.
67. **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.
68. **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.
69. **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.
70. **Approval.** Approval of 16-FDP-03, 16-CUP-01 and 16-EXP-01 (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.
71. **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. Any request for an extension shall be processed under the procedures set forth in the Municipal Code. 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.

72. **Parking.** A total of 186 parking spaces, including 8 accessible spaces, and 1 loading space 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.
73. **Signage.** Signage must be in substantial conformance with what is indicated in the sign plans submitted as a component of the project plans dated February 15, 2017. Any deviation from this program will require a separate Zoning Clearance from the Buellton Planning Department.
74. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations (as revised, and included on plans dated February 15, 2017) and color boards for the project plans submitted on March 27, 2017. The project is designed as Contemporary Ranch.
75. **Masonry Block.** All masonry walls shall be split face block.
76. **Bike Racks.** Bike racks to accommodate 13 bicycles shall be provided as shown on the project plans.
77. **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 dated on February 15, 2017.
78. **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.

E. FIRE DEPARTMENT CONDITIONS

The following Fire Department conditions are imposed with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions. The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

GENERAL CONDITIONS

79. **Fire Protection Certificate.** A Fire Protection Certificate shall be required.
80. **Fire Protection Plan.** A Fire Protection Plan designed by a Fire Protection Engineer shall be required and shall receive Fire Department approval prior to Fire Protection Certificate (FPC) issuance.
81. **Recorded Addresses.** Recorded addressing is required by the Fire Department prior to building permit issuance. *
82. **Aerial Fire Apparatus.** Any structure that exceeds thirty (30) feet shall meet the CFC Section D105 requirements.
- a. **D105.1** Where the vertical distance between the grade plan and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.
 - b. **D105.2** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
 - c. **D105.3** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. This side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
 - d. **D105.4** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.
83. **Fire Department Turnaround.** The fire department turnaround at the southeast corner shall require comprehensive signage and striping with red curbs.
84. **Elevator.** 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.
- a. Emergency medical services symbols shall be placed on both sides of the elevator car door frame.
 - b. The symbol shall be a minimum of 3 inches high.

PRIOR TO CONSTRUCTION

85. **Water System Inspection.** Prior to foundation and vertical construction, water system inspection shall be signed off by the Fire Department.
86. **Asphalt/Concrete Paving.** Asphalt/Concrete paving up to and including first lift of asphalt shall be required prior to vertical construction.
87. **Defensible Space.** Create a defensible space of 100 feet (or to the property line, whichever is nearer) around the proposed structure and any existing structures on this property.
 - a. Fire Department inspection required
 - b. Removal does not apply to single specimen of trees, ornamental shrubbery or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any structure.
88. **Access Ways.** Access shall be shown on the Fire Protection Plan.
 - a. All access ways shall be installed, made serviceable and maintained for the life of the project.
 - b. Roadways shall have a minimum width of twenty-four (24) feet.
 - c. Driveways shall have a minimum width of twenty (20) feet.
 - d. Surface shall be paved.
 - e. A minimum of 15 feet of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
89. **Fire Hydrants.** Fire hydrant(s) shall be installed, number to be determined as required by Appendices B and C of the California Fire Code.
 - a. The Fire Department shall have on file a set of approved fire hydrant plans prior to any work being started.
 - b. Fire hydrant(s) shall be located per Fire Department specifications and shall flow 1500 gallons per minute at a 20 psi residual pressure.
 - c. For a municipal or water purveyor's, location for fire hydrants shall be approved by the Fire Department.
 - d. Commercial fire hydrant(s) 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.

PRIOR TO OCCUPANCY

90. **Fire Lanes.** Designated fire lanes shall include red curbs and signs indicated “Fire Lane – No Stopping” placed as required by the Fire Department. Refer to current adopted California Fire Code.
91. **Fire Extinguishers.** Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
92. **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. A set of approved plans, stamped and dated by the Fire Department shall be kept at the job site and available upon request.
 - c. 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.
 - d. No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.
93. **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 Fire Department prior to installation.
94. **Recorded Addresses.** Recorded addressing for the building is required by the Fire Department. *
95. **Address Numbers.** Address numbers shall be a minimum height of eighteen (18) 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 and/or driveway, numbers shall be posted at all road and driveway intersections as is necessary.
96. **Knox Box.** A Knox Box system shall be installed. A spare key shall be provided

for the Knox Box entry system.*

97. **Fees.** The applicant will be required to 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 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. As of the date of this letter, fees currently are as follows:

Nonresidential-Retail/Commercial	\$0.77 per square foot
Nonresidential-Office	\$0.94 per square foot

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

F. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS

98. **Geology Report.** A Geology report prepared and signed by a California licensed geologist will be required.
99. **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.
100. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities and to the public way and/or street serving the site. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible exits, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots.
101. **Conditions on Plans.** Incorporate all discretionary conditions of approval and department condition letters into the plans.
102. **Green Code Compliance.** Incorporate compliance with the applicable CA Green Code in the plans to include commissioning.
103. **Fire Protection Plan.** Provide a complete, independent plan which graphically delineates all fire areas, fire walls, 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.
104. **Building Egress.** Clearly show egress requirements for the building. Identify the main entry and exit. 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. 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. Specify and detail an accessible path of travel to and from all entrances and exits to the public right of way. Detail compliance with CBC section 1028.0 and 1027.5.

105. **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.
106. **Plumbing Fixture Analysis.** Provide a plumbing fixture analysis to include the occupants of the outdoor areas.
107. **Flood Plain Conditions on Plans.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.
108. **Water Efficiency Plans.** Landscape plans which detail compliance with the current MWELo or City requirements (whichever are most stringent) will be required.
109. **California Codes.** Applications submitted after January 1, 2017 will be subject to the 2016 California Codes.

G. FINANCE DEPARTMENT CONDITIONS

110. **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.
111. **Impact Fees.** The project applicant shall pay the water, sewer, and traffic impact fees in accordance with City requirements.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

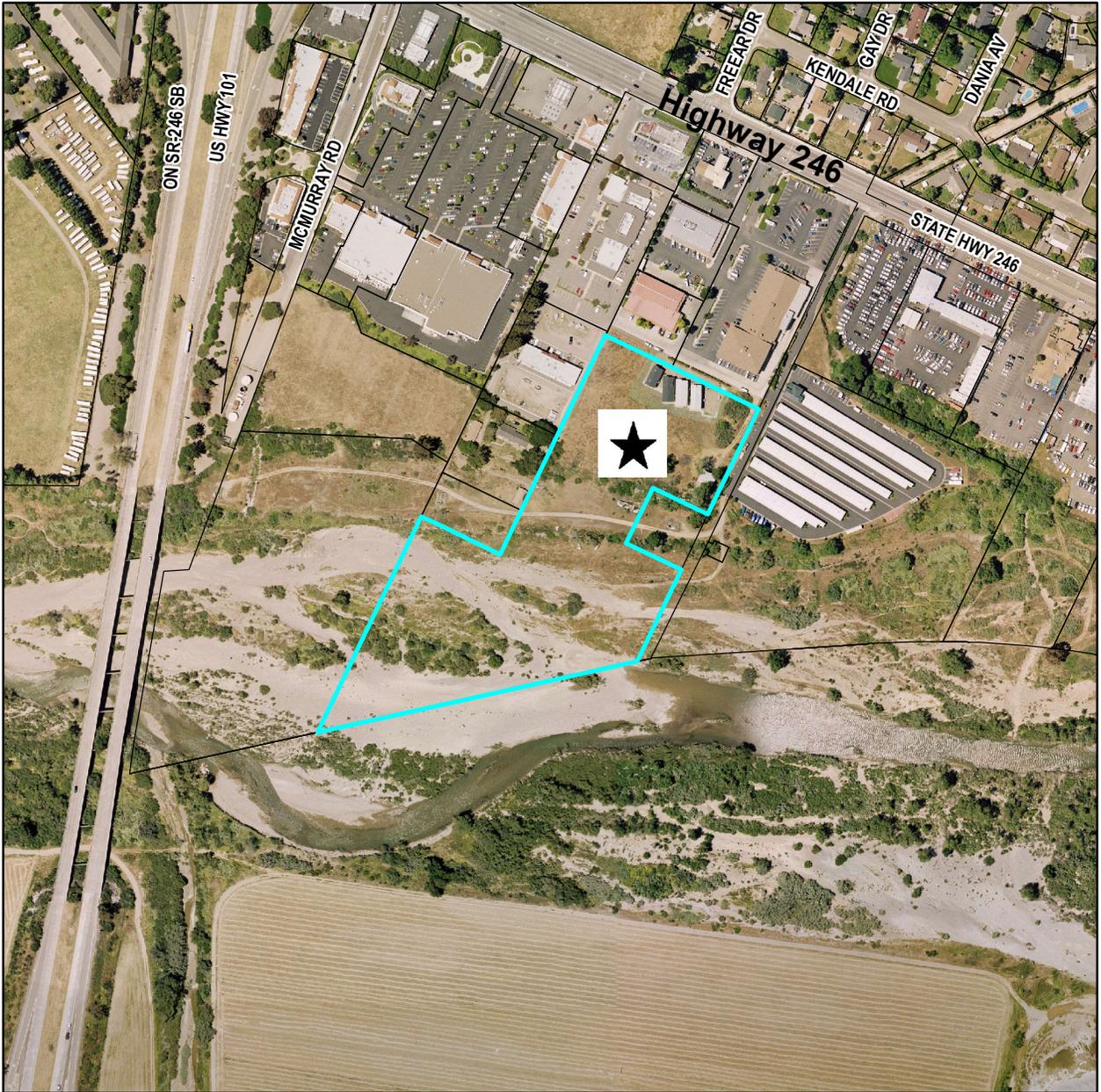
Date

Project Applicant/Agent/Representative Signature

Date

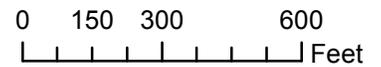


Attachment 1 - Vicinity Map



Legend

-  City Parcels
-  Project Location



Attachment 2 - Live Oak Lanes – Project Plans

Project plans are located on the City Website:

<http://www.cityofbuellton.com/files/New%20Projects/Attachment%202%20-%20Live%20Oak%20Lanes%20Project%20Plans%20-%20Full%20Set%20-%20March%202017.pdf>

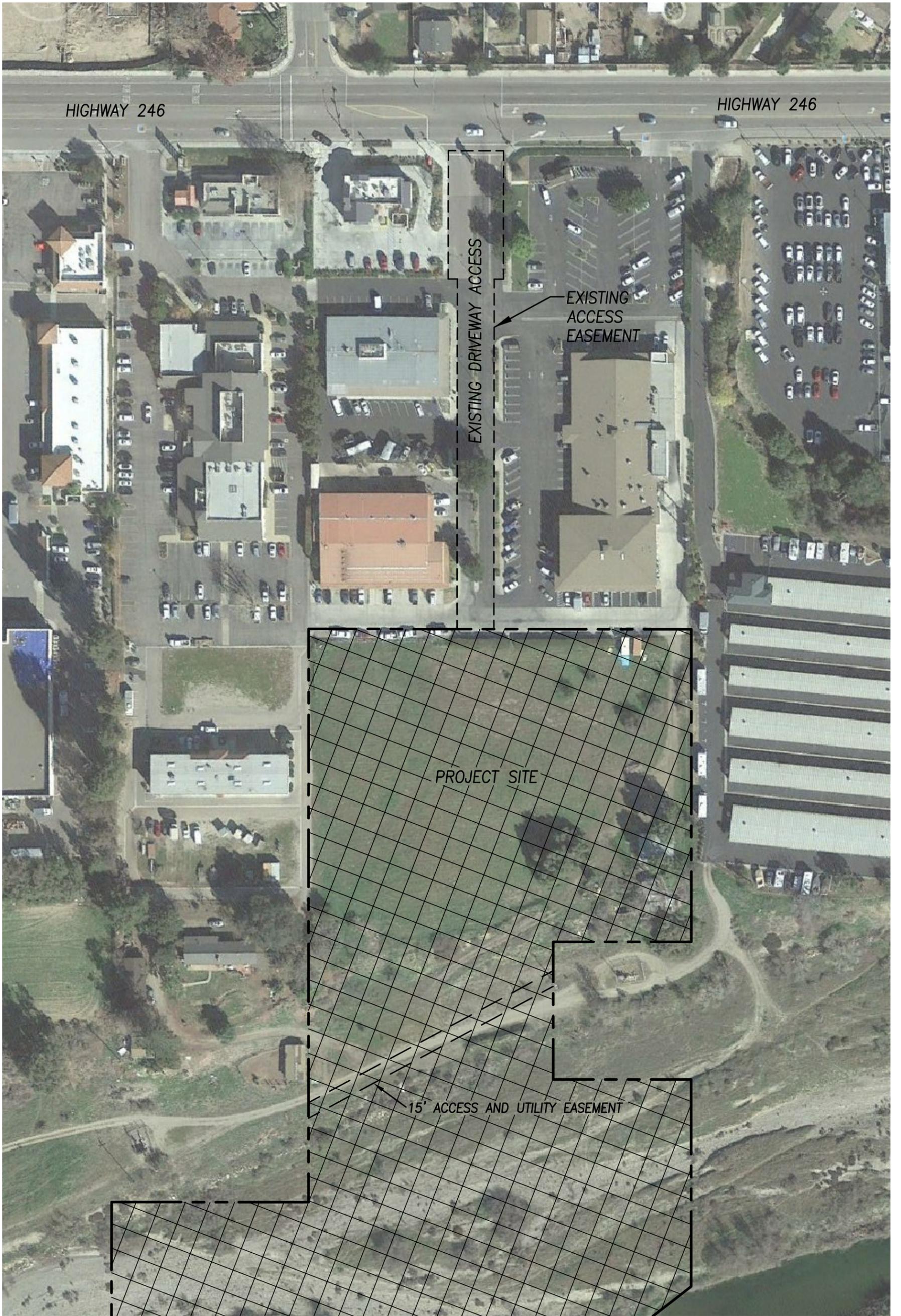


LIVE OAK
LANES

Attachment 4 - Live Oak Lanes – MND

Documents are located on the City Website:

1. <http://www.cityofbuellton.com/files/Environmental%20Documents/Live%20Oak%20Lanes%20MND%203-3-17%20COMPLETE%20SET.pdf>
2. <http://www.cityofbuellton.com/files/Environmental%20Documents/Live%20Oak%20Lanes%20Project%20Plans%20-%20Full%20Set%20-%20March%202017.pdf>
3. <http://www.cityofbuellton.com/files/Environmental%20Documents/ATE%20Traffic%20Study%20-%20w%20change%202-9-17.pdf>



HIGHWAY 246

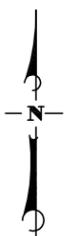
HIGHWAY 246

EXISTING DRIVEWAY ACCESS

EXISTING ACCESS EASEMENT

PROJECT SITE

15' ACCESS AND UTILITY EASEMENT



SCALE: 1" = 100'



SITE ACCESS FROM
HIGHWAY 246

OCTOBER 10, 2016

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: _____
Planning Commission Agenda Item No: _____ 3

To: The Honorable Chair and Commission Members
From: Irma Tucker, Contract City Planner
Date: April 6, 2017
Subject: **The Commons at Zaca Creek:**

Resolution No. 17-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (16-MND-01) and Mitigation Monitoring and Reporting Program for The Commons at Zaca Creek, a 54,286 Square Foot Mixed-use Commercial Project Located at 610 McMurray Road, Assessor’s Parcel Number 137-170-068, and Making Related Findings Under the California Environmental Quality Act in Support Thereof”; and

Resolution No. 17-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-05), Conditional Use Permit (16-CUP-02) and Sign Ordinance Exemption (17-EXP-01) for The Commons at Zaca Creek Project, a 54,286 Square Foot Mixed-use Commercial Project Located at 610 McMurray Road, Assessor’s Parcel Number 137-170-068, and Making Findings in Support Thereof”

BACKGROUND

Owner: ZC Commons Holdings, LLC
Applicant/Agent: Don Conner, Coast Development Partners, LLC
Zoning & General Plan Land Use: CS (Service Commercial) and CR (General Commercial)
APN: 137-170-068

The proposed project consists of a Final Development Plan (16-FDP-05), Conditional Use Permit (16-CUP-02), Sign Ordinance Exemption (17-EXP-01) and related Mitigated Negative Declaration (16-MND-01) for the construction of The Commons at Zaca Creek (“Project”), a destination project which includes a boutique public market, local and regional restaurants, tasting rooms, craft food vendors and artisan retail uses, located at 610 McMurray Road, northeast of the Damassa Road intersection (**Attachment 1 - Vicinity Map**). The hospitality-oriented businesses will cater to local and central coast residents as well as visitors, tourists and business travelers visiting the area.

The development includes an estimated 54,286 square feet of mixed-use commercial space, on an irregularly shaped 4.25+/- acre parcel of vacant land that contains zoning and land use designations of CS (Service Commercial) on the northern portion and CR (General Commercial) on the southern portion (**Attachment 2 - Zoning Map**).

The Project site is undeveloped land, generally flat with gently sloping topography towards Zaca Creek, which runs west along the northern property line and turns south through the west side of the site; a 50-foot creek corridor setback is required for building structures. A pedestrian bridge is proposed over Zaca Creek. A portion of the site is in the 100-year flood zone; grading may be required to bring the building pad into compliance with the City's Floodplain ordinance (**Attachment 3 – 100-Year Flood Zone Map**).

Adjacent land uses consist of existing commercial buildings to the north (including Firestone Walker Brewery); vacant land and US Highway 101 to the west; the Hampton Inn & Suites (under construction) to the south; and undeveloped private ranch lands, and old barn structure and rolling hills to the east (all of which are located outside of the City limits).

The project consists of the following applications:

- **Final Development Plan (16-FDP-05):** Proposal to develop a mixed-use commercial project to be known as The Commons at Zaca Creek, consisting of 54,286 square feet of commercial retail and restaurant space in five buildings, one-story and partial two-stories in height, parking and landscaping in support of those facilities, and other amenities as described below.

As part of 16-FDP-05, in accordance with Municipal Code Section 19.08.120(G), a modification to the building height limit is required for the main Building A (situated on a slight grade) because the average natural grade of the building is approximately 36 feet, which is just over the maximum height limit of 35 feet.

- **Conditional Use Permit (16-CUP-02):** Required for “indoor/outdoor farmers markets”, “restaurants, fast food” and “outdoor public assembly” uses in the CS Zone. The proposed Project's main building public market, outdoor farmer's markets, craft food vendors (potentially offering fast food), and outdoor public assembly areas (bocce ball courts, outdoor seating, green open space gathering area with permissible alcohol consumption) all trigger this requirement.
- **Sign Ordinance Exemption (17-EXP-01):** Required to allow for a thirty-two (32) percent increase in wall sign area in accordance with Municipal Code Section 19.04.174.

The complete set of project plans is provided as **Attachment 4**, and includes the materials listed below; full size plans have been provided to the Planning Commission.

- Architectural Plans
- Landscape Plan
- Civil Plans
- Lighting Plan
- Master Sign Plan
- Color Renderings

A color and material board will be provided at the Planning Commission meeting.

The story poles were installed 30 days before the public hearing. Photos of the story poles are included as **Attachment 5**.

DISCUSSION

Project Features

The Project will be developed as a complex of five (5) buildings, clustered in the southeastern portion of the site, along with internal walkways, extensive landscape and hardscape areas, and two parking lots. The largest building (Building A) is the public market, a 36 foot high one-story and partial second-story main building, comprised of ground floor uses, as well as a mezzanine restaurant and basement storage spaces for tenants. The remaining four buildings (Buildings B, C, D, E), ranging in height from 21 to 26 feet, have ground-floor and mezzanine/storage spaces; a residential manager’s unit is also proposed. The sign tower, considered an architectural feature, reaches approximately 45 feet in height, is allowed by the zoning code, and serves to add architectural character consistent with the “Contemporary Ranch” style recommended for the area per the City’s Community Design Guidelines.

The Project site provides opportunities for visitor congregation, socialization and indoor/outdoor activities, such as a farmer’s market. Many of the tenant units will include exterior patio areas with seating. The complex will be situated around a central green open space area that provides outdoor gathering areas and recreation (including a bocce ball court), along with open views of the surrounding rural hillsides and a vintage wooden barn. Consumption of alcohol in the outdoor “unlicensed” central green area is proposed; the Department of Alcoholic Beverage Control has communicated its conceptual pre-approval of this activity in accordance with conditions that will be made part of the project approval. Pedestrian circulation and bicycle connectivity is encouraged through enhanced internal pathways throughout the site and a bike-share program linking the Commons with other key destinations in Buellton.

The Commons is expected to be open year-round, seven days per week, with general hours of operations e from 8:00 am to 12:00 am Sunday through Thursday, and 8:00 am to 2:00 am Friday and Saturday; hours may vary depending upon the season. The project will employ an estimated 38 employees per shift.

The following Table 1 summarizes proposed building square footages and uses.

Table 1 - The Commons at Zaca Creek – Building & Uses

	Uses	Total S.F.
USAGE SUMMARY:		
	Retail (Interior)	22,877
	Retail Patio (Exterior)	5,220
	Restaurant (Interior)	9,845
	Guest Area (47%) = 5,093 SF	
	Non-Guest Area (53%) = 4,752 SF	
	Restaurant Patio (Exterior; Guest Area)	3,578
	Warehouse / Tenant Storage	11,661
	Residential (Manager’s Unit)	1,105
Total SF	(All Uses)	54,286
BUILDING SIZE TOTALS:		
	Ground Floor (Footprint)	30,591
	Mezzanine (Tenant Storage)	5,361
	Basement (Tenant Storage)	9,536
	Tenant Patios (Exterior)	8,798
Total SF	(All Buildings)	54,286

Consistency with City Standards

The proposed project generally conforms to the City’s CS (Service Commercial) and CR (General Commercial) zone standards as summarized in the following table (reference Buellton Municipal Code sections 19.02.220, 19.04.120, and 19.04.142); with the exceptions noted below. The project is also in conformance with applicable policies of the Buellton General Plan; a detailed analysis of General Plan consistency is set forth in the Initial Study / Mitigated Negative Declaration (IS/MND, **Attachment 6** hereto). The subject property is located in the Affordable Housing Overlay Zone (AHOZ), the provisions of which would only apply if residential development was planned for the site. The proposed commercial use, allowed by right in the underlying CS and CR Zones, is not subject to the AHOZ requirements. A single one-bedroom residential unit is proposed, intended for use as a manager’s unit. This residential use is ancillary to the proposed main commercial uses and is considered caretaker/employee housing, an allowed use in the CS Zone; it is not subject to the AHOZ requirements.

The proposed building footprint is an estimated 30,591± square feet, roughly 16% of the proposed lot area; overall site landscaping is 75,073 sf (39% of lot), permeable hardscaping is 35,000 sf (18% of lot) and non-permeable hardscaping is 49,788 sf (26% of lot).

Table 2 – Zoning Analysis

Development Standard	Ordinance Requirement		Proposed Project / Consistency
	CR	CS	
Land Use:	Allowed Uses: a. Retail, Restaurant, b. Warehouse/Storage	Allowed Uses: a. Retail, Restaurant, b. Warehouse/Storage, c. Caretaker & Employee Housing	Consistent; proposed uses: a. Retail, Restaurant, b. Tenant Storage c. Residential (Mgr Unit)
Minimum Lot Size	None required		n/a
Front Setback	None required	10 ft minimum; no parking in setback area	Inconsistent; reconfiguration of parking layout required to eliminate encroachment
Side Setback	None required, 3 ft minimum if setbacks proposed. 10 ft setback provided.		Consistent
Rear Setback	10% of lot depth, to 10 ft maximum; 25 ft. minimum adjacent to residential zoning;		Consistent; 10 ft provided
Interior Setback	5 ft. minimum for residential structures, none otherwise	None, unless required by the Uniform Building Code (UBC)	n/a
Site Coverage	No maximum		Consistent Building Footprint: 30,591 sf (16%)
Floor Area	No maximum		Consistent Total floor area: 54,286 sf
Height Limit	35 ft. maximum (buildings) 50 ft. maximum (flagpoles, monuments, architectural features, etc)		Inconsistent: a. Bldg. A = 36 ft, Plan Modification Required Consistent: b. Bldg. B = 21 ft c. Bldg. C = 26 ft. d. Bldg. D = 26 ft. e. Bldg. E = 23 ft f. Arch Feature: Sign Tower = 45 ft
Landscaping a. Overall Site	a. 5% minimum of net lot area = 9,527 sf		a. Consistent – 75,073 (39%)

Development Standard	Ordinance Requirement		Proposed Project / Consistency
	CR	CS	
Landscape			provided
b. Street Frontage	b. All portions of setback areas fronting on streets		b. Inconsistent – parking may not encroach 10 ft front setback / landscape area; conditions of approval require re-design of parking.
c. Permeable Hardscape	c. Not Specified		c. 35,000 sf (18 % of site)
d. Non-Permeable Hardscape	d. Not Specified		d. 49,788 sf (26 % of site)

The CS Zone requires a setback area of 10 feet from the front property line, which would apply to the street frontage along McMurray Road; the project plans show an encroachment into the setback area at one location (parking space #27). The plans also show a front setback area encroachment of 3 other parking spaces (#1, 2, 3), however, these 3 spaces are required to be eliminated from the plans as they present a conflict with safe driveway access along McMurray Road. In order to comply with the setback requirement, the conditions of approval (set forth in Resolution 17-04) require that the Applicant revise project plans to show a 10-foot front setback (BMC §19.02.220) and related street frontage landscaping (§19.04.120 B.2) unobstructed along the entire McMurray Road frontage and to eliminate any parking within this setback area (BMC §19.04.144 B.1).

Height Limit Modification

The CS and CR Zones limit building height to 35 feet. The proposed public market (Building A) is on a slight grade and has a height of 36+/- feet above average natural grade; this would require a plan modification in accordance with Municipal Code Section 19.08.120(G) which allows the Planning Commission to modify the building height limit when it finds that such modifications are justified. Staff is in support of the height modification to allow this minor deviation from the code.

Parking Analysis

Municipal Code Sections 19.04. -140 and -142 require a total of 156 on-site parking spaces, calculated at 1 space per 300 sf of retail and restaurant guest area, 1 space per 2 restaurant employees, 1 space per 1,000 sf of warehouse storage space, 1 space per dwelling unit; a minimum 4 of the spaces shall be ADA accessible and 1 loading space is required.

While the submitted project plans tabulated a total of 162 standard/compact spaces, 4 of the standard spaces are designated for the loading zone and cannot be counted toward meeting the minimum parking requirements; and 4 additional spaces (1 standard and 3 compact) will be lost due to conflict with safe driveway access along McMurray Road and encroachment into the front yard setback area. The resulting parking count is thus two (2) spaces short of code requirements. The project conditions of approval require the provision of a minimum 156 on-site parking spaces, and the Applicant has indicated that the parking layout would be reconfigured to meet or exceed the minimum parking requirement.

The proposed project also provides the following: 5 spaces which are ADA accessible; several motorcycle parking spaces (not a code requirement); and bicycle racks at various locations with approximately 69 spaces plus a bike share program. Table 3 below summarizes the parking required and provided for the proposed project.

TABLE 3 - PARKING ANALYSIS

Use	Proposed Area (or Factor)	Parking Space Ratio	Parking Req'd	Parking Provided
Retail (Interior)	22,877 sf	1 per 300 sf	77	
Retail Patio (Exterior)	5,220 sf	1 per 300 sf	18	
Restaurant (Interior; Guest Area)	5,093 sf	1 per 300 sf	17	
Restaurant Patio (Exterior; Guest Area)	3,578 sf	1 per 300 sf	12	
Restaurant Employees	38 employees per shift	1 per 2 employees	19	
Warehouse/Storage (For Retail and Restaurant Tenants)	11,661 sf	1 per 1,000 s.f	12	
*Note: Storage is ancillary to main use, and will only be accessed by Tenants; there will be no additional employees for storage areas that would require parking.		1 per 4 employees	N/A	N/A
Residential (Manager's Unit)	1,105 sf; 1 bedroom unit	1 per bedroom	1	
TOTALS			156	154
Additional Details				
Standard Spaces				113
Compact Spaces (allowed 30% of total)			47 max	36
Handicapped (included in total spaces required)	Per total number of spaces on site	4 spaces req'd for site with 121 – 160 spaces	4	5
Loading Space (in addition to total spaces required)	Commercial Uses w/ floor area of 3,000+ s.f.	1 space	1 space (10 ft. x 30 ft).	1
Motorcycle Parking (not req'd by Code)				9
Bicycle Parking (# of spaces not specified in Code; at discretion of P.C.)				69

Municipal Code Section 19.04.142 sets forth the number of parking spaces required by land use. “Warehouse, Storage” uses require 1 parking space per 1,000 square feet of floor area, and 1 space per 4 employees. The proposed Project is in compliance with the number of parking spaces required for floor area square footage. Because the Project’s warehouse/storage use is provided solely for the use and convenience of the building tenants, there will be no additional employees for these storage areas that would generate a need for additional parking.

Architecture and Design

The architectural character applicable to the proposed project is Contemporary Ranch per the City’s Community Design Guidelines. The project generally conforms to the Contemporary Ranch style and incorporates appropriate elements of rustic and agrarian styles prevalent in the surrounding area. The current plans address prior comments provided by the Planning Commission and the general intent of the City Architect’s comments regarding greater variety of exterior building forms.

Architectural Features & Materials Overview

Design elements of Contemporary Ranch reflected in the project design:

- Creative site layout on the irregularly shaped parcel
- Exterior wall materials typically associated with industrial materials, including the proposed use of new/reclaimed wood and steel building materials
- Multiple roof forms throughout the development complex, including exaggerated “shed” style with minimal or no overhangs, peaked/gable roof, flat roofs in limited areas and skylights on all buildings
- Varied architectural elements that include trellises, awnings and covered entries, insets, outdoor patios and balconies with railings
- Canopies and awnings over entrances

The exterior wall and roof materials and colors are a complementary variety of:

- natural weathered wood siding including horizontal redwood and reclaimed barn wood
- metal siding including gray corrugated steel and horizontal metal (with refinements to the latter as recommended in City Architect comments below)
- gray board-formed concrete (in limited areas) used for perimeter foundation and decorative elements
- corrugated corten steel with zinc gray and rustic, natural weathered finishes

Accent elements include:

- terracotta red and charcoal gray canvas awnings
- divided lite glazed windows and doors
- dark bronze anodized aluminum trims
- douglas fir and redwood trellises
- wood sliding barn doors and slatted screen doors
- wood top rails with wire mesh guardrails
- dark sky compliant lighting
- landmark open framework sign/clock tower and pedestrian bridge across Zaca Creek to provide creative forms and visual identification for project

Details and examples of architectural finishes, materials and colors can be found in the project plans, full size color elevations (Attachment 4, Sheets A301 BL-A, -B, -C, -D, -E), and the materials boards.

City Architect Design Review & Comments

The Applicant implemented several design refinements resulting from this review process, including:

- added some elements of building form articulation (variations in massing, utilization of decorative accent materials and landscaping to break up horizontal planes and large areas of wall panels)
- enhanced landscaping throughout, especially adjacent to buildings, in parking areas, along street frontage
- more covered outdoor spaces for shade, including the use of trellises
- alternate paving materials to provide surface variety, including permeable pavers for parking lots, contrasting/accent materials for parking lot entrances and pedestrian crossing areas/pathways
- relocation of trash enclosure further south and provision of additional trash collection room serving southern end of development

Overall, the design reflects overall good utilization of materials and strong conceptual massing. However some additional variation in form and material use is still needed to create visual interest as called for by Contemporary Ranch design style. Suggested refinements:

- Building D: better definition of building edges, not employing singular materials from base to parapet, use of corrugated or standing seam metal siding materials (horizontal flat-pan, shiny-white metal siding as proposed is not an encouraged material and Staff recommends that it be revised)

Landscaping

The landscaping design meets the Community Design Guidelines and significantly exceeds Municipal Code standards. Only 5% of the site is required to be landscaped and over 39% is provided. Almost all existing trees on the site will be preserved; two existing oak trees would be removed and will be replaced on-site at a ratio of 3:1. Extensive new landscaping, including enhancement of the Zaca Creek corridor, will be installed (as shown in Project Plans, Attachment 4.) The landscaping and architectural detailing will provide an attractive and inviting visual aesthetic for the project site, which can be viewed from McMurray Road as well as from Highway 101 and by motorists exiting Highway 101 on Damassa Road.

The preliminary landscape plan proposes native and drought tolerant plants and an irrigation system that are in compliance with the State of California Water Conservation Mandate. All trees are specified at a minimum size of 24 inch box, and the proposed species are either on the City's Approved Tree Planting List or generally suitable for the local climate. The project conditions of approval will require the final landscape and irrigation plans to be in compliance with the City's Water Efficient Landscaping Ordinance and utilize species from the City's Approved Tree Planting List or to the satisfaction of the City Planning Director.

In compliance with code requirements and in response to the City Architect's comments, the updated Project plans provide added landscape islands/strips with curbs throughout the parking lot to break up the continuity of the parking area, added landscape islands at the ends of parking lanes, enhanced landscaping throughout the development and adjacent to building (including use of planters and trellises), and increased areas for shade.

Signage

A master sign program has been submitted as part of the Project plans (**Attachment 4**), and constitutes sign approval for the project subject to Planning Commission approval of the Sign Ordinance Exemption (17-EXP-01); a separate sign permit would not be required.

Per Municipal Code Section 19.04.172, within Commercial zones, there is a maximum aggregate limit of 1 square foot of wall sign area per lineal foot of the longest street property frontage, which is 366 feet for subject property. Sign elements listed below count toward the aggregate wall sign area.

- The proposed total wall sign area of 483.75 square feet exceeds the sign standards by 117.75 square feet (32%); the proposed sign area would be allowed with a Sign Ordinance Exemption, as described below, which allows the Planning Commission to approve up to a maximum 50% increase in sign area.
- A low monument sign is proposed as part of the pedestrian walkway near the main driveway entrance. The sign is consistent with the City's 8 foot maximum height limit and requirement for minimum 5 foot setback from the public right-of-way.
- A 45 foot high sign/clock tower is proposed at the beginning of the pedestrian bridge near McMurray Road. The tower is considered an architectural feature and as such, its height complies with code standards.

In addition to wall signage, individual tenant signage and tenant directory plaques are provided consistent with the sign ordinance.

A variety of signage materials is proposed, including painted on wall, raised and reversed lettering, metal and wood, protruding signs; all signs shall be either non-illuminated, internally illuminated with reverse lettering, or externally illuminated so that the light is from shielded light sources that are directed at the sign. The sign tower proposes development signage on three sides with reverse lettering and back

lighting on a corten steel background; and an analog clock face with illuminated (halo) lighting on the hands on all four sides of the tower.

The following Table 4 summarizes the project signage:

Table 4. Project Signage

	# Tenants	Wall Signs (Aggregate)		Tenant Signs		Tenant Directory Signage	
		Allowed Sq. Ft.	Proposed Sq. Ft.	Allowed Sq. Ft.	Proposed Sq. Ft.	Allowed Sq. Ft.	Proposed Sq. Ft.
Building A	15		99	225	64		
Building B	1		46.5	10	9		
Building C	5		90	75	45		
Building D	7		104.25	105	102		
Building E	6		13.5	90	84		
	34					170	58
Sign Tower (45 ft) **			96				
Monument Sign			34.5				
		366	483.75*	505	304	170	58

* assumes sign modification by P.C. allowing 32% increase in sign area, with findings
 ** considered an architectural feature, height complies with Code

Sign Ordinance Exemption (Municipal Code Section 19.04.174)

The aggregate wall sign area of 483.75 square feet exceeds by 117.75 square feet the allowable code standard of 366 square feet. At the same time, the proposed areas for tenant signs (304 s.f.) and tenant directory plaques (58 s.f.) are significantly less than the allowable standard (505 s.f. and 170 s.f. respectively); combined totals for tenant signage represents a proposed sign area which is 313 square feet less than the maximum allowed by code.

- Planning Commission may approve up to a fifty (50) percent increase in sign area through a Sign Ordinance Exemption; the proposed Project would require an approximate thirty-two (32%) percent increase to allow the 117.75+/- square feet of sign area proposed above the 366 square feet allowed.
- The 117.5 square feet increase in wall signage is more than offset by the 313 square feet of lesser area proposed for tenant signage (combined tenant and directory signage proposed is 362 square feet, whereas 675 square feet is allowed)
- Approximately 96 square feet of the increased wall sign area is attributable to the sign/clock tower, viewed as an aesthetically pleasing architectural feature that provides critical signage exposure for the project.

In consideration of site building and visibility constraints, along with the unique layout of the buildings and tenant spaces, Staff supports the Planning Commissions approval of a sign standard exemption to allow the Project to take advantage of the sign area increase allowed for by the Code.

Access and Circulation

The project's main access will be from McMurray Road via a shared driveway with the Hampton Inn which abuts the site to the south; the main parking lot is accessed at this location. A secondary access is provided to the small parking lot along the McMurray road frontage; a pedestrian bridge across Zaca Creek connects the McMurray Road sidewalk and parking lot to the main part of the development.

The internal site layout has been designed to provide ample room for circulation and queuing around the parking stall layout. The main parking lot provides one turnaround in the form of cul-de-sacs and complies with the minimum standards required by Santa Barbara County Fire Department.

The applicant has requested vacation and acquisition of approximately 5,412 sf of unimproved excess City right-of-way along a portion of the McMurray road frontage, classified in the Circulation Element as a Commercial Collector street. The resulting roadway width would be consistent with the City's Commercial Collector roadway standards for that portion of McMurray Road. The City's Traffic Engineer has determined that the excess right-of-way would not be required by the City in the foreseeable future. The Project conditions of approval require the applicant to complete the process for vacation and acquisition of the excess City right-of-way; General Plan consistency findings will be submitted to the Planning Commission at a later date as part of the Right-of-Way Vacation process.

Public Improvements

Public improvements are proposed in McMurray Road, including widening of the McMurray Road by 35' to the east of existing center line, to include northbound lane, bike/shoulder lane, curb and gutter and sidewalk. The project will be conditioned to implement the proposed Class II bikeway along its McMurray Road frontage north of Damassa Road, and a Class III bikeway along Damassa Road between McMurray and Avenue of Flags, as set forth in the City's Bicycle and Pedestrian Master Plan. No additional ROW will be required to provide these public improvements. There will be excess ROW that may be vacated. The project will tie into the City sewer main and will create a water line loop through the project site. On-site fire hydrants are proposed.

Drainage and Hydrology

A portion of the site is located in the 100-year flood zone; site grading with a net export of a nominal amount of fill will be required to bring the building pad into compliance with the City's Floodplain Ordinance, as set forth in the conditions of approval. The project applicant has submitted a Preliminary Drainage and Stormwater Quality Report, a Geotechnical Engineering Report and a Preliminary Flood Study for City staff review.

The proposed development will be designed to convey all site-generated stormwater to five sections of permeable pavers, located in the parking spaces along both sides of Zaca Creek. The pavers are designed to accommodate a 25-year storm event while allowing the proposed development runoff to not divert from historical drainage patterns. Any water the pavers will not hold will enter catch basins which will contain the water until the top of grate is reached, after which the water will then be piped into Zaca Creek. The combined runoff that each system of pavers/catch basins contributes to Zaca Creek, after a corresponding rain event, does not exceed the amount of runoff before development for any event.

Planning Commission Comments

A Preliminary review of the Project was held on October 6, 2016 by the Planning Commission, at which time Commissioners had several comments. Summarized below are the Planning Commission comments and the *Applicant's responses shown in italics*.

1. Consider secondary access point for vehicular traffic. **Response:** *A single primary access point is preferred. Shared access easement via the southern adjacent parcel [Hampton Inn] has been granted, as required by the City, to facilitate this primary access point.*

2. Provide details on pedestrian circulation with the project site and connectivity with adjacent properties. **Response:** *Additional site survey details are incorporated on Project Plans Updated Sheet A101, allowing proper connectivity with adjacent properties and circulation within the project.*
3. Submit a Master Sign Plan for the project. **Response:** *A Master Sign Plan has been included with the updated Project plans. See sheets A101 and A3.10 through A3.15.*
4. Consider the possibility of adding a second trash enclosure and/or describe on-site trash collection program for project. **Response:** *See updated Project plans Sheet A101 for relocated trash enclosure, which was moved further south for its previous location. An additional trash room has also been added to the Project's Building B, enhancing trash holding capabilities for the southern end of the development. All tenant trash collection/removal guidelines are included within tenant lease agreements, and provide the property owner the ability to control the time and manner trash removal may occur from tenant spaces so not to negatively interfere, conflict, or impact the consumer experience when visiting the project. The Project expects to employ a full-time janitorial staff that will be present at the development during standard operating hours that will be responsible for common area trash removal, as well as the oversight of tenant-specific trash removal.*
5. Provide additional details on site plans, lighting and landscape plans, design of overhangs, textures and variety of exterior wall materials/building form per Design Guidelines. **Response:** *In updated Project plans, see Architectural sheets, Landscape sheets, and Lighting sheets for locations and details of overhangs, textures, materials, building form, and trellis per City of Buellton Community Design Guidelines.*
6. Provide more landscaping and planters. **Response:** *In updated Project plans, see sheets A101 and PL-1 for locations of added landscaping and planters.*
7. Provide additional detail on proposed garden area, including consideration of proximity to roadway and ensuring child safety. **Response:** *The raised garden beds have been removed from the corner of the project [fronting McMurray Road] and replaced with landscape as indicated on Landscape Plan Sheet PL-1.*
8. Consider using permeable pavers in the parking lot and special design features for crosswalks. **Response:** *In updated Project plans, see Sheets A101 and PL-1; Permeable pavers are proposed at all parking stalls along with special design features (differentiation of material and added planters) at all crosswalks.*

General Comments/ Inquiries

City Staff has received the following comments/inquiries regarding the proposed project, with Staff's response noted as applicable.

1. Letter dated March 27, 2017 from Joel Baker, 580 McMurray Road (**Attachment 7**), owners of rural property and residence (some of which are outside of the City limits) to the southeast of the proposed project.
2. Letter dated March 28, 2017 from Melinda and Jeff Johnston, 580 McMurray Road (**Attachment 7**), owner of rural property and residence (outside of the City limits) to the southeast of the proposed project. (Note: In addition to the Staff responses below that, while the Johnstons state theirs is a

developed property, the closest residence is approximately 1700 feet away from, and without direct line of site of, the proposed development.)

The questions posed in both of the above letters (Items #1 and #2, which state essentially the same issues) are summarized below along with Staff's response. As a general response, it should be noted that the subject property is zoned for CS-Service Commercial and CR-General Commercial, which allows the proposed commercial uses; thus the property is allowed to be developed for the commercial uses proposed. All other impacts are regulated through the building codes and health regulations.

Summarized below are Mr. Baker's and the Johnstons' comments, with *Staff's responses shown in italics.*

- a. How will light pollution be handled. **Response:** *The project would be required to adhere to Zoning Ordinance requirements for dark sky compliant lighting. A lighting plan is included in the project plans (Attachment 4). Light intrusion into the wildlife habitat in and near Zaca Creek is addressed in the IS/MND (Attachment 6), Biological Resources section.*
- b. What type of signage will there be? **Response:** *A master sign program has been submitted as part of the project plans (Attachment 4).*
- c. How will the signs be illuminated? **Response:** *Described in the master sign program noted in item b. above.*
- d. Will there be noise pollution from generators, air conditioning or heating units? How will these be addressed? **Response:** *A detailed Noise study is included in the IS/MND (Attachment 6); the study concluded that there would be no significant noise impacts from the proposed project. It should be noted that, similar to the Johnstons' case, the closest residence on Mr. Baker's property is over 1700 feet away from the proposed Project, and there is no direct line of site to the proposed buildings.*
- e. How will noise pollution be minimized? **Response:** *Addressed in IS/MND (Attachment 6) Noise section.*
- f. Will business hours coincide with the Buellton City sound ordinance? **Response:** *The City's noise ordinance sets forth noise level that can be enforced if needed; the ordinance does not regulate business hours.*
- g. Will there be "special events" at this property? If so, how will parking overflow be handled? What will these hours be? How will noise pollution be held to a minimum? **Response:** *Any special events to be held at the property would be subject to separate special events permits; parking, hours and noise would be addressed on a case-by-case basis in the permit as applicable.*
- h. What will the "bocce ball court" hours be? **Response:** *Bocce court hours would conform with general project operating hours.*
- i. Parking lot / overall security. **Response:** *The property will be properly lit and maintained for guest safety and security. The Applicant has stated that on-site property management is expected to be present 7 days a week during general business operating hour to manage potential guest situations.*

- j. General cleanliness, extraneous garbage, etc. **Response:** *Property maintenance is addressed in the conditions of approval.*
 - k. What sort of precautions will be taken to keep The Commons patrons from venturing onto surrounding private property, potentially putting private property, its inhabitants, livestock and The Commons patrons themselves in danger? **Response:** *Both the property's eastern and southern borders are fenced, providing delineation and security between the project and both Mr. Baker's and the Johnstons' adjacent properties. The Applicant has stated that the property is expected to include general development signage that clearly identifies property boundaries and warns visitors against trespass of private areas with the project as well as adjacent properties.*
3. Letter dated March 28, 2017 from Krista Nightingale, Santa Barbara County Air Pollution Control District (**Attachment 7**), offering suggested conditions to be included in the proposed Project. **Response:** *Applicable APCD conditions have been incorporated into the Conditions of Approval set forth in Planning Commission Resolution 17-04.*

ENVIRONMENTAL REVIEW (CEQA)

Environmental Record

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 (IS/MND) for the project (**Attachment 6**).

On March 2, 2017, 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 two public locations.

The IS/MND dated March 3, 2017 was circulated for public and agency review and comment from March 6, 2017 through April 4, 2017. Copies of the IS/MND were made available to the public at the Planning Department on March 6, 2017, and the IS/MND was distributed to interested parties and agencies.

The IS/MND concluded that implementation of the Project could result in potentially significant impacts on the environment and identified mitigation measures that would reduce these impacts to a less-than-significant level. The issues requiring mitigation include: biologic resources, cultural resources, greenhouse gas emissions, and traffic. The 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 Exhibit A to Resolution 17-03.

CEQA Comments

The City received one comment letter during the public review period (included as part of the IS/MND **Attachment 6**), as of the date of this staff report. Any comment letters received after this date will be transmitted to the Planning Commission under separate cover.

1. Letter dated March 29, 2017, from Freddie Romero, Santa Ynez Band of Mission (Chumash) Indians, Tribal Elders Council; requests enhancements to cultural resources mitigation measures to ensure that the Elders Council be notified and brought in to assist with determining the significance of discoveries, and with the handling and treatment of any discovered cultural

material or human remains; and that a Native American advisor be retained in the event that any discovery is significant. **Staff Response:** *The environmental mitigation measures set forth in the conditions of approval have incorporated the suggested revisions to cultural resources mitigation measures.*

CONDITIONS OF APPROVAL

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

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

The complete list of conditions is included within Planning Commission Resolution No. 17-04.

RECOMMENDATION

That the Planning Commission consider the adoption of Resolutions No. 17-03 and No. 17-04 approving the Mitigated Negative Declaration and the related Commons at Zaca Creek project. Specifically, the recommendation is to adopt:

Resolution No. 17-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (16-MND-01) and Mitigation Monitoring and Reporting Program for The Commons at Zaca Creek, a 54,286 Square Foot Mixed-use Commercial Project Located at 610 McMurray Road, Assessor’s Parcel Number 137-170-068, and Making Related Findings Under the California Environmental Quality Act”; and

Resolution No. 17-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-05), Conditional Use Permit (16-CUP-02) and Sign Ordinance Exemption (17-EXP-01) for The Commons at Zaca Creek Project, a 54,286 Square Foot Mixed-use Commercial Project Located at 610 McMurray Road, Assessor’s Parcel Number 137-170-068, and Making Findings in Support Thereof”.

ATTACHMENTS

- Planning Commission Resolution 17-03 (adopting MND)
- Planning Commission Resolution 17-04 (approving project with conditions of approval)
- Attachment 1 – Vicinity Map
- Attachment 2 – Zoning Map
- Attachment 3 – Flood Zone Map
- Attachment 4 – Project Plans
- Attachment 5 – Photos of Story Poles
- Attachment 6 – Initial Study / Mitigated Negative Declaration; including Mitigation Monitoring and Report Program, and comments received
- Attachment 7 – General Comment Letters

PLANNING COMMISSION RESOLUTION NO. 17-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION (16-MND-01) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE COMMONS AT ZACA CREEK, A 54,286 SQUARE FOOT MIXED-USE COMMERCIAL PROJECT LOCATED AT 610 MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-170-068, AND MAKING RELATED FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

WHEREAS, ZC Commons Holdings LLC, property owner, and Don Conner, Coast Development Partners, agent (collectively "Applicant"), have filed an application for approval of a **Final Development Plan (16-FDP-05), Conditional Use Permit (16-CUP-02) and Sign Ordinance Exemption (17-EXP-01)** ("Application"), to allow construction of 54,286 square feet of mixed-use commercial development to be known as The Commons at Zaca Creek ("Project") on 4.25+/- acres of vacant land located at 610 McMurray Road, north-east of the intersection of Damassa Road, Assessor's Parcel Number 137-170-068 ("Site"). The Site is located in the City's CS (Service Commercial) and CR (General Commercial) zones with Affordable Housing Overlay (AHOZ) and has a General Plan land use designation of Service Commercial and General Commercial; 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 Procedures 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 dated March 3, 2017 was circulated for public and agency review and comment from March 6, 2017 through and including April 4, 2017. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on March 6, 2017, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On March 2, 2017, 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 two public locations; and,

WHEREAS, one comment letter from the Santa Ynez Band of Mission (Chumash) Indians Tribal Elders Council was received during the circulation period from March 6, 2017 through April 4, 2017; the comment letter is addressed in the Staff Report for the project dated April 6, 2017 and additional Cultural Resources mitigation measures were added, as requested, to the Initial Study/Mitigated Negative Declaration; 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 (Exhibit A - "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 (Attachment 6 to Planning Commission Staff Report dated April 6, 2017) and related Mitigation Monitoring and Reporting Program for the Project (Exhibit A to this Resolution) 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 April 6, 2017, the Planning Commission of the City of Buellton conducted a duly noticed public meeting in connection with the Application and the Initial Study/Mitigated Negative Declaration and considered all evidence, oral and written; and,

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

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

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

SECTION 2. The Planning Commission does hereby make the following findings:
(1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained

therein, prior to acting upon or approving the Application; (2) the Initial Study/Mitigated Negative Declaration prepared for the Application has been completed in compliance with CEQA; (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 6th day of April, 2017

Art Mercado, Chair

Clare Barcelona, Planning Commission Secretary

Exhibit A – Mitigation Monitoring and Reporting Program

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 17-03 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 6th day of April, 2017, by the following vote, to wit.

AYES: (0)

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, 2017.

Clare Barcelona
 Planning Commission Secretary

Exhibit A

The Commons at Zaca Creek 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 117-04, dated April 6, 2017. 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.

BIOLOGICAL RESOURCES

1. BIO-1 (Loss of Federal and State Jurisdictional Areas)

BIO-1a: CDFW and RWQCB are expected to require a 3:1 mitigation ratio for loss of jurisdictional areas on this project. The proposed project would eliminate 8,712 s.f. (0.20 acres) of Federal and State jurisdictional areas associated with the tributary drainage in the northeastern portion of the subject property, which would require compensatory restoration of 26,136 s.f. (0.60 acres) of jurisdictional habitat at a 3:1 ratio. The applicant has agreed to restore the reach of Zaca Creek within the subject property, including a 10-foot wide top-of-bank buffer. This area encompasses approximately 32,831 s.f. (0.75 acres). The proposed restoration area is about 6,685 s.f. (0.15 acres) larger than that needed to achieve a 3:1 ratio, to account for the unknown acreage of native vegetation already present in Zaca Creek. This level of restoration, amounting to a 3.8:1 mitigation ratio, will fully mitigate potential impacts to Federal and State jurisdictional areas to less than significant levels.

BIO-1b: A qualified biologist/habitat restoration specialist shall prepare a Habitat Restoration and Monitoring Plan (HRMP) that details species, methods, and materials for eradication and controlling non-native vegetation, protecting existing native vegetation, installing native, locally-occurring plant species within the bed, banks, and top of bank buffer area of Zaca Creek on the subject property. The Plan shall identify success criteria that will be monitored to ensure that the restoration effort meets or exceeds Plan goals and will include a maintenance and monitoring component that extends for five (5) years post-planting to monitor and remediate (if necessary) conditions in the restoration area to ensure that specific performance criteria identified in the Plan are met or exceeded.

Monitoring:

BIO-1a: Planning Department will verify prior to issuance of Building Permits: applicable CDFW and RWQCB permits.

BIO-1b: Planning Department will verify prior to issuance of Building Permits: HRMP submittal and name of biologist who will be responsible for monitoring mitigation during construction and for submitting annual reports.

Annual reports detailing field conditions and plant status, problems, and remedies shall be submitted to the Planning Department and the California Department of Fish and Wildlife by 1 June of each year.

2. BIO-2 (Zaca Creek Top-of-Bank Setback)

BIO-2a: The edge of the TOB buffer shall be surveyed and delineated in the field prior to any grading or construction activities. Orange construction fence with a 3-foot high band of silt fence dug into the base shall be installed along the surveyed line separating the TOB buffer from the construction area and this fencing shall be maintained for the duration of construction and landscaping. A qualified biologist shall supervise installation of this fencing. See also *Mitigation Measure 4b*.

BIO-2b: Permeable paving shall be used for all parking areas abutting the 10-foot top-of-bank setback, as well as parking spaces abutting the valley oak tree buffers in the northeastern portion of the project site. The paving shall be designed to capture oils and other automobile products and reduce the presence of these hydrocarbons and oils in surface runoff.

BIO 2c: Site drainage shall be designed to use existing storm drains and curb/gutter structures along McMurray Road to the maximum extent possible. Other storm drain outfalls within the project area, if necessary, shall be designed to flow into vegetated swales located in the TOB setback. Surface runoff directed towards the top-of-bank of Zaca Creek shall be designed to avoid bank erosion through the use of vegetated rock rip-rap or other measures.

BIO-2d: Landscaping within the development envelope shall emphasize native, drought-tolerant species capable of surviving with little or no summer water once established. Watering of this landscaping shall be done only with drip irrigation, not overhead spraying.

BIO-2e: No fertilizers, herbicides, or pesticides shall be used in the creek setback areas (TOB) buffer for the life of the project. Organic methods, such as composting, mulching, and hand-pulling of weeds shall be used to control weeds and maintain landscaping for the life of the project.

BIO 2f: Landscape maintenance crews shall be instructed as to the sensitivity of adjacent open space on the subject property.

BIO-2g: Grading for this project should be timed to occur between 1 April and 31 October (outside the rainy season). If this is not feasible, in addition to the required Storm Water Pollution Prevention Plan (SWPPP) for the project, all applicable Best Management Practices (BMPs) shall be used to prevent soil or sediment-laden water from entering Zaca Creek. These BMPs include, but are not restricted to the following measures:

- Install silt fence and other perimeter controls along the northern edge of the development envelope prior to site grading.
- Construction vehicles and personnel vehicles shall be parked only within the project site boundaries or offsite in designated public parking areas.
- Soil stockpiles shall be tarped and surrounded with sandbags if rain is forecast within 24 hours and stockpiles shall be located no closer than six (6) feet from the property boundaries.
- Disturbed soils that will be exposed for more than two weeks (14 calendar days) shall be sprayed with hydromulch to minimize dust generation or soil erosion.

- A water truck or other water delivery method shall be on-site continually to minimize dust generation.
- A qualified biological monitor shall be retained, as approved by the City, to monitor compliance with these mitigation measures during construction.

BIO-2h: The outer edge of the top-of-bank buffer shall be permanently delimited from adjacent parking spaces by planting and maintaining a minimum 3-foot high hedge composed of a native species, locally-occurring species, such as lemonade berry (*Rhus integrifolia*). The plants shall be installed as 5-gallon container stock, and allowed to grow to a minimum height of 3 feet, then, pruned to maintain a dense structure. The hedge will serve to block glare from vehicle headlights into the Zaca Creek riparian corridor and reduce human intrusion into the riparian corridor. A qualified biologist shall supervise installation of this hedge as part of the Habitat Restoration and Monitoring Plan (HRMP).

Monitoring:

BIO-2a, 2b: Planning Department will verify prior to Zoning Clearance: plans showing orange construction fencing in TOB buffer area, notes restricting entry into fenced area, and permeable paving installation in parking areas; include identification of qualified biologist to supervise fencing installation.

Planning Department will verify prior to issuance of Grading Permit: Biologist certification of fence installation.

BIO-2c and 2g: Public Works Department will verify prior to issuance of Grading Permit: plans showing site drainage and grading.

BIO-2d, 2e, 2f, 2h: Planning Department will verify prior to issuance of Zoning Clearance: plans showing landscaping measures and identification of qualified biologist to supervise installation of hedge between Zaca Creek and adjacent parking spaces.

Planning Department prior to issuance of Certificate of Occupancy: certification of hedge installation.

3. BIO-3 (Special-Status Plants and Plant Communities)

BIO-3a: A qualified biologist shall conduct a rare plant survey in late winter and/or spring throughout the project site, including the affected reaches of Zaca Creek. The biologist shall develop a plan to compensate for impacts to such species, if present on-site, including avoidance and minimization measures, as well as compensation measures incorporated into the Habitat Restoration Plan for this site, as necessary. The plan shall include measures to ensure an approved biologist will flag and fence avoidance locations before construction activities start to avoid impacts, and oversee any salvage and restoration planting efforts. If avoidance of special-status plant species is not feasible, compensatory mitigation shall provide for no-net-loss of each special-status plant species impacted, with a minimum 2:1 ratio (area restored/created/enhanced: area impacted) for CRPR list 1B species.

BIO 3b: During implementation of Mitigation Measure BIO-2a (installation of orange construction fence to delimit the restoration area from construction area), a qualified biologist shall supervise pruning of red willow vegetation in this area to ensure that only a minimum amount is removed to accommodate construction.

Monitoring:

BIO-3a : Planning Department will verify prior to issuance of Zoning Clearance: results of rare plant survey and, if required, a compensation plans and measures to be incorporated into the HMRP as applicable.

BIO-3b: Planning Department will verify prior to issuance of Grading Permit: Biologist certification of vegetation pruning.

4. BIO-4 (Special-Status Wildlife)

BIO-4a: A qualified biologist shall conduct USFWS protocol-level surveys (daytime and nighttime) of the project reach of Zaca Creek and the unnamed tributary during late winter/early spring when water is present in this reach of the creek to assess habitat suitability for CRLF. The surveys shall be completed no more than two weeks prior to the start of construction. If CRLF are detected in the project reach of Zaca Creek during these surveys, the biologist shall implement appropriate avoidance and minimization measures in consultation with the U.S. Fish and Wildlife Service staff and consistent with USFWS policies.

BIO-4b: No work shall be conducted in jurisdictional areas during periods of rainfall or within 24 hours thereafter.

BIO-4c: Appropriate erosion control and site stabilization measures to minimize potential for downstream water quality impacts.

BIO-4d: Before any activities begin within the project site, an approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat. Brochures, books, and briefings may be used in the training session, provided that a qualified person is available to answer any questions.

BIO-4e: Silt fence shall be installed along the lower portion of the orange construction fence to be installed along the top-of-bank buffer of Zaca Creek under the supervision of a qualified biologist (also see *Mitigation Measure BIO-2a*). This silt fencing shall remain intact for the duration of construction and landscaping.

BIO-4f: The oak trees on and around the subject property may provide temporary (seasonal) roosts for bats, although surveys conducted for this document failed to find evidence of prolonged or repeated use of these specific trees for such uses. Prior to the start of grading or any construction activities, a qualified biologist shall conduct an acoustic survey to assess bat activity on-site. If bats are found roosting in oak trees on-site, the biologist shall confer with CDFW staff to determine how to proceed. At a minimum, the buffer established around oak trees shall benefit roosting bats.

Monitoring:

BIO-4a: Planning Department will verify prior to issuance of Grading Permit: results of protocol-level surveys in late winter/early spring, 2 weeks prior to start of construction and, if necessary, implement appropriate measures with USFWS, certifying same.

BIO-4b: Planning Department will verify prior to issuance of Zoning Clearance: construction plans with notes that restrict construction activity in jurisdictional areas before/after rainfall.

BIO-4c: Public Works Department will verify prior to issuance of Grading Permit: grading plans with erosion control and site stabilization measures.

BIO-4d: Planning Department will verify prior to issuance of Zoning Clearance: training program for construction personnel.

BIO 4e: Planning Department will verify prior to Zoning Clearance: plans showing orange construction fencing around designated oak trees and notes restricting entry into fenced area; including identification of qualified biologist to supervise fencing installation and timing concurrent with fence installation under **BIO-2a**.

Planning Department will verify prior to issuance of Grading Permit: Biologist certification of fence installation.

BIO-4f: Planning Department will verify prior to issuance of Grading Permit: Biologist certification of acoustic survey for bat activity and, if required, evidence of coordination with CDFW.

5. BIO-5 (Loss of or Damage to Oak Trees)

BIO-5a: Loss of valley oaks shall be mitigated at a 3:1 ratio, consistent with City of Buellton Native Tree Protection Ordinance, and this ratio shall be maintained for the duration of the 5-year habitat restoration monitoring period, so that at least six (6) valley oaks survive and are at least six feet tall in the restoration area after 5 years post-planting. Valley oaks also shall be included in the planting palettes for the landscaped portion of the site. Valley oaks planted as mitigation in the habitat restoration area shall be derived from acorns taken from on-site trees to preserve genetic integrity. The acorns shall be grown at a local native plant nursery and planted when they are a 5-gallon minimum size, then planted in the restoration area. Valley oaks used in landscaped areas can be purchased, but shall be no larger than 15-gallon trees and must be derived from local source stock.

BIO-5b: Orange construction fencing shall be placed at the 25-foot and 10-foot radii of the two valley oaks in the northeastern corner of the site and the one valley oak on the eastern property boundary, respectively. The fencing shall be installed at the same time as the TOB buffer fencing (**Mitigation Measure BIO-2a**), and shall be maintained for the duration of the construction phase of the project. A qualified biologist shall verify proper installation of this fencing. Vehicle parking, construction equipment, and all construction personnel shall be prohibited from entering the fenced areas.

BIO-5c: The project footprint in the northeastern corner of the subject property and along the eastern edge of the property should be modified to avoid the dripline of the three large valley oaks found there because loss of these very large, old trees cannot be mitigated.

BIO-5d: A certified arborist shall monitor grading of driveways adjacent to the oak trees in the northeastern corner of the project site and installation of the retaining wall in the eastern portion of the site to avoid or minimize impacts to the roots of these valley oaks. Any exposed roots greater than 1-inch in diameter shall be cut by the arborist.

Monitoring:

BIO-5a: Planning Department will verify prior to issuance of Zoning Clearance: landscape plans showing oak tree mitigation and 5-year maintenance plan/certification.

BIO-5b: Planning Department will verify prior to Zoning Clearance: plans showing orange construction fencing around designated trees and notes restricting entry into fenced area;

including identification of qualified biologist to supervise fencing installation, which shall occur at same time as TOB buffer fencing (Measure BIO-2a).

Planning Department will verify prior to issuance of Grading Permit: Biologist certification of fence installation.

BIO-5c: Planning Department will verify prior to issuance of Zoning Clearance: construction plans showing that project footprint in northeastern corner and along eastern edge of subject property avoids the dripline of the three large, old valley oaks.

BIO-5d: Planning Department will verify prior to issuance of Zoning Clearance: identification of arborist and describe plan to monitor driveway grading in northeastern corner of property and retaining wall installation along eastern portion of site, including root trimming protocol.

6. BIO-6 (Use of Rodenticides)

BIO-6a: Because of the small size of the project site and its location adjacent to regionally important wildlife habitat, rodenticides shall be banned from use anywhere on-site during construction and building occupancy, i.e., for the life of the project. Only mechanical traps (snap-traps) shall be used, if necessary.

Monitoring:

BIO-6a: Planning Department will verify prior to issuance of Zoning Clearance: construction plans/notes and on-going property management/operation requirements describing rodenticide restriction.

7. BIO-7 (Loss of Non-Regulated Wildlife)

BIO-7a: Vegetation removal and/or construction shall be timed to avoid the nesting season for raptors and other birds, generally 1 February-15 September. If this is not feasible, a qualified biologist shall conduct a series of surveys for nesting birds starting no more than four weeks and no less than one week prior to construction. Measures to protect active nest shall be evaluated by a qualified biologist on a case-by-case basis, but could include maintaining a minimum 50-foot buffer around active non-raptor nests and 300-foot buffer around raptor nests. All active nests shall be monitored weekly until the young have fledged.

BIO-7b: A qualified biologist shall direct the initial site clearing to include having a bulldozer or grader make several passes to first remove vegetation (grasses and shrubs) from development envelope, then the upper six inches of soil in two lifts of three inches/lift in order to capture and relocate any lizards, snakes, and/or small mammals that are in good condition to Zaca Creek or adjacent open space. Individuals that are killed during grading and are in good condition shall be collected for accession into the zoology collections of the Santa Barbara Museum of Natural History and/or the University of California-Santa Barbara.

BIO-7c: A City-approved biologist shall conduct a pre-construction meeting on-site for all construction personnel prior to commencing any grading or construction activities. The purpose of the meeting will be to discuss biological sensitivities associated with the project, permit conditions, BMPs to avoid or minimize environmental impacts, and other topics. The biological monitor shall conduct “tailgate” sessions to review these issues, as-needed. The biologist shall also perform regular site inspections to ensure permit compliance, subject to City requirements.

Monitoring:

BIO-7a: If construction is scheduled to occur between February 1 and September 15 Planning Department will verify prior to issuance of Grading Permits: results of surveys for nesting birds, between 1 to 4 weeks prior to start of construction and, if necessary, implement appropriate measures to protect active nests as applicable on a case-by-case basis, certifying same to Planning Department.

BIO-7b, 7c: Planning Department will verify prior to issuance of Zoning Clearance: identification of biologist and program that describes pre-construction meetings, on-going site inspection, grading oversight, small wildlife relocation/collection, as applicable.

8. BIO-8 (Night-Lighting)

BIO-8a: Night-lighting throughout the site shall use the lowest wattage and least number of lights consistent with safety. All lighting shall be shielded and directed downward and away from Zaca Creek, as well as open space east of the subject property, in order to minimize light pollution of adjacent areas.

Monitoring:

BIO-8a: Planning Department will verify prior to issuance of Zoning Clearance: lighting plans and specifications describing night-lighting measures.

9. BIO-9 (Trash)

BIO-9a: Trash receptacles shall be provided and maintained for the duration of construction. A qualified biologist shall function as construction monitor and shall hold a pre-construction training session for all construction personnel to discuss trash disposal (and other environmental permit conditions). Site clean-up shall be a routine component of maintenance and trash receptacles shall be emptied immediately following any social functions during project occupancy.

Monitoring:

BIO-9a: Planning Department will verify prior to issuance of Zoning Clearance: construction plans showing location of trash receptacles; identification of biologist and program that describes pre-construction meetings/training and site inspection during construction; on-going property maintenance/operation guidelines regarding trash removal practices.

10. BIO-10 (Building Architecture)

BIO-10a: Impacts can be reduced or avoided by designing structures to make them less attractive to nesting birds, or by installing bird netting beneath eaves before nests have been constructed. The project shall be designed to incorporate structural components that do not promote nesting by swallows, finches, or other birds (no eaves on buildings, etc.).

Monitoring:

BIO-10a: Planning Department will verify prior to issuance of Zoning Clearance: architectural plans that show, to the extent feasible and in compliance with other City requirements, building components that do not promote nesting by birds.

11. BIO-11 (Non-Native Landscape Plantings)

BIO-11a: The landscape architect for the project shall design a planting plan that emphasizes native, locally-occurring species to create landscaping that has both aesthetic value and value to wildlife and will not pose a hazard to vegetation in open space areas. A qualified biologist shall review and

approve planting plans prior to implementation. Native plants shall be used for landscaping for the life of the project to the extent feasible and in compliance with other applicable City requirements.

BIO-11b: Fertilizers, herbicides, and/or pesticides shall not be used on any landscaping in the creek setback areas; only organic methods, such as composting, mulching, and hand-pulling of weeds shall be used for the life of the project.

Monitoring:

BIO-11a: Planning Department will verify prior to issuance of Zoning Clearance: landscape plans that show, to the extent feasible and in compliance with other City requirements, use of native plants, that have been reviewed by a qualified biologist.

BIO-11b: Planning Department will verify prior to issuance of Zoning Clearance: landscape plans/notes and on-going property management/operation procedures describing restriction on fertilizer/herbicide/pesticide use in creek setback areas.

CULTURAL RESOURCES

12. CR – 1: Halt Work Order for Archaeological Resources.

CR--1a: If cultural resources are exposed during construction of the Project, 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. In addition, the Santa Ynez Band of Chumash Indians (SYBCI) Elders Council shall be notified and brought in as well to assist in determining the significance of the discovery alongside the archaeologist. After the find has been appropriately mitigated, work in the area may resume. A representative should monitor any mitigation excavation associated with Native American materials.

CR-1b: If it is determined that any discovery is significant, the Applicant shall, at its expense, obtain from the SYBCI Elders Council a Native American advisor/consultant for the remainder of the project. Based on additional discoveries or limited discovery, the Applicant and Elders Council, in mutual agreement, can limit or eliminate the use of the advisor/consultant prior to completion of the project.

CR-1c: The Applicant shall work with an archaeologist and the Elders Council for a handling and treatment plan of any discovered cultural material or human remains. The Elders Council understands that there is a legal process in place for dealing with human remains, but requests that other terms be added, as applicable, to protect tribal ancestors with regards to respect and ceremony, as well as disposition.

Monitoring:

CR-1a, 1b, 1c: Upon notification by project developer of discovery of a potential find, Planning Department will verify that archaeologists and Native American representatives have been contacted to evaluate the materials found and, if necessary, to monitor any consequent mitigation activities.

GREENHOUSE GAS EMISSIONS

13. GHG-1: GHG Reduction Plan. The project shall reduce operational GHG emissions through implementation of one or more of the following measures:

Prior to permit issuance, develop a project GHG Reduction Plan that reduces annual GHG emissions from the project by a minimum of 179.4 MT CO₂e per year over the operational life of the project. The plan will be implemented on site by the project applicant and may include, but is not be limited to, the following components:

1. Charging stations for alternative fuel vehicles
2. Energy and water efficient equipment, appliances, heating and cooling
3. Energy efficient lighting
4. Green building and roofs
5. Water conservation and recycling
6. Renewable energy production
7. Trip reduction (e.g., employee ridesharing, vanpool/shuttle)
8. Carbon sequestration
9. Recycling and composting of solid waste

--- and/or ---

If GHG emissions cannot be fully reduced by a minimum of 179.4 MT CO₂e per year over the operational life of the project through compliance with a project GHG Reduction Plan, purchase carbon offsets to reduce GHG emissions below threshold levels.

Plan Requirements and Timing.

Prior to Building Permit issuance: Applicable elements of the project GHG Reduction Plan shall be reflected on project site plans. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets shall be approved by Planning Department staff prior to permit approval.

Monitoring:

Planning Department will verify prior to Zoning Clearance: Verification of compliance with mitigation measure and applicable GHG Reduction Plan.

TRAFFIC

14. T – 1: Traffic Improvement Fee. Payment of the Buellton Traffic Improvement Fee shall be paid prior to issuance of the occupancy permit. Said fee shall be in the rate that is in effect at the time building permits are issued.

Monitoring:

Prior to issuance of Certificate of Occupancy, Planning Department shall verify payment of Traffic Improvement Fee at the applicable rate.

The Commons at Zaca Creek Project Mitigation Monitoring and Reporting Verification Checklist			
Mitigation Measure	Responsibility	Timing	Verification
BIO-1. Loss of Federal & State Jurisdictional Areas			
BIO-1a	Planning Dept.	Prior to Building Permit	
BIO-1b	Planning Dept.	Prior to Building Permit Annually prior to June 1	
BIO-2. Zaca Creek Top-Of-Bank Setback			
BIO-2a, 2b	Planning Dept.	Prior to Zoning Clearance Prior to Grading Permit	
BIO-2c, 2g	Public Works Dept.	Prior to Grading Permit	
BIO-2d, 2e, 2f, 2h	Planning Dept.	Prior to Zoning Clearance Prior to Certificate of Occupancy	
BIO-3. Special-Status Plant Communities BIO-3a, 3b	Planning Dept.	Prior to Zoning Clearance Prior to Grading Permit	
BIO-4. Special-Status Wildlife			
BIO-4a	Planning Dept.	Prior to Grading Permit	
BIO-4b	Planning Dept.	Prior to Zoning Clearance	
BIO-4c	Public Works Dept.	Prior to Grading Permit	
BIO-4d	Planning Dept.	Prior to Zoning Clearance	
BIO-4e	Planning Dept.	Prior to Zoning Clearance Prior to Grading Permit	
BIO-4f	Planning Dept.	Prior to Grading Permit	
BIO-5. Loss of or Damage to Oak Trees			
BIO-5a	Planning Dept.	Prior to Zoning Clearance	
BIO-5b	Planning Dept.	Prior to Zoning Clearance Prior to Grading Permit	
BIO-5c, 5d	Planning Dept.	Prior to Zoning Clearance	
BIO-6. Use of Rodenticides BIO-6a	Planning Dept.	Prior to Zoning Clearance	
BIO-7. Loss of Non-Regulated Wildlife			
BIO-7a	Planning Dept.	For construction planned between Feb1 and Sept 15: Prior to Grading Permit	
BIO-7b, 7c	Planning Dept.	Prior to Zoning Clearance	
BIO-8. Night-Lighting BIO-7a	Planning Dept.	Prior to Zoning Clearance	
BIO-9. Trash BIO-9a	Planning Dept.	Prior to Zoning Clearance	
BIO-10. Building Architecture BIO-10a	Planning Dept.	Prior to Zoning Clearance	
BIO-11. Non-Native Landscape Plantings BIO-11a, 11b	Planning Dept.		
CR-1. Halt Work Order for Archaeological Resources CR-1a, 1b, 1c	Planning Dept.	If needed, upon occurrence of applicable event during construction	
GHG-1. Greenhouse Gas Emissions	Planning Dept	Prior to Building Permit Issuance	
T-1. Traffic Improvement Fee	Planning Dept.	Prior to Certificate of Occupancy	

PLANNING COMMISSION RESOLUTION NO. 17-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (16-FDP-05), CONDITIONAL USE PERMIT (16-CUP-02), AND SIGN ORDINANCE EXEMPTION (17-EXP-01) FOR THE COMMONS AT ZACA CREEK PROJECT, A 54,286 SQUARE FOOT MIXED-USE COMMERCIAL PROJECT LOCATED AT 610 MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-170-068, AND MAKING FINDINGS IN SUPPORT THEREOF

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 ZC Commons Holdings LLC, property owner, and Don Conner, Coast Development Partners, agent, hereinafter referred to as "Applicant", requesting approval to develop a mixed-use commercial project to be known as The Commons at Zaca Creek ("Project") on 4.25+/- acres of vacant land located at 610 McMurray Road, north-east of the intersection of Damassa Road, Assessor's Parcel Number 137-170-068 ("Site").

The Project consists of 54,286 square feet of mixed use commercial space in five buildings with a tenant mix that includes a public market, tasting rooms, local and regional restaurants, craft food vendors, artisan retailers; and related parking, internal walkways, a central green open space area, landscaped grounds and 162 parking spaces. The proposed building footprint is an estimated 30,591± square feet with a total building square footage of 54,285± square feet. Average height of the main building is 36 feet and the remaining four buildings range in height from 21 to 26 feet; some architectural features reach approximately 45 feet in height and serve to add character consistent with the project's Contemporary Ranch style as recommended by the Community Design Guidelines.

The Site is located in the City's CS (Service Commercial) and CR (General Commercial) zones with Affordable Housing Overlay (AHOZ) and has a General Plan land use designation of Service Commercial and General Commercial.

SECTION 2: The proposed Project consists of the following applications:

- **Final Development Plan (16-FDP-05):** Proposal to develop a mixed-use commercial project to be known as The Commons at Zaca Creek, consisting of 54,286 square feet of commercial retail and restaurant space in five buildings, one-story and partial two-stories in height, parking and landscaping in support of those facilities, and other amenities as described below.

As part of 16-FDP-05, in accordance with Municipal Code Section 19.08.120(G), a modification to the building height limit is required for the main Building A (situated on a slight grade) because the average natural grade of the building is approximately 36 feet, which is just over the maximum height limit of 35 feet.

- **Conditional Use Permit (16-CUP-02):** Required for "indoor/outdoor farmers markets", "restaurants, fast food" and "outdoor public assembly" uses in the CS Zone. The proposed Project's main building public market, outdoor farmer's markets, craft food vendors (potentially

offering fast food), and outdoor public assembly areas (bocce ball courts, outdoor seating, green open space gathering area with permissible alcohol consumption) all trigger this requirement.

- **Sign Ordinance Exemption (17-EXP-01):** Required to allow for a thirty-two (32) percent increase in wall sign area in accordance with Municipal Code Section 19.04.174.

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 April 6, 2017 (“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 16-FDP-05, 16-CUP-02 and 17-EXP-01, and the set of project plans dated December 22, 2016 with subsequent minor refinements dated January 12, 2017.
 - b. The staff report dated April 6, 2017.
 - c. The Initial Study and Mitigated Negative Declaration for the project (16-MND-01), dated March 3, 2017.

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 March 23, 2017 (the “PC Public Notice”), a minimum of 10 days in advance of the PC Public Hearing conducted on April 6, 2017.
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 March 23, 2017, a minimum of 10 days in advance of the PC Public Hearing.
3. The PC Public Notice was posted in two public locations on March 23, 2017, 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 dated March 3, 2017 was circulated for public and agency review and comment from March 6, 2017 through April 4, 2017. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on March 6, 2017, and the Initial Study/Mitigated Negative Declaration

was distributed to interested parties and agencies. On March 2, 2017, 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 17-03. Planning Commission Resolution 17-03 was adopted prior to the consideration of Planning Commission Resolution 17-04.

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 (16-FDP-05).

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 as determined by the City Engineer and Traffic Study dated January 27, 2017.
- ii.** That significant environmental impacts are mitigated to the maximum extent feasible and to a level of insignificance through the incorporation of the mitigation measures from 16-MND-01 that have been made conditions of approval.
- iii.** That streets and highways are adequate and properly designed pursuant to the requirements of the City Engineer and the findings of the Traffic Study. 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 general and service commercial uses, including the uses proposed by the Project. The proposed Project is expected to be compatible with nearby commercial land uses. The Project would be required to adhere to Zoning Ordinance requirements for: outdoor lighting, including dark sky compliant light fixtures, as set forth in the proposed lighting plan;

signage as set forth in the Master Sign Program, subject to Planning Commission approval of the Sign Ordinance Exemption (17-EXP-01); noise as set forth in the City's Noise Ordinance and as addressed in the Noise Section of the Initial Study/Mitigated Negative Declaration (Attachment 6 hereto); and all other Municipal Code requirements, as applicable, to ensure compatibility with the surrounding neighborhood.

- 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 as reviewed by the City's contract architect.

2. Conditional Use Permit (16-CUP-02).

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. The Project's proposed main building public market, outdoor farmer's markets, craft food vendors (potentially offering fast food), and outdoor public assembly areas (bocce ball courts, outdoor seating, green open space gathering area with permissible alcohol consumption) are allowed land uses in the Zoning Ordinance and are appropriate for the subject property given its location and size.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible and to a level of insignificance through the incorporation of the mitigation measures from 16-MND-01 that have been made conditions of approval.
- iii. That streets and highways are adequate and properly designed pursuant to the requirements of the City Engineer and the Traffic Study.
- 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 service commercial and general commercial uses, such as proposed by the Project. The proposed Project is expected to be compatible with nearby land uses. The Project would be required to adhere to Zoning Ordinance requirements for: outdoor lighting, including dark sky compliant light fixtures, as set forth in the proposed lighting plan; signage as set forth in the Master Sign Program, subject to Planning Commission approval of the Sign Ordinance Exemption (17-EXP-01); noise as set forth in the City's Noise Ordinance and as addressed in the Noise Section of the Initial Study/Mitigated Negative Declaration (Attachment 6 hereto); and all other Municipal Code requirements, as applicable, to ensure compatibility with the surrounding neighborhood.
- 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 proposed development is in conformance with the Contemporary Ranch architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

3. Sign Ordinance Exemption (17-EXP-01).

a. Findings:

- i. The existing standards do not allow for effective business identification due to a special (physical) circumstance applicable to the site. The project site is irregularly shaped and flares out at the back of the parcel; the only street frontage (approximately 366 lineal feet) is along McMurray Road. Direct street frontage is obstructed by Zaca Creek flowing in an open channel along the front (westerly) third of the property, with the result that a majority of the buildings are required to be situated towards the rear of the property, more than 150 feet from the McMurray Road frontage. To take advantage of the constrained developable site area, the buildings are laid out in a cluster, with internal pathways providing pedestrian access to the 34 +/- businesses projected to occupy the site; the clustered placement of the buildings themselves obstruct views of business signage by motorists and pedestrians alike. Direct visibility of buildings and business signage from the roadway is thus impaired, and an increase in the allowable sign area would be justified.
- ii. All other alternatives within the established sign standards have been examined, and the results would still not provide effective business identification. Given the irregular shape and orientation of the parcel, the shared driveway access with Hampton Inn to the

south, and site building constraints requiring development to occur at the rear of the property more than 150 feet from the roadway frontage, there is a need for reasonably prominent business signage that can be viewed by visitors and potential customers. The existing sign standards would limit the signage exposure necessary for effective business identification.

- iii. The resulting sign proposal is visually compatible with the existing site and surroundings, and meets the intents and purposes of this chapter. Direct visibility of buildings and business signage from the roadway is impaired due to site constraints. Given the limited off-site visibility, the increase in sign area would not adversely impact the surrounding neighborhood, which consists primarily of commercial uses and vacant land. In addition, almost all of the increased sign area may be attributed to the sign/clock tower, viewed as an aesthetically pleasing architectural feature that not only provides critical signage exposure for the project but also serves as an artistic landmark for the project and the community in general. Overall, the proposed Master Sign Program conforms with other applicable provisions of Title 19 (Zoning) and with the Community Design Guidelines

4. Height Limit Modification (Municipal Code Section 19.08.120 (G)).

a. Findings:

- i. The increased height will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas. The height modification is applicable only to Building A (public market), which is situated on a slight grade. Topographic contours result with the building height ranging from 34 feet to 38 feet which represent an average natural grade of 36 feet when calculated according to Municipal Code Section 19.04.110. The one foot increase in height is a minor deviation from the code, and the overall perception of the building height is compatible with the height of buildings in the surrounding areas. As the tallest building in the proposed Project, Building A serves to add architectural character and diversity consistent with the Contemporary Ranch style called for by the Community Design Guidelines.
- ii. The increased height would not be incompatible with the surrounding area because: the proposed building heights are comparable to or lower than the nearby Hampton Inn to the south and the Marriot Hotel on the opposite side of McMurray Road to the southwest, both of which have architectural elements extending to 46 feet in height; height limit modifications have been approved in the Village Specific Plan neighborhood further south, allowing building heights greater than 35 feet.

- iii. The increased height conforms with other applicable provisions of Title 19 (Zoning), with the general plan and with 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 (16-FDP-05), Conditional Use Permit (16-CUP-02), and Sign Standard Exemption (17-EXP-01).

PASSED, APPROVED and ADOPTED this 6th day of April 2017.

Art Mercado
Chair

ATTEST:

Clare Barcelona
Planning Commission Secretary

CONDITIONS OF APPROVAL

THE COMMONS AT ZACA CREEK FINAL DEVELOPMENT PLAN 16-FDP-05 CONDITIONAL USE PERMIT 16-CUP-02 SIGN ORDINANCE EXEMPTION 17-EXP-01

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by ZC Commons Holdings LLC, property owner, and Don Conner, Coast Development Partners, agent (collectively “Applicant”), for approval of a **Final Development Plan (16-FDP-05), Conditional Use Permit (16-CUP-02) and Sign Ordinance Exemption (17-EXP-01)** (“Application”), to allow construction of 54,286 square feet of mixed-use commercial development to be known as The Commons at Zaca Creek (“Project”) on 4.25+/- acres of vacant land located at 610 McMurray Road, north-east of the intersection of Damassa Road, Assessor’s Parcel Number 137-170-068 (the “Property”). The Project plans that are included in this approval are dated December 22, 2017 (including minor refinements as updated January 12, 2017). The approved color palette is shown on the color and materials boards submitted March 17, 2017. 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 ZC Commons Holdings LLC, property owner, and Don Conner, Coast Development Partners, agent, 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 ZC Commons Holdings LLC, 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.** The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, 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. City shall promptly notify the applicant of any Action brought and request that the applicant defend the City. It is expressly agreed that applicant may select legal counsel providing the applicant’s defense and the City shall have the right to approve separate legal counsel providing the City’s defense. The applicant shall reimburse City for any attorneys’ fees, costs and expenses directly and necessarily incurred by the City in the course of the defense.
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. ENVIRONMENTAL MITIGATION MEASURES

Biological Resources

15. **BIO-1 (Loss of Federal and State Jurisdictional Areas)**
BIO-1a: CDFW and RWQCB are expected to require a 3:1 mitigation ratio for loss of jurisdictional areas on this project. The proposed project would eliminate 8,712 s.f. (0.20 acres) of Federal and State jurisdictional areas associated with the tributary drainage in

the northeastern portion of the subject property, which would require compensatory restoration of 26,136 s.f. (0.60 acres) of jurisdictional habitat at a 3:1 ratio. The applicant has agreed to restore the reach of Zaca Creek within the subject property, including a 10-foot wide top-of-bank buffer. This area encompasses approximately 32,831 s.f. (0.75 acres). The proposed restoration area is about 6,685 s.f. (0.15 acres) larger than that needed to achieve a 3:1 ratio, to account for the unknown acreage of native vegetation already present in Zaca Creek. This level of restoration, amounting to a 3.8:1 mitigation ratio, will fully mitigate potential impacts to Federal and State jurisdictional areas to less than significant levels.

BIO-1b: A qualified biologist/habitat restoration specialist shall prepare a Habitat Restoration and Monitoring Plan (HRMP) that details species, methods, and materials for eradication and controlling non-native vegetation, protecting existing native vegetation, installing native, locally-occurring plant species within the bed, banks, and top of bank buffer area of Zaca Creek on the subject property. The Plan shall identify success criteria that will be monitored to ensure that the restoration effort meets or exceeds Plan goals and will include a maintenance and monitoring component that extends for five (5) years post-planting to monitor and remediate (if necessary) conditions in the restoration area to ensure that specific performance criteria identified in the Plan are met or exceeded.

Monitoring:

BIO-1a: Planning Department will verify prior to issuance of Building Permits: applicable_CDFW and RWQCB permits.

BIO-1b: Planning Department will verify prior to issuance of Building Permits: HRMP submittal and name of biologist who will be responsible for monitoring mitigation during construction and for submitting annual reports.

Annual reports detailing field conditions and plant status, problems, and remedies shall be submitted to the Planning Department and the California Department of Fish and Wildlife by 1 June of each year.

16. BIO-2 (Zaca Creek Top-of-Bank Setback)

BIO-2a: The edge of the TOB buffer shall be surveyed and delineated in the field prior to any grading or construction activities. Orange construction fence with a 3-foot high band of silt fence dug into the base shall be installed along the surveyed line separating the TOB buffer from the construction area and this fencing shall be maintained for the duration of construction and landscaping. A qualified biologist shall supervise installation of this fencing. See also *Mitigation Measure 4b*.

BIO-2b: Permeable paving shall be used for all parking areas abutting the 10-foot top-of-bank setback, as well as parking spaces abutting the valley oak tree buffers in the northeastern portion of the project site. The paving shall be designed to capture oils and other automobile products and reduce the presence of these hydrocarbons and oils in surface runoff.

BIO 2c: Site drainage shall be designed to use existing storm drains and curb/gutter structures along McMurray Road to the maximum extent possible. Other storm drain outfalls within the project area, if necessary, shall be designed to flow into vegetated swales located in the TOB setback. Surface runoff directed towards the top-of-bank of

Zaca Creek shall be designed to avoid bank erosion through the use of vegetated rock rip-rap or other measures.

BIO-2d: Landscaping within the development envelope shall emphasize native, drought-tolerant species capable of surviving with little or no summer water once established. Watering of this landscaping shall be done only with drip irrigation, not overhead spraying.

BIO-2e: No fertilizers, herbicides, or pesticides shall be used in the creek setback areas (TOB) buffer for the life of the project. Organic methods, such as composting, mulching, and hand-pulling of weeds shall be used to control weeds and maintain landscaping for the life of the project.

BIO 2f: Landscape maintenance crews shall be instructed as to the sensitivity of adjacent open space on the subject property.

BIO-2g: Grading for this project should be timed to occur between 1 April and 31 October (outside the rainy season). If this is not feasible, in addition to the required Storm Water Pollution Prevention Plan (SWPPP) for the project, all applicable Best Management Practices (BMPs) shall be used to prevent soil or sediment-laden water from entering Zaca Creek. These BMPs include, but are not restricted to the following measures:

- Install silt fence and other perimeter controls along the northern edge of the development envelope prior to site grading.
- Construction vehicles and personnel vehicles shall be parked only within the project site boundaries or offsite in designated public parking areas.
- Soil stockpiles shall be tarped and surrounded with sandbags if rain is forecast within 24 hours and stockpiles shall be located no closer than six (6) feet from the property boundaries.
- Disturbed soils that will be exposed for more than two weeks (14 calendar days) shall be sprayed with hydromulch to minimize dust generation or soil erosion.
- A water truck or other water delivery method shall be on-site continually to minimize dust generation.
- A qualified biological monitor shall be retained, as approved by the City, to monitor compliance with these mitigation measures during construction.

BIO-2h: The outer edge of the top-of-bank buffer shall be permanently delimited from adjacent parking spaces by planting and maintaining a minimum 3-foot high hedge composed of a native species, locally-occurring species, such as lemonade berry (*Rhus integrifolia*). The plants shall be installed as 5-gallon container stock, and allowed to grow to a minimum height of 3 feet, then, pruned to maintain a dense structure. The hedge will serve to block glare from vehicle headlights into the Zaca Creek riparian corridor and reduce human intrusion into the riparian corridor. A qualified biologist shall supervise installation of this hedge as part of the Habitat Restoration and Monitoring Plan (HRMP).

Monitoring:

BIO-2a, 2b: Planning Department will verify prior to Zoning Clearance: plans showing orange construction fencing in TOB buffer area, notes restricting entry into fenced area, and permeable paving installation in parking areas; include identification of qualified biologist to supervise fencing installation.

Planning Department will verify prior to issuance of Grading Permit: Biologist certification of fence installation.

BIO-2c and 2g: Public Works Department will verify prior to issuance of Grading Permit: plans showing site drainage and grading.

BIO-2d, 2e, 2f, 2h: Planning Department will verify prior to issuance of Zoning Clearance: plans showing landscaping measures and identification of qualified biologist to supervise installation of hedge between Zaca Creek and adjacent parking spaces.

Planning Department prior to issuance of Certificate of Occupancy: certification of hedge installation.

17. BIO-3 (Special-Status Plants and Plant Communities)

BIO-3a: A qualified biologist shall conduct a rare plant survey in late winter and/or spring throughout the project site, including the affected reaches of Zaca Creek. The biologist shall develop a plan to compensate for impacts to such species, if present on-site, including avoidance and minimization measures, as well as compensation measures incorporated into the Habitat Restoration Plan for this site, as necessary. The plan shall include measures to ensure an approved biologist will flag and fence avoidance locations before construction activities start to avoid impacts, and oversee any salvage and restoration planting efforts. If avoidance of special-status plant species is not feasible, compensatory mitigation shall provide for no-net-loss of each special-status plant species impacted, with a minimum 2:1 ratio (area restored/created/enhanced: area impacted) for CRPR list 1B species.

BIO 3b: During implementation of Mitigation Measure BIO-2a (installation of orange construction fence to delimit the restoration area from construction area), a qualified biologist shall supervise pruning of red willow vegetation in this area to ensure that only a minimum amount is removed to accommodate construction.

Monitoring:

BIO-3a : Planning Department will verify prior to issuance of Zoning Clearance: results of rare plant survey and, if required, a compensation plans and measures to be incorporated into the HMRP as applicable.

BIO-3b: Planning Department will verify prior to issuance of Grading Permit: Biologist certification of vegetation pruning.

18. BIO-4 (Special-Status Wildlife)

BIO-4a: A qualified biologist shall conduct USFWS protocol-level surveys (daytime and nighttime) of the project reach of Zaca Creek and the unnamed tributary during late winter/early spring when water is present in this reach of the creek to assess habitat suitability for CRLF. The surveys shall be completed no more than two weeks prior to the start of construction. If CRLF are detected in the project reach of Zaca Creek during

these surveys, the biologist shall implement appropriate avoidance and minimization measures in consultation with the U.S. Fish and Wildlife Service staff and consistent with USFWS policies.

BIO-4b: No work shall be conducted in jurisdictional areas during periods of rainfall or within 24 hours thereafter.

BIO-4c: Appropriate erosion control and site stabilization measures to minimize potential for downstream water quality impacts.

BIO-4d: Before any activities begin within the project site, an approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat. Brochures, books, and briefings may be used in the training session, provided that a qualified person is available to answer any questions.

BIO-4e: Silt fence shall be installed along the lower portion of the orange construction fence to be installed along the top-of-bank buffer of Zaca Creek under the supervision of a qualified biologist (also see *Mitigation Measure BIO-2a*). This silt fencing shall remain intact for the duration of construction and landscaping.

BIO-4f: The oak trees on and around the subject property may provide temporary (seasonal) roosts for bats, although surveys conducted for this document failed to find evidence of prolonged or repeated use of these specific trees for such uses. Prior to the start of grading or any construction activities, a qualified biologist shall conduct an acoustic survey to assess bat activity on-site. If bats are found roosting in oak trees on-site, the biologist shall confer with CDFW staff to determine how to proceed. At a minimum, the buffer established around oak trees shall benefit roosting bats.

Monitoring:

BIO-4a: Planning Department will verify prior to issuance of Grading Permit: results of protocol-level surveys in late winter/early spring, 2 weeks prior to start of construction and, if necessary, implement appropriate measures with USFWS, certifying same.

BIO-4b: Planning Department will verify prior to issuance of Zoning Clearance: construction plans with notes that restrict construction activity in jurisdictional areas before/after rainfall.

BIO-4c: Public Works Department will verify prior to issuance of Grading Permit: grading plans with erosion control and site stabilization measures.

BIO-4d: Planning Department will verify prior to issuance of Zoning Clearance: training program for construction personnel.

BIO 4e: Planning Department will verify prior to Zoning Clearance: plans showing orange construction fencing around designated oak trees and notes restricting entry into fenced area; including identification of qualified biologist to supervise fencing installation and timing concurrent with fence installation under **BIO-2a**.

Planning Department will verify prior to issuance of Grading Permit:
Biologist certification of fence installation.

BIO-4f: Planning Department will verify prior to issuance of Grading Permit:
Biologist certification of acoustic survey for bat activity and, if required,
evidence of coordination with CDFW.

19. BIO-5 (Loss of or Damage to Oak Trees)

BIO-5a: Loss of valley oaks shall be mitigated at a 3:1 ratio, consistent with City of Buellton Native Tree Protection Ordinance, and this ratio shall be maintained for the duration of the 5-year habitat restoration monitoring period, so that at least six (6) valley oaks survive and are at least six feet tall in the restoration area after 5 years post-planting. Valley oaks also shall be included in the planting palettes for the landscaped portion of the site. Valley oaks planted as mitigation in the habitat restoration area shall be derived from acorns taken from on-site trees to preserve genetic integrity. The acorns shall be grown at a local native plant nursery and planted when they are a 5-gallon minimum size, then planted in the restoration area. Valley oaks used in landscaped areas can be purchased, but shall be no larger than 15-gallon trees and must be derived from local source stock.

BIO-5b: Orange construction fencing shall be placed at the 25-foot and 10-foot radii of the two valley oaks in the northeastern corner of the site and the one valley oak on the eastern property boundary, respectively. The fencing shall be installed at the same time as the TOB buffer fencing (**Mitigation Measure BIO-2a**), and shall be maintained for the duration of the construction phase of the project. A qualified biologist shall verify proper installation of this fencing. Vehicle parking, construction equipment, and all construction personnel shall be prohibited from entering the fenced areas.

BIO-5c: The project footprint in the northeastern corner of the subject property and along the eastern edge of the property should be modified to avoid the dripline of the three large valley oaks found there because loss of these very large, old trees cannot be mitigated.

BIO-5d: A certified arborist shall monitor grading of driveways adjacent to the oak trees in the northeastern corner of the project site and installation of the retaining wall in the eastern portion of the site to avoid or minimize impacts to the roots of these valley oaks. Any exposed roots greater than 1-inch in diameter shall be cut by the arborist.

Monitoring:

BIO-5a: Planning Department will verify prior to issuance of Zoning Clearance:
landscape plans showing oak tree mitigation and 5-year maintenance
plan/certification.

BIO-5b: Planning Department will verify prior to Zoning Clearance: plans
showing orange construction fencing around designated trees and notes
restricting entry into fenced area; including identification of qualified biologist to
supervise fencing installation, which shall occur at same time as TOB buffer
fencing (Measure BIO-2a).

Planning Department will verify prior to issuance of Grading Permit:
Biologist certification of fence installation.

BIO-5c: Planning Department will verify prior to issuance of Zoning Clearance: construction plans showing that project footprint in northeastern corner and along eastern edge of subject property avoids the dripline of the three large, old valley oaks.

BIO-5d: Planning Department will verify prior to issuance of Zoning Clearance: identification of arborist and describe plan to monitor driveway grading in northeastern corner of property and retaining wall installation along eastern portion of site, including root trimming protocol.

20. BIO-6 (Use of Rodenticides)

BIO-6a: Because of the small size of the project site and its location adjacent to regionally important wildlife habitat, rodenticides shall be banned from use anywhere on-site during construction and building occupancy, i.e., for the life of the project. Only mechanical traps (snap-traps) shall be used, if necessary.

Monitoring:

BIO-6a: Planning Department will verify prior to issuance of Zoning Clearance: construction plans/notes and on-going property management/operation requirements describing rodenticide restriction.

21. BIO-7 (Loss of Non-Regulated Wildlife)

BIO-7a: Vegetation removal and/or construction shall be timed to avoid the nesting season for raptors and other birds, generally 1 February-15 September. If this is not feasible, a qualified biologist shall conduct a series of surveys for nesting birds starting no more than four weeks and no less than one week prior to construction. Measures to protect active nest shall be evaluated by a qualified biologist on a case-by-case basis, but could include maintaining a minimum 50-foot buffer around active non-raptor nests and 300-foot buffer around raptor nests. All active nests shall be monitored weekly until the young have fledged.

BIO-7b: A qualified biologist shall direct the initial site clearing to include having a bulldozer or grader make several passes to first remove vegetation (grasses and shrubs) from development envelope, then the upper six inches of soil in two lifts of three inches/lift in order to capture and relocate any lizards, snakes, and/or small mammals that are in good condition to Zaca Creek or adjacent open space. Individuals that are killed during grading and are in good condition shall be collected for accession into the zoology collections of the Santa Barbara Museum of Natural History and/or the University of California-Santa Barbara.

BIO-7c: A City-approved biologist shall conduct a pre-construction meeting on-site for all construction personnel prior to commencing any grading or construction activities. The purpose of the meeting will be to discuss biological sensitivities associated with the project, permit conditions, BMPs to avoid or minimize environmental impacts, and other topics. The biological monitor shall conduct “tailgate” sessions to review these issues, as-needed. The biologist shall also perform regular site inspections to ensure permit compliance, subject to City requirements.

Monitoring:

BIO-7a: If construction is scheduled to occur between February 1 and September 15 Planning Department will verify prior to issuance of Grading Permits: results

of surveys for nesting birds, between 1 to 4 weeks prior to start of construction and, if necessary, implement appropriate measures to protect active nests as applicable on a case-by-case basis, certifying same to Planning Department.

BIO-7b, 7c: Planning Department will verify prior to issuance of Zoning Clearance: identification of biologist and program that describes pre-construction meetings, on-going site inspection, grading oversight, small wildlife relocation/collection, as applicable.

22. BIO-8 (Night-Lighting)

BIO-8a: Night-lighting throughout the site shall use the lowest wattage and least number of lights consistent with safety. All lighting shall be shielded and directed downward and away from Zaca Creek, as well as open space east of the subject property, in order to minimize light pollution of adjacent areas.

Monitoring:

BIO-8a: Planning Department will verify prior to issuance of Zoning Clearance: lighting plans and specifications describing night-lighting measures.

23. BIO-9 (Trash)

BIO-9a: Trash receptacles shall be provided and maintained for the duration of construction. A qualified biologist shall function as construction monitor and shall hold a pre-construction training session for all construction personnel to discuss trash disposal (and other environmental permit conditions). Site clean-up shall be a routine component of maintenance and trash receptacles shall be emptied immediately following any social functions during project occupancy.

Monitoring:

BIO-9a: Planning Department will verify prior to issuance of Zoning Clearance: construction plans showing location of trash receptacles; identification of biologist and program that describes pre-construction meetings/training and site inspection during construction; on-going property maintenance/operation guidelines regarding trash removal practices.

24. BIO-10 (Building Architecture)

BIO-10a: Impacts can be reduced or avoided by designing structures to make them less attractive to nesting birds, or by installing bird netting beneath eaves before nests have been constructed. The project shall be designed to incorporate structural components that do not promote nesting by swallows, finches, or other birds (no eaves on buildings, etc.).

Monitoring:

BIO-10a: Planning Department will verify prior to issuance of Zoning Clearance: architectural plans that show, to the extent feasible and in compliance with other City requirements, building components that do not promote nesting by birds.

25. BIO-11 (Non-Native Landscape Plantings)

BIO-11a: The landscape architect for the project shall design a planting plan that emphasizes native, locally-occurring species to create landscaping that has both aesthetic value and value to wildlife and will not pose a hazard to vegetation in open space areas. A qualified biologist shall review and approve planting plans prior to implementation.

Native plants shall be used for landscaping for the life of the project to the extent feasible and in compliance with other applicable City requirements.

BIO-11b: Fertilizers, herbicides, and/or pesticides shall not be used on any landscaping in the creek setback areas; only organic methods, such as composting, mulching, and hand-pulling of weeds shall be used for the life of the project.

Monitoring:

BIO-11a: Planning Department will verify prior to issuance of Zoning Clearance: landscape plans that show, to the extent feasible and in compliance with other City requirements, use of native plants, that have been reviewed by a qualified biologist.

BIO-11b: Planning Department will verify prior to issuance of Zoning Clearance: landscape plans/notes and on-going property management/operation procedures describing restriction on fertilizer/herbicide/pesticide use in creek setback areas.

Cultural Resources

26. **CR – 1: Halt Work Order for Archaeological Resources.**

CR--1a: If cultural resources are exposed during construction of the Project, 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. In addition, the Santa Ynez Band of Chumash Indians (SYBCI) Elders Council shall be notified and brought in as well to assist in determining the significance of the discovery alongside the archaeologist. After the find has been appropriately mitigated, work in the area may resume. A representative should monitor any mitigation excavation associated with Native American materials.

CR-1b: If it is determined that any discovery is significant, the Applicant shall, at its expense, obtain from the SYBCI Elders Council a Native American advisor/consultant for the remainder of the project. Based on additional discoveries or limited discovery, the Applicant and Elders Council, in mutual agreement, can limit or eliminate the use of the advisor/consultant prior to completion of the project.

CR-1c: The Applicant shall work with an archaeologist and the Elders Council for a handling and treatment plan of any discovered cultural material or human remains. The Elders Council understands that there is a legal process in place for dealing with human remains, but requests that other terms be added, as applicable, to protect tribal ancestors with regards to respect and ceremony, as well as disposition.

Monitoring:

CR-1a, 1b, 1c: Upon notification by project developer of discovery of a potential find, Planning Department will verify that archaeologists and Native American representatives have been contacted to evaluate the

materials found and, if necessary, to monitor any consequent mitigation activities.

Greenhouse Gas Emissions

27. **GHG-1: GHG Reduction Plan.** The project shall reduce operational GHG emissions through implementation of one or more of the following measures:

Prior to permit issuance, develop a project GHG Reduction Plan that reduces annual GHG emissions from the project by a minimum of 179.4 MT CO₂e per year over the operational life of the project. The plan will be implemented on site by the project applicant and may include, but is not be limited to, the following components:

1. Charging stations for alternative fuel vehicles
2. Energy and water efficient equipment, appliances, heating and cooling
3. Energy efficient lighting
4. Green building and roofs
5. Water conservation and recycling
6. Renewable energy production
7. Trip reduction (e.g., employee ridesharing, vanpool/shuttle)
8. Carbon sequestration
9. Recycling and composting of solid waste

--- and/or ---

If GHG emissions cannot be fully reduced by a minimum of 179.4 MT CO₂e per year over the operational life of the project through compliance with a project GHG Reduction Plan, purchase carbon offsets to reduce GHG emissions below threshold levels.

Plan Requirements and Timing.

Prior to Building Permit issuance: Applicable elements of the project GHG Reduction Plan shall be reflected on project site plans. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets shall be approved by Planning Department staff prior to permit approval.

Monitoring:

Planning Department will verify prior to Zoning Clearance: Verification of compliance with mitigation measure and applicable GHG Reduction Plan.

Transportation/Traffic

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

Monitoring:

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

C. ENGINEERING CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

29. **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.
30. **Improvement Plan Requirements.** Plans 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. Final plans shall be wet-stamped by the Civil and Soils Engineer and subsequently signed by the City Engineer prior to permitting.
31. **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.
32. **Grading Oversight by Geotechnical Engineer.** 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.
33. **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.
34. **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 the 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. Any work within Floodplain areas shall be reviewed and analyzed in the Hydraulic and Hydrology study to ensure there are no adverse affects of flooding to any properties.

35. **Stormwater.** 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.
 - i. Stormwater management shall be incorporated in the improvement plans (low impact development, "LID"). This project is subject to Post Construction Requirements as outlined in the City's Stormwater Technical Guide for a Tier 4 project.
 - ii. A Stormwater Control Plan that analyzes the potential flows, run-off and drainage management area's and proposed lid improvements to address run-off and water quality, including a maintenance/water quality control plan, shall be submitted. This document shall 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.
36. **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.
37. **Right-of-Way Improvements.** Driveway, bike lanes, sidewalk, curb and gutter, street widening and any other improvements made within the public right-of-way shall be shown on a separate sheet. These improvements shall utilize City of Buellton standard details and provide for ADA access.
38. **Bicycle Lane.** Class II Bicycle lane striping and signing shall be extended along the frontage and incorporated to the off-site plans.
39. **Agency Permits.** All applicable permits from other agencies such as USWF/DFG shall be obtained prior to grading permits issuance.
40. **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.

41. **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 1 year after the City has approved a Notice of Completion and after receipt/approval of the As-built Record Drawings.
42. **FOG Program Compliance.** All restaurant activities shall comply with City's FOG Program and shall identify grease interceptors in grading improvement plans.
43. **Vacation of Excess Right-of-Way.** Project will concurrently process an application for Vacation of Excess Public Right-of-Way, including General Plan Consistency Findings. Applicant will fully develop public improvements to the ultimate right-of-way and in conformance with conditions of approval for the Vacation of Excess Right-of-Way. At the completion of the project, the City may process the vacation of the excess public Right-of-Way.

PRIOR TO BUILDING PERMIT ISSUANCE:

44. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
45. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
46. **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.

PRIOR TO OCCUPANCY CLEARANCE:

47. **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.
48. **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."
49. **Completion of Excess Right-of-Way Vacation'.** Excess Right-of-Way Vacation process shall be completed along with Applicant's concurrent acquisition of vacated Right-of-Way parcel.
50. **Industrial Discharge Permit.** If applicable, an Industrial Discharge permit for specific tenant improvements will be required prior to occupancy.

51. **Public Easements.** Any public easements requiring dedication shall be approved and accepted by the City prior to occupancy.
52. **Traffic Fees.** The applicant shall pay Traffic Mitigation Fees and other applicable fees prior to occupancy.
53. **Payment of Fees.** All fees and any unpaid balances from plan check or inspection and permits, shall be paid in full.

GENERAL CONDITIONS:

54. **Frontage Landscaping.** Landscaping along property frontage (including landscaping within the public right-of-way) shall be maintained by property owner in perpetuity.
55. **Public Improvement 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.
56. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
57. **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. Should any utilities be determined to be public, appropriate easements shall be granted to the City.
58. **As-Built Record Drawings.** Prior to the release of any bonds, 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." A PDF of the final As-Built Record Drawings shall be submitted to the City.

D. PLANNING CONDITIONS

59. **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.
60. **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 are 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.
61. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
 62. **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.
 63. **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.
 64. **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.

65. **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.
66. **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).
67. **Compliance with Air Quality Regulations.** The project shall comply with APCD Rule 345 and related air quality requirements, including items described below, which would ensure that construction emissions would remain less than significant.
 - a. The contractor or builder shall designate a person or persons (the “Control Officer”) 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.
 - b. 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.
 - c. No person shall engage in any construction or demolition activity or earth moving activities subject to this rule in a manner that causes discharge into the atmosphere beyond the property line visible dust emissions of 20% opacity or greater for a period or periods aggregating more than 3 minutes in any 60 minute period.
 - d. No person, including facility or site owner or operator of source, shall load or allow the loading of bulk materials or soil onto outbound trucks unless at least one of the following dust prevention techniques is utilized:
 - i. Use properly secured tarps or cargo covering that covers the entire surface area of the load or use a container-type enclosure.
 - ii. Maintain a minimum of 6 inches of freeboard below the rim of the truck bed where the load touches the sides of the cargo area and ensure that the peak of the load does not extend above any part of the upper edge of the cargo area.
 - iii. Water or otherwise treat the bulk material to minimize loss of material to wind or spillage.
 - iv. Other effective dust prevention control measures approved in writing by the Control Officer.

- e. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be controlled as outlined below:
 - i. Visible roadway dust shall be minimized by the use of any of the following track-out/carry-out and erosion control measures that apply to the project or operations: track-out grates of gravel beds at each egress point, wheel-washing at each egress point during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and
 - ii. Visible roadway dust shall be removed at the conclusion of each work day when bulk material removal ceases, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only a PM₁₀-Efficient Street Sweeper shall be used. The use of blowers for removal of track-out/carry-out is prohibited
68. **Diesel Engine Emissions.** The project shall comply with the following as well as any other related APCD requirements pertaining to particulate emissions from diesel exhaust.
- a. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 - b. 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 oxides of nitrogen (NOx), diesel particulate matter (DPM) and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
 - c. Fleet owners of mobile construction equipment are subject to the CARB Regulation for In-Use (On-Road) Heavy-Duty Diesel-Fueled Vehicles (Title 13, CCR § 2025), the purpose of which is to reduce DPM, NOx and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. On-road heavy-duty trucks shall comply with the State On-Road Regulation. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
 - d. 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.
 - e. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 3 emission standards for off-road heavy-duty diesel engines shall be used. Equipment with model 2010 engines or newer should be used to the maximum extent feasible.
 - f. Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - g. 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.
 - h. Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG). Liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
 - i. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

- j. All construction equipment shall be maintained in tune per the manufacturer's specifications.
 - k. The engine size of construction equipment shall be the minimum practical size.
 - l. 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.
 - m. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
69. **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.
70. **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.
71. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines. All building massing and materials, shall comply with the Contemporary Ranch design style. The type, variety and color of exterior wall coverings for Building D shall be revised to the satisfaction of the Planning Director as part of the Zoning Clearance process.
72. **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.
73. **Landscape and Irrigation Plans.** The final landscape and irrigation plans shall include a signed statement by a licensed landscape architect stating that the plans comply the City's Water Efficient Landscaping Ordinance and utilize species from the City's Approved Tree Planting List or to the satisfaction of the City Planning Director.
74. **Existing Oak Trees.** All remaining oak trees noted on the project plans shall be incorporated into the design of the project and shall not be removed. During construction, fencing shall be installed along the dripline of the trees and shall be staked at a distance of six feet on center. No construction equipment or materials shall be stored within six feet of the dripline of the trees. Any roots encountered over one inch in diameter shall be properly cut and sealed under the direction of an approved biologist/arborist.

75. **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.
76. **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. All trees shall be at a minimum size of 24 inch box. 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.
77. **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.
78. **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.
79. **Approval.** Approval of 16-FDP-05, 16-CUP-02 and 17-EXP-01, (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.
80. **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. Any request for an extension shall be processed under the procedures set forth in the Municipal Code. 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.

81. **Parking.** A minimum of 156 parking spaces and an additional one (1) loading space are required by the Final Development Plan; revised site plans showing reconfigured parking layout shall be submitted to the satisfaction of the Planning Director as part of the Zoning Clearance process. All parking spaces shall be striped in accordance with City of Buellton standards prior to issuance of the occupancy permit.
82. **Signage.** Signage must be in substantial conformance with what is indicated in the Master Sign Program of December 22, 2016. Any deviation from this program will require a separate Zoning Clearance from the Buellton Planning Department.
83. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations for the project plans submitted December 27, 2016 (plans dated December 22, 2016, including updates dated January 12, 2017) and color boards submitted March 17, 2017. The project is designed as Contemporary Ranch.
84. **Masonry Block.** All masonry walls shall be split face block.
85. **Bike Racks.** Bike racks at numerous locations, providing spaces for a total of 69 bicycles, shall be provided as shown on the project plans.
86. **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 plans as submitted on December 27, 2017.
87. **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.
88. **Street Frontage Setback Areas.** Prior to Zoning Clearance, the Applicant shall revise project plans to the satisfaction of the Planning Director in order to show a 10-foot front setback area (BMC §19.02.220) and related street frontage landscaping (§19.04.120 B.2) unobstructed along the entire McMurray Road frontage and to eliminate any parking within this setback area (BMC §19.04.144 B.1).
89. **Unlicensed Public Areas.** Project approval includes the right of the public to consume alcoholic beverages in the unlicensed areas delineated by the Applicant, under the following conditions:
 - a. The unlicensed public areas will be controlled exclusively by the Applicant;
 - b. There will be no service to patrons in the unlicensed areas by Tenants;
 - c. Patrons will be restricted to bringing closed containers of beer and wine to the unlicensed public areas for consumption;
 - d. Patrons will not be permitted to leave the unlicensed public areas with open containers of alcohol;

- e. Applicant will delineate the boundaries of the unlicensed public areas and use signs at ingress and egress point for control.

E. FIRE DEPARTMENT CONDITIONS

The following Fire Department conditions are imposed with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions. The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause additional conditions to be imposed.

GENERAL:

90. **Fire Protection Certificate.** Fire Protection Certificate(s) will be required.
91. **Elevators.** 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.
 - a. Emergency medical services symbols shall be placed on both sides of the elevator car door frame.
 - b. The symbol shall be a minimum of 3 inches high.

PRIOR TO BUILDING PERMIT ISSUANCE:

92. **Recorded Addressing.** Recorded addressing is required by the Fire Department prior to Building Permit issuance.

PRIOR TO CONSTRUCTION:

93. **Fire Access and Water System Inspections** – shall be signed off by the Fire Department prior to foundation construction.
94. **Access Plans.** Access plans shall be approved by the Fire Department prior to any work being undertaken.
 - a. All access ways shall be installed, made serviceable and maintained for the life of the project.
 - b. Driveways shall have a minimum width of twenty-four (24) feet.
 - c. Surface shall be paved.
 - d. Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.
 - e. Dead-end access exceeding 150 feet shall terminate with a Fire Department approved turnaround.
 - f. A minimum of 15 feet of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
95. **Fire Hydrants.** Three new fire hydrants shall be installed.
 - a. The fire department shall have on file a set of approved fire hydrant plans prior to any work being started.
 - b. Fire hydrant(s) shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure.
 - c. A water district permit and plan approval must be obtained prior to fire hydrant installation. Contact the Buellton Water Department for application information.

- d. Location for fire hydrant(s) shall be approved by the Fire Department.
- e. Commercial fire hydrant(s) shall consist of one 4-inch outlet and two 2 ½ - inch outlets.
- f. Private fire hydrants shall be painted red.
- g. 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.
- h. 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.
- i. No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a fire department representative.

PRIOR TO OCCUPANCY:

- 96. **Fire Lanes.** Designated fire lanes shall include red curbs and signs indicating "Fire Lane - No Stopping" placed as required by the fire department. Refer to current adopted California Fire Code.
- 97. **Fire Extinguishers.** Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
- 98. **Fire Sprinkler System.** Automatic fire sprinkler systems shall be installed where required.
 - a. Fire sprinkler plans shall be approved by the fire department prior to installation.
 - b. A set of approved plans, stamped and dated by the Fire Department, shall be kept at the job site and available upon request.
 - c. The fire department shall determine the location of any fire department connection (FDC) that may be required.
 - d. Fire Department Connection (FDC) shall be labeled, identifying all buildings or addresses it serves, per NFPA 13.
 - e. 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.
 - f. No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.
- 99. **Alarm System.** Automatic fire or emergency alarm systems shall be installed where required.
 - 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 Fire Department prior to installation.
- 100. **Recorded Addresses.** Recorded addressing for the buildings and suites is required by the Fire Department.
- 101. **Address Numbers.** Address numbers shall be a minimum height of six (6) 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 travelling in either direction.
 - e. If the driveway is over 150 feet in length or the building is obstructed from view at the access road and/or driveway, numbers shall be posted at all road and driveway intersections as is necessary.
102. **Emergency Access.** A Knox Box entry system shall be installed for the building(s). Spare key(s) shall be provided for the Knox Box entry system.
103. **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 of occupied space in each new building.
- Estimated fees:
- a. Payment shall be made according to the schedule of fees in place on the date fees are paid.
 - b. Final occupancy clearance inspection will not be scheduled unless fees have been paid.

If you have any questions or require further information, please call Glenn Fidler, Captain, Fire Department, at 805-681-5528, or 805-681-5523.

E. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS

PRIOR TO BUILDING PERMIT ISSUANCE:

The following information will be required at submittal of building permit application and plans.

104. **Geology Report.** A Geology report prepared and signed by a California licensed geologist will be required. A Geology report prepared for another site in close proximity can be accepted with written approval of the Geologist who prepared the report.
105. **Soils Report.** Provide a soils report to include an assessment and conclusion of the potential for liquefaction. At a minimum, one boring to a depth of 50' will be required.
106. **Egress Plan.** A separate, detailed egress plan will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building(s). 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. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components. 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. Spiral stairways are currently limited to areas of not more than 250 sf and roll up doors are not permitted as exit doors.
107. **Fire Area Plan.** Provide a complete, independent plan which graphically delineates all fire areas, fire walls, 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. If fire-rated assemblies have been provided where not required by code or which exceed code minimum requirements, please indicate this on the plans. Delineate egress paths and indicate occupant/egress path loading to required egress routes. At all fire rated components detail continuity as required for each fire rated component. Cross-reference tag all fire-resistive assemblies to their respective construction details on the plans. Verify consistency between fire-resistive characteristics shown on this plan and the relative required fire-resistive characteristics shown on mechanical, electrical, and structural plans.

108. **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. Incorporate the approved civil drawings into the building plans for reference. The project Architect and Civil Engineer must coordinate during the civil and building design processes to ensure consistency between architectural and civil renderings of all accessibility elements throughout the site.
109. **City of Buellton Conditions of Approval.** Incorporate all City of Buellton discretionary conditions of approval and department condition letters into the plans.
110. **CA Green Code.** Incorporate compliance with the applicable CA Green Code in the plans, to include commissioning. Incorporate compliance with the requirements of the Energy code in effect at the time of submittal to include commissioning and day lit areas.
111. **Plumbing Fixture Analysis.** Provide a plumbing fixture analysis to include the occupants of the outdoor areas.
112. **Flood Plain Administrator Conditions of Approval.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.
113. **Environmental Health Services.** Approval by Environmental Health Services for food prep, food service areas, restrooms will be required.
114. **Signed Plans.** Plans will need to be signed and sealed by a California licensed architect or engineer and designed in compliance with the codes in effect at the time of building permit application submittal.
115. **Compliance with 2016 Codes.** Applications submitted on or after January 1, 2017 will be subject to the 2016 California Codes.
116. **Water Efficiency Plans.** Plans which detail compliance with the current Model Water Efficiency Ordinance (MWELO) or City landscaping requirements (whichever is more stringent) will be required.

If you have any questions or require further information, please call Beth Brooke, Plans Examiner, County of Santa Barbara, at 805-934-6238 (phone), or 805-935-6258 (fax).

G. FINANCE DEPARTMENT CONDITIONS

- 117. **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.

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

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

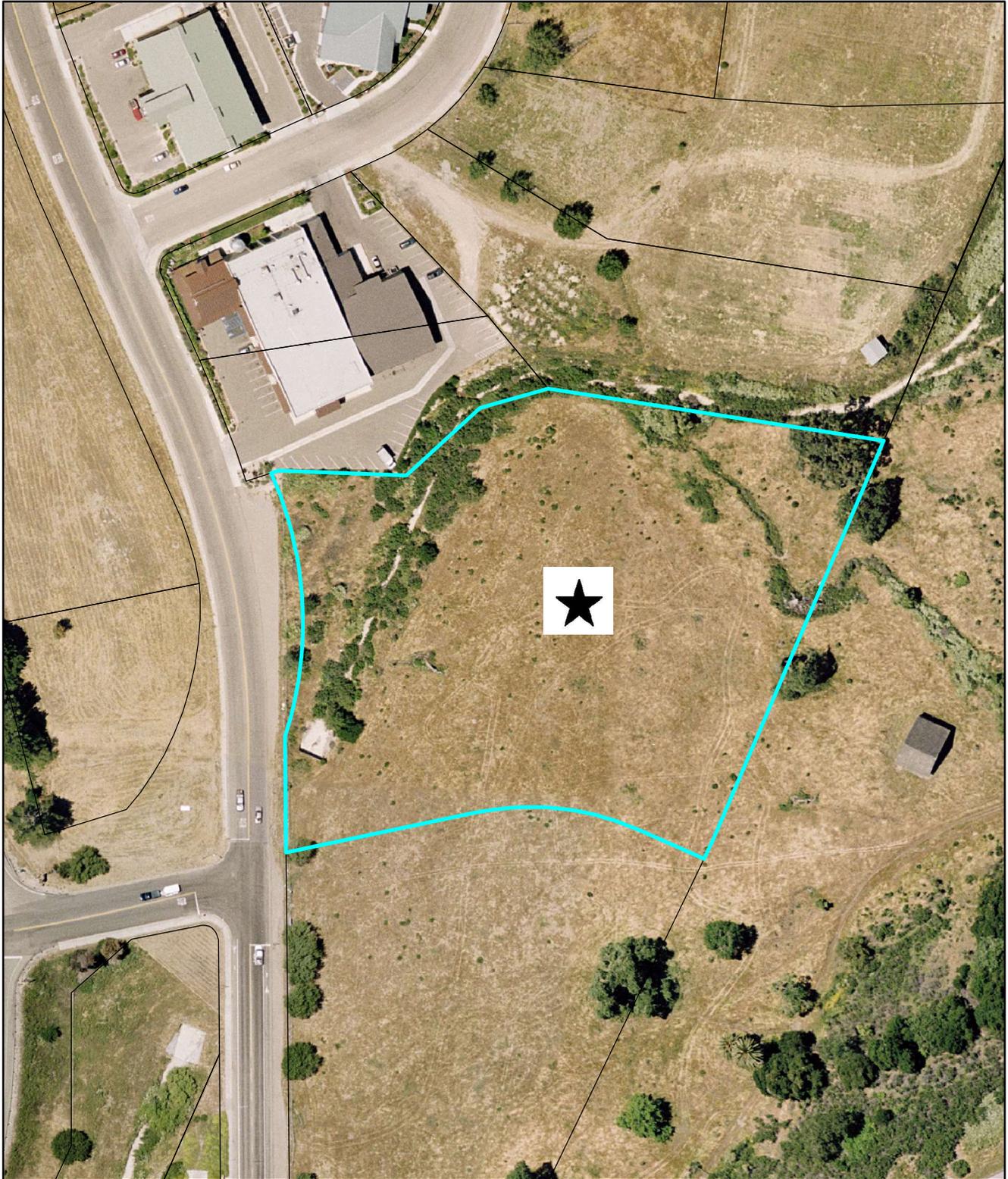
Date

Project Applicant/Agent/Representative Signature

Date

Attachment 1 - Vicinity Map

The Commons at Zaca Creek



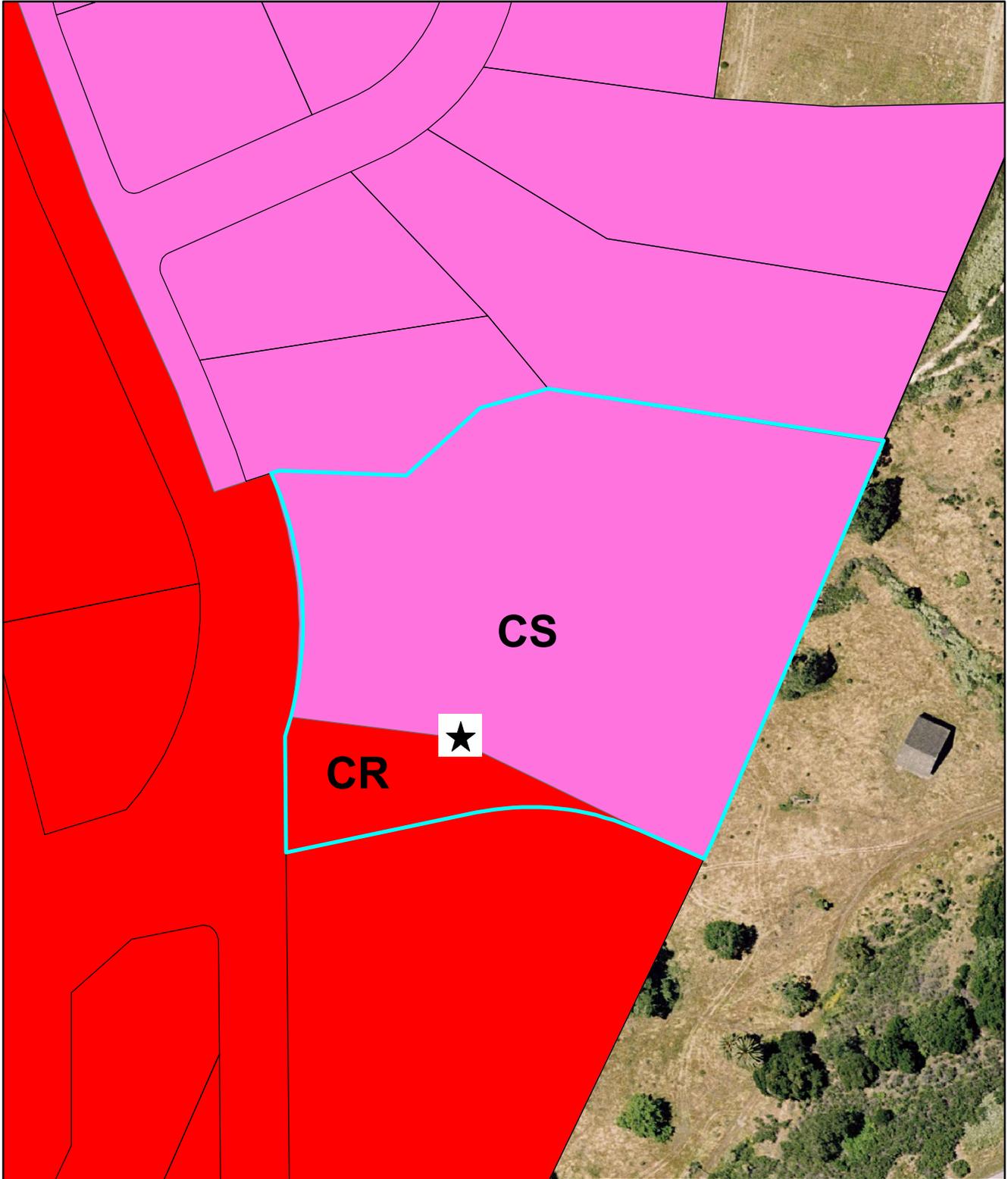
★ Subject Property



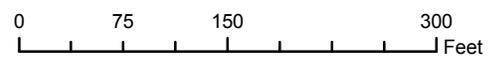
0 75 150 300 Feet

Zoning Map

The Commons at Zaca Creek



★ Subject Property

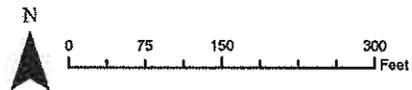


100-Year Flood Zone Map

The Commons at Zaca Creek



★ **Subject Property**



Attachment 4 – The Commons Project Plans

Documents are located on the City Website:

<http://www.cityofbuellton.com/files/New%20Projects/Att-4%20Commons%20Project%20Plans%203-24-17.pdf>

Attachment 5



Attachment 6 – The Commons MND – Environmental Documents

Documents are located on the City Website:

1. <http://www.cityofbuellton.com/files/Environmental%20Documents/Biological%20Assessment%20Final%2020jan2017%20rev%20030117.pdf>
2. <http://www.cityofbuellton.com/files/Environmental%20Documents/Commons%20Initial%20Study-MND%20FinalDraft-Scanned%20030317.pdf>
3. <http://www.cityofbuellton.com/files/Environmental%20Documents/App-B%20Commons%20Project%20Plans%20COMPILED-Updated%20030317.pdf>
4. <http://www.cityofbuellton.com/files/Environmental%20Documents/Traffic%20Study%20Commons%20Rev%20Final%2001-27-17.pdf>



SANTA YNEZ BAND OF MISSION INDIANS
Tribal Elders Council

March 29, 2017

Marc Bierdzinski, Planning Director
107 W. Highway 246
Buellton, Calif. 93427

Re: The Commons at Zaca Creek

Mr. Bierdzinski,

The SYBCI Elders Council have received and reviewed the MND for the above named project.

The Elders Council would like to thank you for this opportunity to comment on this project.

As you may well know, the Chumash have had a long history of occupying these areas and that this specific corridor has played a major role in our history. This corridor has been used as a travel and trade route by our people to trade and participate in ceremony with the people along the Gaviota coast, Lompoc & Vandenberg, and the Los Alamos, Orcutt, & Santa Maria areas and beyond.

Along this Corridor there are some well known villages and temporal camp areas, as well as ceremonial and sacred locations that have a significant meaning and impact on our Chumash culture.

Because this is near a creek that is known to have been used by the Chumash and that this project is located in an alluvial environment and that the possibilities of buried, intact deposits is always a factor, the Elders Council would like to make the following comments;

After reviewing the MND and previously working with the builder of the Hotel that is currently under construction, the Elders Council are ok with this project moving forward, although with a little apprehension.

And it is with this apprehension that the Elders Council would like to make the following addition to the mitigation measure CR-1. If any cultural material is located at anytime throughout the duration of this project, not only should work halt in that area and an archaeologist be called in to evaluate the discovery, but that the SYBCI Elders Council be notified and brought in as well to assist in determining the significance of the discovery along side the archaeologist.

Attachment 6

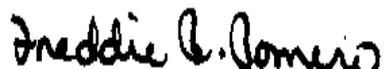
The Elders Council would also like to add a couple of measures as well. CR-2 If it determined that any discovery is significant, at the applicants expense, He/She shall obtain from the SYBCI Elders Council a NA advisor/consultant for the remainder of the project. Based on additional discoveries or limited discovery, the applicant and Elders Council, in agreement can limit or eliminate the use of the advisor/consultant prior to completion of project.

CR-2 The applicant work with an archaeologist and Elders Council for a handling and treatment plan of any discovered cultural material or human remains. The Elders Council understand that there is a legal process in place for dealing with human remains, but request that other terms of conditions be added to protect tribal ancestors with regards to respect and ceremony, as well as deposition.

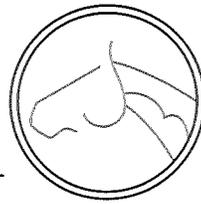
Again, the SYBCI Elders Council would like to thank you for this opportunity to comment and look forward to hearing from you.

Should you have any questions, please call Freddie Romero at (805) 688-7997 or by email freddyromero1959@yahoo.com.

Sincerely,



Freddie R. Romero
Cultural Resources Coordinator
SYBCI Elders Council

Circle J B*Polo Ranch*

March 27, 2017

Mr. Marc P. Bierdzinski
 City Manager
 City of Buellton
 107 W. Highway 246
 Buellton, CA 93427

Re: Proposed project:
 The Commons at Zaca Creek
 610 McMurray Road
 Buellton, CA 93427

Dear Mr. Bierdzinski,

I reside at 560 McMurray Road, Buellton, CA 93427, the property to “the south-east” of above mentioned project. I am writing to express my concerns and questions about the proposed pending project; The Commons at Zaca Creek at 610 McMurray Road in Buellton.

I have a number of concerns that are listed below. My main concern is regarding the proposed hours of 8 AM to 12 AM Sunday through Thursday and 8 AM to 2 AM Friday and Saturday. Having such late hours, anything past 9 PM, would really affect the quality of life that I have enjoyed the past 36 years. Due to the westerly winds, the sound pollution would simply be unacceptable.

I join my neighbors with the following concerns and questions.

- How will light pollution be handled?
- What type of signage will there be?
- How will the signs be illuminated?
- Will there be noise pollution from generators, air conditioning or heating units? How will these be addressed?
- How will noise pollution be minimized?
- Will business hours coincide with the Buellton City sound ordinance?
- Will there be “special events” at this property?
 - If so, how will parking overflow be handled?
 - What will these hours be?
 - How will noise pollution be held to a minimum?
- What will the “bocce ball court” hours be?
- Parking lot security
- Overall security
- General cleanliness, extraneous garbage, etc.

Mr. Marc Bierdzinski
March 27, 2017
Page Two

- What sort of precautions will be taken to keep The Commons patrons from venturing onto surrounding private property, potentially putting private property, its inhabitants, livestock and The Commons patrons themselves in danger?

While I understand that the City of Buellton is in a growth spurt, I would also like to maintain our quality of life such as it has been to this point. I am concerned that with the added number of patrons there will be greater opportunity for accidents on and involving my property and that there will be a greater potential for criminal activity against us and/or my property.

Thank you for the opportunity to work with you and the great City of Buellton so that we can limit the potential negative risks and maintain our quality of life, while helping the city grow to its best potential.

Thank you for taking the time to review, answer and address my concerns and questions. I look forward to working with you throughout this specific project and the other projects occurring in our area.

Sincerely,



Joel B. Baker
Homeowner
560 McMurray Road
Buellton, CA 93427

Cc: Clare Barcelona – clareb@cityofbuellton.com
City of Buellton
Staff Assistant/Planning Technician

Irma Tucker – irmat@cityofbuellton.com
City of Buellton
Contract Planner

March 28, 2017

Mr. Marc P. Bierdzinski
City Manager
City of Buellton
107 W. Highway 246
Buellton, CA 93427

Re: Proposed project:
The Commons at Zaca Creek
610 McMurray Road
Buellton, CA 93427

Dear Mr. Bierdzinski,

We reside at 580 McMurray Road, Buellton, CA 93427, the property to “The east” of above mentioned project. We are writing to express our concerns and questions about the proposed pending project; The Commons at Zaca Creek at 610 McMurray Road in Buellton. We share a property line with above mentioned proposed project.

Although we have a number of general questions as stated below, one of our questions has to do specifically with the description of our property as it pertains to our shared property line. We have noticed that your description of our property in the “PROJECT SITE CHARACTERISTICS”, page 10 of your document “DRAFT Initial Study” dated March 3, 2017 is misleading, if not incorrect and is stated as follows:

- “The east: the easterly property line is contiguous with the Buellton City boundary beyond which are undeveloped private ranch lands, an old barn structure and rolling hills (located outside of the City limits).

Our property is developed with a number buildings, including the “old barn structure”. Our concern with regards to this erroneous description is that we, along with our children and pets, reside on this developed property and have concerns and questions pertaining to the use of aforementioned property and its effects on our community, our developed property, its inhabitants, and its structures.

Some of our concerns and questions are listed below:

- What is the purpose of the long business hours? Business hours are stated in the Environmental study as
 - “...seven days per week, with general hours of operations from 8:00am to 12:00am Sunday through Thursday, and 8:00am to 2:00am Friday and Saturday...”
- How will light pollution be handled?
- What type of signage will there be?
- How will the signs be illuminated?
- Will there be noise pollution from generators, air conditioning or heating units? How will these be addressed?
- How will noise pollution be minimized?
- Will business hours coincide with the Buellton City sound ordinance?
- Will there be “special events” at this property?
 - If so, how will parking overflow be handled?

- What will these hours be?
- How will noise pollution be held to a minimum?
- What will the “bocce ball court” hours be?
- Parking lot security
- Overall security
- General cleanliness, extraneous garbage, etc.
- What sort of precautions will be taken to keep The Commons patrons from venturing onto surrounding private property, potentially putting private property, its inhabitants, livestock and The Commons patrons themselves in danger?

While we understand that the City of Buellton is in a growth spurt, we would also like to maintain our quality of life such as it has been to this point. We are concerned that with the added number of patrons there will be greater opportunity for accidents on and involving our property and that there will be a greater potential for criminal activity against us and or our property.

Another great concern is the proposed hours of operation for The Commons. We are concerned that these late hours of operation, and the types of businesses that warrant such, will bring an unprecedented party element to the city of Buellton. The zoning ordinances in the City of Buellton do not coincide with these proposed late-night into early-morning hours of operation. Please clarify which types of businesses are intended for The Commons that would necessitate these operating hours.

Thank you for the opportunity to work with you and the great City of Buellton so that we can limit the potential negative risks and maintain our quality of life, while helping the city grow to its best potential.

Thank you for taking the time to review, answer and address our concerns and questions. We are sure to have more questions as this project evolves and hope that the door will always be open for discussion involving such questions and concerns. We look forward to working with you throughout this specific project and the other projects occurring in our area.

Sincerely,

Melinda and Jeff Johnston
Homeowners
580 McMurray Road
Buellton, CA 93427

melindajohnston411@gmail.com
805-895-9038
805-245-2160

Cc: Clare Barcelona – clareb@cityofbuellton.com
City of Buellton
Staff Assistant/Planning Technician

Irma Tucker – irmat@cityofbuellton.com
City of Buellton
Contract Planner

March 28, 2017

Irma Tucker
City of Buellton, Planning Department
PO Box 1819
Buellton, CA 93427

RECEIVED

MAR 31 2017

CITY OF BUELLTON

Re: APCD Suggested Conditions on the Commons at Zaca Creek, 16-FDP-05 & 16-CUP-02

Dear Ms. Tucker:

The Air Pollution Control District (APCD) has reviewed the referenced project, which consists of Final Development Plan and Conditional Use Permit for the construction of 54,286 square feet of mixed-use commercial space in five buildings with a tenant mix that includes a public market, tasting rooms, local and regional restaurants, craft food vendors and unique artisan retailers. The project will also include exterior patios, indoor/outdoor activities, a central green space with outdoor gathering areas and recreation, landscaping, parking, internal pedestrian circulation, and a bike-share program. The project site is currently undeveloped. Grading consists of an estimated net import of 630 cubic yards. The subject property, a 4.25-acre parcel zoned CR (General Commercial) and identified in the Assessor Parcel Map Book as APN 137-170-068, is located at 610 McMurray Road in the City of Buellton.

Air Pollution Control District staff offers the following suggested conditions:

1. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible.
2. Prior to building permit issuance, **APCD Authority to Construct permits** must be obtained for all equipment that requires an APCD permit. Proof of receipt of the required APCD permits shall be submitted by the applicant to planning staff. 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.
3. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
4. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 Btu/hr and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of APCD Rule 352. Please see www.ourair.org/wp-content/uploads/rule352.pdf for more information.

5. 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 building permit issuance. 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).

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

Attachments: Diesel Particulate and NO_x Emission Measures

cc: Don Conner, Coast Development Partners, LLC
TEA Chron File



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- 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 (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of mobile construction equipment are subject to the CARB Regulation for In-Use (On-Road) Heavy-Duty Diesel-Fueled Vehicles (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. On-road heavy-duty trucks shall comply with the State On-Road Regulation. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, 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.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- 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.

Plan Requirements: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and/or recorded with maps. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.