



# **CITY OF BUELLTON**

## **PLANNING COMMISSION AGENDA**

**Regular Meeting of December 7, 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 Brian Dunstan

### **PLEDGE OF ALLEGIANCE**

Commission Vice Chair Joe Padilla

### **ROLL CALL**

Commissioners Patty Hammel, Dan Heedy, Vice Chair Joe Padilla and Chair Brian Dunstan

### **REORDERING OF AGENDA**

### **PRESENTATIONS**

None

### **APPROVAL OF MINUTES**

- 1. Minutes of the regular Planning Commission meeting of November 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. 17-14 – “ A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (17-MND-01) and Mitigation Monitoring and Reporting Program for The Network Project Project (BUE 5) Located at the Southern Terminus of Industrial Way, Assessor’s Parcel Numbers 099-690-045, 099-690-046 and 099-690-001, and Making Findings in Support:**

**and**

**Resolution No. 17-15 - “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03) for The Network (BUE 5) Project Located at the Southern Terminus of Industrial Way, Assessor’s Parcel Numbers 099-690-045, 099-690-046 and 099-690-001, and Making Findings in Support Thereof”**

**OTHER BUSINESS**

- 3. Discussion and Possible Uses for the City Owned Property at 480 Central Avenue**

**WRITTEN COMMUNICATIONS**

**PLANNING COMMISSIONER COMMENTS**

**PLANNING DIRECTOR REPORT**

**ADJOURNMENT**

To the next regularly scheduled Planning Commission meeting of Thursday, December 21, 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 November 16, 2017 – 6:00 p.m.  
City Council Chambers, 140 West Highway 246  
Buellton, California

### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Vice Chair Padilla led the Pledge of Allegiance

### ROLL CALL

Present: Commissioners Patty Hammel, Dan Heedy, Marcilo Sarquilla, and  
Vice Chair Joe Padilla

Absent: Chairman Brian Dunstan

Staff: Contract City Planner Irma Tucker  
Assistant Planner Andrea Keefer  
Staff Assistant/Planning Technician Clare Barcelona

### REORDERING OF AGENDA

None

### PRESENTATIONS

None

### APPROVAL OF MINUTES

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

##### MOTION:

Commissioner Heedy moved and Commissioner Hammel seconded the motion to approve the Minutes of October 19, 2017.

##### VOTE:

Motion passed with a 3-0 voice vote with abstention by Vice Chair Padilla due to his absence from the meeting.

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

2. **One-year status review of the Conditional Use Permit (16-CUP-03) for People Helping People Thrift Store (“Thriftology”), Located at 175 McMurray Road, Suites A and B (APN 137-200-096)**

**STAFF REPORT:**

Assistant Planner Andrea Keefer presented the staff report.

**DOCUMENTS:**

Staff report with attachments as listed in the staff report.

**DISCUSSION/SPEAKERS:**

Vice Chair Padilla opened the Public Hearing at 6:05 p.m.

Finn Runge, Buellton, retracted his initial disapproval of the thrift store stating that he has been monitoring the use and has not seen any issues or violations.

Vice Chair Padilla closed the Public Hearing at 6:06 p.m.

The Commission, by consensus, agreed that the thrift store is operating under the Conditions of Approval and that further review is not necessary.

**OTHER BUSINESS**

None

**WRITTEN COMMUNICATIONS**

None

**PLANNING COMMISSIONER COMMENTS**

None

## **PLANNING DIRECTOR REPORT**

Assistant Planner Andrea Keefer updated the Commission the status of various projects and mentioned several upcoming projects.

## **ADJOURNMENT**

Vice Chair Padilla adjourned the meeting at 6:10 p.m. to the next regular scheduled meeting of the Planning Commission to be held December 7, 2017 at the City Council Chambers, 140 West Highway 246, Buellton.

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Joe Padilla, Planning Commission Vice Chair

ATTEST:

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Clare Barcelona, Planning Commission Secretary

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

**CITY OF BUELLTON**  
Planning Commission Agenda Staff Report

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

To: The Honorable Chair and Commission Members

From: Andrea Keefer, Assistant Planner

Meeting Date: December 7, 2017

Subject: Resolution No. 17-14 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving the Mitigated Negative Declaration (17-MND-01) and Mitigation Monitoring and Reporting Program for The Network Project (BUE 5) Located at the Southern Terminus of Industrial Way, Assessor's Parcel Numbers 099-690-045, 099-690-046 and 099-690-001, and Making Findings in Support Thereof";

and

Resolution No. 17-15 – " A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03) for The Network (BUE 5) Project Located at the Southern Terminus of Industrial Way, Assessor's Parcel Numbers 099-690-045,099-690-046 and 099-690-001, and Making Findings in Support Thereof "

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**BACKGROUND/DISCUSSION**

**Owner:** Mojo Development V LLC

**Agent:** Gavin Moores

**General Plan Designation:** Industrial and Open Space, Parks & Recreation

**Zoning:** M (Industrial and Manufacturing) and OS (Open Space)

**APN:** 099-690-045,099-690-046 and 099-690-001

This December 7<sup>th</sup> public hearing will be continued to December 21<sup>st</sup> due to the required 30-day public review period for the environmental document associated with the project. The environmental document review period began on November 21<sup>st</sup> and will end on December 21<sup>st</sup>. The applicant will be out of town on the December 21<sup>st</sup> public hearing date, therefore we are opening the public hearing on December 7<sup>th</sup> to allow a full review of the project by the Planning Commission and the public with the applicant present and

available to answer any questions and provide clarification, if needed. A decision on the project will not take place until the December 21<sup>st</sup> public hearing.

Mojo Development V LLC, property owner, and Gavin Moores, agent (“Applicant”) have submitted an application for a Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03). The 5.08-acre property is located at the southern terminus of Industrial Way in Buellton on Assessor’s Parcel Numbers 099-690-045, 099-690-046. A new off-site retention basin to serve the project will be located on Assessor’s Parcel Number 099-690-001 (Attachment 1 - Vicinity Map).

The proposed project consists of a Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03) for a single-story building that encompasses 66,822 square feet and parking and landscaping and associated improvements in support of those facilities. There are outdoor patio/plaza areas included around the proposed building, located on the south side of the building and on the north west corner. The property is currently vacant.

Under the City’s General Plan, the southern portion of the property is designated as OS (Open Space) and the northern portion is M (Industrial and Manufacturing). All habitable structures are located on the northern portion of the site, which has a zoning designation of M (Industrial and Manufacturing). The proposed structure is located outside of the 200-foot setback area, however, it is located within the 100-year floodplain boundary. Therefore, the building is required to be built a minimum of 2 feet above base flood elevations. Parking is located primarily at the southern portion of the site. Additional parking is located around the perimeter of the building on all sides. There is one primary access point located at the north east corner of the project site that is provided via easement agreement. There is a secondary access point proposed that is required located between two buildings on the adjacent property to the east. As part of the project conditions of approval, an easement agreement will be required to allow use of this access area for large trucks and maneuvering. At the south eastern corner of the site, there is a proposed emergency access location. An easement will also be required for this access point.

The project consists of the following applications:

- **Final Development Plan (16-FDP-07):** Proposal for a one-story (45 feet tall from finish floor) 66,822 square foot industrial building and parking and landscaping and associated improvements in support of those facilities.
- **Lot Line Adjustment (17-LLA-03):** Required to remove the existing lot line that runs through the project site. Project site is currently two separate lots. The lot line adjustment would make the property one lot in order to comply with setbacks and building code requirements.

A Height Limit Modification is required for the exception to the height measurement standard. Further details regarding this are described below in the staff report. The complete set of project plans, is provided as Attachment 2. Full size plans have been provided to the Planning Commission.

### **General Plan and Zoning Consistency**

The project site is designated as M (Industrial and Manufacturing) and OS (Open Space) under the City's General Plan. The proposed structure will be built completely within the northern portion of the site designated as Industrial and Manufacturing, with a corresponding zoning of Industrial (M). Proposed uses that are known at this time have been determined to be consistent with the General Plan and zoning designations. All future proposed uses will be required to be consistent with the General Plan and Zoning designation.

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

#### **Land Use Element**

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

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

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

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

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

Consistent: Lighting fixtures consistent with this policy and the Community Design Guidelines are shown on the project plans. A photometric lighting plan was included with the project plans and the lumens are within the standards required by the Buellton Municipal Code.

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

Consistent: The project will add industrial development along Industrial Way.

#### **Circulation Element**

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

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

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

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

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

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

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

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

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

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

### **Conservation and Open Space Element**

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

Consistent: Development must follow all applicable regulations set forth by the Regional Water Quality Control Board and City of Buellton standards.

*Policy C/OS-8: Support state and federal laws and policies to preserve populations of rare, threatened, and endangered species and sensitive habitats by ensuring development does not adversely affect such species or habitats or by mitigating adverse effects in accordance with state and federal regulations.*

Consistent: Implementation of mitigation measures will ensure that compliance with state and federal regulations regarding such species.

### **Noise Element**

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

Consistent: The project is in an industrial-zoned area, surrounded by mostly existing industrial and commercial uses. The majority of the activities associated with the project will occur inside an enclosed building. The project also includes an outdoor patio/plaza area and two loading areas for large trucks.

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

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

### **Public Facilities and Services Element**

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

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

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

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

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

Consistent: The entire project site is within the 100-year floodplain of the Santa Ynez River. The proposed structure will be required to be built a minimum of 2 feet above the base flood elevation. The project's grading and drainage plan shows how runoff from the site will be directed to the landscaped areas and an on-site bioswale vegetation area with

storm drain inlets located in these areas. The on-site storm drain will then direct the runoff to the off-site stormwater retention basin. Improvements will be constructed under the direction of the Public Works Department, and will be required to comply with all applicable regulations of the Regional Water Quality Control Board.

### **Safety Element**

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

Consistent: The proposed building within the project area is setback at least 200 feet from the river bank. The off-site retention basin, a portion of the bioswale vegetation, and the proposed trail connection are located within the 200-foot setback area. These types of amenities are permitted within the required 200-foot setback area from top of bank.

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

Consistent: Onsite grading and fill will ensure that building will be located at least 2 feet above the elevation of the 100-year flood zone. Additionally, post-project water surface elevations will remain the same as pre-project water surface elevations (Ashley Vance Engineering, NFIP No Rise Certification, May 2017).

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

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

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

Consistent: A soils investigation has been prepared for the project and the project is subject to the California Building Code. A Final Soils Report will be required that incorporates the design requirements and recommendations listed in the preliminary Soils Investigation conducted by GeoSolutions, Inc.

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

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

Consistent: The project incorporates features called for in this policy, including an on-site bioswale that will complement the proposed off-site retention basin to the west of the project site that will be utilized to capture stormwater runoff. This will minimize erosion potential.

### **Project Consistency With M Zoning District Standards**

<b>Development Standard</b>	<b>Ordinance Requirement</b>	<b>Proposed Project/Consistency</b>
Land Use:	Allowed Uses: See code section 19.02.210	Consistent; Proposed uses will conform to allowed uses in the M zone, per the Buellton Municipal Code.
Minimum Lot Size	No minimum for new subdivisions or uses	n/a
East Property Line	10 ft. minimum for buildings (interior lots – 19.04.160)	Consistent ; 42 ft provided
West Property Line	10 ft. minimum (interior lots – 19.04.160)	Consistent; 39.53 ft provided
North Property Line	10 ft. minimum (interior lots – 19.04.160)	Consistent; 60 ft provided
South Property Line	10 ft. minimum (interior lots – 19.04.160)	Consistent; 212 ft provided
Interior Setback	None, unless required by the Uniform Building Code (UBC)	n/a
Site Coverage	50% maximum	Consistent Building Footprint: 66,822 sf (30.2%)
Floor Area	No maximum	Consistent Total floor area: 65,306 sf of leasable space
Height Limit	45 ft. maximum	Not Consistent: 51 ft from natural grade max. on small portions of building (45 ft tall max from finish floor elevation) <i>Development Plan Modification Required to make consistent.</i>

<p>Landscaping</p> <p>a. Overall Site Landscape</p> <p>b. Street Frontage</p>	<p>a. 10% minimum of net lot area = 22,128 sf</p> <p>b. Side and Rear property lines shall be landscaped with minimum of 5-foot wide planter</p> <p>Front property line minimum landscaping of a 10-foot wide planted area</p>	<p>a. Consistent – 26,665 sf (12% of proposed lot area) provided</p> <p>b. Interior lot – does not apply. Landscaping provided around perimeter of building and western, and southern edge of property.</p>
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*Source: City of Buellton Municipal Code, Title 19, Zoning*

**Project Components**

Each major project component is described in more detail below. The project plans are included as Attachment 2.

**Industrial Building**

The 66,822 square foot industrial building and associated on-site improvements will be built on approximately 5.08 acres, and will include the following functions:

- 13 individual tenant suites varying in size from 1,947 square feet to 19,253 square feet; including 3 larger suites and 10 smaller suites. Each suite will provide space for industrial and commercial uses in compliance with the Buellton Municipal Code. It is estimated that there will be 3-4 employees for the smaller suites and 10-12 employees for the larger suites.
- 180 parking spaces (including 6 ADA spaces)
- 4 bike rack areas around the building
- Outdoor patio/plaza area on the southern end of the building and northwest corner of the building
- 2 loading docks with space for 4 large trucks
- 2 access gates on the north and east side of the building
- Restrooms and associated uses
- On-site trail connection at the southern edge of the property
- Landscaping around the building and throughout the property, and bio-swale grasses at south western portion of the site near off-site retention basin location

Access from the parking area to the south up to the building is by stairs and a ramp. Because the building is required to be built above the flood elevation, grading is required approximately 6 feet above the parking lot area, thereby requiring the stairs and a ramp.

### Off-Site Retention Basin

In addition to the improvements located on the approximately 5.08-acre site (APN's 099-690-045 and 099-690-046), an off-site retention basin is proposed on the parcel located immediately to the west of the project site (APN 099-690-001). This property is owned by a different owner than the project applicant. An easement agreement is required as part of the project conditions of approval. The off-site retention basin is required to accommodate stormwater flows that will result from the development of the proposed project. As described further in the environmental document, the final location of the retention basin on the adjacent parcel will be located outside of the willow thicket habitat area. The current project plans (Attachment 2) show the retention basin located partially within this habitat. The applicant will be revising the plans to show the retention basin completely outside of this habitat.

### *Architecture and Visual Quality*

The architecture of the proposed project is considered Contemporary Ranch as defined in the City's Community Design Guidelines. Some details of the building are not clearly articulated on the plans, such as details of window trim, awnings, rain gutters, downspouts and roof eaves. These details will be required to comply with the Community Design Guidelines and will be required as part of the building permit submittal.

The building materials include corrugated metal siding as well as masonry, stucco, and standing seam architectural features, consistent with the industrial area in which the project is located (Attachment 2). The building design is 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 building(s), parking areas, and landscaping that would replace a vacant parcel. These proposed improvements are bounded on the north and east by existing industrial uses. The project would reduce the potential effects of a monolithic building front through the use of awnings, lighting, and other architectural features that provide some degree of articulation. Landscaping on the site would further soften the visual presentation of the site.

### *Building Height*

The maximum allowed building height in the Industrial zone is 45 feet. The proposed building is 45 feet tall from finish floor elevation. However, the code defines height of buildings from natural grade. Due to the nature of the site, and the requirement to build the building 2 feet above floodplain elevation, the building is required to be built on a graded pad approximately 6 feet above natural grade. Because of this, small portions of the building will be a maximum of 51 feet tall when measured from natural grade. Additionally, the site slopes gently toward the river to the south. A Height Limit Modification is being processed with this application to account for this. Staff feels that a height limit modification is appropriate due to the nature of the site, and that the building will fit in with the context of the other surrounding buildings,

### *Signage*

The proposed Master Sign Program is provided within Attachment 2. Four wall-mounted signs would be included on the south building elevations of the industrial building. Each wall mounted sign will be a maximum of 36 square feet. Thirteen individual tenant blade/suspended signs will be located in front of each individual tenant space, with a maximum square footage each of 6 square feet. One awning sign will be located above the awning in front of one of the tenant suites on the south side of the building. The proposed square footage of this sign is not indicated in the master sign plan, however, it can be a maximum of 10 square feet, or otherwise must be counted toward the overall total allowed signage for the project. Four building directory signs will be located on each corner of the building for directional purposes. These signs shall not be larger than 15 square feet or 6 feet in height. Address ID signs will be located throughout the project site for address identification purposes. The Master Sign Plan provided does not indicate the location or number of Address ID signs. Per Buellton Municipal Code section 19.04.172 2.d., individual tenant signs may be provided in addition to the maximum allowed aggregate sign area. These signs can be no larger than 10 square feet. Additionally, per Buellton Municipal Code section 19.04.170 D.2., business directory signs are exempt from requiring a sign permit in developments with two or more tenants, therefore, also do not count toward total sign area allowed. However, these signs shall not exceed 15 square feet and shall not be taller than 6 feet.

The following summarizes the project signage:

<b>Project Signage</b>			
<b>Sign Type</b>	<b>Number of Signs</b>	<b>Sign Area (each sign)</b>	<b>Counted Toward Total SF?</b>
Wall Mounted, Interior Light, Channel Letters	4	36 SF Max	Yes (144 sf)
Individual Tenant, Blade/Suspended, down-facing Lights, LED	13	6 SF Max	No
Awning Sign, Interior illuminated	1	Unspecified	Possibly
Building Directory Sign	4	12 SF Approx. 6 Feet Tall	No
Address ID Signs	Unspecified	1.6 SF	No
<b>TOTAL SIGN AREA</b>		<b>280 SF</b>	<b>144 SF</b>

The proposed sign program is generally consistent with City standards described in Section 19.04.172 of the Municipal Code. Within Industrial zones, there is a maximum limit of 200 square feet of signage along the street frontage. However, this project is difficult to evaluate against that standard because the property is set back from Industrial Way in an interior lot, and visually blocked to a large extent by intervening industrial buildings. However, the total proposed signage (that is counted toward the total) is 144 square feet, therefore the amount of signage is below the maximum amount allowed. The

individual tenant blade/suspended signs (78 square feet total) and the Building directory signs (48 square feet total) are not required to be counted toward the total allowed sign area. The awning sign is not required to be counted toward the total if it is 10 square feet or less; Otherwise, it must be counted toward the total allowed signage square footage.

The intent of the code is to minimize signs that are out of scale, visually intrusive, or inappropriate for the area. The proposed sign program appears to be tastefully done and generally unobtrusive, and consistent with the design of the building.

Staff recommends that the sign program be approved as proposed, with some corrections made to the master sign plan document for clarification. These corrections shall be made prior to Zoning Clearance approval. Corrections include; accurately listing the type and number of signs in the sign plan to match the diagram shown, clarifying number and location of the address ID signs, and verifying that the business directory signs are no taller than 6 feet. Additionally, staff recommends that the applicant work with staff on additional details that may be needed to clarify the presentation of the signs. All signs must be approved by the Planning Department prior to installation.

#### ***Trash Enclosure Location(s)***

The project plans show several options for the location of the trash enclosure(s) on the project site. Final location(s) are required to be shown on the project plans during the plan check process. The trash enclosure design and location must meet standards established by MarBorg and the City of Buellton. If the trash enclosure currently shown straddling the west property line is chosen as a final location, an easement agreement will be required with the adjacent property owner.

#### ***Access***

The primary vehicular access to the project site is through an existing access easement located at the north end of the property off of Industrial Way. There is also a proposed emergency access point at the south end of the Bottlest building connecting to the project site at the south eastern corner. An easement agreement is required as a condition of approval for this emergency access point. A second access point is required to allow for large truck maneuvering in and out of the proposed loading zone on the east side of the project site (Attachment 3). An easement agreement is also required for this access point. Patrons and employees of the industrial building would take the existing primary access point located on the north end of the property. The majority of the parking is provided at the southern portion of the project site. Additional parking is provided on all sides immediately adjacent to the proposed building.

#### ***Access Gates***

Two access gates are proposed on the project site near the primary access point. One gate is located on the north side of the building, and the other is located on the east side of the building.

#### ***Trail Access***

A private 10-foot wide trail easement is provided along the southern edge of the property to the existing 20-foot wide easement on the property that will become part of the future public access trail.

### ***Drainage***

Storm drain inlets are located throughout the project site, primarily in landscaped areas, that connect to the storm drain line outfall at the south western corner of the site, which directs stormwater into the off-site retention basin. The final location of the stormwater retention basin will determine how the outfall ultimately connects to the retention basin. The size and design of the retention basin will be required to meet all requirements of the Public Works Department.

### ***Planning Commission Comments***

A Preliminary review of the Project was held on January 19, 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. Better define what the individual uses of each tenant space will be, and what types of businesses may be occupying the tenant spaces. Clarify what the interaction with the public will be. *We do not want to define the building use at such an early stage. We are defining uses as what is allowed under the current zoning. If other tenant uses are request we may have the ability to accommodate them but this will be under a separate improvement permit.*
2. Consider developing the North elevation further. *We have provided additional landscaping, walkways and exterior doors.*
3. Look into the possibility of adding bus stop near project site. Will need to work with Santa Ynez Valley Transit to determine feasibility and necessity of the potential for an additional bus stop at this location. *It is our position that bus routes should be kept to Industrial Way only. Adding bus routes into an industrial area is a safety concern.*
4. Add pathway to connect suites on the east side of the building to the parking lot to the south, and to provide better connectivity through the exterior of the building. *We have incorporated this suggestion.*
5. Commissioner McLaughlin would like to see if there are other options for the roll-up door design to make them more visually appealing. *We have looked at this and feel that the smaller units can have similar doors to those at 37 Industrial Way. Spaces over 2,500 square feet need more durable functional doors due to the heavy use and machinery.*
6. Concerned with limited restrooms shown on plans. Look at options for adding restrooms to meet the needs of all future tenants. *The included bathrooms are for common use. Each tenant space will have the opportunity to provide bathrooms or even an emergency or private shower. As each space is leased this issue will be addressed in the buildout review approval and construction documents process to ensure we are complying with code and ADA access requirements.*

## **ENVIRONMENTAL REVIEW**

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

The Initial Study/Mitigated Negative Declaration is currently being circulated for public and agency review and comment from November 21, 2017 through December 21, 2017.

Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on November 21, 2017, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies, and is included as Attachment 4. On November 16, 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.

As of the date of this Staff Report, no comment letters have been received. Any comment letters received between the date of this staff report and the December 21<sup>st</sup> public hearing will be included in the December 21, 2017 staff report.

The Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a several significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level. The issues requiring mitigation include biological resources, cultural resources and hazards and hazardous materials. The required mitigation measures have been incorporated as conditions of approval for the project, along with monitoring requirements. The Mitigation Monitoring and Reporting Program is included as Attachment 5.

## **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. 17-15.

## **RECOMMENDATION**

That the Planning Commission keep the public hearing open and continue to the public hearing to December 21, 2017 in order to allow for the full 30-day public review period of the environmental document for the project, as required by the California Environmental Quality Act.

## **ATTACHMENTS**

Planning Commission Resolution No. 17-14 (adopting MND)

Planning Commission Resolution No. 17-15 (approving project with conditions of approval)

Attachment 1: Vicinity Map

Attachment 2: Project Plans

Attachment 3: Access Point Diagram

Attachment 4: Initial Study/Mitigated Negative Declaration

Attachment 5: CEQA Mitigation Monitoring and Reporting Program

**PLANNING COMMISSION RESOLUTION NO. 17-14**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION (17-MND-01) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE NETWORK PROJECT (BUE 5) LOCATED AT THE SOUTHERN TERMINUS OF INDUSTRIAL WAY, ASSESSOR'S PARCEL NUMBERS 099-690-045, 099-690-046 AND 099-690-001, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

**WHEREAS**, Mojo Development V LLC, property owner, and Gavin Moores, agent, (collectively "Applicant") have filed an application for approval of a **Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03)** to allow the construction of a 66,822 square foot industrial building and associated improvements (the "Application") on property located at the southern terminus of Industrial Way (APNs 099-690-045, 099-690-046 and 099-690-001) in the City of Buellton within the Industrial "M" Zone and Open Space "OS" Zone (the "Site"); and,

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

**WHEREAS**, the Initial Study/Mitigated Negative Declaration dated November 17, 2017 was circulated for public and agency review and comment from November 21, 2017 through, and including December 21, 2017. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on November 21, 2017, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On November 16, 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**, \_\_\_ comment letters were received during the circulation period from November 21, 2017 through December 21, 2017.

**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 December 7, 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 December 7, 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 \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

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Brian Dunstan, Chair

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Clare Barcelona, Planning Commission Secretary

Exhibit A – Mitigation Monitoring and Reporting Program

## Exhibit A

### The Network Project (BUE 5) 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 17-15, dated December 7, 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-2a (Pre-Construction Survey – American Badger):** Pre-construction surveys for American badger shall be conducted 30 days prior to the initiation of Project activities. If evidence of this species is observed (old or new dens sites), potential dens should be monitored with tracking material and or wildlife movement cameras. If a den is deemed inactive for three consecutive days, a qualified biologist would excavate the den by hand with a shovel to prevent American badgers from reusing the den during construction.

- If active natal dens are observed during the pupping season (February 15 to July 1), a 200-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. Construction in this buffer zone would be postponed or halted until the project biologist determines that the young are no longer dependent on the natal den.
- If winter dens are found, a 50-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. If avoidance of the den is not possible during the non-pupping season, an attempt shall be made by a qualified project biologist to trap or flush the individual and relocate it to suitable open space habitat. Badgers can also be relocated by slowly excavating the burrow, removing no more than 4 inches at a time.

**Monitoring:** 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-2b (Pre-Construction Survey – Bat Species):** Surveys should be performed to confirm whether or not potential roosting vegetation exists in the proposed Project site vicinity.

Surveys shall consist of two daytime visits to inspect suitable vegetation for roosting bats and two dusk exiting surveys to detect bats leaving their roosts. Suitable vegetation should be inspected on foot using a handheld spotlight during daylight hours to examine all suitable vegetation for bat sign (e.g., guano, urine stains) and roosts. Surveys shall be conducted thoroughly and quickly to minimize disturbance to bats. For the dusk exiting surveys, one biologist should be positioned in an optimal location(s) to observe and count bats exiting suitable vegetation.

- If potential roosts are determined to be present then the roosts must be analyzed further to determine if the species is present and if maternity roosts are present. If maternity roosts of any bat species are present, the CDFW shall be notified and no work shall occur within 100 feet of the roost location of any bat species until the end of the pupping.
- For protection of young (e.g., unable to fly) and hibernating adults, all project-related activities shall be avoided where roosts are present during the winter and spring. No restrictions apply to project vehicle traffic or to construction activity that occurs outside of the pupping season.

**Monitoring:** 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-2c (Pre-Construction Survey – Nesting Birds):** In compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, a pre-construction survey for nesting birds is recommended within 30 days of ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region).

- If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist or a buffer as authorized through the context of the Biological Opinion and 2081b Incidental Take Permit (delineated with stakes or fencing), will be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.
- No construction or project activities are permitted within this buffer until the nest is vacated, juveniles have fledged and there is no evidence of a second nesting attempt.
- The nest shall be monitored every other week by a qualified biologist until fledglings become independent of the nest.
- Additionally, in the event that least bell's vireos or southwestern flycatchers are observed during the surveys, consultation with the USFWS (and possibly the State) would be required to ensure avoidance of this species.

- The monitoring biologist shall halt construction activities if he or she determines that the construction activities are disturbing the nesting activities. The monitor shall make practicable recommendations to reduce the noise or disturbance near the nest. This may include 1) turning off vehicle engines and other equipment whenever possible to reduce noise, 2) working in other areas until the young have fledged, or 3) placing noise barriers to maintain the noise at the nest to 60 dBA Leq. Hourly or less or to the preconstruction ambient noise level if that exceeds 60 DBA Leq. Hourly.
- If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the construction activities are disturbing nesting activities, the biologist shall have the authority to halt the construction and shall devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nest site and the construction activities, and working in other areas until the young have fledged. If noise levels still exceed 60 dBA Leq. Hourly at the edge of the nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestling have fledged.
- All active nests shall be monitored on a weekly basis until the nestlings fledge. The qualified biologist shall be responsible for documenting the results of the surveys and the ongoing monitoring and for reporting these results to CDFW and USFWS. The monitoring biologist will review and verify compliance with these nesting boundaries and will verify that the nesting efforts have finished. Unrestricted construction activities can resume when no other active nests are found.

**Monitoring:** 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-2d (Pre-Construction Survey – Blainville’s horned lizard and California legless lizard):** Pre-construction surveys for Blainville’s horned lizard and California legless lizard shall be conducted 30 days prior to the initiation of Project activities. Subject species of surveys may vary depending on timing and species’ activity patterns. At any time of year when Project activities are initiated, pre-construction surveys shall be conducted for Blainville’s horned lizards in open friable soils and California legless lizards in riparian habitats and areas with loose sand. If these species are observed in the construction zone, all work shall be halted and the City and CDFW shall be contacted within 24 hours of the observation.

- A salvage and relocation plan shall be implemented to allow a qualified biologist to capture and relocate the species away from ground disturbance and into protected open space. The relocation plan will consist of a plan

which allows a qualified project biologist to approach and capture individuals observed within the construction zone. Individuals will then be transported and relocated into open space, which may include suitable habitats for this species along or within the Santa Ynez River, as appropriate. Within 24 hours of relocation, a brief report documenting details of the observation and relocation will be provided to the CDFW and City. The report will include details on date/time when species was first observed, re-locating biologist, and coordinates for where the species was first observed and relocated. Descriptions of the habitat and suitability of where the species was relocated will also be provided in the report.

**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-2e (Avoidance Plan):** Although California red-legged frog and western spadefoot are not likely to occur; a California red-legged frog and western spadefoot avoidance plan should be prepared and include specified work conditions (i.e., rain), construction equipment work areas, and measures to keep the species from entering the site, which may include monitoring and silt fence placement.

- In addition to preparing an avoidance plan; if any California red-legged frogs or western spadefoots are observed within the construction zones, the applicant must stop work and contact the USFWS and CDFW and shall implement appropriate avoidance measures, as determined by the qualified biologist and approved by the USFWS and CDFW to ensure protection of these species. Work shall not resume until the applicant receives written (email) notice from the USFWS and CDFW.

**Monitoring:** Applicant shall provide the avoidance plan to the City of Buellton Planning Department. The Avoidance Plan shall be prepared by a qualified biologist. The Planning Department will verify compliance prior to issuing grading and/or building permits. In the event that a California red-legged frog or western spadefoot is observed within the construction zone, the applicant must also notify the City of Buellton Planning Department and provide documentation from the USFWS and CDFW prior to commencing construction.

**BIO-3a (Tree Removal and Replacement):** When mature non-native trees (i.e., trees with a trunk diameter at breast height of 8 inches or more) are removed to accommodate new development, they shall be replaced at a ratio of at least two trees for every one tree removed, or such additional number and size of trees as considered appropriate by the reviewing body at the time of approval of such development. Mature native trees with a trunk diameter at breast height of 8 inches or more, including oaks, shall be replaced at a ratio of at least three new trees for every one tree removed. Replacement trees for removed native or non-native

trees should be native, from locally-sources stock, using species indicated on the City's approved tree planting list.

**Monitoring:** Prior to removal of any protected tree, the applicant shall obtain written approval from the Planning Department.

**BIO-3b (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 and Public Works Departments will verify that the protective fencing is installed prior to issuance of grading permits.

**BIO-3c (Temporary Construction Fencing):** Temporary construction fencing shall be installed in the area between the sandbar willow thickets and the new retention basin.

**Monitoring:** The Planning and Public Works Departments will verify that temporary construction fencing is installed prior to issuance of Grading Permits.

**CR-1: Halt Work Order for Archaeological Resources.** If unanticipated 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.

**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.

<b>The Network Project (BUE 5)</b>			
<b>Mitigation Monitoring and Reporting Verification Checklist</b>			
<b>Mitigation Measure</b>	<b>Responsibility</b>	<b>Timing</b>	<b>Verification</b>
BIO-2 (A-E). Special Status Plant Species Survey, Avoidance, and Restoration Plan	Planning Department	Prior to issuance of Grading and/or Building Permits	
BIO-3 (A). Native Tree Removal and Replacement	Planning Department	Prior to removal (if applicable)	
BIO-3 (B). Native Tree Protection	Planning/Public Works Department	Prior to issuance of Grading permit	
BIO-3(C). Temporary Construction Fencing	Planning/Public Works Department	Prior to issuance of Grading Permit	
CR-1 Halt Work Order for Archaeological Resources	Planning Department	Immediately upon discovery, if necessary	
HAZ -1 Phase I Environmental Site Assessment	Planning Department	Prior to issuance of Grading and/or Building permits	

## PLANNING COMMISSION RESOLUTION NO. 17-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (16-FDP-07) AND LOT LINE ADJUSTMENT (17-LLA-03) FOR THE NETWORK (BUE 5) PROJECT LOCATED AT THE SOUTHERN TERMINUS OF INDUSTRIAL WAY, ASSESSOR'S PARCEL NUMBERS 099-690-045, 099-690-046 AND 099-690-001, 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 Mojo Development V LLC, applicant, and Gavin Moores, agent, hereinafter referred to as "Applicant", requesting approval to develop The Network Project, a 66,822 square foot industrial building and associated improvements located at the southern terminus of Industrial Way (APNs 099-690-045, 099-690-046, and 099-690-001). The northern approximately three-quarters of the site has a General Plan designation of Industrial (zoned M – Industrial and Manufacturing), 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-07):** The FDP accommodates a single-story, 66,822 square foot industrial building, and parking and landscaping and other associated improvements in support of those facilities. The project components are described more fully below.

### The Network (BUE 5)

The single-story, 66,822 square foot industrial building and associated improvements will be built on an approximately 5.08-acre site. An off-site retention basin will also be constructed as part of the project on a parcel located to the west project site. The project will include the following functions:

- 13 individual tenant suites varying in size from 1,947 square feet to 19,253 square feet; including 3 larger suites and 10 smaller suites. Each suite will provide space for industrial and commercial uses in compliance with the Buellton Municipal Code. It is estimated that there will be 3-4 employees for the smaller suites and 10-12 employees for the larger suites.
- 180 parking spaces (including 6 ADA spaces)
- 4 bike rack areas around the building
- Outdoor patio/plaza area on the southern end of the building and northwest corner of the building
- 2 loading docks with space for 4 large trucks
- 2 access gates on the north and east side of the building

- Restrooms and associated uses
- On-site trail connection at the southern edge of the property
- Off-site retention basin on adjacent parcel to the west of the project site
- Landscaping around the building and throughout the property, and bio-swale grasses at south western portion of the site near off-site retention basin location

**B. Lot Line Adjustment (17-LLA-03):** The LLA is required to remove the existing lot line that runs through the center of the project site.

**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 December 7, 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-07, 17-LLA-03, and the set of project plans dated June 13, 2017.
  - b. The staff report dated December 7, 2017.
  - c. The Initial Study and Mitigated Negative Declaration for the project (17-MND-01), dated November 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 November 23, 2017 (the “PC Public Notice”), a minimum of 10 days in advance of the PC Public Hearing conducted on December 7, 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 November 16, 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 November 22, 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 November 21, 2017 through, and including, December 21, 2017. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on November 21, 2017, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On November 16, 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 17-14. Planning Commission Resolution 17-14 was adopted prior to the consideration of Planning Commission Resolution 17-15.

**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 July 18, 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 industrial uses, and surrounding land uses are also industrial. The proposed Project is expected to be compatible with the surrounding area.
- vi. That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the project complies with both the General Plan and Title 19 (Zoning).
- vii. That the project will not conflict with any easements required for public access through, or use of, a portion of the property as none exist on this property.
- viii. That the proposed development is in conformance with the Contemporary Ranch architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

## 2. Lot Line Adjustment.

### a. Findings:

- i. The lot line adjustment maintains a position with respect to General Plan consistency, parcel design, minimum lot area, environmental quality, and public health and safety criteria as specified in this title and other applicable Municipal Code and state law provisions relating to real property divisions, which is equal to or better than the position of the existing lots before adjustment.

- ii. The adjustment will not have the effect of creating a greater number of parcels than are buildable in compliance with applicable provisions of this Ordinance, or the Zoning Ordinance (Title 19 of this Code) than what exists before adjustment. Two lots would become one lot.
- iii. Any parcel resulting from the adjustment will not conflict with applicable regulations in the Zoning Ordinance as the proposed new parcel meet the minimum lot size requirements of the Zoning Ordinance.

3. **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 is 45 feet from finish floor (as opposed to natural grade). The building is required to be built a minimum of 2 feet above base flood elevation, which therefore requires that the southern portion of the site be graded above natural grade approximately 6 feet. 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 at the end of Industrial Way and the existing buildings to the north and east will partially block the Network building to the south and west. Additionally, Industrial Way slopes downward toward the south, giving the appearance of a shorter building when compared to its surroundings. The Terravant building to the East is also approximately 45 in height.
- 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-07) and Lot Line Adjustment (17-LLA-03).

**PASSED, APPROVED and ADOPTED** this \_\_\_<sup>th</sup> day of \_\_\_201\_\_.

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Brian Dunstan  
Chair

ATTEST:

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Clare Barcelona  
Planning Commission Secretary

## CONDITIONS OF APPROVAL

### THE NETWORK (BUE 5) PROJECT FINAL DEVELOPMENT PLAN 16-FDP-07 LOT LINE ADJUSTMENT 17-LLA-03

#### 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 Mojo Development V LLC (Property Owner) and Gavin Moores (Agent) (the "Applicant") for a **Final Development Plan (16-FDP-07), and Lot Line Adjustment (17-LLA-03)** for a single story, 66,822 square foot industrial building, and parking and landscaping and associated improvements in support of those facilities ("The Project"). The 5.08-acre property is located at the southern terminus of Industrial Way, and includes two parcels (Assessor's Parcel Number 099-690-045 and 099-690-046) ("The Property"). An off-site retention basin in support of the project is also provided on an adjacent parcel located to the west of the project site (Assessor's Parcel Number 099-690-001). A Lot Line Adjustment (17-LLA-03) is required to remove the existing lot line that currently runs through the project site. The property is currently vacant. The project plans that are included in this approval are dated June 13, 2017.

The proposed project consists of the following uses:

- 13 individual tenant suites varying in size from 1,947 square feet to 19,253 square feet; including 3 larger suites and 10 smaller suites. Each suite will provide space for industrial and commercial uses in compliance with the Buellton Municipal Code. It is estimated that there will be 3-4 employees for the smaller suites and 10-12 employees for the larger suites.
- 180 parking spaces (including 6 ADA spaces)
- 4 bike rack areas around the building
- Outdoor patio/plaza area on the southern end of the building and northwest corner of the building
- 2 loading docks with space for 4 large trucks
- 2 access gates on the north and east side of the building
- Restrooms and associated uses
- On-site trail connection at the southern edge of the property
- Landscaping and bio-swale grasses at south western portion of the site near off-site retention basin location
- Off-site retention basin on adjacent parcel to the west of the project site

- Landscaping and bio-swale grasses at south western portion of the site near off-site retention basin location

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 Mojo Development V LLC, 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 Mojo Development V 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-2a (Pre-Construction Survey – American Badger):** Pre-construction surveys for American badger shall be conducted 30 days prior to the initiation of Project activities. If evidence of this species is observed (old or new dens sites), potential dens should be monitored with tracking material and or wildlife movement cameras. If a den is deemed inactive for three consecutive days, a qualified biologist would excavate the den by hand with a shovel to prevent American badgers from reusing the den during construction.
  - If active natal dens are observed during the pupping season (February 15 to July 1), a 200-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. Construction in this buffer zone would be postponed or halted until the project biologist determines that the young are no longer dependent on the natal den.
  - If winter dens are found, a 50-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. If avoidance of the den is not possible during the non-pupping season, an attempt shall be made by a qualified project biologist to trap or flush the individual and relocate it to suitable open space habitat. Badgers can also be relocated by slowly excavating the burrow, removing no more than 4 inches at a time.

**Monitoring:** 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-2b (Pre-Construction Survey – Bat Species):** Surveys should be performed to confirm whether or not potential roosting vegetation exists in the proposed Project site vicinity. Surveys shall consist of two daytime visits to inspect suitable vegetation for roosting bats and two dusk exiting surveys to detect bats leaving their roosts. Suitable vegetation should be inspected on foot using a handheld spotlight during daylight hours to examine all suitable vegetation for bat sign (e.g., guano, urine stains) and roosts. Surveys shall be conducted thoroughly and quickly to minimize disturbance to bats. For the dusk exiting surveys, one biologist should be positioned in an optimal location(s) to observe and count bats exiting suitable vegetation.

- If potential roosts are determined to be present then the roosts must be analyzed further to determine if the species is present and if maternity roosts are present. If maternity roosts of any bat species are present, the CDFW shall be notified and no work shall occur within 100 feet of the roost location of any bat species until the end of the pupping.
- For protection of young (e.g., unable to fly) and hibernating adults, all project-related activities shall be avoided where roosts are present during the winter and spring. No restrictions apply to project vehicle traffic or to construction activity that occurs outside of the pupping season.

**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-2c (Pre-Construction Survey – Nesting Birds):** In compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, a pre-construction survey for nesting birds is recommended within 30 days of ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region).

- If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist or a buffer as authorized through the context of the Biological Opinion and 2081b Incidental Take Permit (delinated with stakes or fencing), will be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.
- No construction or project activities are permitted within this buffer until the nest is vacated, juveniles have fledged and there is no evidence of a second nesting attempt.
- The nest shall be monitored every other week by a qualified biologist until fledglings become independent of the nest.

- Additionally, in the event that least bell's vireos or southwestern flycatchers are observed during the surveys, consultation with the USFWS (and possibly the State) would be required to ensure avoidance of this species.
- The monitoring biologist shall halt construction activities if he or she determines that the construction activities are disturbing the nesting activities. The monitor shall make practicable recommendations to reduce the noise or disturbance near the nest. This may include 1) turning off vehicle engines and other equipment whenever possible to reduce noise, 2) working in other areas until the young have fledged, or 3) placing noise barriers to maintain the noise at the nest to 60 dBA Leq. Hourly or less or to the preconstruction ambient noise level if that exceeds 60 DBA Leq. Hourly.
- If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the construction activities are disturbing nesting activities, the biologist shall have the authority to halt the construction and shall devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nest site and the construction activities, and working in other areas until the young have fledged. If noise levels still exceed 60 dBA Leq. Hourly at the edge of the nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestling have fledged.
- All active nests shall be monitored on a weekly basis until the nestlings fledge. The qualified biologist shall be responsible for documenting the results of the surveys and the ongoing monitoring and for reporting these results to CDFW and USFWS. The monitoring biologist will review and verify compliance with these nesting boundaries and will verify that the nesting efforts have finished. Unrestricted construction activities can resume when no other active nests are found.

**Monitoring:** 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-2d (Pre-Construction Survey – Blainville's horned lizard and California legless lizard):** Pre-construction surveys for Blainville's horned lizard and California legless lizard shall be conducted 30 days prior to the initiation of Project activities. Subject species of surveys may vary depending on timing and species' activity patterns. At any time of year when Project activities are initiated, pre-construction surveys shall be conducted for Blainville's horned lizards in open friable soils and California legless lizards in riparian habitats and areas with loose sand. If these species are observed in the construction zone, all work shall be halted and the City and CDFW shall be contacted within 24 hours of the observation.

- A salvage and relocation plan shall be implemented to allow a qualified biologist to capture and relocate the species away from ground disturbance and into protected open space. The relocation plan will consist of a plan which allows a qualified project biologist to approach and capture individuals observed within the construction zone. Individuals will then be transported and relocated into open space, which may include suitable habitats for this species along or within the Santa Ynez River, as appropriate. Within 24 hours of relocation, a brief report documenting details of the observation and relocation will be provided to the CDFW and City. The report will include details on date/time when species was first observed, re-locating biologist, and coordinates for where the species was first observed and relocated. Descriptions of the habitat and suitability of where the species was relocated will also be provided in the report.

**Monitoring:** 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-2e (Avoidance Plan):** Although California red-legged frog and western spadefoot are not likely to occur; a California red-legged frog and western spadefoot avoidance plan should be prepared and include specified work conditions (i.e., rain), construction equipment work areas, and measures to keep the species from entering the site, which may include monitoring and silt fence placement.

- In addition to preparing an avoidance plan; if any California red-legged frogs or western spadefoots are observed within the construction zones, the applicant must stop work and contact the USFWS and CDFW and shall implement appropriate avoidance measures, as determined by the qualified biologist and approved by the USFWS and CDFW to ensure protection of these species. Work shall not resume until the applicant receives written (email) notice from the USFWS and CDFW.

**Monitoring:** Applicant shall provide the avoidance plan to the City of Buellton Planning Department. The Avoidance Plan shall be prepared by a qualified biologist. The Planning Department will verify compliance prior to issuing grading and/or building permits. In the event that a California red-legged frog or western spadefoot is observed within the construction zone, the applicant must also notify the City of Buellton Planning Department and provide documentation from the USFWS and CDFW prior to commencing construction.

16. **BIO-3a (Tree Removal and Replacement):** When mature non-native trees (i.e., trees with a trunk diameter at breast height of 8 inches or more) are removed to accommodate new development, they shall be replaced at a ratio of at least two trees for every one tree removed, or such additional number and size of trees as considered appropriate by the reviewing body at the time of approval of such development. Mature native trees with a trunk diameter at breast height of 8

inches or more, including oaks, shall be replaced at a ratio of at least three new trees for every one tree removed. Replacement trees for removed native or non-native trees should be native, from locally-sources stock, using species indicated on the City's approved tree planting list.

**Monitoring:** Prior to removal of any protected tree, the applicant shall obtain written approval from the Planning Department.

**BIO-3b (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 Public Works Department will verify that the protective fencing is installed prior to issuance of grading permits.

**BIO-3c (Temporary Construction Fencing):** Temporary construction fencing shall be installed in the area between the sandbar willow thickets and the new retention basin.

**Monitoring:** The Public Works Department will verify that temporary construction fencing is installed prior to issuance of Grading Permits.

### Cultural Resources

17. **CR-1: Halt Work Order for Archaeological Resources.** If unanticipated 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.

### Hazards and Hazardous Materials

18. **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.

## C. ENGINEERING CONDITIONS

### PRIOR TO GRADING PERMIT ISSUANCE:

19. **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.
20. **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.
21. **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.
22. **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.
23. **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.
24. **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. A Property Owner Flood Development Notice shall be recorded. All fill within Floodplain areas shall be reviewed and analyzed in the Hydraulic and Hydrology study to ensure there is no adverse affects of flooding to any properties. In addition, any basin proposed within the floodway shall be supported with a NoRise certificate/evaluation to ensure capacity and velocities within the floodway are not adversely affected. It is recommended that the Applicant shall file the appropriate documentation with FEMA removing the building from the floodplain. At a minimum, applicant shall file appropriate Elevation Certificates and record Owner's Notice Document for Development within a Floodplain. Design shall be subject to flood proofing requirements.

25. **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.

26. **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.

27. **Mylars.** Upon approval of the final plans, 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.
28. **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.
29. **Public Water Line Easement.** Public Water line and easement will need to be relocated to the satisfaction of the public works director. Public line shall complete loop. Service lines shall be private.
30. **Private Sewer Lift Station.** Applicant shall provide engineering plans and calculations for the private sewer lift station. This facility serves multiple properties in the area, a maintenance agreement, service agreement and maintenance/operations/emergency contact plan shall be approved by the City Engineer. Any improvements to the lift station required to bring capacity and redundancy issues to code and the facility in full working order shall be provided by Applicant prior to release of occupancy. An annual maintenance and operations audit shall be provided to the city by the property owner as long as the facility is needed to convey flows to the public system. Audit shall provide maintenance and repair log and supporting records. Owner is responsible for any violations resulting from lack of maintenance and repair to the system which causes a violation of Regional Water Quality Board regulations.
31. **Industrial Discharge Permit/FOG Permit.** Any tenant activities that involves, manufacturing, processing or food service shall comply with City's Industrial Discharge and FOG Programs and shall identify grease interceptors in grading improvement plans.
32. **Off-site Retention Basin.** Project components include an off-site retention basin. Applicant is required to secure an easement agreement and access/maintenance agreement for such basin prior to issuance of grading permits.
33. **Access Easements Required.** Traffic study was predicated on utilizing 3 access points to the west of the project to ensure site circulation. This includes an emergency access point at the southern end of the project site. Easements for all three points shall be provided prior to issuance of grading permit.

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

**PRIOR TO BUILDING PERMIT ISSUANCE:**

36. **Grading Permit.** Applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
37. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
38. **Industrial Waste Discharge Permit.** Applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.
39. **Payment of Water/Sewer Fees.** 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.
40. **Traffic Mitigation Fee.** Applicant shall pay all Traffic Mitigation Fees prior to obtaining a building permit.

**PRIOR TO OCCUPANCY CLEARANCE:**

41. **Completion of Improvements.** Applicant shall complete all required improvements to the satisfaction of the City Engineer. Applicant shall furnish 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".
42. **Dedication of Public Easements.** Any public easements requiring dedication shall be approved and accepted by the City prior to occupancy.

43. **Payment of Fees.** All fees and any unpaid balances from plan check or inspection and permits, shall be paid in full.

**GENERAL CONDITIONS:**

44. **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.
45. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
46. **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.
47. **Parking Lot Maintenance.** Permeable parking lot areas shall be maintained on a regular basis. Proper maintenance shall include, but not be limited to, grading, leveling, removal of oils or other potential water quality contaminants that may be deposited through normal use/wear, restriping and sweeping. A maintenance management plan shall be provided and approved by the City Engineer with an annual self-audit provided to the City. Self-Audit shall provide maintenance and repair log and supporting records.
48. **River Trail.** Pursuant to the City's Bicycle and Pedestrian Master Plan, a multi-use trail shall be incorporated on-site for a "creekside trail". An easement for public trails already exists. Property owner shall support the River Trail development process and be an active advocating partner. Once developed, the developed trail system shall be maintained by the property owner as part of the regular site maintenance requirements. Property owner shall support the River Trail development process and be an active advocating partner.
49. **As-Built Record Drawings.** Prior to the release of any bonds, 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**

50. **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, 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.

51. **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.

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

58. **Rule 303 Compliance.** The Project shall comply with Rule 303, as described below, which would reduce odor impacts to off-site residences.
- a. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material in violation of Section 41700 of the Health and Safety Code which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety or any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.
59. **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: trac-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 PM<sub>10</sub>-Efficient Street Sweeper shall be used. The use of blowers for removal of track-out/carry-out is prohibited.
60. **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.
  61. **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.
  62. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
  63. **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.
  64. **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.

65. **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.
66. **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.
67. **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.
68. **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.
69. **Approval.** Approval of 16-FDP-07 and 17-LLA-03 (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.
70. **Development Time Frame.** The Final Development Plan shall expire after five years unless substantial physical construction has been completed or the Applicant has applied to the Planning Commission for an extension. Any request for an extension shall be processed under the procedures set forth in the Municipal Code. Substantial physical 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.

71. **Parking.** A total of 180 parking spaces, including 6 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. Two loading docks with space for four large trucks are provided on the plans. All parking spaces shall be striped in accordance with City of Buellton standards prior to issuance of the occupancy permit.
72. **Signage.** Signage must be in substantial conformance with what is indicated in the Master Sign Plan submitted as a component of the project plans dated June 13, 2017. Any deviation from this program will require a separate Zoning Clearance from the Buellton Planning Department.
73. **Master Sign Plans Corrections.** Corrections shall be made to the Master Sign Plans for consistency and clarification prior to Zoning Clearance issuance. These include clarifying the number and locations of address ID signs. This also includes accurately listing the type and number of signs in the sign plan to match the diagram shown, and verifying that the business directory signs are no taller than 6 feet in height.
74. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations for the project plans submitted on June 13, 2017. The project is designed as Contemporary Ranch.
75. **Masonry Block.** All masonry walls shall be split face block.
76. **Bike Racks.** Bike racks 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.
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.
79. **Perimeter Fencing.** Chain link fencing may be acceptable in some areas around the perimeter of the property. However, the final fence material for the perimeter shall be agreed upon between the applicant and Planning Department prior to issuance of Zoning Clearance. The fence material shall be clearly shown on the project plans and shall be in compliance with the community design guidelines.

80. **Access Easement.** In order to maneuver large trucks in and out of the loading area on the east side of the building, an access easement is required and shall be obtained for the access point located between Terravant and Ascendant Spirits prior to issuance of Grading Permit. Documentation showing that the easement is in place is required.
  81. **Emergency Access Easement.** An emergency access easement shall be obtained for the emergency access location located at the south eastern corner of the project site prior to issuance of Grading Permit. Documentation showing that the easement is in place is required.
  82. **Trash Enclosure Location(s).** The final location of the trash enclosure(s) shall be approved by the Planning Department and shall be shown on the plans prior to issuance of Zoning Clearance. The design of the trash enclosures shall meet the minimum required standards of MarBorg. Additionally, at least 50% of the area of the trash enclosure shall be for recycling. A letter from MarBorg approving the final location(s) is required prior to issuance of Zoning Clearance.
  83. **Architectural Details.** Prior to issuance of Zoning Clearance, details of how the design is carried out shall be shown on the plans. Typical details include roof eaves, gutters and downspouts, window trims, awnings, and any other character/project specific details.
  84. **Parking Lot Lighting.** Parking lot lighting can be provided via light on to of poles. The lights do not need to be strung across. Lighting must be dark-sky friendly and LED or equivalent.
  85. **Stormwater Retention Basin.** The final location of the off-site stormwater retention basin shall be shown on the project plans prior to issuance of zoning clearance and/or grading/building permits. The retention basin shall be located completely outside of the area of the willow thickets and shall be in compliance with all stormwater requirements.
  86. **Stop Sign Installation.** Stop signs shall be installed at the north east corner of the project site per the Traffic and Circulation Study conducted for the Project dated July 18, 2017.
- E. **FIRE DEPARTMENT CONDITIONS** – The following conditions are in reference to a letter dated July 7, 2017 from Santa Barbara County Fire Department.

**No Conditions for the Final Development Plan**

- 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.

**The Following Conditions are for Future Development and Are Advisory**

87. This proposed structure shall be required to comply with California Fire Code Appendix D-105 for aerial apparatus.
88. This proposed Project shall comply with California Fire Code Appendix C for fire hydrant spacing.
  - Onsite fire hydrants and mains shall be provided as required by fire department.
89. All standard fire department conditions, current codes and fees shall apply at time of development.

As always, if you have any questions or require further information, please call Glenn Fidler at 805-681-5528 or 805-681-5523.

**F. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS**

90. **Geology Report.** A Geology report prepared and signed by a California licensed geologist will be required.
91. **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.
92. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings, 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.
93. **Conditions on Plans.** Incorporate all discretionary conditions of approval and department condition letters into the plans.
94. **Green Code Compliance.** Incorporate compliance with the applicable CA Green Code in the plans to include commissioning.
95. **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.
96. **Building Egress.** Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at each space. 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.

97. **Plumbing Fixture Analysis.** Provide a plumbing fixture analysis and access to plumbing fixtures from all parts of the building within the maximum travel distances per the CPC.
98. **Flood Plain Conditions on Plans.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.
99. **Water Efficiency Plans.** Landscape plans which detail compliance with the current MWEL0 or City requirements (whichever are most stringent) will be required.
100. **California Codes.** Applications submitted after January 1, 2017 will be subject to the 2016 California Codes.

#### Building Department Conditions for Lot Line Adjustment (17-LLA-03)

101. **Identification of Current and Proposed Property Lines on Plans.** Plans submitted for initial plan check review must identify the location of current property lines and proposed property lines. Prior to final plan check approval and issuance of permits, the lot line adjustment must be recorded and new property line locations reflected in the final plans.

### G. FINANCE DEPARTMENT CONDITIONS

102. **Outstanding Fees.** 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.
103. **Impact Fees.** 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



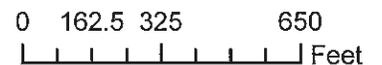
# Vicinity Map



**Legend**

 City Parcels

 Project Location





# Attachment 2

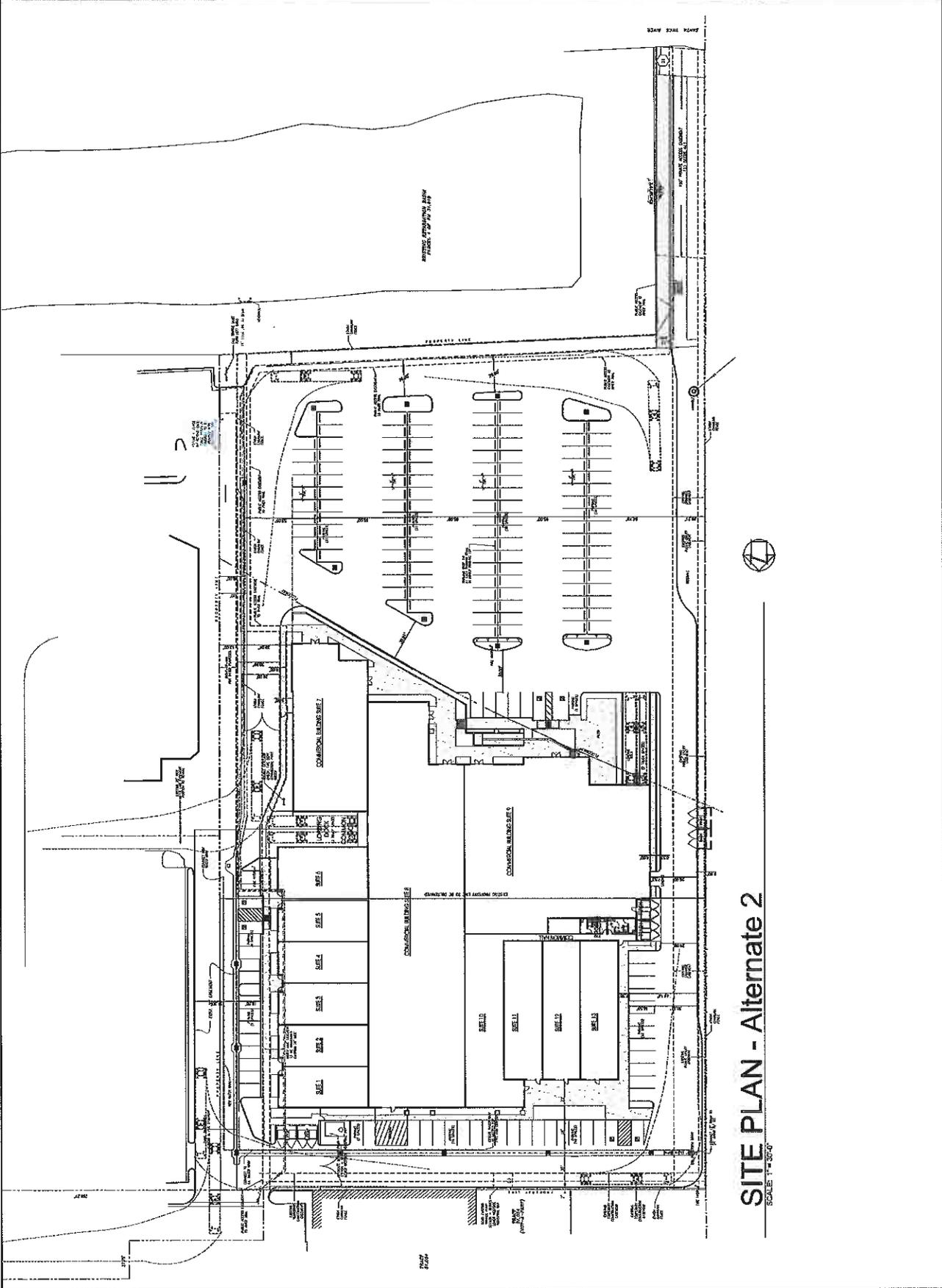
**Builton 5 Acre Building**  
 OERS  
 GUYTON MOORE  
 CPO3 Inc.  
 10 East Yonkers Street, Suite 28  
 Santa Barbara, CA 93101  
 (805) 692-0474

**A1.1a**  
 SHEET

**Paul Polier + Associates**  
 156 West Alhambra Ave. • Suite C • Santa Barbara, CA 93105  
 Fax (805) 898-9683  
 Telephone (805) 682-8894

PROJECT CODE: 1418  
 REVISION: 10/11/11  
 SHEET DATE: 10/11/11

DESIGNED BY:	DATE:
CHECKED BY:	DATE:
APPROVED BY:	DATE:
PROJECT NO.:	DATE:
NO. DATE:	COMMENTS:



**SITE PLAN - Alternate 2**  
 SCALE: 1" = 30'

# Attachment 2

PROJECT CODE: 1018  
 REVISION: 1911.07.17 Rev. Pending  
 SHEET DATE: \_\_\_\_\_

DESIGNED BY: JVC  
 CHECKED BY: \_\_\_\_\_  
 APPROVAL: \_\_\_\_\_  
 DATE: \_\_\_\_\_

PROJECT NAME: JVC 1018 2017 11/10/18  
 SHEET NO.: \_\_\_\_\_  
 NO. DATE: \_\_\_\_\_  
 CONVD BY: \_\_\_\_\_



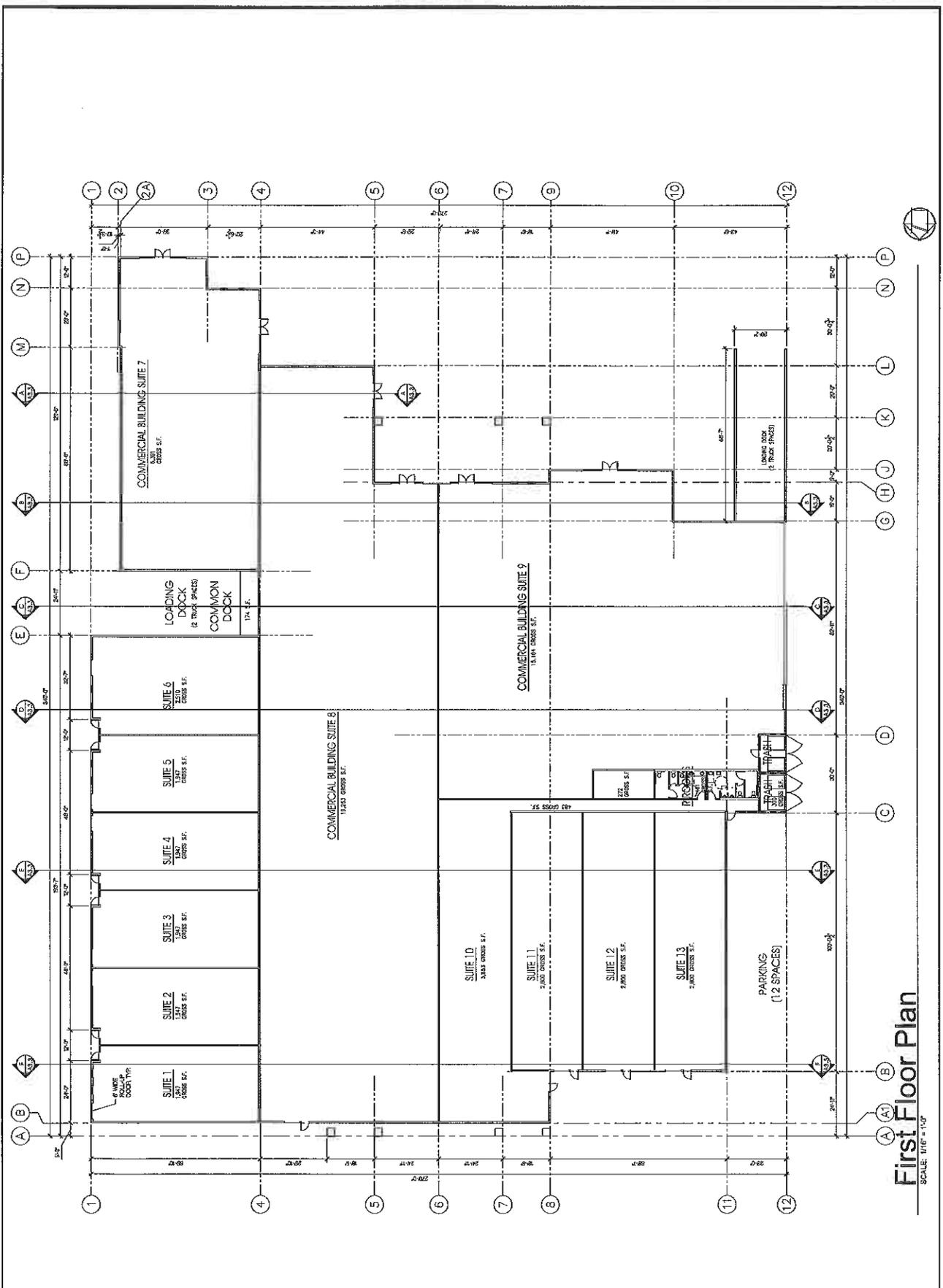
**Paul Pointer + Associates**

156 West Alhambra Ave. • Suite C • Santa Barbara, CA 93105  
 Fax: (805) 898-9683  
*telephone* (805) 682-8894

**Buellton 5 Acre Building**

DATE: \_\_\_\_\_  
 DESIGNER: Gwyn Moores  
 ARCHITECT: Gwyn Moores  
 10 East Kennard Street, Suite 2B  
 Santa Barbara, CA 93103  
 (805) 692-0474

**A2.1**  
 BUILDING 1 FLOOR PLAN



**First Floor Plan**  
 SCALE: 1/16" = 1'-0"

# Attachment 2

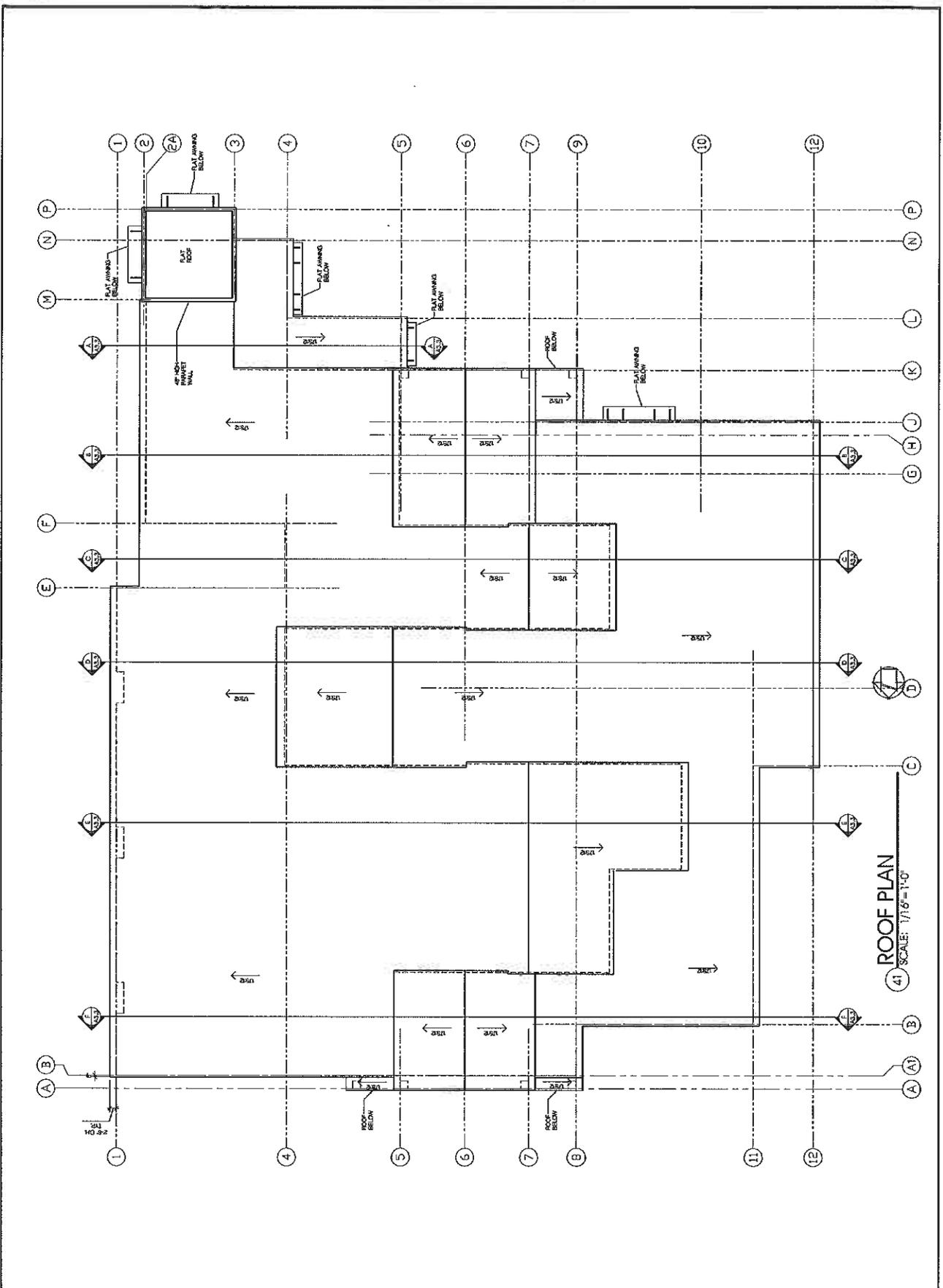
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REVISION: 1st to 2nd Roof Planing	DATE: _____
CHECKED BY: _____	APPROVAL: _____
DATE: _____	DATE: _____
PREP DATE: Jan 16, 2011, 11:30am	NO. DATE: _____
COMMENTS: _____	COMMENTS: _____



**Paul Pointer + Associates**  
 156 West Alhambra Ave. • Suite C • Santa Barbara, CA 93105  
 Fax (805) 898-9683 Telephone (805) 682-8894

**Buellton 5 Acre Building**  
 GARY MOORES  
 CREW  
 CRCS INC.  
 10 East Konnor Street, Suite 28  
 Santa Barbara, CA 93101  
 (805) 692-0474

**A2.5**  
 ROOF PLAN



PROJECT NO. 118  
 CLIENT: BULLHORN BUILDING  
 DATE: 1/11/11  
 DRAWN BY: J. H. HARRIS  
 CHECKED BY: J. H. HARRIS  
 DATE: 1/11/11  
 PROJECT: 118  
 DATE: 1/11/11

**Paul Pointer + Associates**  
 156 West Alhambra Ave. • Suite C • Santa Barbara, CA 93105  
 Fax: (805) 858-9683  
 Telephone: (805) 822-8894

**Bullhorn 5 Acre Building**  
 10 East Ventura Street, Suite 28  
 Santa Barbara, CA 93101  
 (805) 692-0474  
 GLEN MOORE  
 ARCHITECTS  
 10 East Ventura Street, Suite 28  
 Santa Barbara, CA 93101  
 (805) 692-0474

**A3.1**  
 EXTERIOR ELEVATIONS

**KEYNOTES**

1	PAINT: ALL EXTERIOR WALLS AND TRIM TO BE PAINTED IN A LIGHT TAUPE COLOR.
2	PAINT: ALL INTERIOR WALLS AND TRIM TO BE PAINTED IN A LIGHT TAUPE COLOR.
3	PAINT: ALL EXTERIOR ROOFING TO BE PAINTED IN A LIGHT TAUPE COLOR.
4	PAINT: ALL INTERIOR ROOFING TO BE PAINTED IN A LIGHT TAUPE COLOR.
5	PAINT: ALL EXTERIOR METAL TO BE PAINTED IN A LIGHT TAUPE COLOR.
6	PAINT: ALL INTERIOR METAL TO BE PAINTED IN A LIGHT TAUPE COLOR.
7	PAINT: ALL EXTERIOR WOODWORK TO BE PAINTED IN A LIGHT TAUPE COLOR.
8	PAINT: ALL INTERIOR WOODWORK TO BE PAINTED IN A LIGHT TAUPE COLOR.
9	PAINT: ALL EXTERIOR GLASS TO BE PAINTED IN A LIGHT TAUPE COLOR.
10	PAINT: ALL INTERIOR GLASS TO BE PAINTED IN A LIGHT TAUPE COLOR.
11	PAINT: ALL EXTERIOR STONE TO BE PAINTED IN A LIGHT TAUPE COLOR.
12	PAINT: ALL INTERIOR STONE TO BE PAINTED IN A LIGHT TAUPE COLOR.



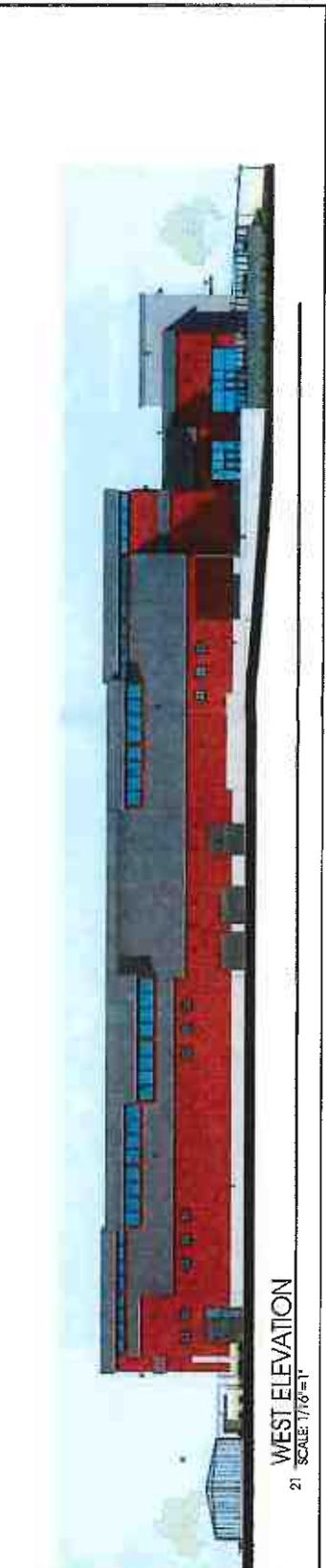
**SOUTH ELEVATION**  
 11 SCALE: 1/16"=1'



**EAST ELEVATION**  
 21 SCALE: 1/16"=1'



**NORTH ELEVATION**  
 31 SCALE: 1/16"=1'



**WEST ELEVATION**  
 21 SCALE: 1/16"=1'

# Attachment 2

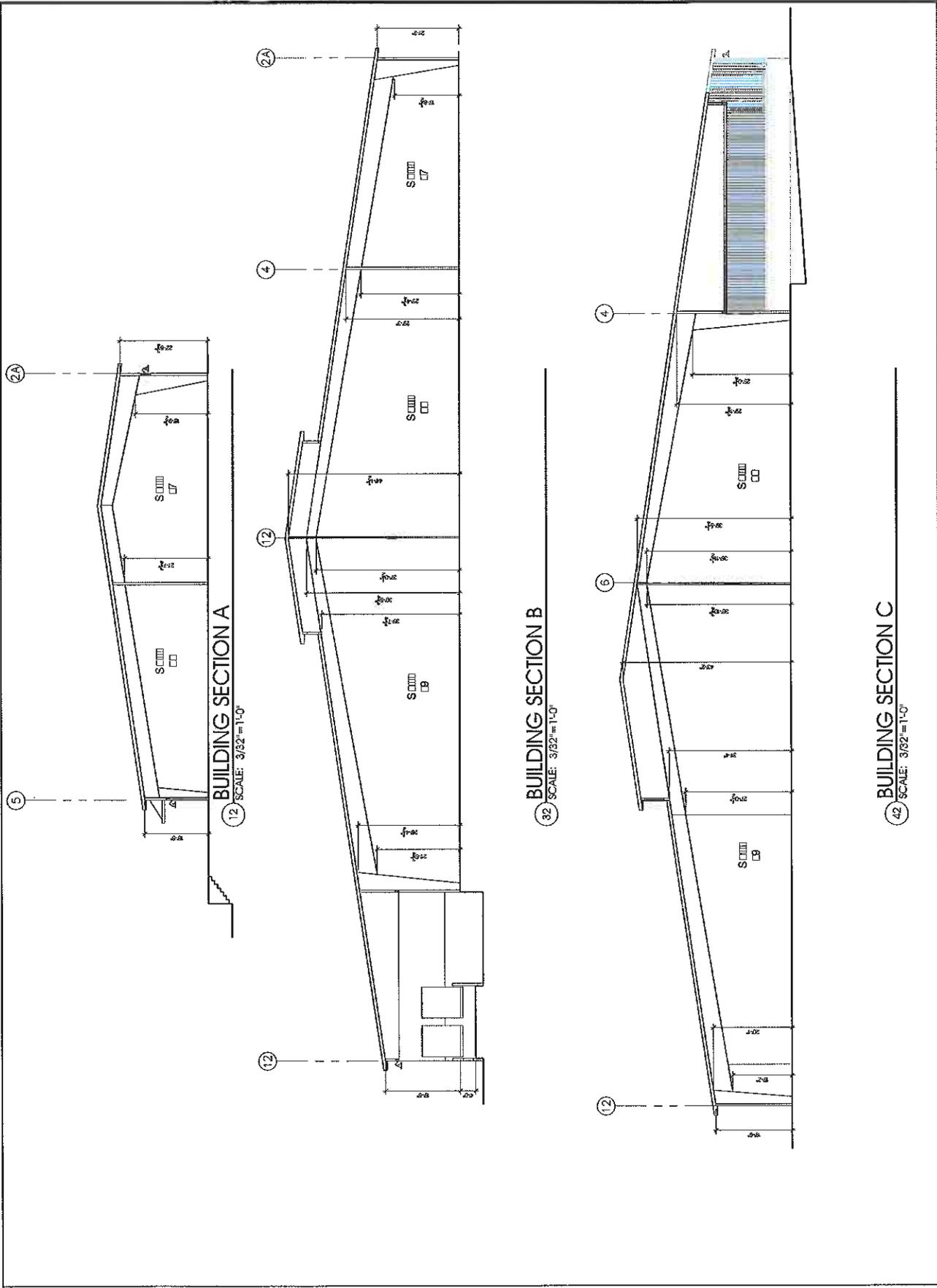
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 CHECKED BY: -  
 APPROVALS: DATE  
 REVISIONS: JUN 06, 2017, 1:00 PM  
 PLOT DATE: -  
 NO. DATE: -  
 COMPANY: -



**Paul Porter + Associates**  
 156 West Alhambra Ave. • Suite C • Santa Barbara, CA 93105  
 Fax: (805) 898-9683  
 Telephone: (805) 682-8894

**Buellton 5 Acre Building**  
 10 East Verwood Street, Suite 28  
 Santa Barbara, CA 93101  
 (805) 692-0474  
 CPMG Inc.  
 Gavin Moore  
 18000  
 Industrial Way  
 Buellton, California

**A3.3**  
 EXTERIOR BUILDING SECTIONS



# Attachment 2

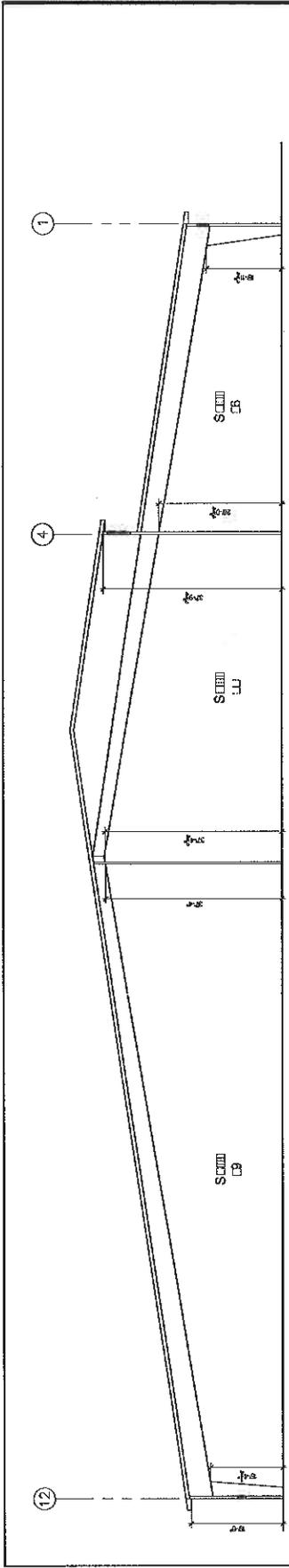
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 DRAWN BY: . . . . .  
 CHECKED BY: . . . . .  
 APPROVAL: . . . . . DATE: . . . . .  
 PROJECT DATE: JAN 09, 2017, 3:00PM  
 VERSIONS: . . . . .  
 NO. DATE: COMMENT: . . . . .



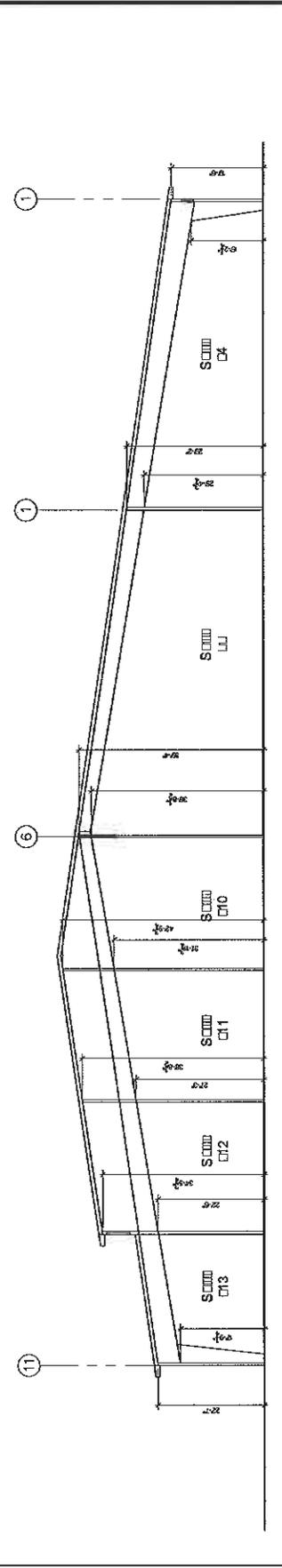
**Paul Poirier + Associates**  
 156 West Alhambra Ave. • Suite C • Santa Barbara, CA 93105  
 fax (805) 898-9683  
 telephone (805) 682-8894

**Buelton 5 Acre Building**  
 10 East Yonwood Street, Suite 28  
 Santa Barbara, CA 93101  
 (805) 692-0474  
 CHAIR: . . . . .  
 CONSULTING ARCHITECTS:  
 Buelton Way  
 Buelton, California

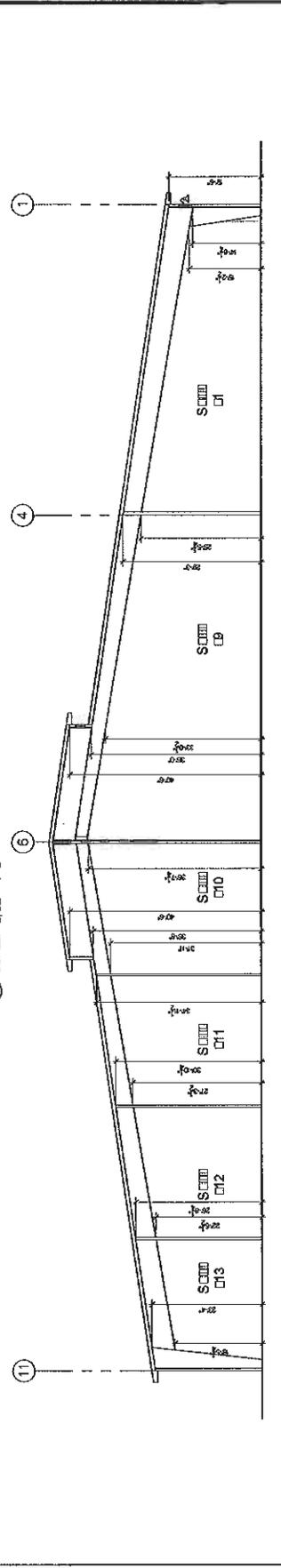
**A3.4**  
 EXTERIOR BUILDING SECTIONS



**BUILDING SECTION D**  
 SCALE: 3/32" = 1'-0"



**BUILDING SECTION E**  
 SCALE: 3/32" = 1'-0"

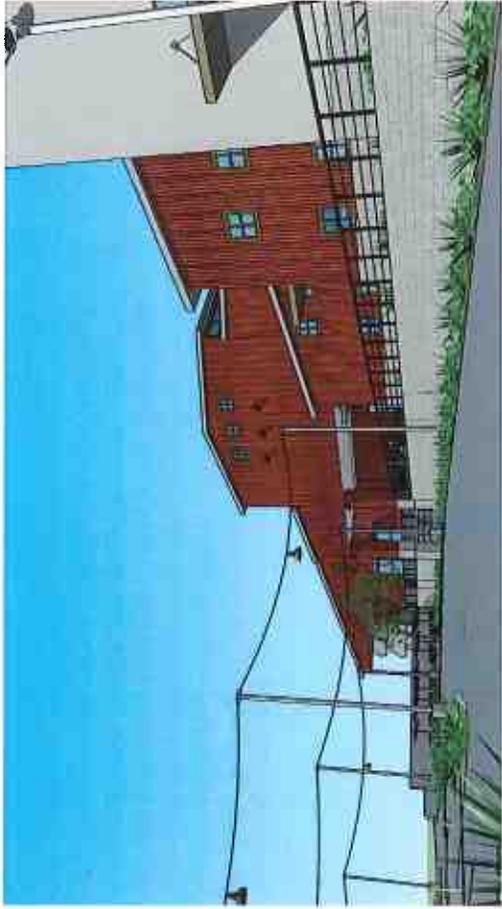


**BUILDING SECTION F**  
 SCALE: 3/32" = 1'-0"

Attachment 2



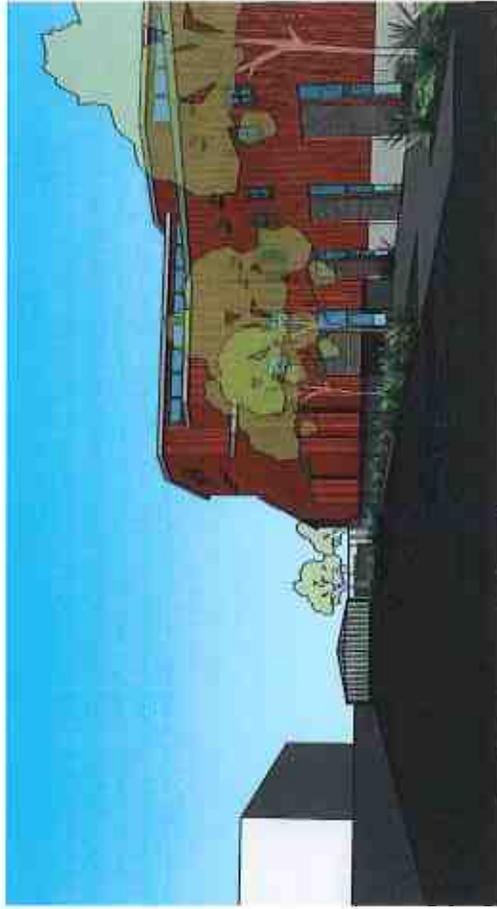
1 South Elevation View from Parking Lot



4 Partial South Elevation View



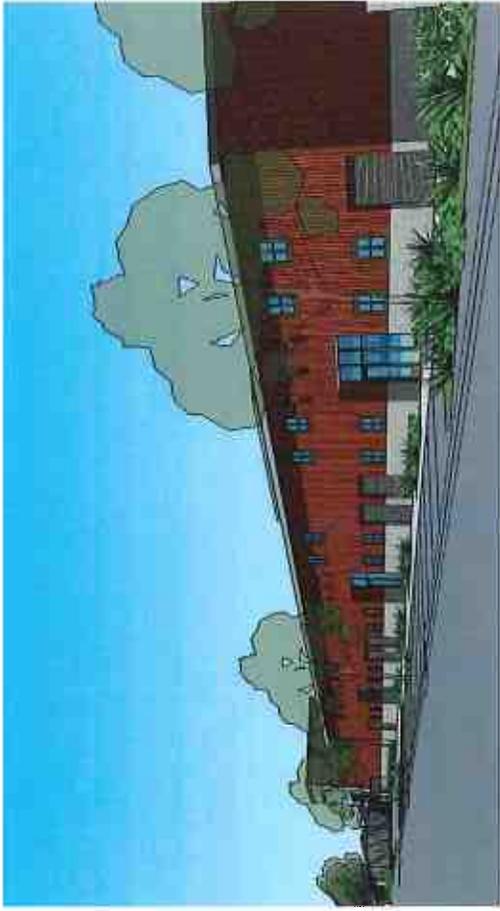
11 Southeast Aerial View



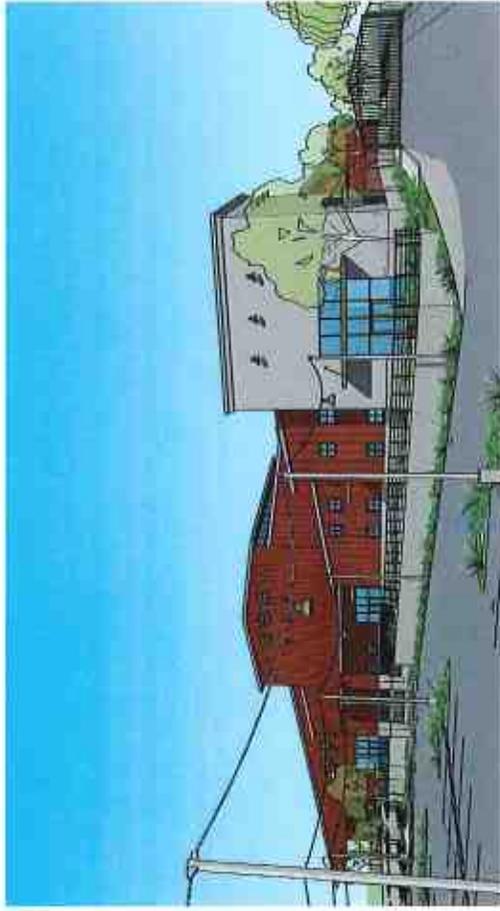
12 North Elevation View of Driveway

**Paul Pointer + Associates**  
1000 W. 10th Street, Suite 100, Los Angeles, CA 90015  
Tel: 310.433.8888 Fax: 310.433.8889  
www.paulpointer.com

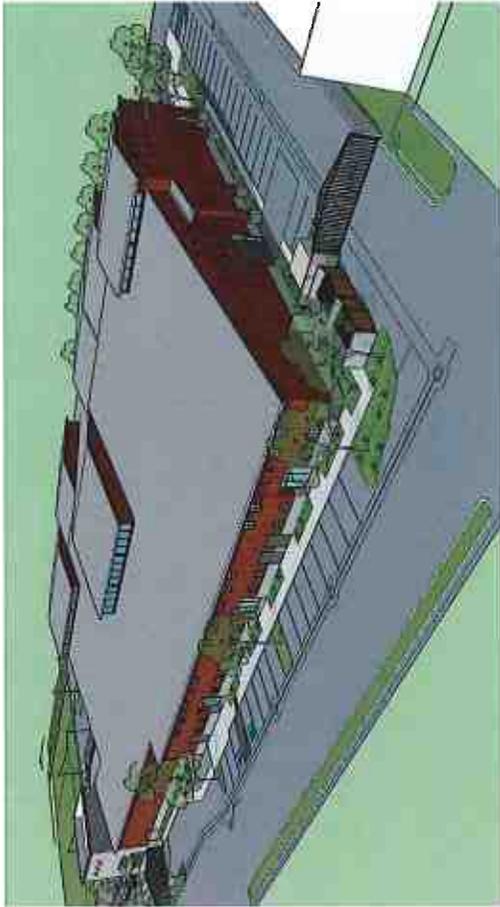
# Attachment 2



1 East Elevation View



1 South Elevation View from Parking Lot



1 Northeast Aerial View

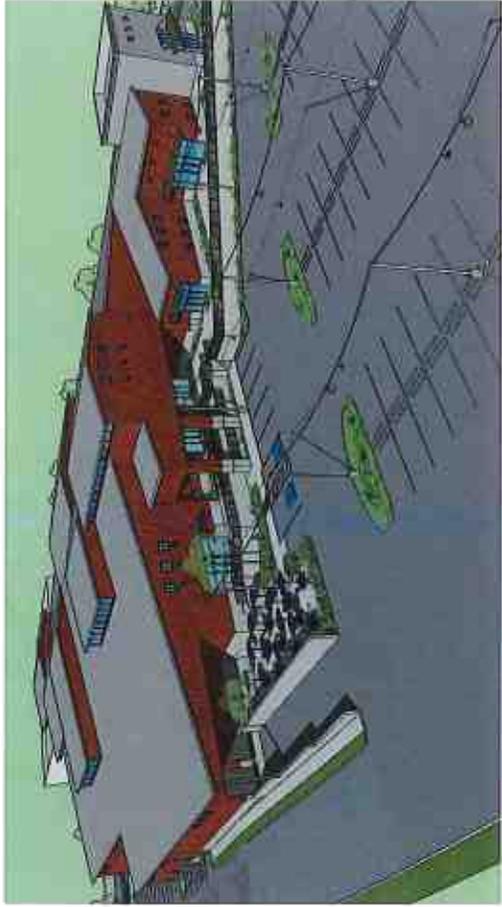


1 Partial East Elevation View

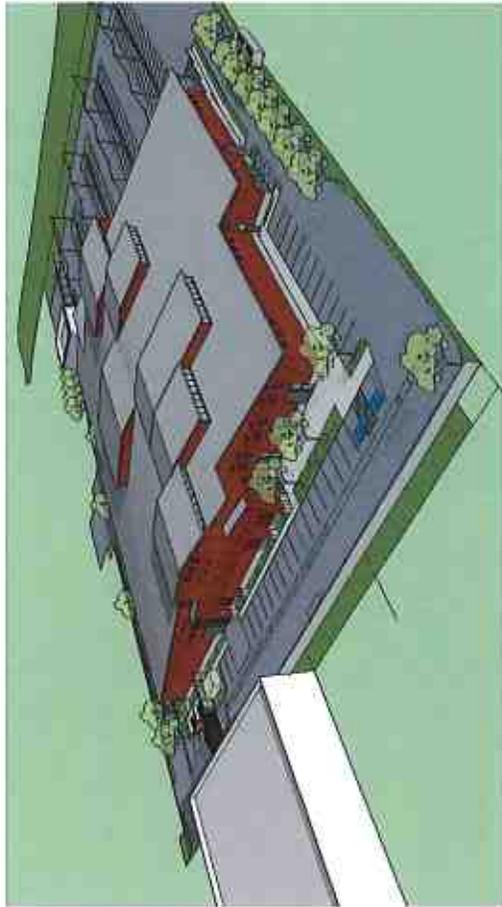
# Attachment 2



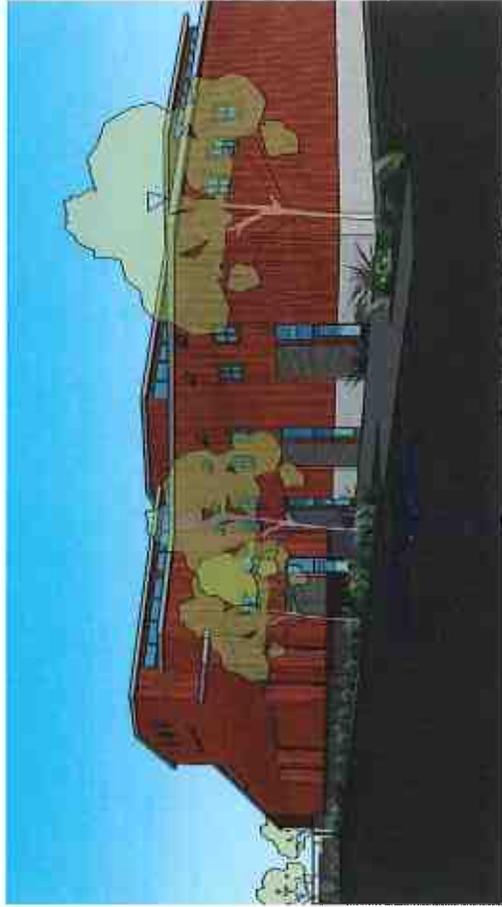
1 South Elevation View from Parking Lot



2 Southwest Aerial View



3 Northwest Aerial View

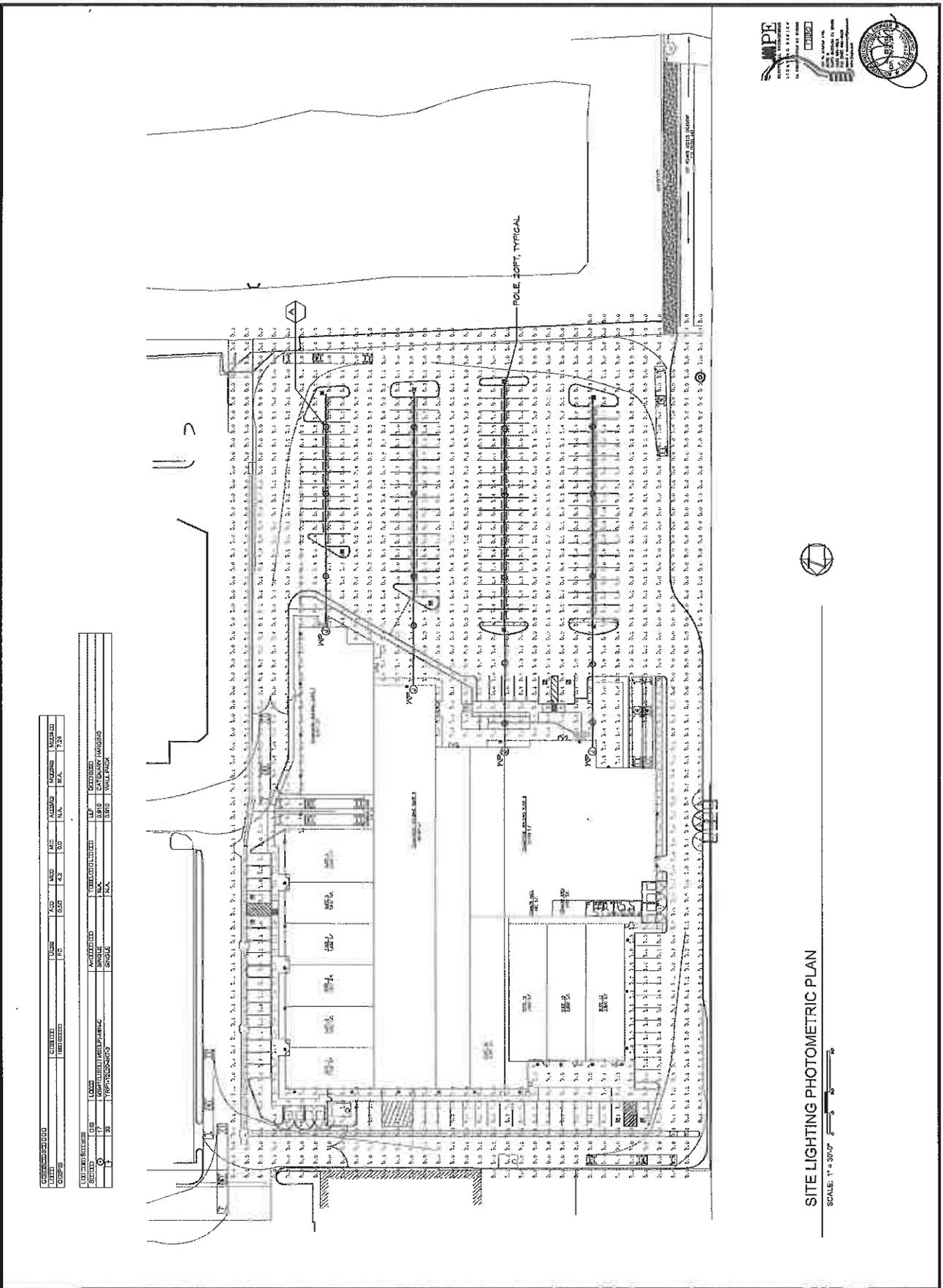


4 North Elevation View

Buelton 5 Acre Building  
 10 East Yonkers Street, Suite 28  
 Santa Barbara, CA 93101  
 (805) 692-9474  
 Gryn Moores  
 CPG Inc.  
 Buelton, California

**Attachment 2**  
 156 West Alhambra Ave. - Suite C  
 Santa Barbara, CA 93105  
 fax (805) 898-9683  
 telephone (805) 682-8894  
**Paul Poitier & Associates**

PROJECT CODE: 1416	DATE:
REVISION:	APPROVALS:
ISSUE DATE:	PROJECT DATE:
CHECKED BY: JHP	PROJECT NO.:
DATE:	COMMENTS:



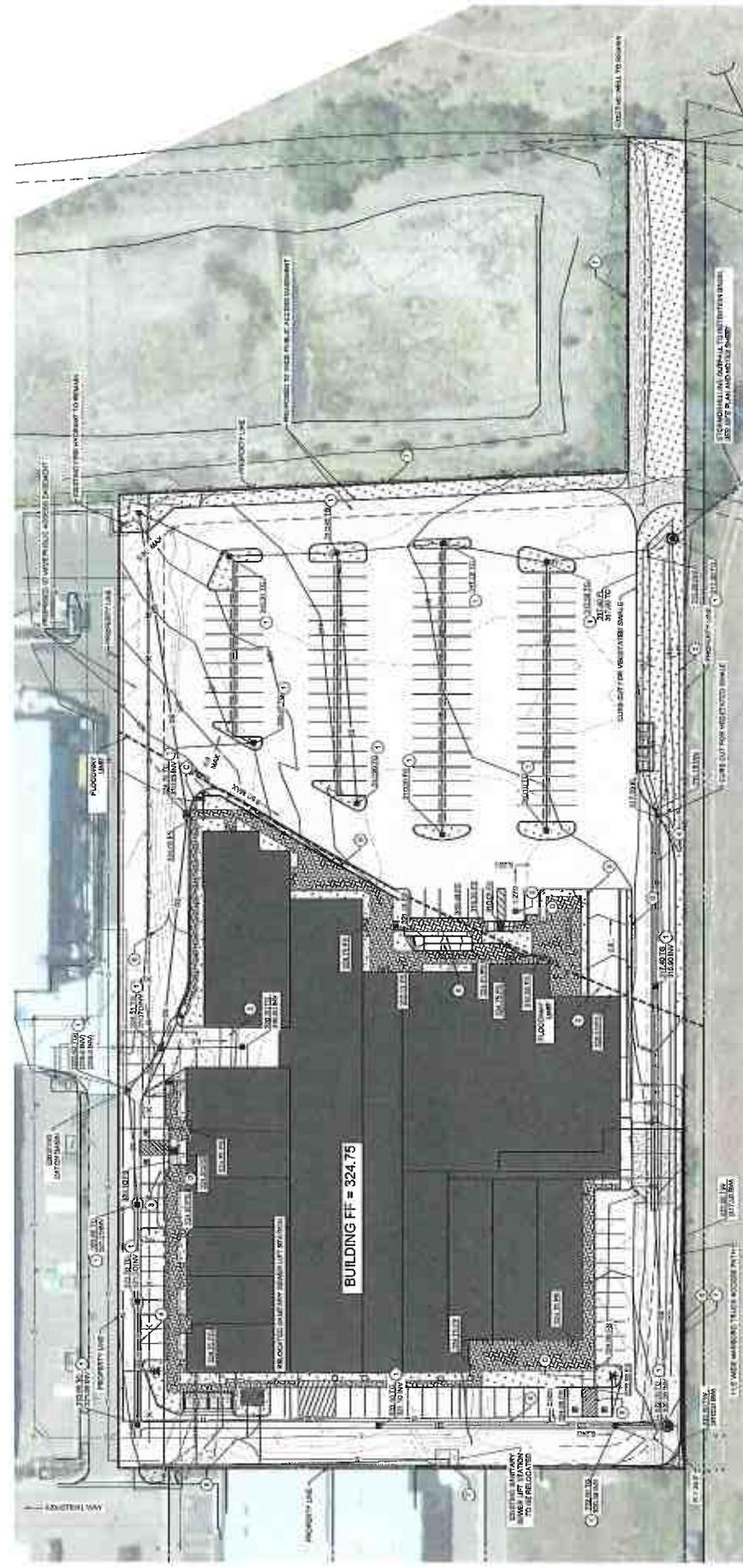
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01/15/14	ISSUED FOR PERMITS	JHP	01/15/14	ISSUED FOR PERMITS	JHP
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**SITE LIGHTING PHOTOMETRIC PLAN**  
 SCALE: 1" = 30'-0"





- SITE CONSTRUCTION NOTES:**
1. STORM DRAIN BULT. TYP.
  2. LOADING DOCK
  3. ADA PARKING SPACES
  4. PROPOSED CONCRETE WALKWAY
  5. PROPOSED VEGETATED SWALE. SEE ARCHITECTURAL PLANS
  6. PROPOSED RETAINING WALL
  7. PROPOSED FENCE. SEE ARCHITECTURAL PLANS
  8. FERTILIZER PUMP
  9. ACCESS GATE. SEE ARCHITECTURAL PLANS

- GENERAL NOTES:**
- SEE PRELIMINARY UTILITY PLAN FOR ADDITIONAL UTILITY INFORMATION.
  - SEE ARCHITECTURAL PLANS FOR BUILDING AND ASPHALT/PAVEMENT INFORMATION.
  - SEE LANDSCAPE ARCHITECTURAL PLANS FOR ADDITIONAL LANDSCAPE INFORMATION.
  - ALL EROSION CONTROL MEASURES, INCLUDING PILES, NETS, AND RETENTION BASIN ARE TO BE PRIVATELY OWNED AND MAINTAINED.

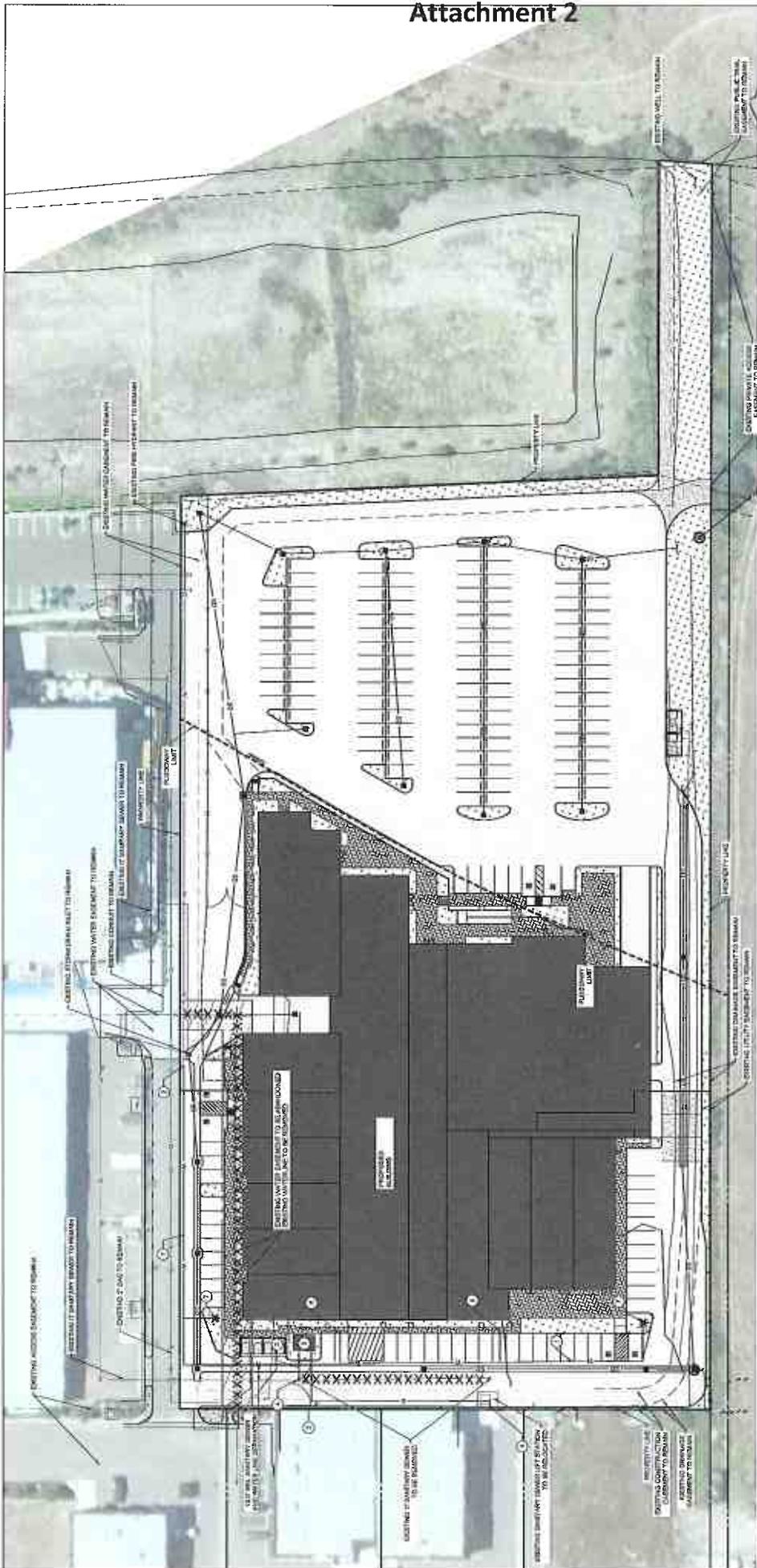


**BUELLTON 5 ACRE BUILDING**  
**PRELIMINARY GRADING AND DRAINAGE**  
**PLAN**

INDUSTRIAL WAY  
 BUELLTON, CA, 99427

**Ashley Vance**  
 ENGINEERING, INC.

824 Chapala St., Suite 0  
 Buellton, CA 99427  
 www.ashleyvance.com (895) 982-9828 • (805) 545-0011  
 CIVIL • STRUCTURAL



**SITE CONSTRUCTION NOTES:**

- 1. PROPOSED PRIVATE WATER LINE
- 2. CONNECT TO EXISTING WATER LINE
- 3. PROPOSED PRIVATE SANITARY SEWER LINE
- 4. CONNECT TO EXISTING SANITARY SEWER LINE, EXTEND EXISTING LINE AS NECESSARY FOR BUILDING CONNECTIONS. SEE ARCHITECTURAL PLANS FOR DETAILS.
- 5. RELOCATED SANITARY SEWER LIFT STATION
- 6. PROPOSED WATER LATERAL. SEE ARCHITECTURAL PLANS FOR DETAILS.
- 7. PROPOSED FIRE HYDRANT

**GENERAL NOTES:**

ALL EXISTING UTILITIES SHOWN ARE BASED ON THE BEST KNOWLEDGE AVAILABLE. MATERIAL DEPTH AND LOCATION SHALL BE DETERMINED BY CONVEYANCE. IF THERE ARE ANY DISCREPANCIES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESOLUTION.

SEE PRELIMINARY GRADING AND DRAINAGE PLANS FOR ADDITIONAL SETBACK, DRAIN, AND EROSION CONTROL INFORMATION.

SEE ARCHITECTURAL PLANS FOR BUILDING AND MAINTENANCE INFORMATION.

SEE LANDSCAPE ARCHITECTURAL PLANS FOR ADDITIONAL PLANTING AND LAYOUT INFORMATION.

DATA AND ELECTRICAL LINES BY OTHERS.



**BUELLTON 5 ACRE BUILDING**

**PRELIMINARY SITE UTILITY PLAN**

INDUSTRIAL WAY  
BUJELLTON, CA, 93427



**Ashley & Vance**  
ENGINEERING, INC.

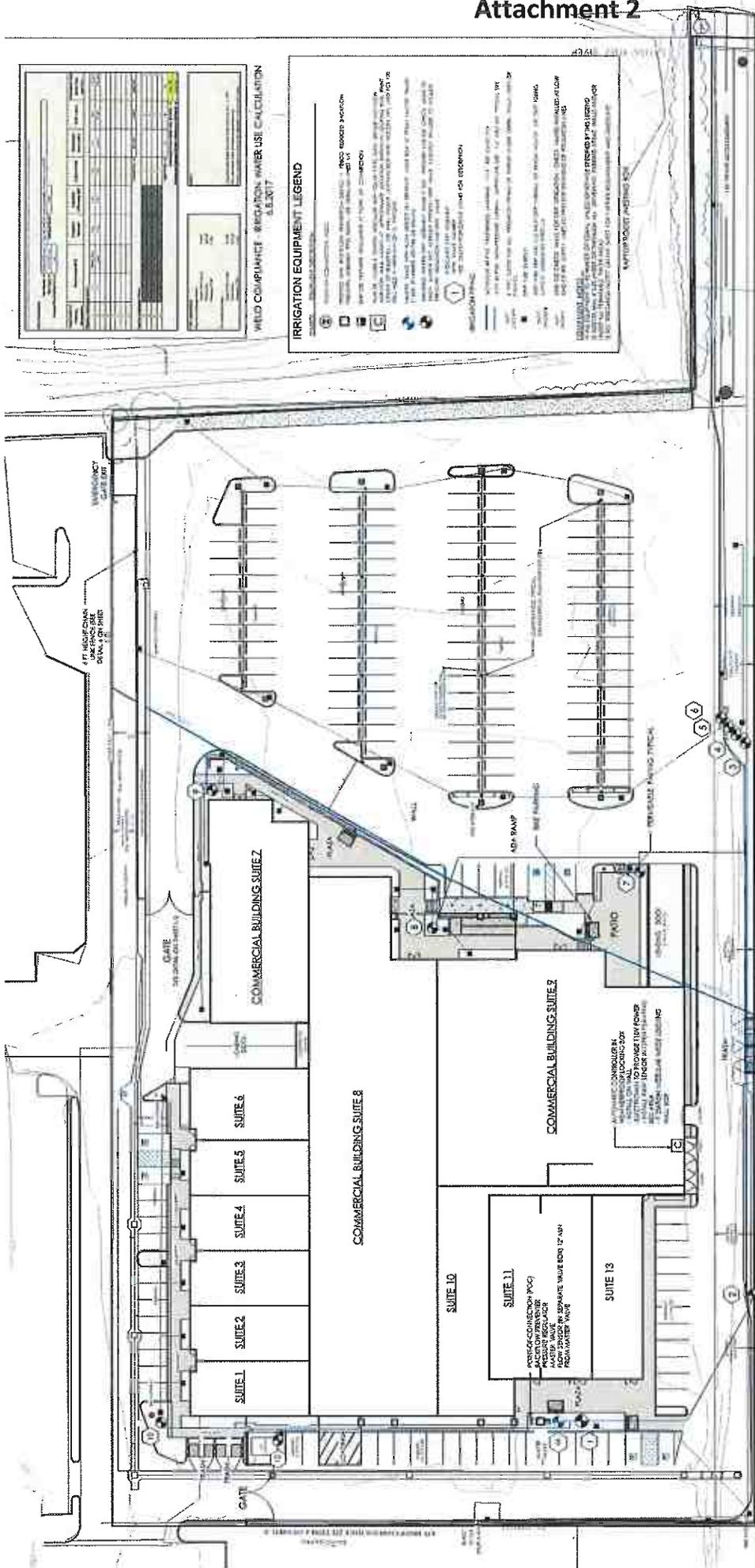
924 Chipala St., Suite D  
Buellton, CA 93427  
(805) 882-8888 • (805) 944-0010  
www.ashleyvance.com  
CIVIL • STRUCTURAL

06/07/2017 16613









**WELD COMPLIANCE - IRRIGATION WATER USE CALCULATION**  
6.8.2017

ITEM	DESCRIPTION	QUANTITY	UNIT	WELD TYPE	WELDING METHOD	WELDING POSITION	WELDING SPEED (IPM)	WELDING TIME (HRS)	WELDING COST (\$)
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REVISIONS

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**BUELLION COMMERCIAL (BUE-5)**  
Industrial Way  
Buellton, California 93427

**IRRIGATION PLAN**

**Robert F. Adams, ASLA**  
LANDSCAPE ARCHITECT  
Earthrower Studio  
1000 N. Highway 101, Suite 100  
Buellton, CA 93427  
Phone: 805.438.1000  
Fax: 805.438.1001  
www.earthrowerstudio.com

SHEET 3 OF 4  
L-3  
OUR PERMITS  
JUNE 8, 2017

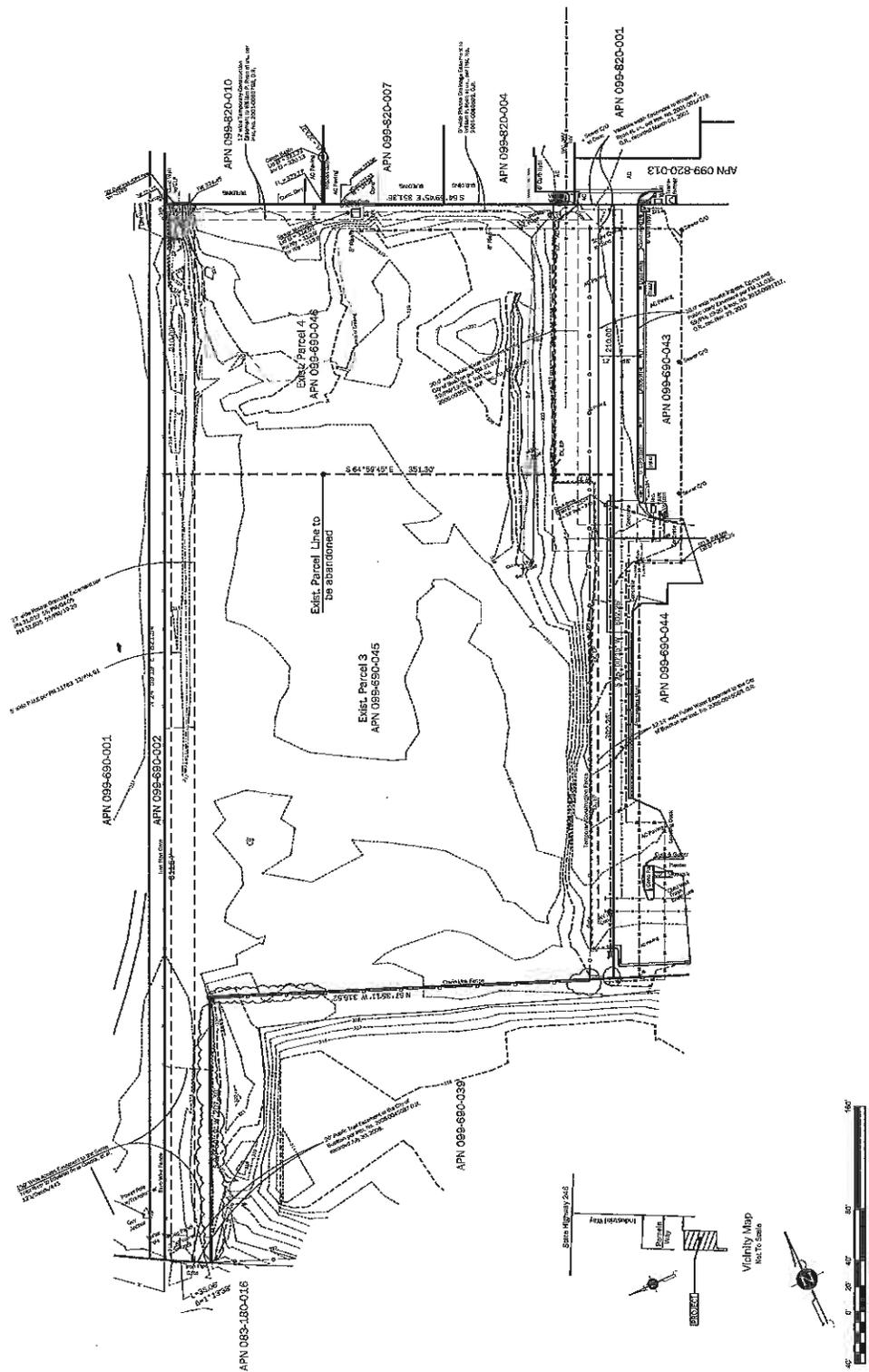


# Attachment 2

Lot Line Adjustment No. 17-LA-03  
 being a consolidation of Parcels 3 & 4 of Parcel Map No. 31,035 per  
 NCGS.

1. Map Prepared: 08-09-2017
2. Date of Field Work: 08-09-2017
3. Date of Office Work: 08-09-2017
4. Address: 121 S. Terminal St., Suite 213, Brea, CA 92621
5. Phone: (949) 247-1703
6. Address: 250 Industrial Way, Suite B, Brea, CA 92621
7. Phone: (949) 247-1703
8. Boundary Lines not shown are recorded per Parcel Map No. 31,035
9. The area shown is not to be used for any other purpose.
10. There are no easements or other interests shown.
11. There are no proposed easements or other interests shown.
12. The area shown is not to be used for any other purpose.
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Drawing Scale:  
 Parcel 3: 1" = 43.39 ACRES  
 Parcel 4: 1" = 31.03 ACRES  
 Parcel 1: 1" = 1.17 ACRES  
 Parcel 2: 1" = 1.07 ACRES



Lot Line Adjustment No. 17-LA-03  
 being a consolidation of Parcels 3 & 4 of Parcel Map No. 31,035 per 59 PM/19 &  
 lying in the City of Brea, CA  
 at the request of MJO Development V, LLC

DATE PREPARED	08-09-2017
DRAWING NO.	20160902_10P11A
BY	JOB
REF.	

PREPARED BY  
**COAST**  
 SURVEYING & MAPPING, INC.  
 250 INDUSTRIAL WAY, SUITE B  
 BREA, CALIFORNIA 92621  
 TEL: 949-247-1703 FAX: 949-247-1704  
 WWW.COASTSURVEYING.COM

**Surveyor's Statement**  
 THIS MAP IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.  
 JOB NO. 17-LA-03 DATE: 08-09-2017

REVISIONS	REVISIONS
1. 08-09-2017	1. 08-09-2017
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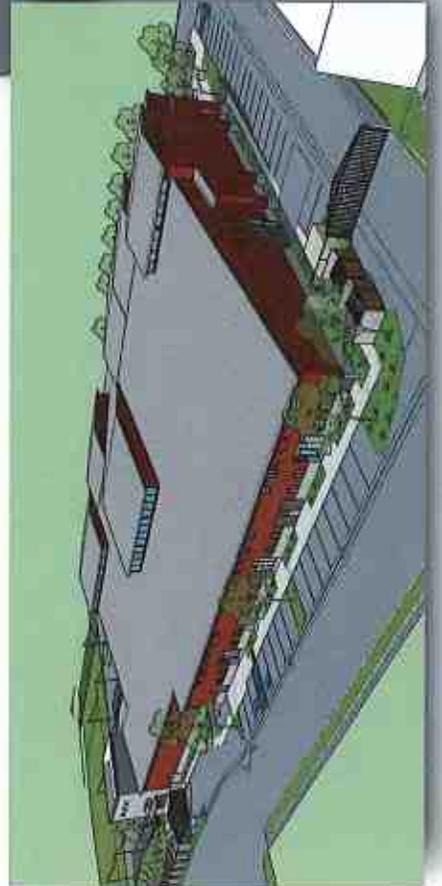
# THE NETWORK

## Master Sign Program

6/14/2017



Industrial Way  
Buellton, CA



**PROJECT DIRECTORY**

**AGENT:**

GAVIN MOORES  
CDPG Inc.  
(805) 692-0474

**PROJECT ARCHITECT:**

POIRIER & ASSOCIATES ARCHITECTS  
156 W. ALAMAR AVE. SUITE C.  
SANTA BARBARA, CA 93105  
PH: (805) 682-8894  
FAX: (805) 898-9683

**CITY PLANNING:**

CITY OF BUELLTON  
107 W. HIGHWAY 246  
P.O. BOX 1819  
BUELLTON, CA 93427  
PH: (805) 688-5177  
FAX: (805) 686-0086

**SIGN CONSULTANT AND  
PREFERRED SIGN VENDOR**

Absolute Sign, Inc.  
10655 Humbolt Street  
Los Alamitos, CA 90720  
PH (562) 592-5838  
FAX (562) 592-6198  
Contact: Tish Scialampo

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**INTRODUCTION**

The purpose of this sign criteria is to ensure that the signage at Buellton Network reflects the integrity and overall aesthetic values of the Landlord and the City of Buellton. Conformity with this criteria will be strictly enforced and any non-conforming signs will be removed by the Landlord at the expense of the Tenant.

**LANDLORD/TENANT REQUIREMENTS**

1. Each Tenant shall submit to Landlord for written or digital email approval, three (3) copies of the detailed shop drawings of this proposed sign, indicating conformance with the sign criteria herein outlined.
2. The Landlord shall determine and approve the availability and position of a Tenant name on any wall and/or monument sign (s).
3. The Tenant shall pay for all signs, related materials and installation fees (including final inspection costs).
4. The Tenant shall obtain all necessary permits.
5. The Tenant shall be responsible for fulfillment of all requirements of this sign criteria.
6. It is the responsibility of the Tenant's sign company to verify all conduit and power supply locations and service access prior to fabrication.
7. Signage must be removed within 30 days of business vacancy; however the sign structure may remain (if applicable). Upon removing any sign, tenant shall, at its own expense, repair any damage created by such removal and shall place the area from which the sign was removed back to its original condition. All debris from removal shall be promptly removed from the site.
8. Maintenance or outages shall be addressed within (7) working days by tenant. Maintenance shall include, but not be limited to, burned out lights, broken sign faces or sign structures, peeling paint, and weathered or discolored sign faces or structures. (Ord. 06-12 § 8, 2006; Ord. 94-13, 1994; prior code § 19.04.174).

**SIGN DESIGN**

All signs shall be of professional graphic and construction quality. Lettering and graphical elements of signs shall be legibly designed and produced. Signs shall be designed with scale and proportion appropriate for the size of the site and buildings. Each sign shall also be compatible and in harmony with the architectural design elements of the structure to which it principally relates, and the surrounding environment. All signs shall comply with the requirements of the community

- 7. Finished metal surfaces shall be free from canning and warping. All paint and other finishes shall be free of dust, orange peel, drips, runs and shall have a uniform surface conforming to the highest industry standards.
- 8. In no case shall any manufacturer's or UL label be visible from the street or from normal viewing angles, except those required by local ordinance.
- 9. Exposed junction boxes, lamps, tubing or neon crossovers of any type are not permitted.

**GENERAL SIGN CONSTRUCTION REQUIREMENTS:**

The Tenant's sign contractor is responsible for the following:

- 1. Signs must be fabricated of durable appropriate weather resistant materials complementary to the original building materials.
- 2. Metals that are not similar, used in sign fabrication shall be separated with non-conductive gaskets to avoid electrolysis. Additionally, stainless steel fasteners shall be used to attach metals that are not similar.
- 3. All penetrations of the building structure required for sign installation shall be sealed in a watertight condition and shall be patched to match adjacent finish.
- 4. Colors, materials and finishes shall match those submitted to and approved by the Landlord.
- 5. All visible welds and seams shall be ground smooth and primed before painting.
- 6. Fasteners, rivets, screws or other attachment devices shall not be visible from any public vantage point.

**INSTALLATION:**

The Tenant's sign installer will provide the following:

- 1. Provide the Landlord with an original certificate of insurance naming the Landlord as an additional insured for liability coverage in an amount required by Landlord.
- 2. Obtain all required sign permits from the City of Buellton, California and deliver or email copies to the Landlord before installing the sign(s).
- 3. Keep a Landlord approved set of sign drawings on site when installing the sign(s).
- 4. Warrant the sign(s) against latent defects in materials and workmanship for a minimum of one (1) year.

**TEMPORARY SIGNS:**

1. Temporary business signs, including banners, may be displayed up to four times per calendar year for a cumulative total of sixty (60) days. All temporary business signs require approval of a no-fee zoning clearance (Section 19.08.100) in order to verify that the following criteria are met:
  - a. The temporary sign shall not exceed an area of thirty (30) square feet;
  - b. The temporary sign shall be affixed to a building;
  - c. The temporary sign shall not exceed the roof eave line of the building to which it is affixed, but in no case shall the temporary sign be higher than thirty (30) feet.
  - d. The temporary sign shall be made of durable material, shall be properly affixed to the building so that wind and other outside elements do not damage or cause the temporary sign to fall into disrepair, and shall be professionally constructed.

**Exceptions**

Temporary signs may also be displayed during the following times that do not count towards the time limitations of subsection

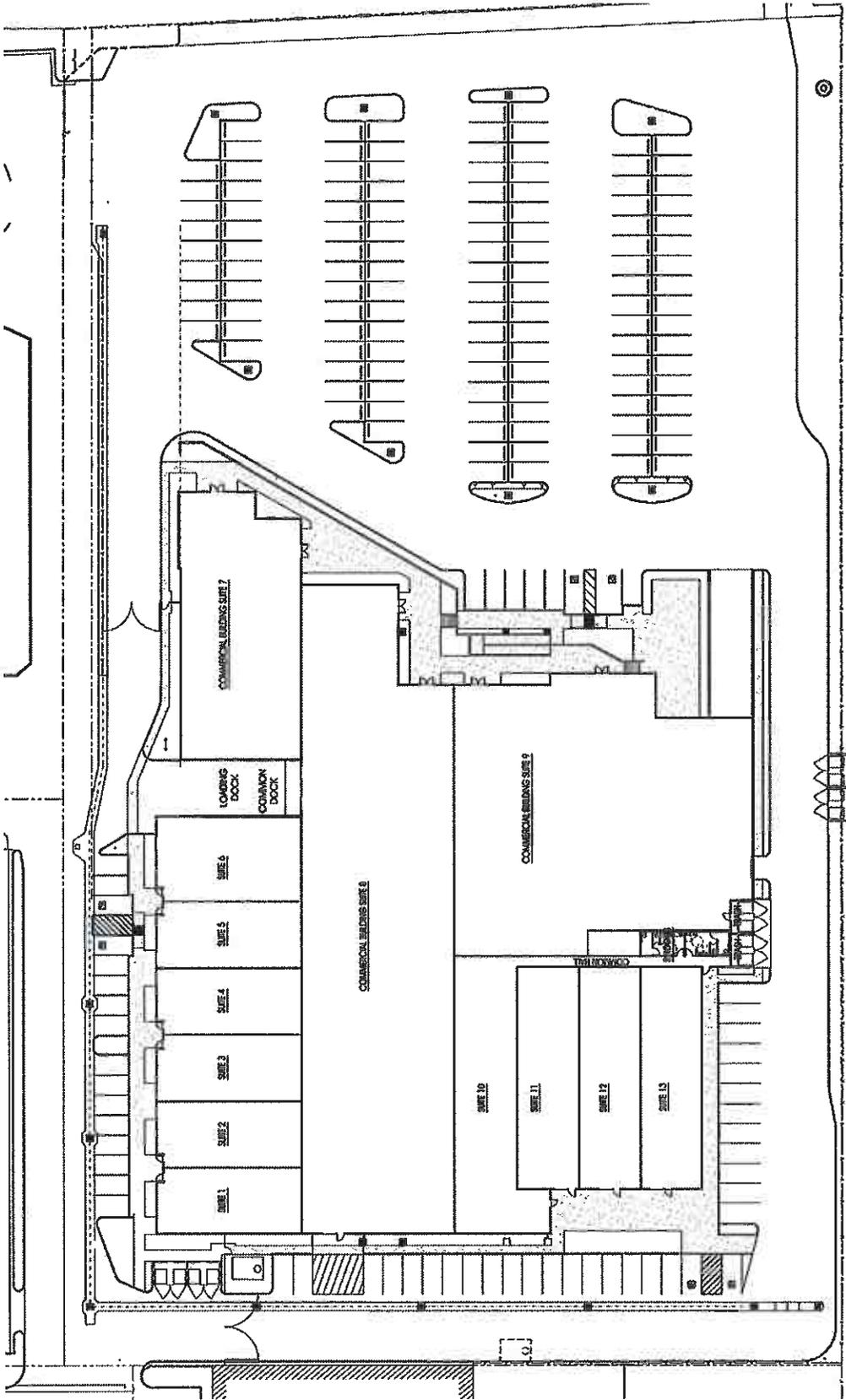
- (4)(a). These signs shall follow the temporary sign criteria of subsection (4)(a)(i) through (iv).
  - a. Temporary business signs may be in place for four days during any of the ten federal holidays, which include New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, and Christmas.
  - b. Temporary business signs for the grand opening of a business may be in place for a maximum of thirty (30) continuous days.
  - c. Other temporary signs to announce community or nonprofit events (such as car shows, wine festivals, fundraisers etc.) may be allowed up to four weeks prior to the event and must be removed within two days after the event.

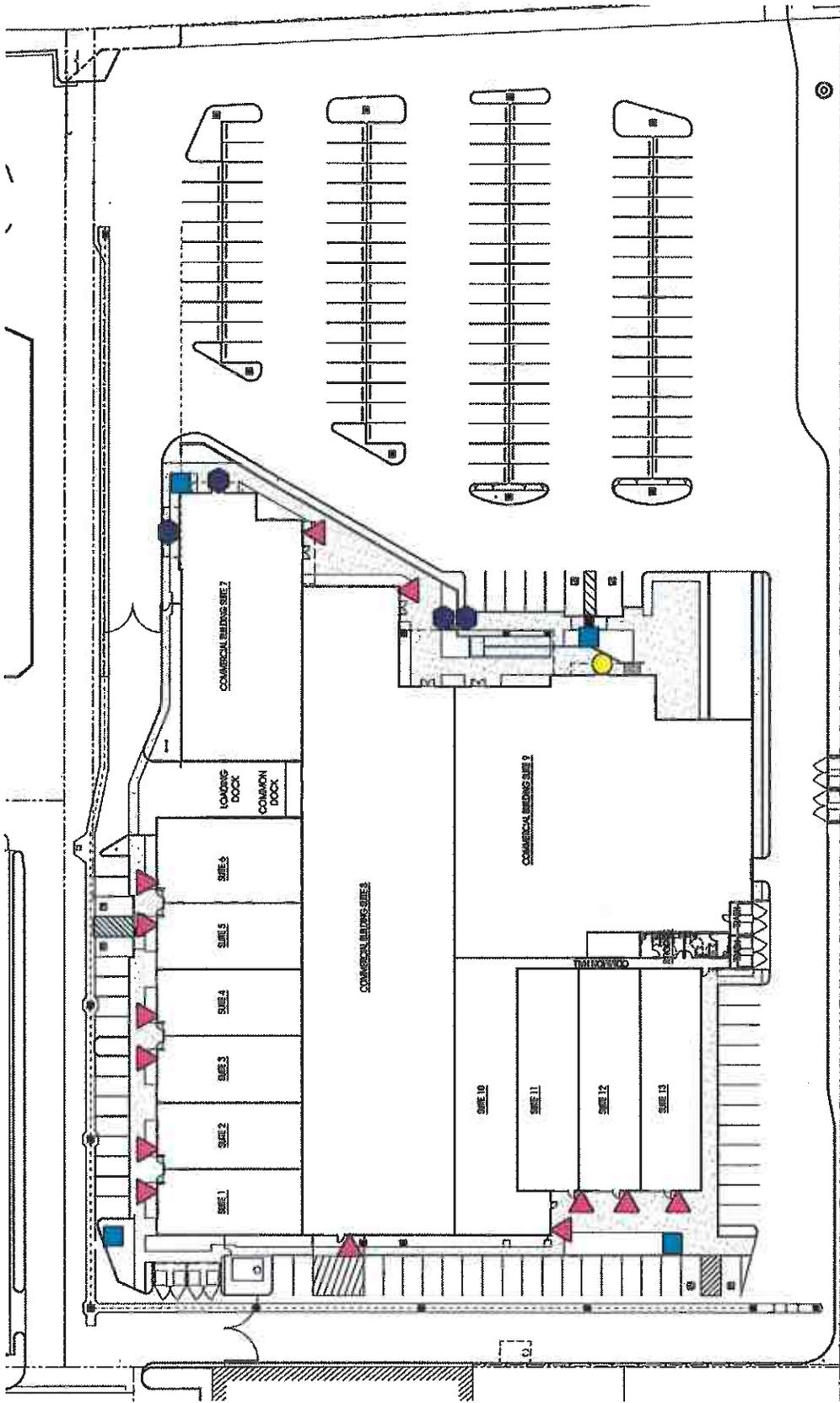
**PROHIBITED SIGNS**

1. Animated Signs. Signs that are moving, flashing, blinking, reflecting, glaring or revolving, except time and temperature signs.
2. Handbills/Flyers. Announcements or posters attached to utility poles, trees, fence posts, and other fixed structures, or placed on the windshields of parked cars.
3. Inflatable Signs. Blimps, balloons, inflatable representations of products, motion picture or television characters, and similar lighter-than-air or inflated advertising devices.
4. Obscene Signs. Signs that contain indecent or immoral language or graphics, as provided by Section 313 of the California Penal Code.
5. Sandwich Boards. Portable A-framed signs located in the public right-of-way are prohibited.
6. Political billboard signs.

**WINDOW DISPLAY GRAPHICS:**

Signs painted on or applied to business windows, facing a public street frontage. The aggregate area of such signage shall not exceed twenty-five (25) percent of the window surface area (e.g., gold leaf lettering).





	Building Directory Sign		Channel letter Sign (Tenant)
	Awning Sign (Tenant)		Blade Sign (Tenant)

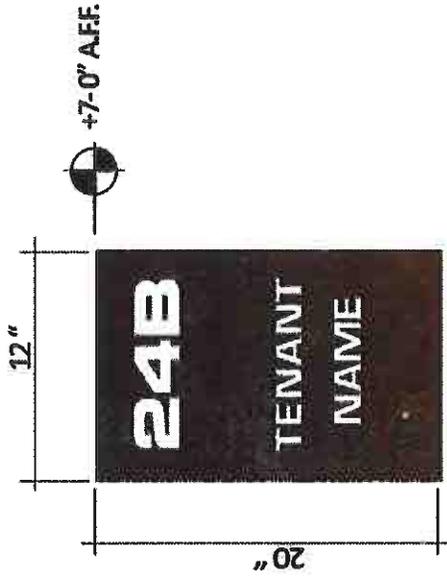
**PROJECT SIGN LIST**

10 ADDRESS ID SIGNS

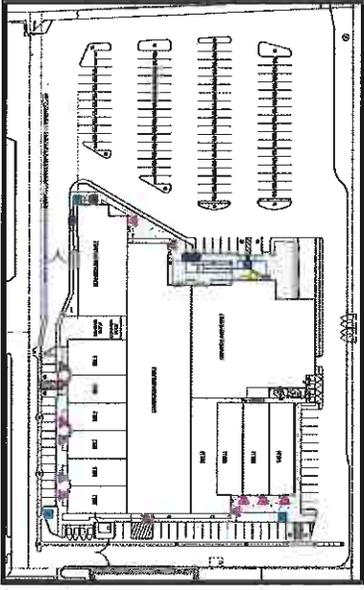
4 DIRECTORY SIGNS

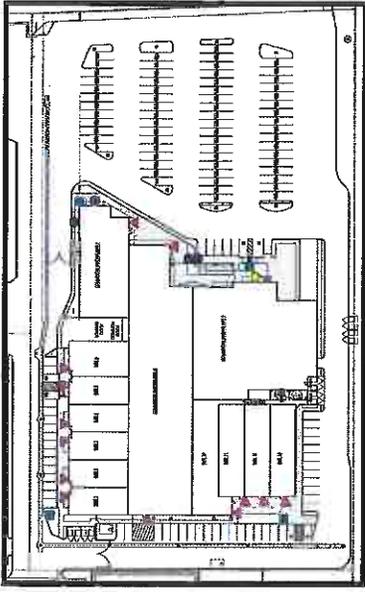
4 CHANNEL LETTER WALL SIGNS

1 AWNING CHANNEL LETTER SIGN

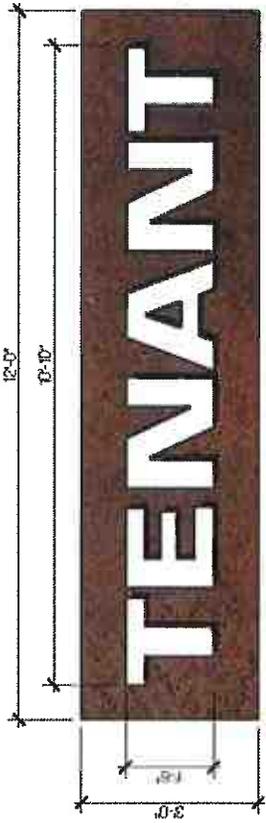


Example: Address ID, Corten



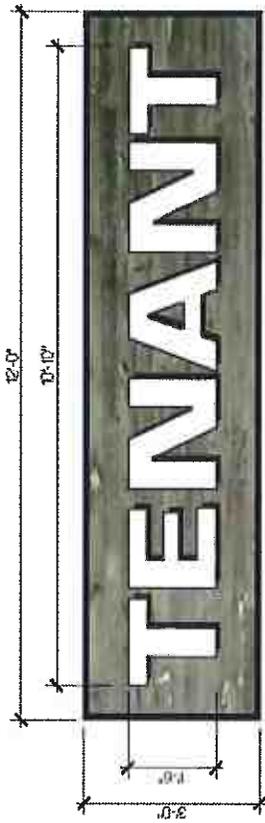


Example:  
Corten Steel



Or

Example:  
Reclaimed Lumber, Natural Grey



PARTIAL SOUTH ELEVATION — N.T.S.

SAMPLE CHANNEL LETTER WALL SIGN

**TENANT IDENTIFICATION BLADE SIGN - INDUSTRIAL/RETAIL:**

The intent of this criteria is to encourage creativity to ensure the individuality of each tenant sign as opposed to similar sign design, construction and colors repeated throughout the project. Signs must be architecturally compatible with the entire center. Individual tenant type styles shall be allowed. If no tenant type styles exist, the project type style "EUROSTILE Bold" shall be used. Tenant sign colors are tenants option with Landlord approval.

Example of Project Type Style - EUROSTILE - Bold - Extended

**ABCDEFGHIJKLMN OPQRSTUVWXYZ**

**abcdefghijklmnopqrstuvwxy 1234567890**

Content: Tenant business name and logo.

Sign Type: Blade sign fabricated from aluminum or reclaimed wood and steel.

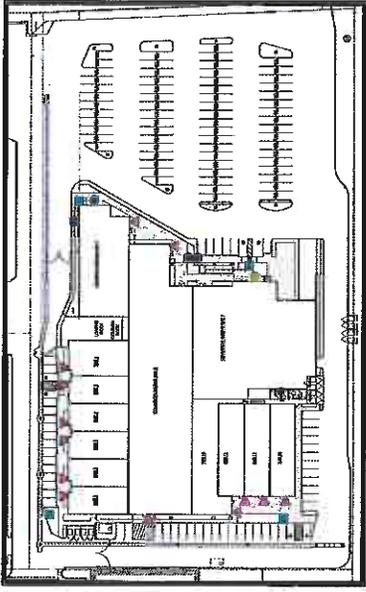
Size: Six square feet in area and located over business entrance.

Copy: Signs shall be designed with scale and proportion appropriate for the size of the letters and logo elements to be flat cutout or three dimensional, painted and mechanically fastened to sign.

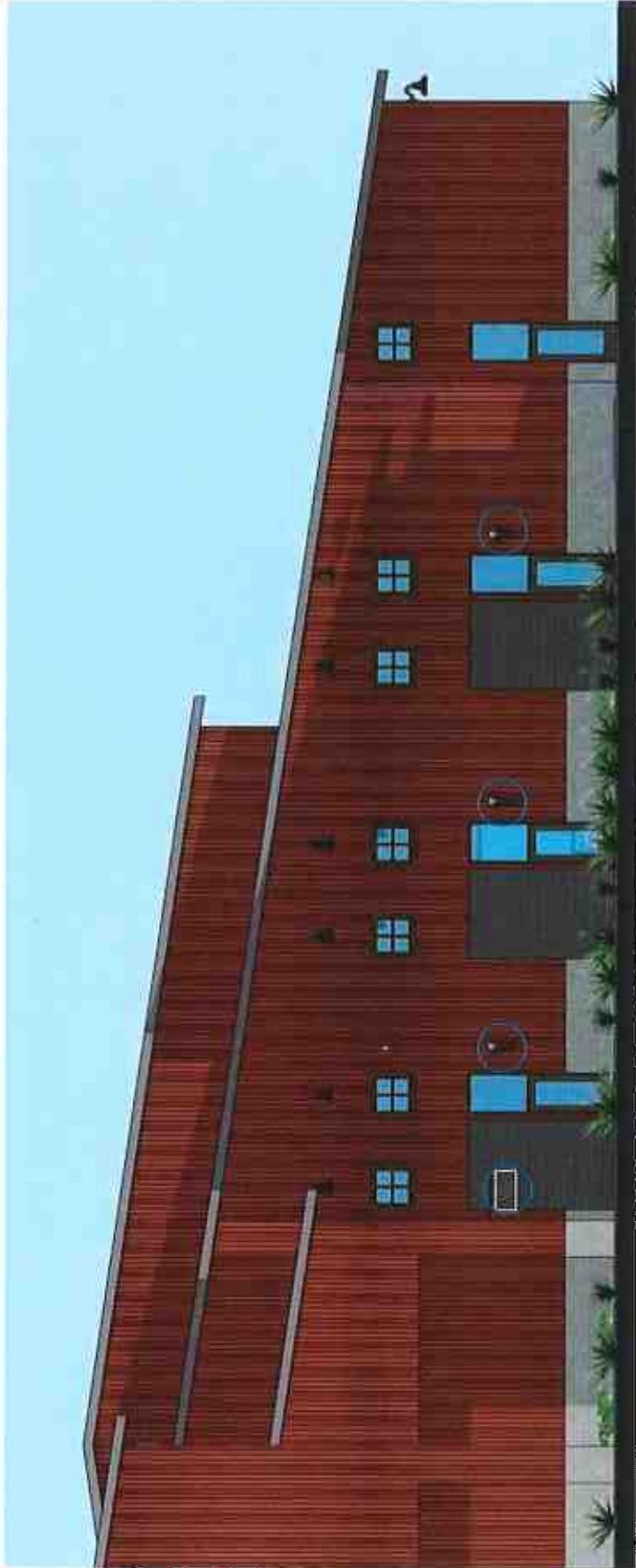
Colors: Signs may incorporate regionally and nationally recognized logo colors. Face color pending Landlord approval, unless trademarked or nationally recognized brand states otherwise.

Illumination: Down facing lights, LED

Installation: Blade sign will be mounted to the front fascia of the building and below the canopy.

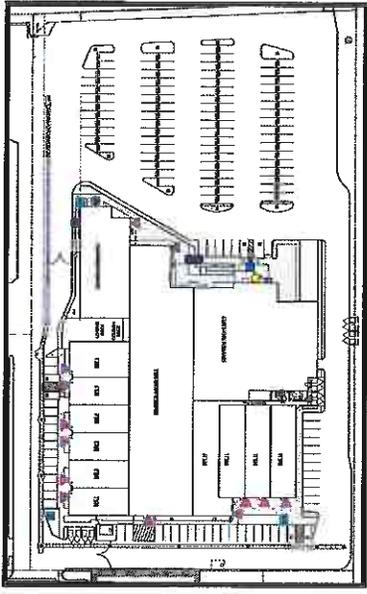


Example: BLADE/SUSPENDED SIGN

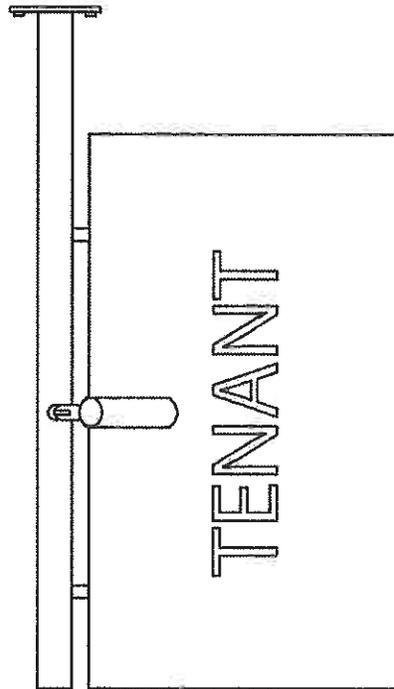
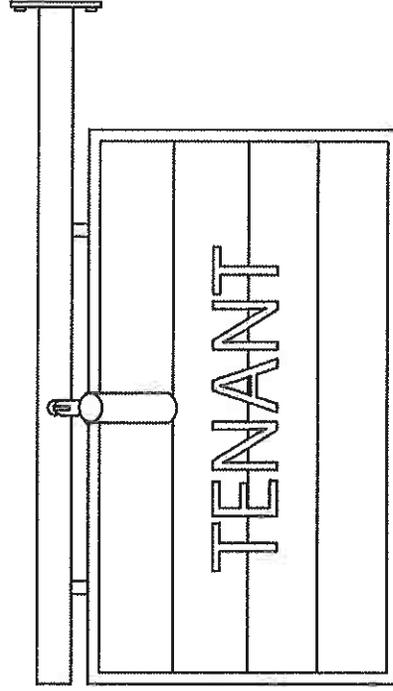
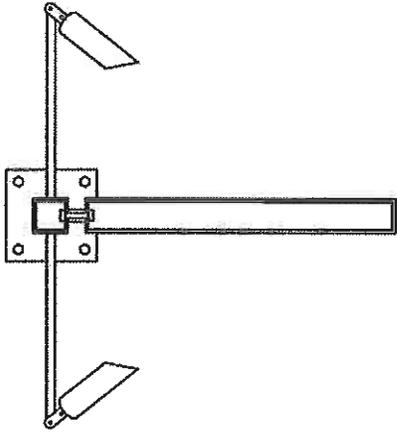


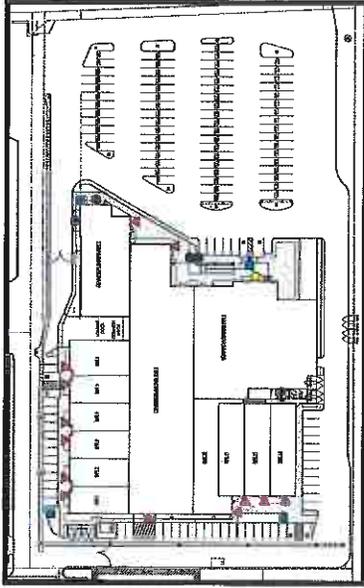
PARTIAL NORTH ELEVATION — N.T.S.

TENANT IDENTIFICATION BLADE SIGN - INDUSTRIAL/  
RETAIL



BLADE/SUSPENDED SIGN DETAIL





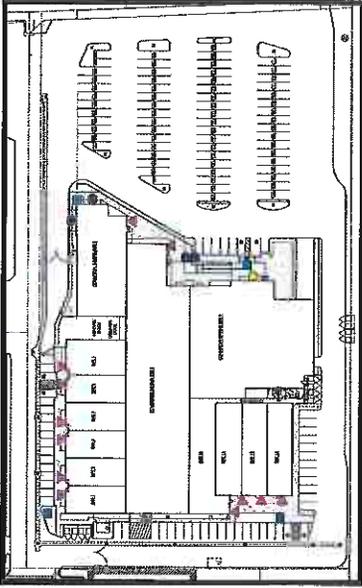
EXAMPLES: TENANT BUSINESS FRONT ILLUMINATED CHANNEL LETTERS MOUNTED TO CANOPY/RAIL



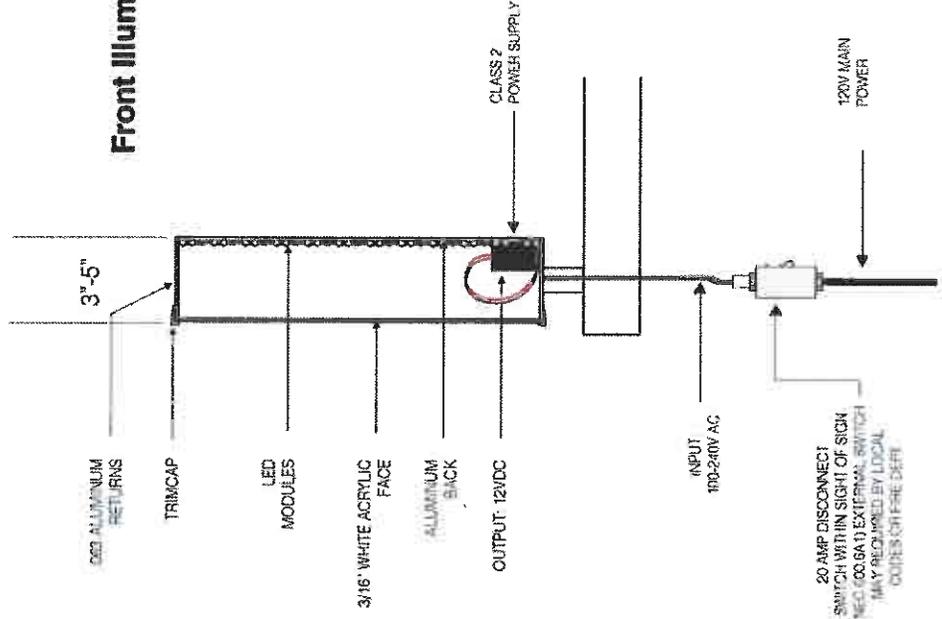
EXAMPLES: TENANT BUSINESS FRONT ILLUMINATED CHANNEL LETTERS WITH WOOD BACKER



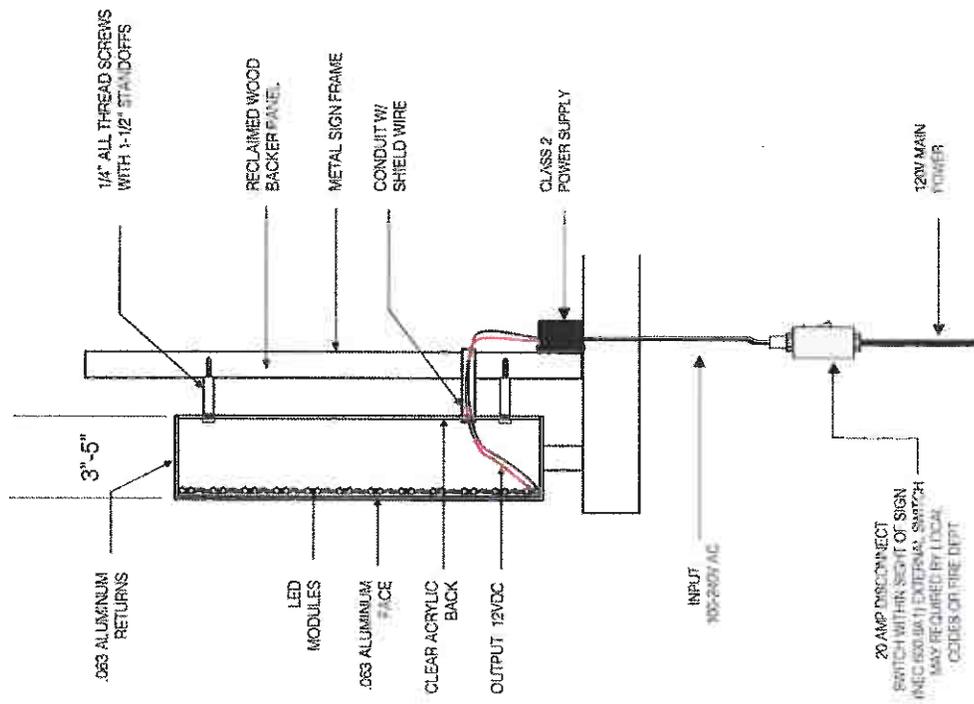
PARTIAL SOUTH ELEVATION — N.T.S.



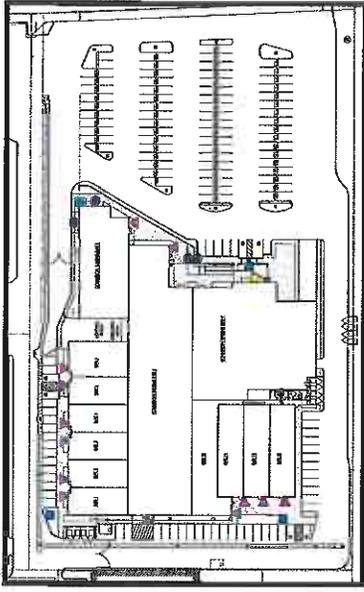
**Front Illuminated**



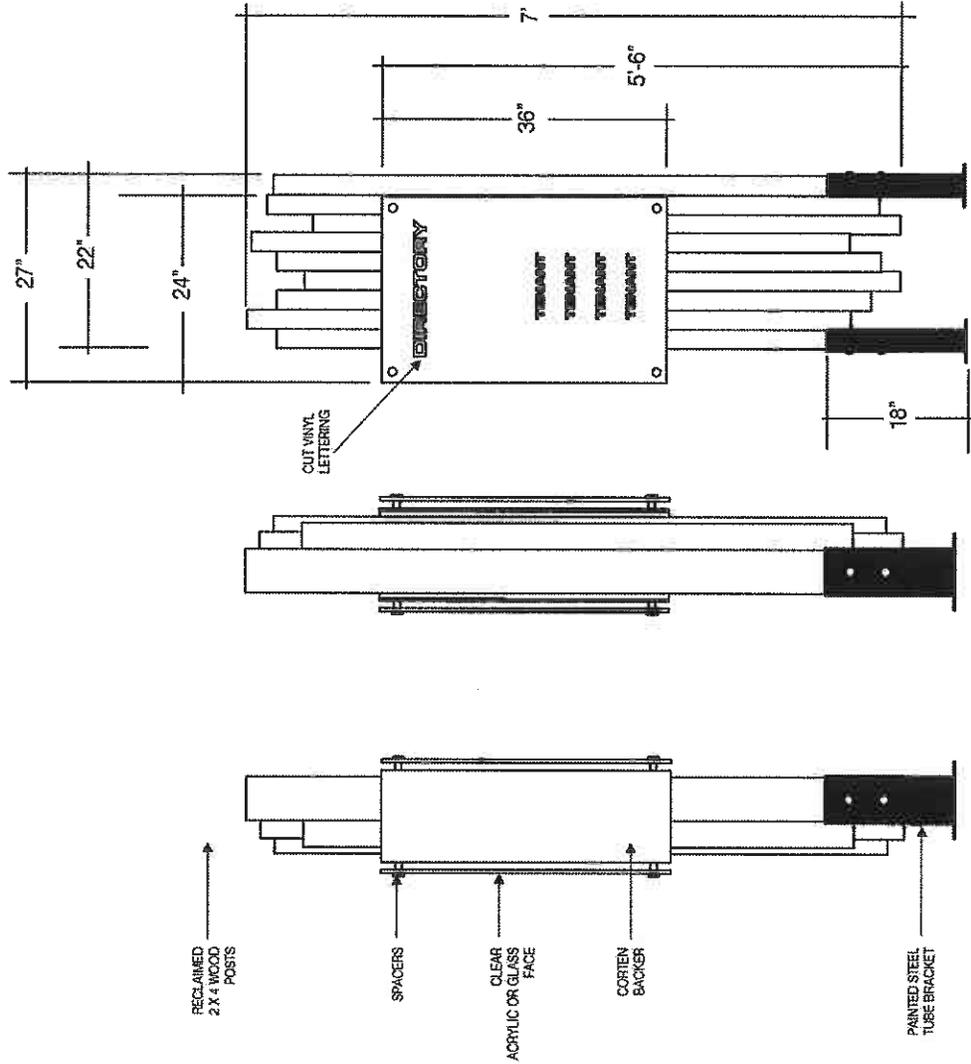
**Reverse Illuminated**



# Attachment 2



EXAMPLES: DIRECTORY SIGN



# SIGN MATERIALS



Reclaimed Wood



Corten



Acrylic Push Thru Letters



Gabion Cage



Aluminum Letters

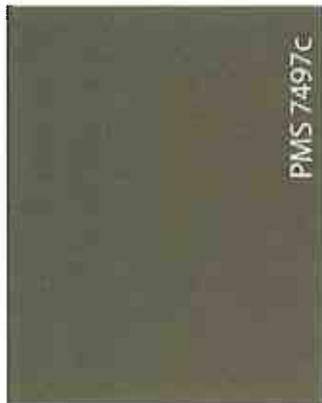
# FONT:

**EUROSTILE  
BOLD  
EXTENDED**

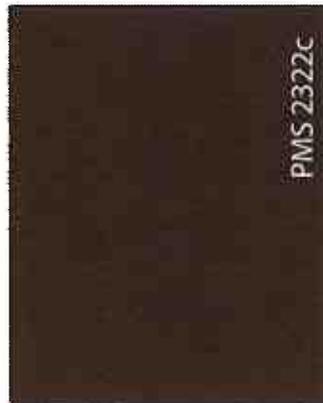
# COLORS



PMS 2316C



PMS 7497C



PMS 2322C



PMS Black



PMS 423C



PMS White



PMS 166C



PMS 5185C







Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: The Network (BUE 5)

Lead Agency: City of Buellton Contact Person: Andrea Keefer
Mailing Address: P.O. Box 1819 Phone: (805) 688-7474
City: Buellton Zip: 93427 County: Santa Barbara

Project Location: County: Santa Barbara City/Nearest Community: Buellton

Cross Streets: Industrial Way Zip Code: 93427

Longitude/Latitude (degrees, minutes and seconds): 34 ° 36 ' 36.4 " N / 120 ° 12 ' 12.3 " W Total Acres: 5.08

Assessor's Parcel No.: 099-690-045 and 099-690-046 Section: Twp.: Range: Base:

Within 2 Miles: State Hwy #: 246, 101 Waterways: Santa Ynez River, Zaca Creek

Airports: N/A Railways: N/A Schools: Oak Valley and Jonata

Document Type:

- CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ X ] Mit Neg Dec Other:

Local Action Type:

- [ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ X ] Site Plan [ ] Land Division (Subdivision, etc.) [ X ] Other: Dev't Plan

Development Type:

- [ ] Residential: Units Acres
[ ] Office: Sq.ft. Acres Employees
[ ] Commercial: Sq.ft. Acres Employees
[ X ] Industrial: Sq.ft. 66,822 Acres Employees 79
[ ] Educational:
[ ] Recreational:
[ ] Water Facilities: Type MGD
[ ] Transportation: Type
[ ] Mining: Mineral
[ ] Power: Type MW
[ ] Waste Treatment: Type MGD
[ ] Hazardous Waste: Type
[ ] Other:

Project Issues Discussed in Document:

- [ X ] Aesthetic/Visual [ ] Fiscal [ X ] Recreation/Parks [ ] Vegetation
[ X ] Agricultural Land [ X ] Flood Plain/Flooding [ ] Schools/Universities [ X ] Water Quality
[ X ] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [ X ] Water Supply/Groundwater
[ X ] Archeological/Historical [ X ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[ X ] Biological Resources [ X ] Minerals [ X ] Soil Erosion/Compaction/Grading [ ] Growth Inducement
[ ] Coastal Zone [ X ] Noise [ ] Solid Waste [ X ] Land Use
[ ] Drainage/Absorption [ X ] Population/Housing Balance [ X ] Toxic/Hazardous [ ] Cumulative Effects
[ ] Economic/Jobs [ X ] Public Services/Facilities [ X ] Traffic/Circulation [ X ] Other: Greenhouse Gas

Present Land Use/Zoning/General Plan Designation:

Industrial (M)

Project Description: (please use a separate page if necessary)

See attached sheet for project description.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

# Attachment 4

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

- |   |  |
|---|--|
| <input type="checkbox"/> Air Resources Board                            | <input type="checkbox"/> Office of Historic Preservation                     |
| <input type="checkbox"/> Boating & Waterways, Department of             | <input type="checkbox"/> Office of Public School Construction                |
| <input type="checkbox"/> California Emergency Management Agency         | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> California Highway Patrol                      | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input checked="" type="checkbox"/> Caltrans District # <u>5</u>        | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Caltrans Division of Aeronautics               | <input checked="" type="checkbox"/> Regional WQCB # <u>3</u>                 |
| <input type="checkbox"/> Caltrans Planning                              | <input type="checkbox"/> Resources Agency                                    |
| <input type="checkbox"/> Central Valley Flood Protection Board          | <input type="checkbox"/> Resources Recycling and Recovery, Department of     |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy             | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Coastal Commission                             | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board                           | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Conservation, Department of                    | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Corrections, Department of                     | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Delta Protection Commission                    | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Education, Department of                       | <input type="checkbox"/> SWRCB: Water Quality                                |
| <input type="checkbox"/> Energy Commission                              | <input type="checkbox"/> SWRCB: Water Rights                                 |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>5</u>       | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Food & Agriculture, Department of              | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> Forestry and Fire Protection, Department of    | <input type="checkbox"/> Water Resources, Department of                      |
| <input type="checkbox"/> General Services, Department of                | Other: _____   |
| <input type="checkbox"/> Health Services, Department of                 | Other: _____   |
| <input type="checkbox"/> Housing & Community Development                |  |
| <input checked="" type="checkbox"/> Native American Heritage Commission |  |

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### Local Public Review Period (to be filled in by lead agency)

Starting Date November 21, 2017 Ending Date December 21, 2017

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### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Gavin Moores, Mojo Development V, LLC</u>
Address: _____	Address: <u>10 East Yanonali Street, Suite 2B</u>
City/State/Zip: _____	City/State/Zip: <u>Santa Barbara, CA 93101</u>
Contact: _____	Phone: <u>(805) 692-4701</u>
Phone: _____	

-----

Signature of Lead Agency Representative:  Date: 11-21-17

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

## Attachment 4

### The Network Project Description (BUE 5)

The proposed project consists of a Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03) for a 65,306 square foot industrial building with 13 divided spaces ranging in size from 19,253 square feet to 1,947 square feet, and parking and landscaping in support of those facilities. It is expected that 3-4 employees will be required for the smaller suites and 10-12 employees for the larger suites. There will also be outdoor plaza and patio space on the south side of the building facing the parking lot, and a small plaza on the north west side of the building. There will be two loading dock areas; one on the east side of the building and the other on the south west corner of the building. The 5.08-acre property is located on an interior lot off of Industrial Way and includes two parcels (Assessor's Parcel Numbers 099-690-045 and 099-690-046). The property is currently vacant. An offsite retention basin for stormwater collection will be used via an easement agreement with the adjacent parcel to the west of the project site (APN 099-690-001).

The proposed structure will be located completely outside of the floodway boundary, with the exception of the southern parking lot, a portion of the loading area and patio. However, the structure is proposed to be located within the 100 year flood boundary, and is required to be built two feet above base flood elevation.

## Attachment 4



### **PUBLIC NOTICE OF AVAILABILITY OF ENVIRONMENTAL DOCUMENT DRAFT MITIGATED NEGATIVE DECLARATION CITY OF BUELLTON**

Notice is hereby given that a draft Mitigated Negative Declaration has been prepared for the below described project in accordance with the provisions of the California Environmental Quality Act of 1970, as set forth in the Public Resources Code, Sections 21000 et. seq., as amended. As a result of the project, no significant environmental impacts have been identified.

1. Environmental Document No: 17-MND-01
2. Applicant: Mojo Development V, LLC (property owner) Gavin Moores (agent)
3. Project Description:
  - A. Project Title: The Network (BUE 5) (16-FDP-07 and 17-LLA-03)
  - B. Assessor's Parcel Number: 099-690-045, 099-690-046 and 099-690-001
  - C. Location: south west terminus of Industrial Way
  - D. Project Description:

The proposed project consists of a Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03) for a 66,822 square foot industrial building with 13 divided spaces ranging in size from 19,253 square feet to 1,947 square feet, and parking and landscaping in support of those facilities. It is expected that 3-4 employees will be required for the smaller suites and 10-12 employees for the larger suites. There will also be outdoor plaza and patio space on the south side of the building facing the parking lot, and a small plaza on the north west side of the building. There will be two loading dock areas; one on the east side of the building and the other on the south west corner of the building. The 5.08-acre property is located on an interior lot off of Industrial Way and includes two parcels (Assessor's Parcel Numbers 099-690-045 and 099-690-046). The property is currently vacant. A proposed offsite retention basin for stormwater collection will be used via an easement agreement with the property owner of the adjacent parcel to the west of the project site (APN 099-690-001). The proposed structure will be located completely outside of the floodway boundary, with the exception of the southern parking lot, a portion of the loading area and patio. However, the structure is proposed to be located within the 100 year flood boundary, and is required to be built two feet above base flood elevation.

The draft Mitigated Negative Declaration and all referenced documents may be reviewed beginning on November 21, 2017 at the City of Buellton Planning Department, 107 W. Highway 246, Buellton, CA 93427, Phone No. (805) 688-7474, FAX No. (805) 686-1729; at the Buellton Public Library, 140 West Highway 246, Buellton, CA 93427; and on the City's website, [www.cityofbuellton.com](http://www.cityofbuellton.com). Written comments on the draft Mitigated Negative Declaration will be accepted during the period from **November 21, 2017 through December 21, 2017**. Please submit comments on or before 5:00 p.m. on December 21, 2017, the close of the written public comment period. The project is scheduled for a Planning Commission **public hearing on December 7, 2017**.

Marc P. Bierdzinski, Planning Director  
Newspaper Publish Date: November 16, 2017

*Draft*  
**Initial Study/Mitigated Negative Declaration  
for the  
The Network Project (BUE 5)  
17-MND-01**

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



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

November 17, 2017

Attachment 4

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**Appendices**

Appendix A – Project Vicinity Map

Appendix B – Project Plans (Attached as a Separate File)

Appendix C – Email From Crystal Huerta, Army Corps of Engineers, Dated July 5, 2017

## INTRODUCTION

### LEGAL AUTHORITY

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

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

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

### IMPACT ANALYSIS AND SIGNIFICANCE CLASSIFICATION

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

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

**INITIAL STUDY**

**PROJECT TITLE**

The Network (BUE 5) –APNs 099-690-045 and 099-690-046 and 099-690-001  
Final Development Plan (16-FDP-07), Lot Line Adjustment (17-LLA-03) and Mitigated  
Negative Declaration (17-MND-01)

**LEAD AGENCY and CONTACT PERSON**

City of Buellton Planning Department  
P.O. Box 1819  
Buellton, CA 93427  
*Contact:* Andrea Keefer, Assistant Planner  
(805) 688-7474

**PROJECT APPLICANT AND OWNER**

Applicant/Agent:  
Gavin Moores  
10 E Yanonali St. Suite 2B  
Santa Barbara, CA 93101

Owner:  
Mojo Development V, LLC  
10 E. Yanonali St. Suite 2B  
Santa Barbara, CA 93101

**PROJECT SITE CHARACTERISTICS**

**Location and Surrounding Land Uses:** The 5.08-acre property is located on an interior lot at the southern end of Industrial Way. The property consists of two parcels (Assessor’s Parcel Number 099-690-045 and 099-690-046). The property is currently vacant. Existing industrial and commercial uses in the M zone are located to the north and east of the site. The Santa Ynez River is located to the south and a vacant parcel is located to the west of the project site. The river flows generally from east to west, south of project site. A proposed offsite retention basin for stormwater collection will be used via an easement agreement with the adjacent parcel to the west of the project site (APN 099-690-001). See Appendix A for a map showing the project location.

**Existing General Plan Designation (Land Use Category) and Zoning:** The northern two-thirds of the site has a General Plan designation of Industrial, with a zoning designation of Industrial and Manufacturing (M). The southern third of the site has a General Plan designation of Open Space, Parks and Recreation, with a zoning designation of Open Space (OS).

## Attachment 4

### PROJECT DESCRIPTION

The proposed project consists of a Final Development Plan (16-FDP-07) and Lot Line Adjustment (17-LLA-03) for a 66,822 square foot industrial building with 13 divided spaces ranging in size from 19,253 square feet to 1,947 square feet, and parking and landscaping in support of those facilities. It is expected that 3-4 employees will be required for the smaller suites and 10-12 employees for the larger suites, resulting in approximately 76 employees overall. The proposed uses will be related to wine, beer and spirits distribution, and other light industrial and commercial uses allowed in the Industrial (M) zone. There will also be outdoor plaza and patio space on the south side of the building facing the parking lot, and a small plaza on the north west side of the building. There will be two loading dock areas; one on the east side of the building and the other on the south west corner of the building. The 5.08-acre property is located on an interior lot off of Industrial Way and includes two parcels (Assessor's Parcel Numbers 099-690-045 and 099-690-046). The property is currently vacant. A proposed offsite retention basin for stormwater collection will be used via an easement agreement with the adjacent parcel to the west of the project site (APN 099-690-001).

The project would require the following entitlements from the City:

- Final Development Plan (16-FDP-07)
- Lot Line Adjustment (17-LLA-03)

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

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

None.

### REFERENCES

This Initial Study was prepared using the following information sources:

- Application Materials;
- Field Reconnaissance;
- Buellton General Plan;
- Buellton Municipal Code;
- Buellton Zoning Ordinance;
- General Plan EIR;
- May 2017 Air Quality and Greenhouse Gas Analyses from Rincon Consultants;
- December 23, 2016 Soils Report. Geosolutions, Inc.
- Departmental and Public Agency Consultations

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- July 18, 2017 Traffic Impact Study. Associated Transportation Engineers. The full report can be found at <https://www.cityofbuellton.com/departments/planning.php> under the “environmental documents” link.
- April 28, 2017 Biological Resources Memo from Dudek.
- May 30, 2017 Biological Peer Review from Rincon Consultants.
- October 30, 2017 Dudek Response to Rincon Consultants Biological Peer Review.
- November 6, 2017 Rincon Follow-Up Peer Review.
- November 13, 2017 Dudek Response to Follow-Up Peer Review

The Air Quality and Greenhouse Gas analyses (May 8, 2017) in the Initial Study were prepared by Rincon Consultants, and were based on the following reference materials:

Associated Transportation Engineers. The Network Traffic and Circulation Study. April 2017.

California Air Resources Board. 2005. Air Quality and Land Use Handbook: A Community Health Perspective. Accessed on April 11, 2017.  
<https://www.arb.ca.gov/ch/handbook.pdf>

County of Santa Barbara Planning and Development. Environmental Thresholds and Guidelines Manual. Revised July 2015.  
[http://www.sbcountyplanning.org/permitting/ldpp/auth\\_reg/documents/Environmental%20Thresholds%20October%202008%20\(Amended%20July%202015\).pdf](http://www.sbcountyplanning.org/permitting/ldpp/auth_reg/documents/Environmental%20Thresholds%20October%202008%20(Amended%20July%202015).pdf)

Santa Barbara County Air Pollution Control District (SBCAPCD). *Clean Air Plan*. March 2015.  
<https://www.ourair.org/wp-content/uploads/Final2013CleanAirPlan.pdf>

SBCAPCD. *Environmental Review Guidelines*. April 2015a. <https://www.ourair.org/wp-content/uploads/APCDCEQAGuidelinesApr2015.pdf>

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SBCAPCD. Meeting Air Quality Standards. Accessed April 11, 2017.  
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U.S. Climate Data. 2016. Climate Santa Ynez – California. Accessed April 11, 2017.  
<http://www.usclimatedata.com/climate/santa-ynez/california/united-states/usca1526>

Association of Environmental Professionals. *Beyond 2020: The Challenges of Greenhouse Gas Reduction Planning by Local Governments in California*. 2015. Available at:  
[https://www.califaep.org/images/climate-change/AEP\\_White\\_Paper\\_Beyond\\_2020.pdf](https://www.califaep.org/images/climate-change/AEP_White_Paper_Beyond_2020.pdf)

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California Air Pollution Control Officers Association (CAPCOA). Quantifying Greenhouse Gas Mitigation Measures. August 2010.

California Air Resources Board. Frequently Asked Questions About Executive Order B-30-15. 2015. Available at:  
[http://www.arb.ca.gov/newsrel/2030\\_carbon\\_target\\_adaptation\\_faq.pdf](http://www.arb.ca.gov/newsrel/2030_carbon_target_adaptation_faq.pdf)

CAPCOA. CEQA & Climate Change. January 2008.

CAPCOA. CalEEMod User's Guide. September 2016.

California Air Resources Board. October 2011. Greenhouse Gas Inventory Data – 2000 to 2009. Available: <http://www.arb.ca.gov/cc/inventory/data/data.htm>

California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1, January 2009.

California Environmental Protection Agency (CalEPA). Climate Action Team Biennial Report. Final Report. April 2010.

California Environmental Protection Agency (CalEPA), March 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature.  
[http://www.climatechange.ca.gov/climate\\_action\\_team/reports/2006-04-03\\_FINAL\\_CAT\\_REPORT\\_EXECSUMMARY.PDF](http://www.climatechange.ca.gov/climate_action_team/reports/2006-04-03_FINAL_CAT_REPORT_EXECSUMMARY.PDF)

County of Santa Barbara Planning and Development. Environmental Thresholds and Guidelines Manual. July 2015. <http://www.sbcapcd.org/cap/2013cap20130611.pdf>

Intergovernmental Panel on Climate Change [IPCC]. Revised 2006 IPCC Guidelines for National Greenhouse Gas Inventories. Revised sections as of 2015. [Penman, J.; Gytarsky, M.; Hiraishi, T.; Irving, W.; Krug, T.]. Paris: OECD, 2006.

Intergovernmental Panel on Climate Change [IPCC], 2007: Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

Intergovernmental Panel on Climate Change [IPCC], 2013: Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S. K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

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San Luis Obispo Air Pollution Control District. Greenhouse Gas Thresholds and Supporting Evidence. March 28, 2012. <http://www.slocleanair.org/images/cms/upload/files/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf>

Santa Barbara County Air Pollution Control District. Environmental Review Guidelines. Revised April 30, 2015. <https://www.ourair.org/wp-content/uploads/APCDCEQAGuidelinesApr2015.pdf>

Santa Barbara, County of. County of Santa Barbara Energy and Climate Action Plan. May 2015. [http://longrange.sbcountyplanning.org/programs/climateactionstrategy/docs/BOS051915/Attachment%20B\\_ECAP.pdf](http://longrange.sbcountyplanning.org/programs/climateactionstrategy/docs/BOS051915/Attachment%20B_ECAP.pdf)

The Biological Resources analysis in the Initial Study was prepared by Dudek (April 2017), with a peer review provided by Rincon Consultants (May 30, 2017), and was based on the following reference materials:

- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken, editors. 2012. *The Jepson Manual: Vascular Plants of California, second edition*. University of California Press, Berkeley, CA.
- California Department of Fish and Wildlife. 2016a. California Natural Diversity Database (CNDDDB), Rarefind 5 (online). Commercial Version.
- California Department of Fish and Wildlife. 2016b. *Biogeographic Information and Observation System (BIOS)*. Available at: <http://bios.dfg.ca.gov>
- California Native Plant Society. 2016. Inventory of Rare and Endangered Plants. Online Edition, v8-02. Available at [www.rareplants.cnps.org](http://www.rareplants.cnps.org).
- Google Earth. 2016. Available at: <http://earth.google.com/>
- Holland, Robert F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Wildlife, Nongame Heritage Program. 156 pgs.
- Sawyer, J. O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society, Sacramento, California.

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- United States Department of Agricultural, Natural Resources Conservation Service. 2016. *Web Soil Survey*. Soil Data version 8. Accessed November 8, 2016. Available at: <http://websoilsurvey.nrcs.usda.gov/app/>.
- United States Fish and Wildlife Service. 1973. The Endangered Species Act of 1973, as amended (16 U.S.C 1531 et seq.).
- United States Fish and Wildlife Service. 2002. *Recovery plan for the California red-legged frog (Rana aurora draytonii)*. US Fish and Wildlife Service, Portland, OR.
- United States Fish and Wildlife Service. 2005. *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog*.
- United States Fish and Wildlife Service. 2010. California Tiger Salamander Habitat Map.
- United States Fish and Wildlife Service. 2015a. Critical Habitat Portal. Available at: <http://criticalhabitat.fws.gov>
- United States Fish and Wildlife Service. 2015b. Information, Planning, and Conservation System. Available at: <http://ecos.fws.gov/ipac/>

## Attachment 4

### ENVIRONMENTAL DETERMINATION

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

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

On the basis of this initial evaluation:

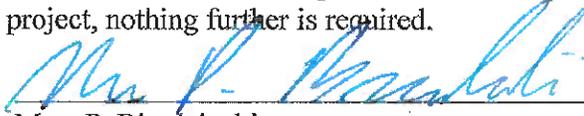
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

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

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

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

  
 Marc P. Bierdzinski  
 Environmental Officer  
 City of Buellton

11-21-17  
 Date

## EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

d. Light and Glare: The project site currently has no street lighting or nighttime activity that is lighted. Current lighting sources surrounding the project site include sporadic lighting from adjacent industrial uses. As part of the proposed project, outdoor lighting is proposed in the parking lot at the southern portion of the property. The project includes a photometric lighting plan, which shows onsite fixtures and the intensity of lighting at the site boundaries. Implementation of the proposed project would result in additional lighting that could be visible from the nearby industrial/commercial uses, Highway 101 and other local roadways. Lighting may also be visible from the riverbed, however, the project would be required to adhere to Zoning Ordinance requirements for Dark Sky Compliant lighting. The project would include downward directed, wall-mounted light fixtures on building faces, and downward facing string lights that are hung from poles in the parking lot area to the south. All specified lighting is indicated to be energy efficient. Lighting intensity at all property lines would not exceed 0.2 foot-candles, which is within City requirements, and would not adversely affect the existing adjacent industrial/commercial buildings. Impacts would be less than significant.

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

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ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE RESOURCES</b> - Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to nonagricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (per Public Resources Code § 12220(g), timberland (Public Resources Code § 4526, or timberland zoned Timberland Production (per Govt Code §51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

- a. through e. **Farmland, Forest Land, Timberland:** The site is an urban infill site and is not designated as farmland in the City's General Plan, or Zoning Ordinance. The City is not near any designated forest lands. The property is not subject to a Williamson Act contract.

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

ISSUES:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>III. AIR QUALITY</b> - Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	

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ISSUES:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>III. <u>AIR QUALITY</u> - Would the project:</b>				
e) Create objectionable odors affecting a substantial number of people?			X	

The air quality section has been prepared by Rincon Consultants on contract to the City of Buellton. All data used in the creation of this section is on file at the Buellton Planning Department and is hereby incorporated by reference into this Initial Study. Table numbers, figure numbers and appendix numbers shown in this section are in correspondence to the original Air Quality Report prepared by Rincon Consultants.

### Setting

The federal and state Clean Air Acts (42 United States Code §7401 *et seq.* and the California Health and Safety Code §40910, *et seq.*) empower federal and state governments to regulate emissions of airborne pollutants and have established ambient air quality standards for the protection of public health. The U.S. Environmental Protection Agency (EPA) is the federal agency designated to administer federal air quality regulation, while the California Air Resources Board (ARB) is the state equivalent and operates under the auspices of the California Environmental Protection Agency (CalEPA). Local control in air quality management is provided by the ARB through county-level or regional (multi-county) air pollution control districts. The ARB establishes statewide air quality standards and is responsible for enforcing standards and regulating stationary sources. The ARB has established 15 air basins statewide.

The City of Buellton is located within the South Central Coast Air Basin (SCCAB), which includes all of San Luis Obispo, Santa Barbara, and Ventura counties and is within the jurisdiction of the Santa Barbara County Air Pollution Control District (SBCAPCD). The climate of SCAAB is strongly influenced by its proximity to the Pacific Ocean and the location of the semi-permanent high-pressure cell in the northeastern Pacific. With a Mediterranean-type climate, the area is characterized by warm, dry summers and cool winters with occasional rainy periods. Annual precipitation averaged 22 inches per year between 1981 and 2010, with most rainfall between November and March. Average monthly temperatures range from a high of 92 degrees Fahrenheit (°F) in August to a low of 38°F in December (U.S. Climate Data, 2016).

Federal and state standards have been established for seven criteria pollutants, including ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter less than 10 and 2.5 microns in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb). California air quality standards are identical to or stricter than federal standards for all criteria pollutants.

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The SBCAPCD monitors air pollutant levels and develops strategies to ensure that air quality standards are met. Depending on whether or not the standards are met or exceeded, Santa Barbara County is classified as being in “attainment” or as “non-attainment.” Santa Barbara County is in non-attainment for the state eight-hour and one-hour ozone standards and the state standard for PM<sub>10</sub> (SBCAPCD, 2015). The County is unclassified (meaning there is insufficient data to designate the area or designations have yet to be made) for the state PM<sub>2.5</sub> standard. The County is in attainment for all other standards.

Appendix G of the CEQA Guidelines indicates that where available, the significance criteria established by the applicable air quality management district or APCD may be relied upon to determine whether the project would have a significant impact on air quality. As described in the SBCAPCD *Scope and Content of Air Quality Sections in Environmental Documents* (April 2015b), a project will not have a significant air quality effect on the environment if operation of the project will:

- *Emit (from all project sources, both stationary and mobile) less than the daily trigger for offsets or Air Quality Impact Analysis set in the APCD New Source Review Rule<sup>1</sup>, for any pollutant (i.e., 240 pounds/day for ROC or NO<sub>x</sub>; and 80 lbs/day for PM<sub>10</sub>. There is no daily operational threshold for CO; it is an attainment pollutant<sup>2</sup>); and*
- *Emit less than 25 lbs/day of NO<sub>x</sub> or ROC from motor vehicle trips only; and*
- *Not cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone); and*
- *Not exceed the APCD health risk public notification thresholds adopted by the APCD Board (10 excess cancer cases in a million for cancer risk and a Hazard Index of more than one (1.0) for non-cancer risk; and*
- *Be consistent with the latest adopted federal and state air quality plans for Santa Barbara County.*

The SBCAPCD has not adopted quantitative thresholds of significance for construction emissions since such emissions are temporary. However, according to the SBCAPCD’s *Scope and Content of Air Quality Sections in Environmental Documents* (April 2015b), construction-related NO<sub>x</sub>, reactive organic compounds (ROC), PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from diesel and gasoline powered equipment, paving, and other activities, should be quantified. SBCAPCD uses 25 tons per year for all pollutants except CO as a guideline for determining the significance of construction impacts. In addition, standard dust control measures must be implemented for any discretionary project involving earth-moving activities, regardless of size or duration. According to the SBCAPCD, proper implementation of these required measures reduces fugitive dust emissions to a level that is less than significant (SBCAPCD, April 2015b). Therefore, all construction activity would be required to incorporate the SBCAPCD requirements pertaining to minimizing construction-related emissions.

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<sup>1</sup> The APCD New Source Review Rule as it existed at the time the APCD Environmental Review Guidelines were adopted (in October, 1995).

<sup>2</sup> Due to the relatively low background ambient CO levels in Santa Barbara County, localized CO impacts associated with congested intersections are not expected to exceed the CO health-related air quality standards. Therefore, CO “Hotspot” analyses are not required.

### Impact Analysis

a) The California Clean Air Act requires that air districts create a Clean Air Plan (CAP) that describes how the jurisdiction will meet air quality standards. These plans must be updated every three years. The most recent SBCAPCD CAP, the 2013 CAP, was adopted in 2015.

In order to be consistent with the CAP, all projects involving earthmoving activities must implement SBCAPCD's standard dust control measures (SBCAPCD, April 2015b). By definition, consistency with the CAP means that direct and indirect emissions associated with the project are accounted for in the CAP's emissions growth assumptions and the project is consistent with policies adopted in the CAP (SBCAPCD, April 2015a). The CAP relies primarily on the land use and population projections provided by the Santa Barbara County Association of Governments (SBCAG) and the ARB on-road emissions forecast as a basis for vehicle emission forecasting. The 2013 CAP utilized SBCAG's Regional Growth Forecast 2010-2040, adopted December 2012, to project population growth and associated air pollutant emissions for all of the Santa Barbara County incorporated and unincorporated areas.

According to SBCAPCD's *Scope and Content of Air Quality Sections in Environmental Documents* (April 2015b), commercial and industrial project would be consistent with the CAP if they are consistent with APCD rules and regulations. The project site is zoned industrial and open space. The project would include 13 commercial and industrial tenants related to wine, beer, and spirits distribution. The project would not involve any land zoning changes or development in Buellton that would result in a significant increase to population. The project would be consistent with the growth forecasts contained in the 2013 Clean Air Plan. Furthermore, the proposed facility would be used for alcohol distribution. Alcohol production, including fermentation or distillation, is not currently proposed by the project, nor is the use of stationary equipment. If individual tenants proposed the alcohol production or the use of stationary equipment, impacts would be reviewed as part of the Tenant Improvements application and the tenant would be required to obtain an Authority to Construct Permit and a Permit to Operate per SBCAPCD Rule 809, or an exemption (Exemption Request Form APCD 38B, 38D, or 50). Therefore, the project would be consistent with APCD rules and regulations and impacts would be *less than significant*.

b, c) Air pollutant emissions associated with the project were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.1. To provide a conservative calculation of air pollutant emissions, modeling takes into account compliance with SBCAPCD Rule 329 (Cutback and Emulsified Asphalt Paving Materials), which restricts the percent by volume of ROCs in asphalt material, Rule 323.1 (Architectural Coatings), which restricts percent by volume of ROCs in architectural coatings, or Rule 345, which regulates fugitive dust for any activity associated with construction.

Construction Emissions. Construction of the project would generate temporary air pollutant emissions associated with fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>), exhaust emissions from heavy construction vehicles, and ROC that would be released during the drying phase after

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application of architectural coatings. These emissions would be reduced through implementation of the required SBCAPCD dust and emissions control measures.

Construction would generally consist of site preparation, construction of the building, grading, as well as paving and architectural coating. Architectural coatings were assumed to be applied to the interiors and exteriors of all proposed buildings, as well as the parking lot. The project would also provide improvements to the retention basin west of the project site by adding vegetative bio-swales within the project site.

Project construction was assumed to begin in January 2018 and to conclude at the end of December 2018, based on an applicant-provided construction schedule of 12 months. Based on grading plans, the project would disturb 5.08 acres and require a net import of 9,900 cubic yards (cy). The CalEEMod results are available in Appendix A. Table AQ-1 summarizes the estimated maximum daily construction emissions of ROC, NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub>. Table AQ-2 summarizes these emissions relative to the SBCAPCD recommended significance thresholds in tons per year.

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

Year	ROC	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>2018</b>	113.9	48.3	23	10.8	6.9

*Notes: All calculations were made using CalEEMod. See Appendix A for calculations. Site Preparation, Grading, Paving, Building Construction and Architectural Coating totals include worker trips, construction vehicle emissions and fugitive dust.*

**Table AQ-2  
Estimated Construction Maximum Daily Air Pollutant Emissions (tons/year)**

Year	ROC	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>2018</b>	1.5	3.9	2.7	0.4	0.3
<b>Threshold</b>	25	25	None	25	25
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>n/a</b>	<b>No</b>	<b>No</b>

*Notes: See Appendix A for calculations. Site Preparation, Grading, Paving, Building Construction and Architectural Coating totals include worker trips, construction vehicle emissions and fugitive dust.*

As shown in Table AQ-2, construction emissions would not exceed the recommended thresholds for any criteria pollutant. Nonetheless, the SBCAPCD requires implementation of dust control measures for all projects involving earthmoving activities. With implementation of standard dust control measures, temporary construction emissions would be further reduced. SBCAPCD Rule 345 regulates fugitive dust for any activity associated with construction or demolition of structures. The proposed project would be required to comply with Rule 345, as described below, which would ensure that construction emissions would be *less than significant*.

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- *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.*
- *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:*
  - *Use properly secured tarps or cargo covering that covers the entire surface area of the load or use a container-type enclosure.*
  - *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.*
  - *Water or otherwise treat the bulk material to minimize loss of material to wind or spillage.*
  - *Other effective dust prevention control measures approved in writing by the Control Officer.*
- *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:*
  - *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*
  - *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 PM<sub>10</sub>-Efficient Street Sweeper shall be used. The use of blowers for removal of track-out/carry-out is prohibited.*

On-Site Operational Emissions. The majority of project-related operational emissions would be due to vehicle trips to and from the site. Potential operational emissions were estimated using CalEEMod and are based on trip generation rates from the Traffic and Circulation Study prepared for the project by Associated Transportation Engineers (April 2017). Table AQ-3 summarizes the projected emissions associated with operation of the proposed project. This includes emissions generated by vehicles traveling to and from the site, as well as emissions due to energy use (electricity), and long-term, low-level architectural coating emissions as the proposed structures are repainted over the life of the project (area sources). The project would increase job density on the project site, reducing vehicle trips and vehicle miles traveled (VMT) from local residents leaving the city to access employment elsewhere; this reduction in VMT as a result of land use density was taken into account in the emission modeling for the project. As shown in Table AQ-3, operational emissions from the project would be below applicable SBCAPCD thresholds for ROC, NO<sub>x</sub>, and PM<sub>10</sub>. The project's long-term regional air quality impacts would be *less than significant*.

**Table AQ-3  
Project Operational Emissions (lbs/day)**

<b>Emission Source</b>	<b>ROC</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Mobile	1.0	3.0	8.8	1.2	0.4
Energy (Natural Gas and electricity)	<0.1	0.2	0.2	<0.1	<0.1
Area (Consumer Products and Architectural Coating)	2.7	<0.1	<0.1	<0.1	<0.1
<b>Total Mobile + Area Emissions</b>	<b>3.7</b>	<b>3.2</b>	<b>9.0</b>	<b>1.2</b>	<b>0.4</b>
<i>Threshold: Total Emissions (Mobile and Area Sources)</i>	240	240	None	80	None
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>n/a</b>	<b>No</b>	<b>n/a</b>
<i>Threshold: Total Emissions (Mobile Sources Only)</i>	25	25	None	None	None
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>n/a</b>	<b>No</b>	<b>n/a</b>

Source: See Appendix A for CalEEMod output.

d) Certain population groups are considered more sensitive to air pollution than others. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardio-respiratory diseases. Residential uses are also considered sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Sensitive receptors near the project site include Rancho Club Estates, a mobile home community approximately 810 feet north of the project and Rancho de Maria, a residential community approximately 1,250 feet east of the project. Project construction and operation would not expose sensitive receptors to substantial pollutant emissions, since the project's construction and operational emissions are below recommended thresholds. The project would include wine, beer, and spirits distribution. In *Air Quality and Land Use Handbook: A Community Health Perspective*, ARB recommends against siting distribution centers that accommodate more than 100 trucks per day within 1,000 feet of sensitive receptors due to the health risk effects of diesel exhaust emissions, a toxic air contaminant (2005). The ITE Trip Generation Handbook provides truck trip generation information for Industrial Park land-uses, and estimates that an average 13 percent of weekday traffic volumes to industrial uses would be truck trips. Therefore, 13 percent, or on average 67 of the project's 518 daily trips would be truck trips. Because the project would not accommodate

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more than 100 trucks per day within 1,000 feet of sensitive receptors, it would not expose sensitive receptors to substantial pollutant concentrations. Furthermore, due to the relatively low background ambient CO levels in Santa Barbara County, localized CO emissions associated with congested intersections would not exceed the CO health-related air quality standards.

While potential users of the industrial space may require stationary equipment, no stationary source equipment is proposed at this time. If individual tenants proposed the use of stationary sources, associated emissions would be reviewed as part of the Tenant Improvements application and equipment would be required to obtain an Authority to Construct Permit and a Permit to Operate per SBCAPCD Rule 809. As part of the application process the tenant would need to submit an Air Quality Impact Analysis (AQIA) report that demonstrates to the satisfaction of the SBCAPCD that stationary source emissions would not exceed SBCAPCD's Rule 202.D.16 offset thresholds, or cause a violation of or interfere with the attainment of any national or state ambient air quality standard, which are designed to be protective of public health. Furthermore, the associated health risks of any proposed stationary equipment would be evaluated by SBCAPCD pursuant to the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Assembly Bill 2588). If emissions result in health risk exceedances for workers, or on-site and off-site residences, mitigation to reduce health risks to below APCD thresholds would be required prior to permit issuance. Therefore, impacts to sensitive receptors would be *less than significant*.

e) The uses proposed for the project would not result in substantial objectionable odors. The proposed light industrial and distribution uses may generate odors depending on future tenants, these uses would be approximately over 800 feet from the nearest sensitive receptor (residences to the north). Facility maintenance (e.g. regular scheduled waste pickup) would address and reduce potential odors generated by the tenants. In addition, SBCAPCD Rule 303 regulates nuisance, including odors. The proposed project would be required to comply with Rule 303, as described below, which would reduce odor impacts to off-site residences. In addition, SBCAPCD Rule 303 regulates nuisance, including odors. The proposed project would be required to comply with Rule 303, as described below, which would reduce odor impacts to off-site residences.

- *A person shall not discharge from any source whatsoever such quantities of air contaminants or other material in violation of Section 41700 of the Health and Safety Code which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety or any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.*

Due to the distance between proposed light industrial buildings and off-site residents, the facility providing maintenance and upkeep, and compliance with SBCAPCD Rule 303, the project would not expose sensitive receptors to objectionable odors. Impacts would be *less than significant*.

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**Findings and Mitigation:** All impacts, with the inclusion of the conditions of approval related to fugitive dust, would be less than significant without mitigation.

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

*A Biological Resources Memo (Memo) (Dudek 2017a), 2017 Southwestern Willow Flycatcher and Least Bell's Vireo Survey Results for The Network Project, City of Buellton, Santa Barbara*

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*County, California* (Dudek 2017b) and *Response to the Biological Resources Peer Review and IS-MND Biological Resources Section for the Network Project* (Dudek 2017c) was prepared by Dudek on behalf of the applicant. The Memo was reviewed by Rincon Consultants, Inc. on contract to the City of Buellton and a subsequent response was provided by Dudek (November 13, 2017). This biological resources section references information contained in the biological reports, and peer review documents and responses. All data used in the creation of this section is on file at the Buellton Planning Department and is hereby incorporated into this Initial Study.

### **Setting**

The project site is located in southern Santa Barbara County, where the climate is moderate and typifies a Mediterranean coastal climate throughout the year. The majority of rainfall occurs during the winter months and the summers are cool with frequent coastal fog and onshore breezes. On average, temperatures typically range from 45 to 77 degrees Fahrenheit. The Project is located in western Santa Ynez Valley in the City of Buellton within northern Santa Barbara County with Margerum Wine Company and Highway 246 to the north, Terravant Winery Restaurant, Industrial Way, and Highway 101 to the east, a retention basin and the Santa Ynez River to the south, and open space to the west. The Project site is identified as APNs 099-690-045, 099-690-046, and 099-690-001 and is approximately 5.08 acres. Topography is generally level sloping slightly from north, approximately 325 feet above means sea level, down towards the south, approximately 315 feet above mean sea level.

The analysis of biological resources within the 5.08-acre project site is based on a search of available biological databases, review of aerial photographs and topographic maps, review of multiple literature resources. In addition, a reconnaissance-level biological survey of the project site was conducted by a Dudek biologist on February 1, 2017 to assess the existing biological conditions, conduct vegetation mapping, conduct a tree assessment, and perform a habitat assessment for special-status plant and special-status wildlife species with potential to occur, and identify locations with potential jurisdictional features.

### **Impact Analysis**

Direct impacts are impacts that result from direct ground-disturbing activities. For this project, direct impacts could occur within the project footprint. These impacts can be either permanent or temporary. Direct permanent impacts refer to the complete loss of a biological resource. Direct permanent impacts could result from the construction of the project including the industrial building and footprint, retention basin, or access easement to the retention basin. Direct temporary impacts are impacts that result from ground-disturbing activities associated with construction activities that would not result in a permanent structure and that would be restored to substantially similar conditions after construction is complete. Direct temporary impacts may result from equipment staging, equipment turnaround areas, and construction access. Additionally, direct temporary impacts can occur from removal or trampling of vegetation outside designated work zones in the absence of avoidance and minimization measures. Indirect impacts are reasonably foreseeable effects to biological resources that could be caused by the Project on adjacent or remaining biological resources. Indirect impacts may be temporary (short-

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term construction-related) impacts, such as those due to noise and dust, or permanent (long-term) impacts, such as degradation of habitat.

The following analysis identifies project-related direct and indirect impacts to biological resources and specifies appropriate avoidance and mitigation measures to reduce potential impacts to less than significant levels.

a.

**Impact BIO-1 (Special-Status Plant Species):** Based on Dudek's habitat suitability analysis, of the 46 special-status plant species that have been documented within the nine quadrangles associated with the proposed Project site five (5) have potential to occur based habitat, soils, topography, and previous documented occurrences of the species. Dudek completed a focused rare plant survey on April 6, 2017, and did not observe and rare or sensitive plant species. The site has been altered (anthropogenic) for decades including tilling in 2001 as depicted on Google Earth Pro historical photograph 2002 and subsequent construction uses. Additionally, the vast majority of plant species observed in spring are invasive non-native plant species typical of disturbed and manipulated sites. Based on existing site conditions and the spring survey in 2017, Dudek concludes that the site has low potential for special-status plant species to occur, and, therefore, does not recommend any further surveys. Impacts are considered less than significant.

**Impact BIO-2 (Special-Status Wildlife Species):** Impacts to special-status wildlife species, their young, and/or nests may result from construction of the proposed project. Direct permanent impacts may include wildlife mortality or injury during construction activities. Indirect temporary impacts to special-status wildlife species may include generation of fugitive dust and noise. Dust can impact vegetation surrounding the project site, resulting in changes to the community structure and function. These changes could result in impacts to special-status wildlife species foraging, denning, roosting, or nesting in adjacent areas. The indirect impacts of fugitive dust could result in reduced productivity of suitable habitat for these species. Project-related noise could occur from equipment used during construction activities. Noise impacts can have a variety of indirect impacts on wildlife species within the area, including increased stress, weakened immune systems, altered foraging behavior, displacement due to startle, damaged hearing from extremely loud noises, and increased vulnerability to predators. The use of mechanized hand tools could cause temporary disruption of behaviors for the period the tool is in use, including causing wildlife to temporarily vacate the area and suppress important activities, such as foraging and nesting.

No direct temporary (e.g., temporary clearing of wildlife habituated) or permanent indirect impacts (e.g., degradation of wildlife habitat) are expected to occur from the project. Absent mitigation, the direct permanent and indirect temporary impacts to special-status wildlife species are considered potentially significant under CEQA. However, with the implementation of MM BIO-2a (American badgers), MM BIO-2b (bat species), MM BIO-2c (nesting birds), MM BIO-2d (blainsville's horned lizard and California legless lizard), MM BIO-2e (avoidance plan) as described below, impacts are considered less than significant.

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Based on Dudek's habitat suitability analysis, of the 19 special-status wildlife species that have been documented within the nine quadrangles associated with the proposed Project site 13 have potential to occur based habitat and previous documented occurrences of the species. Special-status wildlife species with potential to occur on the proposed Project site includes the following:

### **American Badger**

The American badger is found throughout California in a variety of habitats, especially grasslands, savannas, montane meadows, sparse scrublands, and deserts. Usually, this species prefers friable soils for burrowing and relatively open, uncultivated ground, and may occur on site.

**Mitigation Measure BIO-2a (Pre-Construction Survey – American Badger):** Pre-construction surveys for American badger shall be conducted 30 days prior to the initiation of Project activities. If evidence of this species is observed (old or new dens sites), potential dens should be monitored with tracking material and or wildlife movement cameras. If a den is deemed inactive for three consecutive days, a qualified biologist would excavate the den by hand with a shovel to prevent American badgers from reusing the den during construction.

- If active natal dens are observed during the pupping season (February 15 to July 1), a 200-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. Construction in this buffer zone would be postponed or halted until the project biologist determines that the young are no longer dependent on the natal den.
- If winter dens are found, a 50-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. If avoidance of the den is not possible during the non-pupping season, an attempt shall be made by a qualified project biologist to trap or flush the individual and relocate it to suitable open space habitat. Badgers can also be relocated by slowly excavating the burrow, removing no more than 4 inches at a time.

### **Bat Species**

A variety of bat species, such as the pallid bat and Townsend's big-eared bat, are known to use the foliage in riparian vegetation for roosting or utilize bridges and other manmade structures for day and night roosts. Cavities and crevices within bridges can provide shelter from the elements and the appropriate microclimate required for roosting. Bats may have the potential to roost within the trees on the proposed Project site.

**Mitigation Measure BIO-2b (Pre-Construction Survey – Bat Species):** Surveys should be performed to confirm whether or not potential roosting vegetation exists in the proposed Project site vicinity. Surveys shall consist of two daytime visits to inspect suitable vegetation for roosting bats and two dusk exiting surveys to detect bats leaving their roosts. Suitable vegetation should be inspected on foot using a handheld spotlight

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during daylight hours to examine all suitable vegetation for bat sign (e.g., guano, urine stains) and roosts. Surveys shall be conducted thoroughly and quickly to minimize disturbance to bats. For the dusk exiting surveys, one biologist should be positioned in an optimal location(s) to observe and count bats exiting suitable vegetation.

- If potential roosts are determined to be present then the roosts must be analyzed further to determine if the species is present and if maternity roosts are present. If maternity roosts of any bat species are present, the CDFW shall be notified and no work shall occur within 100 feet of the roost location of any bat species until the end of the pupping.
- For protection of young (e.g., unable to fly) and hibernating adults, all project-related activities shall be avoided where roosts are present during the winter and spring. No restrictions apply to project vehicle traffic or to construction activity that occurs outside of the pupping season.

### **Least Bell's Vireo and Southwestern Willow Flycatcher**

The least Bell's vireo's distribution is limited to isolated locations of extensive riparian habitat in the southern California coastal slope. It nests in dense riparian woodland, mostly in warmer climates of southern California, where it is present from late March through August. Dudek completed protocol surveys for the least Bell's vireo in 2017 (Dudek 2017b). No least Bell's vireo was observed within the 500-foot survey area that included the site and the Santa Ynez River riparian habitat; therefore, the vireo is considered absent from the site. Since willow habitat is not located on site, no further protocol surveys are required for the least Bell's vireo, however, nesting birds surveys will be required for the project and the surveyor shall be qualified to survey for the vireo (see **BIO-2c**).

The southwestern willow flycatcher nests in southern California as far north as the southern Sierra Nevada and west to northern Santa Barbara County. The species nests in relatively extensive mature riparian woodland with a multi-storied canopy and dense ground cover, usually near still or slow-flowing water. Furthermore, the project will not result in any impacts to critical habitat of the southwestern willow flycatcher or habitat occupied by the southwestern willow flycatcher or least Bell's vireo; therefore, no mitigation measures are required.

Other special-status bird species with potential to occur within the Project site, including tricolored blackbirds, yellow warbler, and yellow-breasted chat, do not have protocol level or species specific survey guidelines. However, if these special-status bird species are observed during site surveys they will be documented and mitigation measures to avoid impacts will be developed. Surveys for tricolored blackbirds, yellow warbler, and yellow-breasted chat can be performed during pre-construction nesting bird surveys, which are further described below.

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Nesting birds may be present on site typically during the months of February through August in this project's specific region.

***Mitigation Measure BIO-2c (Pre-Construction Survey – Nesting Birds):*** In compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, a pre-construction survey for nesting birds is recommended within 30 days of ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region).

- If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist or a buffer as authorized through the context of the Biological Opinion and 2081b Incidental Take Permit (delineated with stakes or fencing), will be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.
- No construction or project activities are permitted within this buffer until the nest is vacated, juveniles have fledged and there is no evidence of a second nesting attempt.
- The nest shall be monitored every other week by a qualified biologist until fledglings become independent of the nest.
- Additionally, in the event that least bell's vireos or southwestern flycatchers are observed during the surveys, consultation with the USFWS (and possibly the State) would be required to ensure avoidance of this species.
- The monitoring biologist shall halt construction activities if he or she determines that the construction activities are disturbing the nesting activities. The monitor shall make practicable recommendations to reduce the noise or disturbance near the nest. This may include 1) turning off vehicle engines and other equipment whenever possible to reduce noise, 2) working in other areas until the young have fledged, or 3) placing noise barriers to maintain the noise at the nest to 60 dBA Leq. Hourly or less or to the preconstruction ambient noise level if that exceeds 60 DBA Leq. Hourly.
- If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the construction activities are disturbing nesting activities, the biologist shall have the authority to halt the construction and shall devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nest site and the construction activities, and working in other areas until the young have fledged. If noise levels still exceed 60 dBA Leq. Hourly at the edge of

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the nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestling have fledged.

- All active nests shall be monitored on a weekly basis until the nestlings fledge. The qualified biologist shall be responsible for documenting the results of the surveys and the ongoing monitoring and for reporting these results to CDFW and USFWS. The monitoring biologist will review and verify compliance with the nesting boundaries and will verify that the nesting efforts have finished. Unrestricted construction activities can resume when no other active nests are found.

### **Blainville's Horned Lizard and California Legless Lizard**

California legless lizards are fossorial animals found primarily in areas with sandy or loose soils, where they typically are found beneath leaf litter. They may be found in sparsely vegetated areas in a variety of habitats, including beach dunes; chaparral; California sagebrush scrub; oak woodlands; pine forests; pine-oak woodland; sandy washes; and stream terraces with sycamores, cottonwoods, or oaks. Blainville's Horned Lizards can be found frequently near ant hills in open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains.

***Mitigation Measure BIO-2d (Pre-Construction Survey – Blainville's horned lizard and California legless lizard):*** Pre-construction surveys for Blainville's horned lizard and California legless lizard shall be conducted 30 days prior to the initiation of Project activities. Subject species of surveys may vary depending on timing and species' activity patterns. At any time of year when Project activities are initiated, pre-construction surveys shall be conducted for Blainville's horned lizards in open friable soils and California legless lizards in riparian habitats and areas with loose sand. If these species are observed in the construction zone, all work shall be halted and the City and CDFW shall be contacted within 24 hours of the observation.

- A salvage and relocation plan shall be implemented to allow a qualified biologist to capture and relocate the species away from ground disturbance and into protected open space. The relocation plan will consist of a plan which allows a qualified project biologist to approach and capture individuals observed within the construction zone. Individuals will then be transported and relocated into open space, which may include suitable habitats for this species along or within the Santa Ynez River, as appropriate. Within 24 hours of relocation, a brief report documenting details of the observation and relocation will be provided to the CDFW and City. The report will include details on date/time when species was first observed, re-locating biologist, and coordinates for where the species was first observed and relocated. Descriptions of the habitat and suitability of where the species was relocated will also be provided in the report.

### **California Red-legged Frog and Western Spadefoot**

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The current proposed Project is setback approximately 330 feet from the Santa Ynez River (where California red-legged frog breeding ponds are known to be located) and avoids direct impacts to the riparian habitat associated with the Santa Ynez River. The Project site does not support habitat for western spadefoot.

**Mitigation Measure BIO-2e (Avoidance Plan):** Although California red-legged frog and western spadefoot are not likely to occur; a California red-legged frog and western spadefoot avoidance plan should be prepared and include specified work conditions (i.e., rain), construction equipment work areas, and measures to keep the species from entering the site, which may include monitoring and silt fence placement.

- In addition to preparing an avoidance plan; if any California red-legged frogs or western spadefoots are observed within the construction zones, the applicant must stop work and contact the USFWS and CDFW and shall implement appropriate avoidance measures, as determined by the qualified biologist and approved by the USFWS and CDFW to ensure protection of these species. Work shall not resume until the applicant receives written (email) notice from the USFWS and CDFW.

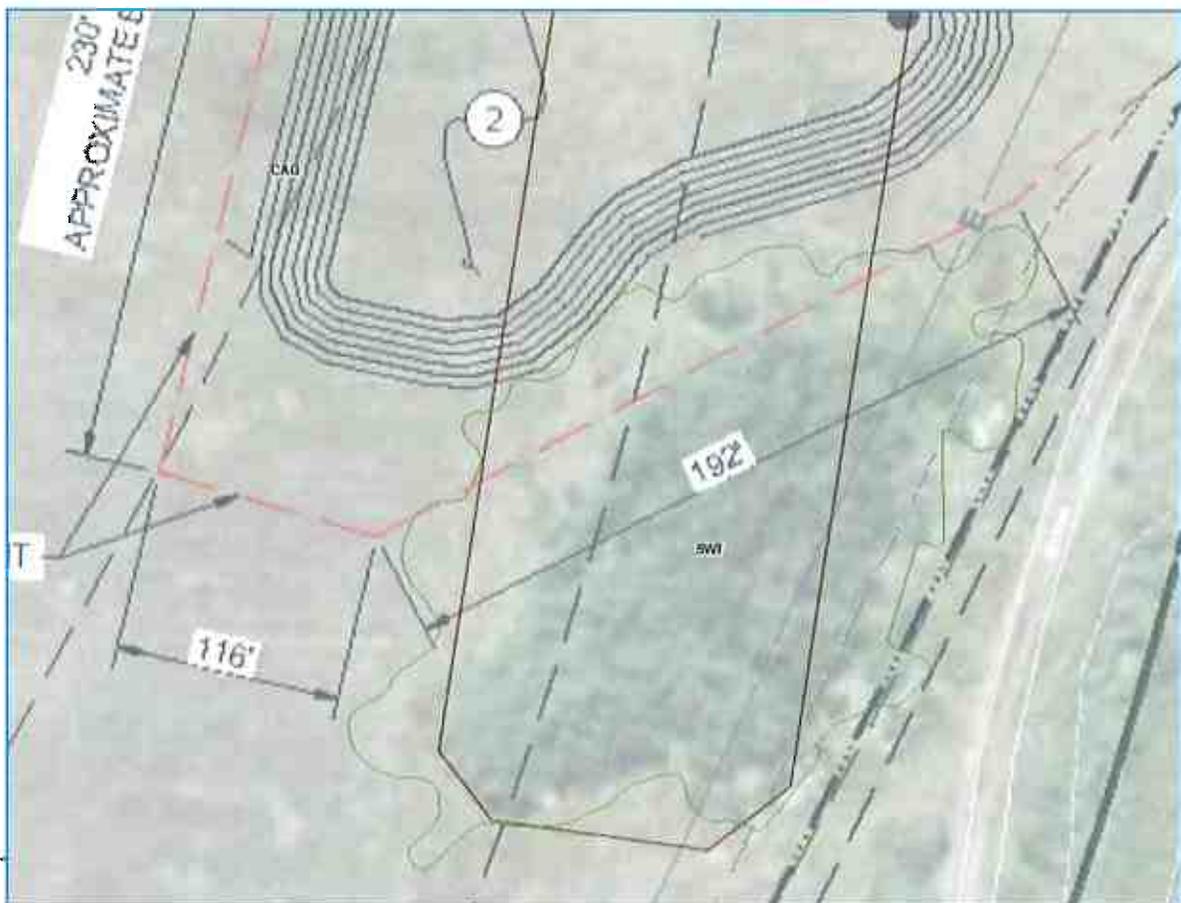
b.

**Impact BIO-3- (Vegetation Communities):** Rincon concurs with the classifications and descriptions of the vegetation communities in the Memo as they are shown on the biological constraints figure (Attachment A, Figure 4, Dudek 2017a). Development of the project will impact approximately 4.58 acres of upland mustard, coyote brush, and California annual grassland vegetation communities and an area of previous development. No direct or indirect impacts to a sensitive vegetation community or protected trees will occur from development of the project. However, direct permanent impacts may occur to Fremont cottonwood trees if the trees need to be trimmed (and maintained) for public safety adjacent to the existing pedestrian trail or if the cottonwoods or other protected trees are required to be removed during construction. In the event that the project applicant removes any branches or trees, direct permanent or temporary impacts to sensitive vegetation communities or protected trees are considered potentially significant under CEQA, absent mitigation. However, with implementation of MM BIO-3a (mature non-native and native tree removal and replacement), MM BIO-3b (Native Tree Protection) and the use of temporary construction fencing along the boundary between the sandbar willow and stormwater basin (MM BIO- 3c) these potential impacts would be less than significant.

Dudek identifies the Fremont cottonwood forest and sandbar willow thicket as sensitive (S3) per CDFW natural communities list (see Table 2 in the memo and vegetation community descriptions). The categorization of nomenclature is appropriate based on the dominant plant species, the Fremont cottonwood and sandbar willow, respectively, and A Manual of California Vegetation, Second Edition (MCV2) membership rules. Fremont cottonwood forest alliance is considered sensitive as a riparian vegetation community, and is considered a riparian habitat per the City General Plan (City of Buellton 2015). However, the Fremont cottonwoods on the project site are not directly associated with the Santa Ynez River riparian habitat thus not a City sensitive vegetation community. The arrangement of cottonwoods to the east of the project site

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could also have been titled “windbreak,” as this is thought to have been their anthropogenic designated function for the previous sand mining and construction uses on the site and adjacent property as viewed on available aerials over the last two decades. The sandbar willows to the west of the project site are above and surround a slightly depressed area that probably captured runoff from past agriculture fields and now developments to the north, if water actually reached or still reaches this low area (soils are extremely sandy; most water infiltrates the ground quickly without ponding). Both sensitive communities are primarily located off-site. However, the willow thicket community is located in the same proposed location of the off-site retention basin as shown on the project plans in **Appendix B**. However, as shown in Figure 1 below, the project’s stormwater basin has been re-designed to avoid impacts to the sandbar willow thickets. In order to ensure there are no impacts to the willow thickets, the relocation of the basin will be a condition of approval for the project. With the incorporation of the above described mitigation measures and conditions of approval, no direct or indirect impacts to the sandbar willow or sensitive vegetation communities will occur from development of the project.



**Figure 1.** Alternative stormwater basin showing avoidance of sandbar willow thickets (SWT) (green line), west of the project site. SWT were delineated by Dudek and projected onto project plans (Ashley & Vance Engineering, Inc. 4/19/2017). Stormwater basin location is approximate

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Other than the proposed retention basin, the closest project component to these resources is the existing pedestrian trail and easement, which extends southwest of the project site and west of the Fremont cottonwoods. The cottonwoods trunks are located east of the site with the canopy partially overhanging the existing trail. No impact is expected to occur to the trunks of the neighboring Fremont cottonwoods; however, in the case a tree is impacted, the following measure shall apply. Additionally, compliance with the City's standards for native tree removal and replacement as written in the Buellton Municipal Code is required. An additional Mitigation measure (BIO-3c) is included to ensure that the willow thickets are avoided during construction.

***Mitigation Measure BIO-3a (Tree Removal and Replacement):*** When mature non-native trees (i.e., trees with a trunk diameter at breast height of 8 inches or more) are removed to accommodate new development, they shall be replaced at a ratio of at least two trees for every one tree removed, or such additional number and size of trees as considered appropriate by the reviewing body at the time of approval of such development. Mature native trees with a trunk diameter at breast height of 8 inches or more, including oaks, shall be replaced at a ratio of at least three new trees for every one tree removed. Replacement trees for removed native or non-native trees should be native, from locally-sources stock, using species indicated on the City's approved tree planting list.

***Mitigation Measure BIO-3b (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.

***Mitigation Measure Bio-3c (Temporary Construction Fencing):*** Temporary construction fencing shall be installed in the area between the sandbar willow thickets and the new retention basin.

c.

**Impact BIO-4 (Jurisdictional Waters):** The Fremont cottonwoods are located around an area actively and historically used for construction and possibly agricultural purposes. A review of Google Earth Pro® historical imagery for the years available back to 1994 show no change in their location or the extent of riparian vegetation in the area associated with the Santa Ynez River. In over 20 years, the subject cottonwoods remain at least 180 feet from the bank of the Santa Ynez River and 80 feet from the nearest riparian vegetation. Cottonwood trees are used throughout the region and the west as a windbreak. Regardless, in their existing condition, required under CEQA guidelines, these trees are not currently riparian in nature, nor have been in the last 20 years plus (i.e., they are not part of a contiguous riparian habitat).

Furthermore, Dudek conducted an on-site field meeting with Sarah Rains followed by an in-office meeting with Crystal Huerta, U.S. Army Corps of Engineers (USACE), on June 21, 2017. As indicated in the email chain between Ms. Huerta and Mr. Davis IV (**Appendix C**), the USACE concurs that no jurisdiction occurs on-site. Acting as CDFW representative for the Streambed Alteration Agreement Program, Ms. Rains did not claim jurisdiction in the field, nor

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requested a permit for project activities for the Network project. Therefore, no project impacts would occur to the Santa Ynez River, riparian zone, or other nearby jurisdictional features; therefore, no mitigation is necessary.

*d.*

The Network development (i.e., structures, adjacent parking, and associated lighting) is located nearly 500 feet from the Santa Ynez River and 360 feet from the riparian habitat. Non-riparian Fremont cottonwoods forming a windbreak are located on an adjacent property near the southwest part of the project site along an existing pedestrian trail. This area is south of the development and approximately 180 feet from the banks of the Santa Ynez River and 80 feet from the nearest riparian habitat. A road and grassland habitat separates the two. Project components already include downward lighting, compatible landscaping, and a sufficient wildlife buffer between the primary development and the habitats of the Santa Ynez River, which provide open space for the movement of riverine, semi-aquatic, and terrestrial wildlife species. Additionally, existing industrial developments occur to the east and north of the 4.58 acre project site already restricting movement of dispersing wildlife onto the site. Only the most urbanized wildlife, such as raccoons, striped skunks, and opossums are currently expected to move from the river corridor onto the site. Development of the Network would have a less than significant impact to the wildlife movement of the Santa Ynez River and the surrounding area.

*e. and f.*

The project would not conflict with any provisions of the General Plan, an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no mitigation measure is required.

**Plan Requirements and Timing.** The applicant shall provide pre-construction survey results in measures BIO-2a, BIO-2b, BIO-2c and Bio 2d a minimum of 30 days prior to construction. The avoidance plan for the California Red-Legged Frog and Western Spadefoot shall be submitted to the City prior to construction.

**Monitoring.** City staff will review any pre-construction survey report, and will perform on-site inspections as necessary during construction.

**Effectiveness of Mitigation Measures.** Potentially significant impacts to special status plants, CRLF, nesting birds, protected trees, and other sensitive species would be feasibly mitigated to a less than significant level with implementation of the above listed mitigated measures.

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

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

b., c. The project site is undeveloped and vacant, both through historic flooding events and more recent activity. A large portion of the project site is located within the 100-year flood boundary of the Santa Ynez River. No known artifacts have been found on this site. Any artifacts located on this property would have been removed or destroyed through past flood events. Therefore the potential for future discoveries is extremely unlikely. In the unlikely event that previously unidentified cultural resources are encountered during site grading activities, state laws related to the protection of cultural resources would apply.

d. Since no known cemetery uses or pre-historic burial sites are located on or adjacent to the site, the proposed project would result in no impacts to human remains. If human remains are discovered, CEQA guidelines 15064.5 (e), Health and Safety Code sections 7050.5 and 5097.98 contain protocols that must be followed.

**Findings and Mitigation:** Potential impacts are considered less than significant with the incorporation of the following mitigation measure:

**CR-1: Halt Work Order for Archaeological Resources.** If unanticipated 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.

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

The following analysis of geological resources is based on the City's Safety Element of the General Plan and the referenced Geotechnical analysis for the project (GeoSolutions, December 2016), which is on file at the Buellton Planning Department.

a. Geologic Hazards:

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

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

The largest upper level earthquake (ULE) in Buellton would be an approximate 7.8 moment magnitude earthquake on the San Andreas Fault. Such an event could produce peak horizontal ground acceleration on the order of 0.16g<sup>3</sup>. Due to the relative location of the Los Alamos-Baseline (approximately 8 kilometers south), Santa Ynez (approximately 10 kilometers northeast), and North Channel Slope (approximately 25 kilometers east) faults to Buellton,

<sup>3</sup> The force on a building during an earthquake is proportional to ground acceleration. Such forces are prescribed by the UBC. During an earthquake the ground acceleration varies with time. "g" is a common value of acceleration equal to 9.8 m/sec/sec (the acceleration due to gravity at the surface of the earth). 30% of g is the acceleration one would experience in a car that takes 9 seconds to brake from 60 miles per hour to a complete stop.

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higher ULE accelerations may be expected from these faults. Although higher accelerations may be experienced in Buellton from these faults, compared to events on the San Andreas Fault, the recurrence interval for such events is much longer than for an event on the active San Andreas Fault Zone. Seismic safety issues would be addressed through the California Building Code and implementation of the recommendations on foundation and structural design contained in the geotechnical investigation. Less than significant impacts would result.

*Seismic Ground Failure:* Liquefaction is the phenomenon in which soil temporarily loses strength due to a buildup of excess pore-water pressure caused by seismic shaking. The primary factors influencing liquefaction potential include depth of groundwater, soil type, relative density of sandy soils, overburden pressure, fines content and the intensity and duration of ground shaking. Liquefaction potential is greatest in saturated, loose, poorly graded fine sands with grain size (D50) in the range of 0.1 to 0.5 millimeters. Per the geotechnical study, the potential for liquefaction is low (GeoSolutions, Inc., 2016).

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

Policy S-7 requires that all new development shall satisfy the requirements of the California Building Code regarding seismic safety. Conformance with this policy would ensure that potential impacts related to liquefaction would be reduced to a less than significant level.

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

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

b. Erosion: The project proposes grading to create a level building pad, above the 100-year floodplain limits, for the proposed structure and related improvements. Cutting and filling may result in increased erosion. The City's adopted Grading Ordinance, requirements of the Regional Water Quality Control Board, and The City's Standard Conditions of Approval require erosion and sediment control plans for all projects. Based on the required implementation of these requirements, the impact to erosion is considered less than significant.

c., d. Unstable/Expansive Soils: While the site is suitable from a geotechnical engineering standpoint, for the construction of the proposed project, the Soils Investigation (GeoSolutions, December 23, 2016) provided specific recommendations for project design and construction. These project design recommendations related to grading, building foundation, driveway and parking area construction, etc. will be included as conditions of approval for the project to ensure that the impacts are less than significant.

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

**Findings and Mitigation:** All development of the site must follow standard California Building Code requirements. Compliance with these regulations and requirements and the recommendations contained in the Soils Investigation would result in less than significant geology related impacts. The Public Works Department/City Engineer will verify that the final project design incorporates any design recommendations from an approved project-specific geologic study prior to issuing grading permits.

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

### Setting

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

In response to an increase in man-made GHG concentrations over the past 150 years, California has implemented AB 32, the “California Global Warming Solutions Act of 2006.” AB 32 codifies the Statewide goal of reducing emissions to 1990 levels by 2020 (essentially a 15% reduction below 2005 emission levels) and the adoption of regulations to require reporting and verification of statewide GHG emissions. Furthermore, on September 8, 2016, the governor signed Senate Bill 32 (SB 32) into law, which requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. SB 32 extends AB 32, directing the California Air Resources Board (ARB) to ensure that GHGs are reduced to 40 percent below the 1990 level by 2030.

While the State has adopted the AB 32 Scoping Plan and multiple regulations to achieve the AB 32 year 2020 target, there is no currently adopted State plan to meet post-2020 GHG reduction

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goals. ARB is currently working to update the Scoping Plan to provide a framework for achieving the 2030 target set forth by SB 32 (ARB 2015). Achieving these long-term GHG reduction policies will require State and federal plans and policies for achieving post-2020 reduction goals.

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

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

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

The significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds, or consistency with a regional GHG reduction plan (such as a Climate Action Plan). The SBCAPCD has developed GHG thresholds for stationary projects, which include equipment, processes, and operations that require an APCD permit to operate. Neither the City of Buellton nor the SBCAPCD has developed or adopted GHG significance thresholds for residential and commercial projects; however, Santa Barbara County recommends the use of San Luis Obispo Air Pollution Control District (SLOAPCD) Greenhouse Gas Thresholds, as adopted in April 2012. SLOAPCD GHG thresholds are summarized in Table GG-1.

**Table GG-1  
SLOAPCD GHG Significance Determination Criteria**

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

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*\*SP = Service Population (residents + employees)*

*For projects other than stationary sources, compliance with either a Qualified Greenhouse Gas Reduction Strategy, or with the Bright-Line (1,150 CO<sub>2</sub>e/ yr.) or Efficiency Threshold (4.9 MT CO<sub>2</sub>e/SP/yr.) would result in an insignificant determination, and in compliance with the goals of AB 32. The construction emissions of projects will be amortized over the life of a project and added to the operational emissions. Emissions from construction-only projects (e.g. roadways, pipelines, etc.) will be amortized over the life of the project and compared to an adopted GHG Reduction Strategy or the Bright-Line Threshold only.*

The SLOAPCD “bright-line threshold” was developed to help reach the AB 32 emission reduction targets by attributing an appropriate share of the GHG reductions needed from new land use development projects subject to CEQA. Land use sector projects that comply with this thresholds would not be “cumulatively considerable” because they would be helping to solve the cumulative problem as a part of the AB 32 process. Such small sources would not significantly add to global climate change and would not hinder the state’s ability to reach the AB 32 goal, even when considered cumulatively. The threshold is intended to assess small and average sized projects, whereas the per-service population guideline is intended to avoid penalizing larger projects that incorporate GHG-reduction measures such that they may have high total annual GHG emissions, but would be relatively efficient, as compared to projects of similar scale. Therefore, the bright-line threshold is the most appropriate threshold for the proposed project, and the proposed project would have a potentially significant contribution to GHG emissions if it would result in emissions in excess of 1,150 metric tons of CO<sub>2</sub>E per year.

Given the recent legislative attention and judicial action regarding post-2020 goals and the scientific evidence that additional GHG reductions are needed through the year 2050, the Association of Environmental Professionals’ (AEP) Climate Change Committee published a white paper in 2015 recommending that CEQA analyses for most land use development projects may continue to rely on current adopted thresholds for the immediate future (AEP 2015). As such, for project GHG impacts, this analysis evaluates future conditions based on consistency with the SLOAPCD bright-line threshold.

Calculations of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O emissions are provided to identify the magnitude of potential project effects. The analysis focuses on CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O because these comprise 98.9% of all GHG emissions by volume (IPCC, 2007) and are the GHG emissions that the project would emit in the largest quantities. Fluorinated gases, such as HFCs, PFCs, and SF<sub>6</sub>, were also considered for the analysis. Emissions of all GHGs are converted into their equivalent weight in CO<sub>2</sub> (CO<sub>2</sub>e). Minimal amounts of other main GHGs (such as chlorofluorocarbons [CFCs]) would be emitted, but these other GHG emissions would not substantially add to the calculated CO<sub>2</sub>e amounts. Calculations are based on the methodologies discussed in the California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change* white paper (January 2008) and include the use of the California Climate Action Registry (CCAR) General Reporting Protocol (January 2009).

### **Impact Analysis**

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

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

Construction of the proposed project would generate temporary GHG emissions primarily due to the operation of construction equipment and truck trips. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. Emissions associated with construction were estimated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.1, based on an estimated construction schedule of 12 months and the CalEEMod default projects for the equipment used during construction. For the proposed project, site grading would involve cut and fill, with a net import of 9,900 cubic yards (cy). Default CalEEMod haul trip lengths were assumed for export. Complete results from CalEEMod and assumptions can be viewed in Appendix A of the Air Quality Analysis.

As shown in Table GG-2, construction activity associated with the project would generate an estimated 516.9 metric tons of CO<sub>2</sub>e units. Amortized over a 50-year period (the assumed life of the project), construction of the proposed project would generate an estimated 10.3 metric tons of CO<sub>2</sub>e per year.

**Table GG-2  
Estimated Construction Emissions of Greenhouse Gases**

	<b>Annual Emissions (Carbon Dioxide Equivalent (CO<sub>2</sub>E))</b>
Total Estimated Construction Emissions	516.9 metric tons
Amortized over 50 years	10.3 metric tons per year

*See Appendix A for CalEEMod Results.*

On-Site Operational Emissions. Operational emissions from use of the proposed project were also estimated using CalEEMod (see Appendix A for calculations). Operational impacts include emissions from energy and natural gas; area sources including consumer products landscape maintenance, and architectural coatings; waste generations; water and wastewater usage; and mobile combustion. Mitigated emissions from CalEEMod results are reported herein.

Direct Emissions from Mobile Combustion. Emissions from vehicles driving to and from the site were based on the Traffic and Circulation Study conducted by the Associated Transportation Engineers (2017), using the standard Institute of Transportation Engineers (ITE) vehicle trip rates. Emissions of CO<sub>2</sub> and CH<sub>4</sub> from transportation sources were quantified using CalEEMod. The project would increase density in the vicinity of the project site by introducing

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commercial and industrial uses, and a reduction in VMT through land use density of increased employment of approximately 130 employees within 13 commercial and industrial tenant spaces was taken into account in the CalEEMod results reported herein. Because CalEEMod does not calculate N<sub>2</sub>O emissions from mobile sources, N<sub>2</sub>O emissions were quantified using the California Climate Action Registry General Reporting Protocol (January 2009) direct emissions factors for mobile combustion (refer to Appendix A for calculations). Emission rates for N<sub>2</sub>O emissions were based on the vehicle mix output generated by CalEEMod and the emission factors found in the California Climate Action Registry General Reporting Protocol.

Combined Annual Construction, Operational, and Mobile GHG Emissions. Table GG-3 combines the construction and operational GHG emissions associated with development for the proposed project. As described above, emissions associated with construction activity (approximately 516.9 metric tons CO<sub>2</sub>e) are amortized over 50 years (the anticipated lifetime of the project).

**Table GG-3  
Combined Annual Emissions of Greenhouse Gases**

Emission Source	Annual Emissions
<b>Construction</b>	10.3 metric tons CO <sub>2</sub> e
<b>Operational</b>	
Area	<0.1 metric tons CO <sub>2</sub> e
Energy	438.6 metric tons CO <sub>2</sub> e
Solid Waste	43.1 metric tons CO <sub>2</sub> e
Water	38.5 metric tons CO <sub>2</sub> e
<b>Mobile</b>	
From CO <sub>2</sub> and CH <sub>4</sub>	226.7 metric tons CO <sub>2</sub> e
From N <sub>2</sub> O	11.74 metric tons CO <sub>2</sub> e
<b>Total</b>	<b>768.9 metric tons CO<sub>2</sub>e</b>
<i>Threshold</i>	<i>1,150 metric tons CO<sub>2</sub>e</i>
<b>Threshold Exceeded?</b>	<b>No</b>

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

As shown in Table GG-3, the combined annual emissions would total approximately 768.9 metric tons per year of CO<sub>2</sub>e. These emissions do not exceed the applicable threshold of 1,150 metric tons per year. Therefore, impacts resulting from GHG emissions would be *less than significant*.

b) The City of Buellton has not adopted a Climate Action Plan. The County of Santa Barbara Planning Commission adopted the Energy and Climate Action Plan (ECAP) for the County of Santa Barbara in May 2015 (County of Santa Barbara 2015). However, this plan applies to

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unincorporated areas of Santa Barbara County and not incorporated cities such as Buellton. SBCAG has incorporated sustainable community strategy into its Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS) plan, which is designed to help the region achieve its SB 375 GHG emissions reduction target. The SBCAG 2040 RTP/SCS demonstrates that the SBCAG region would achieve its regional emissions reduction targets for the 2020 and 2035 target years. The RTP/SCS sets forth goals and objectives related to mixed-use development and the jobs-housing imbalance. The RTP/SCS includes an objective to “encourage affordable and workforce housing and mixed-use development within urban boundaries.” In addition, the RTP/SCS looks to increase jobs within the City of Buellton, in order to bring the jobs-housing ratio in Buellton up from 1.08 to closer to the ideal ratio of 1.5. The project is consistent with the mixed-use objective through the creation of commercial, industrial and warehouse space, and would create job opportunities within Buellton to improve the jobs-housing balance. In addition, the project would be required to comply with existing State regulations, which include increased energy conservation measures and other actions adopted to achieve the overall GHG emissions reduction goals identified in AB 32 and SB 32.

Because there is no locally adopted GHG Reduction Plan to reduce emissions from new development, the project would be consistent with the applicable land use and zoning designations, and the project would not conflict with any State regulations intended to reduce GHG emissions statewide, the project would be consistent with applicable plans and programs designed to reduce GHG emissions. The project would not conflict with any plan, policy, or legislation related to GHG emissions. Therefore, impacts would be *less than significant*.

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

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><i>VIII. HAZARDS AND HAZARDOUS MATERIALS</i></b> - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X

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ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b> - Would the project:				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

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

b. Hazardous Materials Releases: Refer to the discussion in Section a. above. However, the potential for soil contamination from past uses in this largely industrial area cannot be discounted. Therefore, the potential for contaminated soil on the project site exists and is considered a potentially significant impact unless mitigation is incorporated.

c. Hazardous Materials Near Schools: The project site is not located within one-quarter mile of an existing or proposed school. The nearest school is Zaca Pre-School and After School, which is about 0.9 miles west of the site. No impacts are anticipated.

d. Hazardous Materials Sites: The project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impacts would occur.

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

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

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

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

- HAZ-1      Phase I Environmental Site Assessment.** Prior to issuance of building permits, a Phase I Environmental Site Assessment prepared in accordance with the standards for such assessments promulgated by the EPA shall be

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conducted by a qualified professional to determine the potential for onsite soil contamination, and the recommendations of that report (if any) shall be followed.

**Monitoring:**

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

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

a. RWQCB Standards: The proposed project would discharge wastewater into to the public sewer system via a private on-site sewer lift station for ultimate treatment at the City's wastewater treatment plant. The Public Works Department will verify that all discharge requirements established by the Regional Water Quality Control Board are satisfied. An industrial discharge permit will be required for any processing or manufacturing uses that may

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occupy any of the space in the future. In addition, the project is required to, and does incorporate stormwater controls which provides water quality treatment of generated site runoff. Therefore, the impact is considered less than significant.

b. Groundwater Supply: Water is supplied to the City of Buellton from the Buellton Uplands Groundwater Basin, the Santa Ynez River Riparian Basin, and State Water Project (SWP). Water allocation from the SWP varies based on local demand and availability. Therefore, the City's SWP supplies may fluctuate based on the quantity of water the City needs to meet demand and whether or not it is available from the State. Neither groundwater basin is in a state of overdraft, as the natural recharge rates either exceed the capacity of the basin or exceed the rate of pumping from the basin. Furthermore, previous studies indicate that the Buellton Uplands Groundwater Basin has a net surplus of 800 AFY. The project would create an increased demand for water of approximately 5.4 acre-feet per year, but the City has an adequate supply to accommodate the proposed project, and development at this location is already anticipated under the General Plan. Impacts would be less than significant.

c. Runoff/Erosion and Siltation: The project proposes to collect runoff through the construction of a storm drain system, and an on-site bio swale, as well as a proposed offsite retention basin located to the west of the project site that will be utilized by the project site via a required easement agreement. The facilities will treat storm water runoff, as well as collect stormwater runoff from the project site. The Hydraulic Analysis in the Tier 4 Stormwater Control Plan conducted by Ashley Vance Engineering, Inc. (June 7, 2017) has concluded that with the inclusion of the proposed bio-retention facilities, there will be a reduction in the flow leaving the project site in a 2 through 100-year storm event when compared to pre project conditions. Therefore, less than a significant impact would result.

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

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

d. Alter Drainage Pattern: The existing drainage pattern of the site flows south west as sheet flow to the Santa Ynez River. The drainage pattern would not change as a result of this project, and in fact may improve from an erosion perspective, since peak runoff rates are expected to be lower in a post-project environment. Impacts are considered less than significant.

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

f. Substantially Degrade Water Quality: Increase in potential erosion and sedimentation to drainages is expected with grading activities, which could impact water quality. However, compliance with the NPDES and Regional Water Quality Control Board Resolution R3-2013-0032 (Adopted July 12, 2013, which addresses Post-Construction Stormwater Management

## Attachment 4

Requirements for development projects, essentially updating previous SWPPP regulations) would result in less than significant impacts. Also see items b. and d.

g. Housing within Floodplains: The entire project site is located within the 100-year flood area as determined by the National Flood Insurance Rate Maps (FIRM) and General Plan Floodplain map. However, no housing is proposed as part of the project. No impacts to housing would occur.

h. Flood Hazards: Based on National Flood Insurance Rate Maps (FIRM) and General Plan Floodplain maps, the entire project site is located within the 100-year flood zone. In order to mitigate potential impacts to a less than significant level, the proposed structure will be required to be built a minimum of 2 feet above base flood elevation. Additionally, as a condition of approval, the Public Works Department is requiring a hydraulic and hydrologic study from the applicant that must demonstrate there will be no adverse impact to upstream properties and no rise in the floodway. Once the recommendations of this study are implemented, the project is not expected to significantly impact existing development along the river upstream.

i. Flooding and Dam Failure: The project site is located in a dam failure inundation hazard area as identified in the City's Safety Element of the General Plan. However, the number of persons working or using the site is not significant and adequate warning would be given to evacuate the site. The impacts are not considered significant.

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

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

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

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

## Attachment 4

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

### GENERAL PLAN POLICY CONSISTENCY

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

#### Land Use Element

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

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

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

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

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

Consistent: Lighting fixtures consistent with this policy and the Community Design Guidelines are shown on the project plans. A photometric lighting plan was included with the project plans and the lumens are within the standards required by the Buellton Municipal Code.

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

Consistent: The project will add industrial development along Industrial Way.

#### Circulation Element

*Policy C-2: Facilities that promote the use of alternate modes of transportation, including*

## Attachment 4

*bicycle lanes and connections, pedestrian and hiking trails, park-and-ride lots and facilities for public transit shall be incorporated where feasible into new development, and shall be encouraged in existing development.*

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

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

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

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

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

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

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

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

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

### **Conservation and Open Space Element**

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

Consistent: Development must follow all applicable regulations set forth by the Regional Water Quality Control Board and City of Buellton standards.

## Attachment 4

### Noise Element

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

Consistent: The project is in an industrial-zoned area, surrounded by mostly existing industrial and commercial uses. The majority of the activities associated with the project will occur inside an enclosed building. The project also includes an outdoor patio/plaza area and two loading areas for large trucks.

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

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

### Public Facilities and Services Element

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

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

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

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

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

Consistent: The entire project site is within the 100-year floodplain of the Santa Ynez River. The proposed structure will be required to be built a minimum of 2 feet above the base flood elevation. The project's grading and drainage plan shows how runoff from the site will be directed to the landscaped areas and an on-site bioswale vegetation area with storm drain inlets located in these areas. The on-site storm drain will then direct the runoff to the off-site stormwater retention basin. Improvements will be constructed under the direction of the Public Works Department, and will be required to comply with all applicable regulations of the Regional Water Quality Control Board.

## Attachment 4

### Safety Element

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

Consistent: The proposed building within the project area is setback at least 200 feet from the river bank. The off-site retention basin, a portion of the bioswale vegetation, and the proposed trail connection are located within the 200-foot setback area. These types of amenities are permitted within the required 200-foot setback area from top of bank.

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

Consistent: Onsite grading and fill will ensure that building will be located at least 2 feet above the elevation of the 100-year flood zone. Additionally, post-project water surface elevations will remain the same as pre-project water surface elevations (Ashley Vance Engineering, NFIP No Rise Certification, May 2017).

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

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

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

Consistent: A soils investigation has been prepared for the project and the project is subject to the California Building Code. A Final Soils Report will be required that incorporates the design requirements and recommendations listed in the preliminary Soils Investigation conducted by GeoSolutions, Inc.

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

## Attachment 4

include:

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

Consistent: The project incorporates features called for in this policy, including an on-site bioswale that will complement the proposed off-site retention basin to the west of the project site that will be utilized to capture stormwater runoff. This will minimize erosion potential.

### Project Consistency With M Zoning District Standards

Development Standard	Ordinance Requirement	Proposed Project/Consistency
Land Use:	Allowed Uses: See code section 19.02.210	Consistent; Proposed uses will conform to allowed uses in the M zone, per the Buellton Municipal Code.
Minimum Lot Size	No minimum for new subdivisions or uses	n/a
East Property Line	10 ft. minimum for buildings (interior lots – 19.04.160)	Consistent ; 42 ft provided
West Property Line	10 ft. minimum (interior lots – 19.04.160)	Consistent; 39.53 ft provided
North Property Line	10 ft. minimum (interior lots – 19.04.160)	Consistent; 60 ft provided
South Property Line	10 ft. minimum (interior lots – 19.04.160)	Consistent; 212 ft provided
Interior Setback	None, unless required by the Uniform Building Code (UBC)	n/a
Site Coverage	50% maximum	Consistent Building Footprint: 66,822 sf (30.2%)
Floor Area	No maximum	Consistent Total floor area: 65,306 sf of leasable space
Height Limit	45 ft. maximum	Consistent: 45 ft tall from finish floor elevation. Development Plan Modification Required.
Landscaping a. Overall Site Landscape	a. 10% minimum of net lot area = 22,128 sf	a. Consistent – 26,665 sf (12% of proposed lot area) provided
b. Street	b. Side and Rear property lines shall be landscaped	b. Interior lot – does not apply.

## Attachment 4

Frontage	with minimum of 5-foot wide planter  Front property line minimum landscaping of a 10-foot wide planted area	Landscaping provided around perimeter of building and western, and southern edge of property.
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*Source: City of Buellton Municipal Code, Title 19, Zoning*

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

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

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

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

## Attachment 4

a,b,c. The proposed project has industrial and commercial components with no outdoor work areas proposed. No significant noise generating activities are proposed. All activities within the City of Buellton shall conform to the noise standards in the Noise Element of the General Plan as well as the noise regulations contained in the Municipal Code. Any violations would be addressed through the City's existing Code Compliance procedures. No significant impacts are anticipated.

d. Construction noise is not expected to significantly impact noise sensitive receptors. Assuming onsite construction equipment may temporarily generate noise levels up to 88 dBA at 50 feet from the equipment, and assuming that point source noise attenuates at a rate of 6dB per doubling of distance, it is anticipated that the maximum noise levels experienced would be about 64 dB within 800 feet, and 58 dBA at 1,600 feet from the noise source. This does not account any barrier attenuation from intervening structures. The nearest residential neighborhood is roughly 800 feet away to the north of the project site. Policy N-7 of the Noise element of the General Plan requires that noise generated by construction activities should be limited to daytime hours to reduce nuisances at nearby noise receptors in accordance with the hours and days set in the adopted Standard Conditions of Approval. *Impacts would therefore be less than significant.*

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

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

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

a. Population Growth: The site is planned for and zoned for industrial development. No impacts would occur.

b, c. Displacement: The site is vacant and as such would not displace any residents. No impacts would occur.

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

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

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

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

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

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

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

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

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

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- a. Demand for Parks and Recreation: The project is industrial/commercial and is not expected to impact parks or park services. No impacts would occur.
- b. Construction of Recreational Facilities: No recreational facilities are proposed as part of the project. The project consists of an industrial warehouse complex. No adverse impacts would occur.

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

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

a, b. Traffic Congestion: A traffic study (July 18, 2017) has been prepared by Associated Transportation Engineers (ATE) for the project. The traffic study is summarized below and is hereby incorporated by reference into this initial study. The complete traffic study is available for review at the Buellton Planning Department, 107 West Highway 246, Buellton and on the City of Buellton website.

Regional access to the project site is provided by US 101 via the SR 246 interchange. Local access is provided via Industrial Way. The Project will share access from Industrial Way with the Terravant Wine building. There will be one additional access way via easement and an additional emergency access.

Because traffic flow on urban arterials is most constrained at intersections, detailed flow analyses focus on the operating conditions of critical intersections during peak travel periods. In rating intersection operations, "Levels of Service" (LOS) A through F are used. LOS A and LOS B represent primarily free-flow operations, LOS C represents stable conditions, LOS D nears unstable operations with restrictions on maneuverability within traffic streams, LOS E represents unstable

## Attachment 4

operations with maneuverability very limited, and LOS F represents breakdown or forced flow conditions. The City of Buellton considers LOS C as the minimum standard for traffic operations on City roadways and intersections. LOS D is considered acceptable as an interim condition where programmatic implementation of transportation infrastructure improvements is planned to take place over a period that would return the level of service to an acceptable level.

### **Existing Conditions**

#### *Existing Street Network*

The circulation system is comprised of regional highways, arterials and collector streets, which are illustrated on Figure 1 of the Transportation Analysis dated July 18, 2017. The following text discusses the major roadways serving the site.

**US Highway 101**, located east of the Project, is a multi-lane highway serving the California coast between Los Angeles and San Francisco. US Highway 101 is 4-lanes wide in the City of Buellton and provides regional access to the Project.

**SR 246**, located north of the Project site, is an east-west state highway which extends from the Pacific Ocean west of Lompoc through Buellton, Solvang and Santa Ynez, to SR 154 on the east. SR 246 is a 4-lane arterial from the western Buellton city limit to Freear Drive near the Eastern city limit.

**Avenue of Flags** is a north-south arterial roadway which parallels the west side of US Highway 101. Avenue of Flags serves the business area of Buellton between the US 101 SB off-ramp and the Flying Flags RV Resort.

**Industrial Way**, located just east of the Project site is a north-south collector street which terminates approximately ¼ mile south of SR 246. Access to the Project is proposed via 2 driveways on Industrial Way that will serve the Project and the Terravant Wine building.

**Sycamore Drive**, located west of the Project site, is a north-south collector street which terminates approximately a quarter-mile north and south of SR 246.

#### *Existing Intersection Operations*

Existing lane geometries and traffic controls for the three study-area intersections are illustrated on Figure 3 of the Transportation Analysis dated July 18, 2017. Existing peak hour volumes were obtained for the study-area intersections from traffic count data collected by ATE in March of 2017. Existing peak hour volumes are illustrated on Figure 4 of the Transportation analysis dated July 18, 2017. Existing levels of service were calculated for the study-area intersections using the Highway Capacity Manual (HCM)<sup>4</sup> methodologies, as required by the City of Buellton. Traffic Table 1

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<sup>4</sup> Highway Capacity Manual, Transportation Research Board, 2010.

## Attachment 4

presents the existing intersection levels of service (LOS calculations contained in Technical Appendix).

**Traffic Table 1  
Existing Levels of Service**

Intersection	Control	Delay / LOS (a)	
		AM Peak	PM Peak
#1 - SR 246/Sycamore Drive	Unsignalized	11.0 Sec/LOS B	8.2 Sec/LOS A
#2 - SR 246/Industrial Way	Signal	20.8 Sec/LOS C	17.4 Sec/LOS B
#3 - SR 246/Avenue of Flags	Signal	27.4 Sec/LOS C	30.2 Sec/LOS C

(a) LOS based on average delay per vehicle in seconds pursuant to HCM procedures.

The data presented in Traffic Table 1 indicate that the study-area intersections currently operate at LOS C or better during the A.M. and P.M. peak hour periods, which meets the City's LOS C operating standard.

### **Project Generated Traffic**

Trip generation estimates were developed for the Project using rates presented in the Institute of Transportation Engineers (ITE) Trip Generation manual for General Light Industrial (Land-Use #110).<sup>5</sup> Traffic Table 2 presents trip generation estimates for the Project.

**Traffic Table 2  
Project Trip Generation**

Land Use	Size	ADT		AM Peak Hour		PM Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
Light Industrial	74,300	6.97	518	0.92	68	0.97	72

As shown in Traffic Table 2, the Project is forecast to generate 518 average daily trips, 68 AM peak hour trips, and 72 PM peak hour trips.

Traffic Table 3 below shows the trip distribution pattern developed for the Project. The trip distribution pattern was developed based on existing traffic flows and the surrounding land uses in the area.

<sup>5</sup> Trip Generation, Institute of Transportation Engineers, 9<sup>th</sup> Edition, 2012.

**Traffic Table 3  
Project Trip Distribution Percentages**

Origin/Destination	Direction	Percentage
SR 246	East	35%
	West	35%
Avenue of the Flags	North	20%
	South	10%
<b>Total</b>		<b>100%</b>

**Project Traffic Impacts**

*Intersection Impacts*

Levels of service were calculated for the study-area intersections based on the Existing + Project volumes. Traffic Table 4 lists the Existing + Project levels of service for the study-area intersections.

**Traffic Table 4  
Existing + Project Levels of Service**

Intersection	Delay / LOS (a)			
	AM Peak Hour		PM Peak Hour	
	Existing	Existing+Project	Existing	Existing+Project
#1 - SR 246/Sycamore Drive	11.0 Sec/LOS B	11.2 Sec./LOS B	8.2 Sec/LOS A	8.3 Sec./LOS A
#2 - SR 246/Industrial Way	20.8 Sec/LOS C	24.8 Sec./LOS C	17.4 Sec/LOS B	17.5 Sec./LOS B
#3 - SR 246/Avenue of Flags	27.4 Sec/LOS C	27.6 Sec./LOS C	30.2 Sec/LOS C	30.8 Sec./LOS C

(a) LOS based on average delay per vehicle in seconds pursuant to HCM procedures.

The data presented in Traffic Table 4 indicate that the study-area intersections will continue to operate at LOS C or better with Existing + Project traffic, which meets the City’s LOS C standards. Based on the City’s impact threshold criteria, the Project would not generate significant impacts at the study-area intersections.

**Cumulative Traffic Impacts**

*Intersection Operations*

Cumulative traffic volumes were forecast for the study-area intersections assuming development of the approved and pending projects proposed within the City of Buellton (a copy of the March 2017 list summarizing the approved and pending projects is contained the Technical Appendix for reference). Trip generation estimates were developed for the cumulative projects using the rates presented in the ITE Trip Generation Report. Cumulative traffic volumes are shown on Figure 7 and

## Attachment 4

Cumulative + Project volumes are shown on Figure 8 of the Transportation analysis dated July 18, 2017. Traffic Table 5 compares the Cumulative and Cumulative + Project levels of service for the study-area intersections.

**Traffic Table 5  
Cumulative + Project Levels of Service**

Intersection	Delay / LOS (a)			
	AM Peak Hour		PM Peak Hour	
	Cumulative	Cumulative+Project	Cumulative	Cumulative+Project
#1 - SR 246/Sycamore Drive	11.4 Sec./LOS B	11.5 Sec./LOS B	8.3 Sec./LOS A	8.3 Sec./LOS A
#2 - SR 246/Industrial Way	30.6 Sec./LOS C	30.8 Sec./LOS C	18.0 Sec./LOS B	23.0 Sec./LOS C
#3 - SR 246/Avenue of Flags	27.7 Sec./LOS C	27.9 Sec./LOS C	32.2 Sec./LOS C	33.3 Sec./LOS C

(a) LOS based on average delay per vehicle in seconds pursuant to HCM procedures.

The data presented in Traffic Table 5 indicate that the study-area intersections are forecast to operate at LOS C or better with Cumulative and Cumulative + Project Traffic, which meets the City's LOS C standard. Based on the City's impact threshold criteria, the Project would not contribute to cumulative impacts at the study-area intersections.

### **Site Access and Circulation**

Access is proposed via three driveways with two access easements as shown in Figure 9 of the Transportation analysis dated July 18, 2017. The Project will share access with the Terravant Wine building and the Ascendant Spirits building located just east of the Project site. Primary access to the Project is proposed via a shared driveway on Industrial Way located on the north side of the Ascendant Spirits building. This connection also provides access to the Figueroa Mountain Brewing Company on the north side of the road. Secondary access is proposed via a second driveway located between the Terravant Wine building and the Ascendant Spirits building. A third driveway located south of the Terravant Wine building would be controlled by a fence and a gate and used for emergency access only.

The Project is forecast to generate 518 average daily trips which would use the two shared access connections. Given the low volume of traffic on the existing circulation system, the additional traffic generated by the Project would be accommodated by the proposed access easements. It is recommended that lane striping and a stop sign be installed at the primary access connection adjacent to the Project's driveway to better organize the intersection, as show on Figure 10 of the Transportation analysis dated July 18, 2017. This will be included as a condition of approval for the project.

### **Pedestrian and Bicycle Facilities**

There are existing pedestrian sidewalks along both sides of Industrial Way from SR 246 and its terminus. Pedestrian sidewalks are also provided on both sides of State Route 246 between

## Attachment 4

Avenue of Flags and Sycamore Drive. The City of Buellton's bicycle and pedestrian master plan proposes Class II bicycle routes for State Route 246 and Class III bicycle routes for Industrial Way. These facilities will be able to accommodate pedestrian and bicycle traffic generated by the Project.

### Congestion Management and Program Analysis

The Santa Barbara County Association of Governments (SBCAG) has developed a set of traffic impact thresholds to assess the impacts of land use decisions made by local jurisdictions on regional transportation facilities located within the Congestion Management Program (CMP) roadway system. The following guidelines were developed by SBCAG to determine the significance of project-generated traffic impacts on the regional CMP system.

1. For any roadway or intersection operating at "Level of Service" (LOS) A or B, a decrease of two levels of service resulting from the addition of project-generated traffic.
2. For any roadway or intersection operating at LOS C, project-added traffic that results in LOS D or worse.
3. For intersections within the CMP system with existing congestion, the following table defines significant impacts.

Level of Service	Project-Added Peak Hour Trips
LOS D	20
LOS E	10
LOS F	10

4. For freeway or highway segments with existing congestion, the following table defines significant impacts.

Level of Service	Project-Added Peak Hour Trips
LOS D	100
LOS E	50
LOS F	50

### *Potential Intersection Impacts*

The traffic analysis found that the intersections along SR 246 are forecast to operate at LOS C or better under Existing + Project and Cumulative + Project traffic conditions. These operations are acceptable based on the CMP standards. Therefore, the Network Project would not impact the CMP intersections in the study-area.

## Attachment 4

### *Potential Freeway Impacts*

The Network Project would add less than 100 peak hour trips to U.S. Highway 101 north and south of SR 246. Based on CMP criteria, the project would not significantly impact the freeway segments within the study-area.

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

**Findings and Mitigation:** The proposed project would not create significant project or cumulative related traffic impacts. However, the intersection configuration at the primary access point at the north east corner of the project site could create traffic conflicts. The requirement for striping and signage at this corner has been included as a condition of approval. The project is also required to pay the City's AB 1600 traffic mitigation fee. .

### ***Monitoring:***

Planning Department will verify installation of striping and signs prior to final occupancy.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><i>XVII. TRIBAL CULTURAL RESOURCES -</i></b> Would the project:				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X

## Attachment 4

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X
--	--	--	--	---

a. Tribal Cultural Resources. The property is an urban infill site that is currently vacant. The site is highly disturbed as a result of past flooding events. Therefore, if any tribal cultural resources were present on the site in the past, it is highly unlikely that they would be present today. Additionally, Mitigation Measure CR-1 in the Cultural Resources section includes a Halt Work Order requirement in the unlikely event that any cultural resources are discovered. The procedures laid out in this mitigation measure would be followed in the event any cultural resources are discovered. The City has followed the required AB52 consultation prior to release of this initial study. No impacts to tribal cultural resources have been identified.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><i>XVIII. UTILITIES AND SERVICE SYSTEMS -</i></b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

a. Wastewater Treatment Requirements: The anticipated use of the site is not anticipated to generate waste of increased or concentrated strengths. All elements of the project will connect to the public sewer system via a private sewer lift station located on the project site, for ultimate treatment at the City's wastewater treatment plant. An Industrial Discharge Permit will be required for all future processing and manufacturing facilities that may occupy some of the units. Impacts would be less than significant.

b., e. Water and Wastewater Facility Construction: The General Plan already accounts for development of the intensity proposed as part of the project. Therefore, its water consumption and wastewater generation characteristics are already accounted for in the General Plan and

## Attachment 4

associated Environmental Impact Report. There would be no residents at the site. Water use is estimated at approximately 5.4 acre-feet per year. The City has adequate water supply with its three sources of water. The City's wastewater treatment plant has a total capacity of 650,000 gallons per day, and has a current average daily flow of approximately 450,000 gallons per day. Utilizing the use factor of 90 percent of water used becoming wastewater, the project generation will increase the current average daily flow by less than 1 percent (approx. 4,401 gallons per day). The existing wastewater treatment plant and sewer mains have sufficient capacity to accommodate the project's flows. Impacts would be less than significant.

c. Storm Drain Construction: The project would convey drainage to proposed on-site storm drain inlets through the project site and located in vegetated areas, including the vegetated swale. The storm drain would direct the flow to a private off-site stormwater retention basin facility to the west of the project site that will be constructed via easement agreement with the adjacent property owner. No additional impacts are anticipated. The impacts would be less than significant.

d. Water Supplies: This project would increase the demand for domestic water from the City's supplies; however, the City has adequate supply to service the project without obtaining new or expanded water entitlements. The City has an estimated water supply capacity of 1,563 acre-feet per year. The estimated water demand for the project is 5.4 acre-feet per year. Impacts would be less than significant.

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

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

## Attachment 4

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

a. Impacts related to drainage and water quality were determined to be less than significant. Compliance with stormwater and other water quality regulations ensures that the project's impacts are not cumulatively considerable. Potential impacts related to biological resources and cultural resources were identified, however the appropriate mitigation measures have been included to mitigate these impacts to a less than significant level and ensure that there are no cumulatively considerable impacts. The project is also required to comply with federal, state and local laws that address biological resources. Standard conditions of approval would also apply. There are no important examples of major period of California history or prehistory that will be impacted by this project.

b. No potential cumulative impacts were identified for the project.

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

---

**Appendix A**

*Project Vicinity Map*



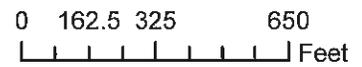
# Vicinity Map



**Legend**

 City Parcels

 Project Location



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**Appendix B**

*Project Plans (attached as a separate file)*

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**Appendix C**

*Email From Crystal Huerta, Army Corps of Engineers, Dated July 5, 2017*

## Attachment 4

### Andrea Olson

---

**From:** Gavin Moores <gavinm@cpdginc.com>  
**Sent:** Friday, July 7, 2017 12:13 PM  
**To:** Andrea Olson  
**Cc:** Marc Bierdzinski  
**Subject:** FW: Buellton Project (The Network, Blue 5)\_Corps File No. SPL-2017-00429-CLH)

**Importance:** High

Andrea just wanted to make sure you have this letter from the Army Corp.

GAVIN MOORES | CPDG Inc  
C: 805.896-0474 | O: 805.692.4701 | E-mail: gavinm@CPDGinc.com  
Websites: www.cphhomes.com & : www.cpcustombuilders.com

-----Original Message-----

**From:** Huerta, Crystal L CIV USARMY CESPL (US) [mailto:crystal.huerta@usace.army.mil]  
**Sent:** Wednesday, July 05, 2017 11:15 AM  
**To:** John Davis <jdavis@dudek.com>  
**Cc:** Gavin Moores <gavinm@cpdginc.com>; marcb@cityofbuellton.com; Rains, Sarah@Wildlife <Sarah.Rains@wildlife.ca.gov>  
**Subject:** RE: Buellton Project (The Network, Blue 5)\_Corps File No. SPL-2017-00429-CLH)  
**Importance:** High

John: Thank you for your submittal and meeting with me in the office.

I have reviewed your submittals. The Corps' evaluation process for determining if you need a permit is based on whether or not the proposed project is located within or contains a water of the United States, and whether or not the proposed project includes an activity potentially regulated under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act. If both conditions are met, a permit would be required. I have determined the proposed project does not require a permit under Section 404 of the Clean Water Act. As part of the evaluation process, pertaining to the first test only, we have made the jurisdictional determination below.

Based on available information, we have determined there are not waters of the U.S. on the project site, in the location depicted in your email. Notwithstanding this determination, your proposed project may be regulated under other Federal, State, and local laws.

If you need any additional information please let me know.

Thank you.

Crystal L.M. Huerta  
Biologist, Senior Project Manager  
North Coast Branch (CESPL-RGN)  
Los Angeles District, U.S. Army Corps of Engineers Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

## Attachment 4

Tel: (805) 585-2143

Please consider the environment before printing this email!

\*Please note that Fridays are my AWS day off. Should you email me on Friday, I'll respond to your message as soon as possible the following Monday.

Assist us in better serving you! You are invited to complete our customer survey, located at the following link:  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

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-----Original Message-----

From: John Davis [mailto:jdavis@dudek.com]

Sent: Saturday, June 24, 2017 12:02 AM

To: Huerta, Crystal L CIV USARMY CESPL (US) <crystal.huerta@usace.army.mil>

Cc: 'Gavin Moores' <gavinm@cpdginc.com>; marcb@cityofbuellton.com; Rains, Sarah@Wildlife <Sarah.Rains@wildlife.ca.gov>

Subject: [Non-DoD Source] RE: Buellton Project (The Network, Bue 5) - USACE Review

Importance: High

Crystal,

Thank you again for meeting with me late Wednesday morning (June 21) to discuss the non-jurisdictional hydrologic features on the BUE 5 or The Hub project site in Buellton. As I indicated, the City and their peer reviewer, Rincon Consultants, requested that we present these features to the U.S. Army Corps of Engineers prior to the initiation of CEQA to ensure impacts to any jurisdictional features were adequately analyzed in the IS-MND. We recently conducted a site visit with Sarah Rains of the California Department of Fish and Wildlife (CDFW) on the Network (Bue 5) project site as well as another site to the east, which borders Zaca Creek (The Hub, Bue 17). For clarity, I'm only requesting a review of the Network (Bue 5) project site in this email. Ms. Rains was confident that the CDFW would not take jurisdiction over these two swales on the Network site. Although the swales display evidence of an OHWM, they are absolutely not hydrologically connected to a RPW or TNW (i.e., Santa Ynez Creek). They also do not contain a defined bed and bank or riparian vegetation. The hydrologic features of interest are isolated swales caused by and drain storm water run-off from the hardscape developments to the north and appear to be or have been maintained (tilling or furrows can be seen crossing the swale perpendicular in photo 2712). Upland mustard and non-native invasive grasses line the swale on the northwest border of the site. No wetlands or wetland vegetation (dominance of FAC, FACW, or OBL) exist in the swale or other portions of the site. In coordination with the City of Buellton on recent developments to the north/north east and adjacent to the project where the swales originate (i.e., Harry's Building), it appears that no permits were issued by the U.S. Army Corps of Engineers for those developments.

I am requesting concurrence from the U.S. Army Corps of Engineers that the project site displayed in the attached (to this email) exhibits and photographs and presented during our meeting does not contain jurisdictional feature per the Clean Water Act Section 404 under the U.S. Army Corps of Engineers jurisdiction.

Per your request, I have included lat/long or UTM of the site's location (near middle of site).

Lat: 34.610036°

Long: -120.203504°

## Attachment 4

Section: 10 S  
Easting: 756426.00 m E  
Northing: 3833355.00 m N

Thank you for your time and consideration on this request.

Sincerely,

John H. Davis IV, MS, CE  
Senior Ecologist

-----Original Message-----

From: Huerta, Crystal L CIV USARMY CESPL (US) [mailto:crystal.huerta@usace.army.mil]  
Sent: Wednesday, June 21, 2017 7:44 AM  
To: John Davis  
Subject: RE: Buellton Project - USACE Review (Field or Office)

See you then. We do have visitor internet. I have to obtain that password from my management. I should have it for you.

Crystal L.M. Huerta  
Biologist, Senior Project Manager  
North Coast Branch (CESPL-RGN)  
Los Angeles District, U.S. Army Corps of Engineers Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Tel: (805) 585-2143

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-----Original Message-----

From: John Davis [mailto:jdavis@dudek.com]  
Sent: Wednesday, June 21, 2017 6:34 AM  
To: Huerta, Crystal L CIV USARMY CESPL (US) <crystal.huerta@usace.army.mil>  
Subject: [Non-DoD Source] RE: Buellton Project - USACE Review (Field or Office)  
Importance: High

Crystal,

Okay, I'll stop by at 11am. Does that work for you?

## Attachment 4

Also, do you have visitor internet? Do I need to request in advance?

Thanks,

John H. Davis IV, MS, CE  
Senior Ecologist

-----Original Message-----

From: Huerta, Crystal L CIV USARMY CESPL (US) [mailto:crystal.huerta@usace.army.mil]  
Sent: Tuesday, June 20, 2017 2:23 PM  
To: John Davis  
Subject: RE: Buellton Project - USACE Review (Field or Office)

John: Good for tomorrow meeting. The call is in the afternoon.

Crystal L.M. Huerta  
Biologist, Senior Project Manager  
North Coast Branch (CESPL-RGN)  
Los Angeles District, U.S. Army Corps of Engineers Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Tel: (805) 585-2143

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BlockedBlocked[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

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-----Original Message-----

From: John Davis [mailto:jdavis@dudek.com]  
Sent: Tuesday, June 20, 2017 6:49 AM  
To: Huerta, Crystal L CIV USARMY CESPL (US) <crystal.huerta@usace.army.mil>  
Subject: [Non-DoD Source] RE: Buellton Project - USACE Review (Field or Office)  
Importance: High

Thanks Crystal,

I'll keep Wednesday late AM on open and available. I'm also available on Thursday and Friday, however, more restrictive in time. I'm also trying to get my revised report out this week, so Wednesday, the latest Thursday would be ideal. I'm on vacation in Alaska next week.

To answer your question: No connectivity.

## Attachment 4

John H. Davis IV, MS, CE  
Senior Ecologist

-----Original Message-----

From: Huerta, Crystal L CIV USARMY CESPL (US) [mailto:crystal.huerta@usace.army.mil]  
Sent: Monday, June 19, 2017 5:04 PM  
To: John Davis  
Subject: RE: Buellton Project - USACE Review (Field or Office)

Afternoon John: I have a pending conference call with EPA and the Service so I cannot commit to Wednesday unfortunately. Why don't we tentatively meet in the office here in Ventura. I can keep you posted on my pending meeting.

Is there connectivity?

Crystal L.M. Huerta  
Biologist, Senior Project Manager  
North Coast Branch (CESPL-RGN)  
Los Angeles District, U.S. Army Corps of Engineers Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Tel: (805) 585-2143

Please consider the environment before printing this email!

\*Please note that Fridays are my AWS day off. Should you email me on Friday, I'll respond to your message as soon as possible the following Monday.

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BlockedBlockedBlocked[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

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-----Original Message-----

From: John Davis [mailto:jdavis@dudek.com]  
Sent: Monday, June 19, 2017 2:14 PM  
To: Huerta, Crystal L CIV USARMY CESPL (US) <crystal.huerta@usace.army.mil>  
Subject: [Non-DoD Source] Buellton Project - USACE Review (Field or Office)  
Importance: High

Crystal,

See attached figures for The Network site in Buellton. The hydrologic feature of question is the one along the west project boundary. It was caused by the local development hardscaping and eventual storm water flow. The client plans to contain it and delivery to an existing detention basin, which is always dry due to the sandy soils (i.e., high infiltration rate). We haven't conducted a WD/JD yet since it was questionable to begin with. Sarah Rains, CDFW, did not have any

## Attachment 4

interest in permitting it under the Fish and Game Code (Streambed Alteration Agreement). We expect that it will be covered under a municipal stormwater permit or similar for the project.

What time(s) can you meet on Wednesday? Field/Office? I have an early morning meeting in Ventura and can make late morning on.

John H. Davis IV, MS, CE  
Senior Ecologist

DUDEK  
621 Chapala Street  
Santa Barbara, CA 93101  
T: 805 . 308 . 8524  
F: 805 . 963 . 2074

C: 805 . 252 . 7996

**Exhibit A**

**The Network Project (BUE 5)  
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 17-15, dated December 7, 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-2a (Pre-Construction Survey – American Badger):*** Pre-construction surveys for American badger shall be conducted 30 days prior to the initiation of Project activities. If evidence of this species is observed (old or new dens sites), potential dens should be monitored with tracking material and or wildlife movement cameras. If a den is deemed inactive for three consecutive days, a qualified biologist would excavate the den by hand with a shovel to prevent American badgers from reusing the den during construction.

- If active natal dens are observed during the pupping season (February 15 to July 1), a 200-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. Construction in this buffer zone would be postponed or halted until the project biologist determines that the young are no longer dependent on the natal den.
- If winter dens are found, a 50-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. If avoidance of the den is not possible during the non-pupping season, an attempt shall be made by a qualified project biologist to trap or flush the individual and relocate it to suitable open space habitat. Badgers can also be relocated by slowly excavating the burrow, removing no more than 4 inches at a time.

***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-2b (Pre-Construction Survey – Bat Species):*** Surveys should be performed to confirm whether or not potential roosting vegetation exists in the proposed Project site vicinity.

## Attachment 5

*The Network Project (BUE 5)*  
*Mitigation and Monitoring Reporting Program*  
2 of 6

Surveys shall consist of two daytime visits to inspect suitable vegetation for roosting bats and two dusk exiting surveys to detect bats leaving their roosts. Suitable vegetation should be inspected on foot using a handheld spotlight during daylight hours to examine all suitable vegetation for bat sign (e.g., guano, urine stains) and roosts. Surveys shall be conducted thoroughly and quickly to minimize disturbance to bats. For the dusk exiting surveys, one biologist should be positioned in an optimal location(s) to observe and count bats exiting suitable vegetation.

- If potential roosts are determined to be present then the roosts must be analyzed further to determine if the species is present and if maternity roosts are present. If maternity roosts of any bat species are present, the CDFW shall be notified and no work shall occur within 100 feet of the roost location of any bat species until the end of the pupping.
- For protection of young (e.g., unable to fly) and hibernating adults, all project-related activities shall be avoided where roosts are present during the winter and spring. No restrictions apply to project vehicle traffic or to construction activity that occurs outside of the pupping season.

**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-2c (Pre-Construction Survey – Nesting Birds):** In compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, a pre-construction survey for nesting birds is recommended within 30 days of ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region).

- If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist or a buffer as authorized through the context of the Biological Opinion and 2081b Incidental Take Permit (delineated with stakes or fencing), will be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.
- No construction or project activities are permitted within this buffer until the nest is vacated, juveniles have fledged and there is no evidence of a second nesting attempt.
- The nest shall be monitored every other week by a qualified biologist until fledglings become independent of the nest.
- Additionally, in the event that least bell's vireos or southwestern flycatchers are observed during the surveys, consultation with the USFWS (and possibly the State) would be required to ensure avoidance of this species.

## Attachment 5

*The Network Project (BUE 5)*  
*Mitigation and Monitoring Reporting Program*  
3 of 6

- The monitoring biologist shall halt construction activities if he or she determines that the construction activities are disturbing the nesting activities. The monitor shall make practicable recommendations to reduce the noise or disturbance near the nest. This may include 1) turning off vehicle engines and other equipment whenever possible to reduce noise, 2) working in other areas until the young have fledged, or 3) placing noise barriers to maintain the noise at the nest to 60 dBA Leq. Hourly or less or to the preconstruction ambient noise level if that exceeds 60 DBA Leq. Hourly.
- If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the construction activities are disturbing nesting activities, the biologist shall have the authority to halt the construction and shall devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nest site and the construction activities, and working in other areas until the young have fledged. If noise levels still exceed 60 dBA Leq. Hourly at the edge of the nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestling have fledged.
- All active nests shall be monitored on a weekly basis until the nestlings fledge. The qualified biologist shall be responsible for documenting the results of the surveys and the ongoing monitoring and for reporting these results to CDFW and USFWS. The monitoring biologist will review and verify compliance with these nesting boundaries and will verify that the nesting efforts have finished. Unrestricted construction activities can resume when no other active nests are found.

**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-2d (Pre-Construction Survey – Blainville's horned lizard and California legless lizard):** Pre-construction surveys for Blainville's horned lizard and California legless lizard shall be conducted 30 days prior to the initiation of Project activities. Subject species of surveys may vary depending on timing and species' activity patterns. At any time of year when Project activities are initiated, pre-construction surveys shall be conducted for Blainville's horned lizards in open friable soils and California legless lizards in riparian habitats and areas with loose sand. If these species are observed in the construction zone, all work shall be halted and the City and CDFW shall be contacted within 24 hours of the observation.

- A salvage and relocation plan shall be implemented to allow a qualified biologist to capture and relocate the species away from ground disturbance and into protected open space. The relocation plan will consist of a plan

## Attachment 5

*The Network Project (BUE 5)*  
*Mitigation and Monitoring Reporting Program*  
4 of 6

which allows a qualified project biologist to approach and capture individuals observed within the construction zone. Individuals will then be transported and relocated into open space, which may include suitable habitats for this species along or within the Santa Ynez River, as appropriate. Within 24 hours of relocation, a brief report documenting details of the observation and relocation will be provided to the CDFW and City. The report will include details on date/time when species was first observed, re-locating biologist, and coordinates for where the species was first observed and relocated. Descriptions of the habitat and suitability of where the species was relocated will also be provided in the report.

**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-2e (Avoidance Plan):** Although California red-legged frog and western spadefoot are not likely to occur; a California red-legged frog and western spadefoot avoidance plan should be prepared and include specified work conditions (i.e., rain), construction equipment work areas, and measures to keep the species from entering the site, which may include monitoring and silt fence placement.

- In addition to preparing an avoidance plan; if any California red-legged frogs or western spadefoots are observed within the construction zones, the applicant must stop work and contact the USFWS and CDFW and shall implement appropriate avoidance measures, as determined by the qualified biologist and approved by the USFWS and CDFW to ensure protection of these species. Work shall not resume until the applicant receives written (email) notice from the USFWS and CDFW.

**Monitoring:** The applicant shall provide the avoidance plan to the City of Buellton Planning Department. The Avoidance Plan shall be prepared by a qualified biologist. The Planning Department will verify compliance prior to issuing grading and/or building permits. In the event that a California red-legged frog or western spadefoot is observed within the construction zone, the applicant must also notify the City of Buellton Planning Department and provide documentation from the USFWS and CDFW prior to commencing construction.

**BIO-3a (Tree Removal and Replacement):** When mature non-native trees (i.e., trees with a trunk diameter at breast height of 8 inches or more) are removed to accommodate new development, they shall be replaced at a ratio of at least two trees for every one tree removed, or such additional number and size of trees as considered appropriate by the reviewing body at the time of approval of such development. Mature native trees with a trunk diameter at breast height of 8 inches or more, including oaks, shall be replaced at a ratio of at least three new trees for every one tree removed. Replacement trees for removed native or non-native

## Attachment 5

*The Network Project (BUE 5)*  
*Mitigation and Monitoring Reporting Program*  
5 of 6

trees should be native, from locally-sources stock, using species indicated on the City's approved tree planting list.

**Monitoring:** Prior to removal of any protected tree, the applicant shall obtain written approval from the Planning Department.

**BIO-3b (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 and Public Works Departments will verify that the protective fencing is installed prior to issuance of grading permits.

**BIO-3c (Temporary Construction Fencing):** Temporary construction fencing shall be installed in the area between the sandbar willow thickets and the new retention basin.

**Monitoring:** The Planning and Public Works Departments will verify that temporary construction fencing is installed prior to issuance of Grading Permits.

**CR-1: Halt Work Order for Archaeological Resources.** If unanticipated 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.

**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.

# Attachment 5

*The Network Project (BUE 5)  
Mitigation and Monitoring Reporting Program  
6 of 6*

<b>The Network Project (BUE 5) Mitigation Monitoring and Reporting Verification Checklist</b>			
<b>Mitigation Measure</b>	<b>Responsibility</b>	<b>Timing</b>	<b>Verification</b>
BIO-2 (A-E). Special Status Plant Species Survey, Avoidance, and Restoration Plan	Planning Department	Prior to issuance of Grading and/or Building Permits	
BIO-3 (A). Native Tree Removal and Replacement	Planning Department	Prior to removal (if applicable)	
BIO-3 (B). Native Tree Protection	Planning/Public Works Department	Prior to issuance of Grading permit	
BIO-3(C). Temporary Construction Fencing	Planning/Public Works Department	Prior to issuance of Grading Permit	
CR-1 Halt Work Order for Archaeological Resources	Planning Department	Immediately upon discovery, if necessary	
HAZ -1 Phase I Environmental Site Assessment	Planning Department	Prior to issuance of Grading and/or Building permits	

**CITY OF BUELLTON**  
Planning Commission Staff Report

Planning Director Review: MPB  
Agenda Item No.: 3

To: Planning Commission

From: Marc Bierdzinski, City Manager

Date: December 7, 2017

Subject: Discussion and Possible Uses for the City Owned Property at 480 Central Avenue

---

**BACKGROUND**

The City recently purchased the property located at 480 Central Avenue. The property is zoned RM-16 (Multi-Family Residential – 16 Units per acre) and is 0.26 acres in size. An aerial photo is included as Attachment 1 and the zoning map is included as Attachment 2. Residential uses are located to the west, north, and south of the property. To the east are a public alley and a commercially zoned lot.

The City Council has directed staff to research the planning aspects and economic impacts of the following uses of the property:

- Community garden
- Mixed use of multi-family residential and office/retail
- Multi-family residential (4 units maximum)
- Civic/Community Center
- Public parking lot

The City Council also wanted the input from the Planning Commission on the appropriate land uses for the property. Kosmont Companies, the City's economic consultant, prepared a cost-benefit analysis of the above uses. It is included as Attachment 3 and summarized below.

*Kosmont evaluated fiscal revenue impacts for six (6) development scenarios for the approximately 0.26 acres (11,300 square feet) of land at 480 Central Avenue in Buellton:*

1. *Multi-family residential*
2. *Mixed-use residential / office*
3. *Mixed-use residential / civic use (e.g. historical society)*
4. *Civic use (e.g. historical society)*

5. *Community garden*
6. *Public parking*

*For each development scenario, on-site land uses (e.g. square footages, unit counts, parking spaces) were determined in accordance with City zoning code. Kosmont estimated potential assessed valuation, on-site residents and employment, and related fiscal revenue generation for the City, including property taxes, sales tax, franchise fees, service revenues, and potential ground lease / parking district revenues. Each development scenario offered its own set of potential community benefits, such as fiscal revenue generation, parking, housing supply, jobs, support of civic uses, aesthetics, community amenities, and potential incentives for developers via the Development Opportunity Reserve / DOR.*

*When comparing the various development scenarios, the development of 480 Central Avenue as off-site parking for commercial uses on the Avenue provides additional parking capacity and enables the potential incentivization of development on the Avenue via the Specific Plan DOR program and affords the highest level of potential revenue generation (lease/parking revenue) for the City. This scenario also involves the lowest level of initial capital expenditure for improvements with limited maintenance costs, while reserving the ability to construct vertical building improvements in the future as economic conditions may change. Analysis detail is attached for reference as Attachment 3.*

### **RECOMMENDATION**

That the Planning Commission provide a recommendation to the City Council on the most appropriate land use for the property.

### **ATTACHMENTS**

- Attachment 1 – Vicinity Map
- Attachment 2 – Zoning Map
- Attachment 3 – Economic Analysis



Attachment 1



**Legend**

 City Parcels

 480 Central Avenue

N



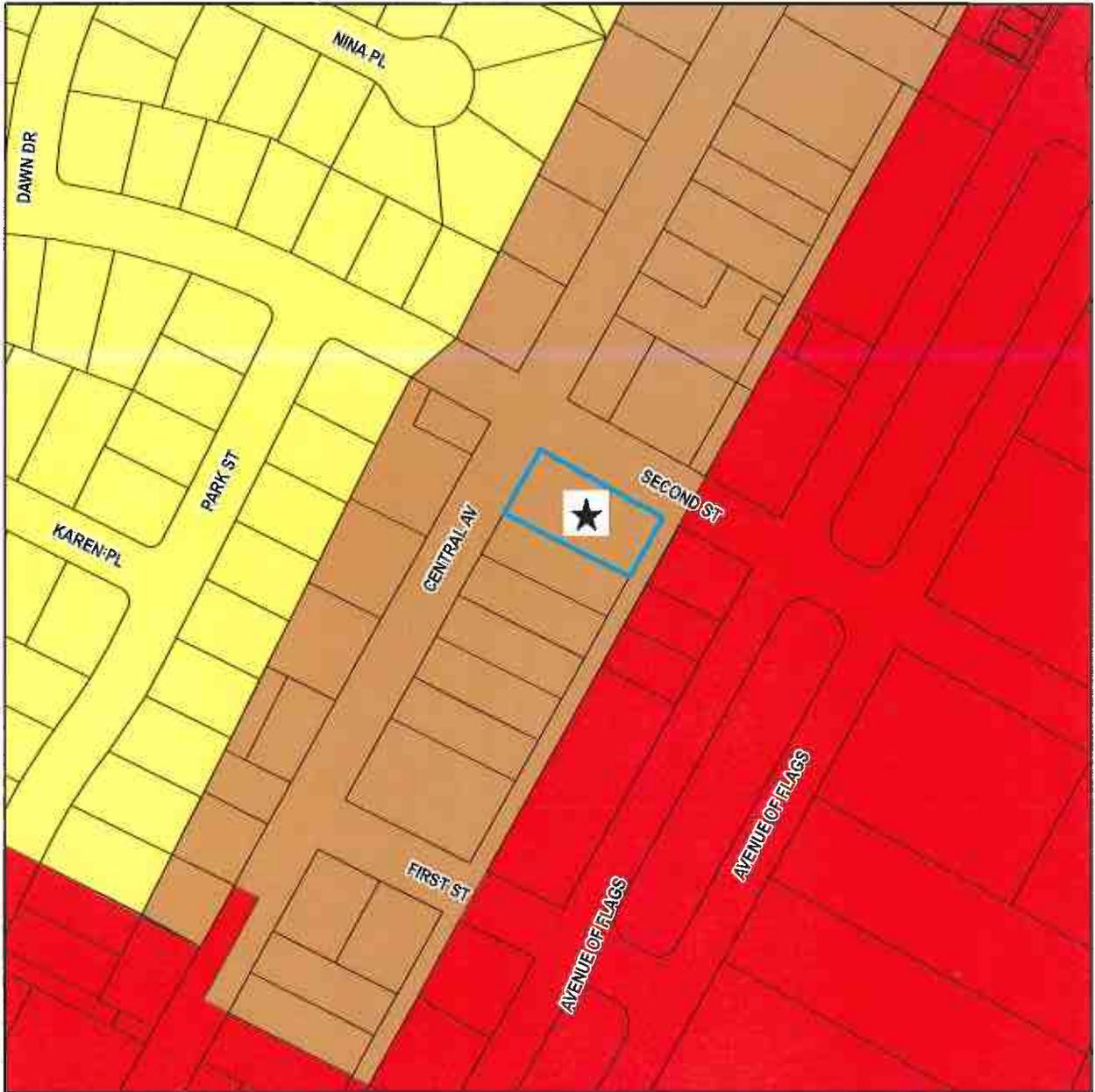
0 30 60 120 Feet





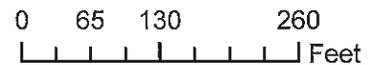
# Attachment 2 Zoning Map

## 480 Central Avenue



**Legend**

- City Parcels
- ZONE\_CR
- ZONE\_RM-16
- ZONE\_RS-8
- Project Location



# 480 Central Ave. - Buelton

## Project Description & Estimated Assessed Valuation (AV)

Project Description	#	Per Unit	Estimated AV	Parking Space Needed	# Spaces	Parking Area	Community Benefit Commentary
<b>Multifamily Residential</b>							
Residential	4 DU	\$225,000	\$900,000	1 per DU	4 spaces	1,400 SF	More housing supply
<b>Mixed-Use Residential / Office</b>							
Residential	4 DU	\$225,000	\$900,000	1 per DU	4 spaces	1,400 SF	More housing supply
Office	3,500 SF	\$175	\$612,500	3.3 per 1,000 SF	12 spaces	4,043 SF	Accommodate office use demand
Total			\$1,512,500	4 SF	16 spaces	5,443 SF	
<b>Mixed-Use Residential / Civic</b>							
Residential	4 DU	\$225,000	\$900,000	1 per DU	4 spaces	1,400 SF	More housing supply
Civic / Historical	3,500 SF	\$0	\$0	3.3 per 1,000 SF	12 spaces	4,043 SF	Accommodate civic use demand
Total			\$900,000	4 SF	16 spaces	5,443 SF	
<b>Civic / Historical</b>							
Civic / Historical	4,500 SF	\$0	\$0	3.3 per 1,000 SF	15 spaces	5,198 SF	Accommodate civic use demand
<b>Community Garden</b>							
Community Garden	10,900 SF	\$0	\$0	N/A	N/A	N/A	Community amenity / aesthetics
<b>Public Parking</b>							
Public Parking	30 spaces	\$0	\$0	N/A	N/A	N/A	Potential lease revenue to City and/or utilization in DOR program, providing off-site parking for Avenue commercial use

Notes:  
 0.26 acre parcel (11,300 SF)  
 Zoned RM-16 (multifamily residential - 16 DU / acre)  
 Analysis assumes civic / historical use does not generate lease revenue (property tax exempt)  
 Parking could alternatively be utilized within DOR program where Avenue property developer pays for parking improvements on 480 Central in exchange for reduction in on-site parking requirement

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ from those expressed in this analysis.



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# 480 Central Ave. - Buellton

## Overview of Annual Gross Fiscal Impacts

	MF Residential	Mixed Use / Office	Mixed Use / Civic	Civic	Garden	Parking
<b>Estimated Annual Gross Fiscal Impact to City</b>	<b>\$3,000</b>	<b>\$4,500</b>	<b>\$3,200</b>	<b>\$100</b>	<b>\$0</b>	<b>\$18,000</b>
30-Year Nominal Total	\$128,700	\$191,000	\$138,300	\$4,800	\$0	\$856,400
30-Year Present Value (6% discount rate)	\$53,500	\$79,600	\$57,400	\$1,900	\$0	\$346,400

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# 480 Central Ave. - Buellton

## Summary of Gross Fiscal Impacts by Revenue Category

	Estimated Annual Total				
	MF Residential	Mixed Use / Office	Mixed Use / Civic	Civic	Parking
<b>Primary Fiscal Revenues to City</b>					
Property Tax	\$1,500	\$2,500	\$1,500	\$0	\$0
Property Tax In-Lieu of VLF	\$500	\$800	\$500	\$0	\$0
Sales & Use Tax	\$400	\$500	\$500	\$0	\$0
Franchise Fees	\$200	\$300	\$300	\$100	\$0
Charges for Services	\$400	\$400	\$400	\$0	\$0
Potential Ground Lease / Parking District Revenue	\$0	\$0	\$0	\$0	\$18,000
<b>Estimated Gross Fiscal Impact</b>	<b>\$3,000</b>	<b>\$4,500</b>	<b>\$3,200</b>	<b>\$100</b>	<b>\$18,000</b>

**Notes:**

Estimated impacts upon Project build-out & stabilization

Parking alternative impacts to not include impacts from potentially incentivized (increased) development off-site on the Avenue via DOR program



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# 480 Central Ave. - Buellton

## Residents and Employees

<b>Multifamily Residential</b>					
Residents	# Units	Avg HH Size	# Residents		
	4 DU	1.5	6		
<b>Mixed-Use Residential / Office</b>					
Residents	# Units	Avg HH Size	# Residents		
	4 DU	1.5	6		
Employment Office	# SF	Per FTE Empl.	# Employees		
	3,500 SF	500 SF	7		
<b>Mixed-Use Residential / Civic</b>					
Residents	# Units	Avg HH Size	# Residents		
	4 DU	1.5	6		
Employment Civic / Historical	# SF	Per FTE Empl.	# Employees		
	3,500 SF	1,080 SF	3		
<b>Civic / Historical</b>					
Employment Civic / Historical	# SF	Per FTE Empl.	# Employees		
	4,500 SF	1,080 SF	4		
<b>Community Garden</b>					
Employment Community Garden	# SF	Per FTE Empl.	# Employees		
	10,900 SF	N/A	0		
<b>Public Parking</b>					
Employment Public Parking	# Spaces	Per FTE Empl.	# Employees		
	30 spaces	N/A	0		



The analytics, projections, assumptions, dates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ from those expressed in this analysis.

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# 480 Central Ave. - Buellton

## Property Tax

	MF Residential	Mixed Use / Office	Mixed Use / Civic	Civic	Garden	Parking
Estimated Assessed Value (AV)	\$900,000	\$1,512,500	\$900,000	\$0	\$0	\$0
Property Tax General Levy - Secured	1.00%	\$15,125	\$9,000	\$0	\$0	\$0
City of Buellton Share	16.62%	\$2,513	\$1,496	\$0	\$0	\$0
<b>Total Property Tax to City</b>	<b>\$1,500</b>	<b>\$2,500</b>	<b>\$1,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Note: Parcel is in Santa Barbara County Tax Rate Area (TRA) #007011

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# 480 Central Ave. - Buellton

## Property Tax In-Lieu of VLF

	MF Residential	Mixed Use / Office	Mixed Use / Civic	Civic	Garden	Parking
Estimated Project Assessed Value	\$900,000	\$1,512,500	\$900,000	\$0	\$0	\$0
Total Assessed Value within City (2016-17)	\$763,312,604	\$763,312,604	\$763,312,604	\$763,312,604	\$763,312,604	\$763,312,604
Percent Share / Increase in Assessed Value	0.1179%	0.1981%	0.1179%	0.0000%	0.0000%	0.0000%
Estimated Property Tax In-Lieu of VLF (2016-17)	\$420,605	\$420,605	\$420,605	\$420,605	\$420,605	\$420,605
<b>Incremental Property Tax In-Lieu of VLF to City</b>	<b>\$500</b>	<b>\$800</b>	<b>\$500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



# 480 Central Ave. - Buellton

Sales Tax (Off-Site / Indirect)

	MF Residential	Mixed Use / Office	Mixed Use / Civic	Civic	Garden	Parking
<b>Employees</b>						
Estimated Annual Taxable Spending / Empl.	\$4,832	\$4,832	\$4,832	\$4,832	\$4,832	\$4,832
Estimated Capture within City (Off-Site)	20%	\$966	\$966	\$966	\$966	\$966
Estimated # Employees	0	7	3	4	0	0
<b>Total Employee Taxable Spending within City</b>	\$0	\$6,765	\$3,132	\$4,027	\$0	\$0
<b>Resident Households</b>						
Estimated Annual Taxable Spending / HH	\$18,297	\$18,297	\$18,297	\$18,297	\$18,297	\$18,297
Estimated Capture within City (Off-Site)	50%	\$9,148	\$9,148	\$9,148	\$9,148	\$9,148
Estimated # Resident Households	4	4	4	0	0	0
<b>Total Taxable Sales Captured</b>	\$36,593	\$36,593	\$36,593	\$0	\$0	\$0
<b>Total Off-Site / Indirect Taxable Sales</b>	\$36,593	\$43,358	\$39,725	\$4,027	\$0	\$0
Annual Sales Tax to City	366	\$434	\$397	\$40	\$0	\$0
Projected Use Tax as % of Sales Tax	57	\$67	\$62	\$6	\$0	\$0
<b>Annual Sales &amp; Use Tax to City (Off-Site)</b>	\$400	\$500	\$500	\$0	\$0	\$0

Note: Assuming residential rents in line with Avenue Heights ~\$1,500 per month, and average housing costs ~32.5% of income (HH income ~\$57,250)



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# 480 Central Ave. - Buellton

## Use Tax as Percentage of Sales Tax Calculation

	Calendar Year
<b>City of Buellton</b>	<b>2015</b>
County Pool	\$291,891
State Pool	\$579
<b>Use Tax Total</b>	<b>\$292,470</b>
Point-of-Sale	\$1,886,118
<b>Use Tax as % of Sales Tax</b>	<b>15.51%</b>

Source: HdL Companies (2017)



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# 480 Central Ave. - Buellton

## City Equivalent Population

City Population	5,129
City Daytime Employee Population	2,878
Employee / Resident Weighting Factor	0.5
Effective Daytime Employee Population	1,439
<b>Total Effective City Population</b>	<b>6,568</b>

Source: California Department of Finance, U.S. Census Bureau Center for Economic Studies



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# 480 Central Ave. - Buellton

## Primary Multiplier Revenue Factors

Budget Category	City GF Budget FY 2017/18	Allocation Basis	Relevant City Population	Per Capita Factor
Franchise Fees	\$225,000	Equiv. Population	6,568	\$34.26
Charges for Services	\$202,800	Residents	5,129	\$70.47

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# 480 Central Ave. - Buellton

## Primary Multiplier Revenues

Revenue Category	Allocation Basis	MF Residential	Mixed Use / Office	Mixed Use / Civic	Civic	Garden	Parking
Franchise Fees	Equiv. Population	6	10	8	2	0	0
Charges for Services	Residents	6	6	6	0	0	0
<b>Revenue Allocation</b>							
	Per Capita Factor	MF Residential	Mixed Use / Office	Mixed Use / Civic	Civic	Garden	Parking
Franchise Fees	\$34.26	\$200	\$300	\$300	\$100	\$0	\$0
Charges for Services	\$70.47	\$400	\$400	\$400	\$0	\$0	\$0
<b>Total Multiplier Revenues</b>		<b>\$600</b>	<b>\$700</b>	<b>\$700</b>	<b>\$100</b>	<b>\$0</b>	<b>\$0</b>

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# 480 Central Ave. - Buellton

## Potential Parking Revenue Analysis

Site square footage	11,300 SF
Estimated SF per parking space	350 SF
Potential parking available on Site	30 spaces
Potential monthly charge per space to Avenue businesses	\$50
Total monthly parking revenue	\$1,500
<b>Potential Annual Parking Revenue</b>	<b>\$18,000</b>

### Notes:

Parking could alternatively be utilized within DOR program where Avenue property developer pays for parking improvements on 480 Central in exchange for reduction in on-site parking requirement  
\$50 per space per month represents ~8.5% return on site improvements costs for parking



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