



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

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

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

CALL TO ORDER

Chair Mercado

PLEDGE OF ALLEGIANCE

Commissioner Heedy

ROLL CALL

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

REORDERING OF AGENDA

PRESENTATIONS

Presentation to outgoing Chairman Art Mercado

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of June 15, 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. 17-09 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (17-LLA-02) to Remove An Existing Lot Line That Runs Through the Center of Assessor’s Parcel Number 099-262-009 in Order to Create One Legal Lot at 35 Zaca Street (Assessor’s Parcel Number 099-262-009), and Making Findings in Support Thereof”**
❖ *(Staff Contact Assistant Planner Andrea Keefer)*

3. **Resolution No. 17-10 -- “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Minor Use Permit (17-MUP-01) to Allow Outdoor Music on the Weekends at Figueroa Mountain Brewing Company Located at 45/73 Industrial Way (Assessor’s Parcel Numbers 099-690-037 and 099-820-001), and Making Findings in Support Thereof”**

Or

Resolution No. 17-10 - “A Resolution of the Planning Commission of the City of Buellton, California, Denying a Minor Use Permit (17-MUP-01) to Allow Outdoor Music on the Weekends at Figueroa Mountain Brewing Company Located at 45/73 Industrial Way (Assessor’s Parcel Numbers 099-690-037 and 099-820-001), and Making Findings in Support Thereof”

❖ *(Staff Contact Assistant Planner Andrea Keefer)*

OTHER BUSINESS

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

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

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

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

**Regular Meeting of June 15, 2017 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Padilla led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Dan Heedy, Joe Padilla, Vice Chair Brian Dunstan
and Chair Art Mercado

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

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of June 1, 2017

MOTION:

Vice Chair Dunstan moved and Commissioner Padilla seconded the motion to approve the Minutes of June 1, 2017.

VOTE:

Motion passed with a 4-0 voice vote.

PUBLIC COMMENTS

Finn Runge, 546 Blue Blossom Way, Buellton, inquired as to the status of the commuter parking lot planned on the north end of Buellton.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARING

2. **Resolution No. 17-08 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (17-LLA-01) between Lot 8 and Lot 9 of Tract 31,057, Located at the Southern Portion of the Vineyard Village Townhomes Property and Making Findings in Support Thereof”**

Chair Mercado recused himself from the Dais due to the proximity of his residence to the project.

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 Dunstan opened the Public Hearing at 6:07 p.m.

Michael Flynn, Agent for the Applicant, clarified the need for the lot line adjustment.

Philip Reed, 35 Zaca Street, Buellton, commented on the City's lot line adjustment process.

Vice Chair Dunstan closed the Public Hearing at 6:10 p.m.

MOTION:

Vice Chair Dunstan moved and Commissioner Padilla seconded the motion to adopt Resolution No. 17-08 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (17-LLA-01) between Lot 8 and Lot 9 of Tract 31,057, Located at the Southern Portion of the Vineyard Village Townhomes Property and Making Findings in Support Thereof”

VOTE:

Motion passed with 3-0 roll call vote.

Chair Mercado returned to the Dais at 6:11 p.m.

3. **Resolution No. 17-07 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Development Plan Modification (17-DPM-02) to two Previously-Approved Final Development Plans, 16-FDP-04 and 95-FDP-06, to Add Condition(s) Related to Amplified Music at the Flying Flags RV Resort Located at 180 Avenue of Flags (Assessor’s Parcel Number 137-200-085 and 137-200-086), and Making Findings in Support Thereof”**

Commissioner Heedy recused himself from the Dais due to the proximity of his residence to the project.

STAFF REPORT:

Assistant Planner Andrea Keefer presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

DISCUSSION/SPEAKERS:

Chair Mercado opened the Public Hearing at 6:17 p.m.

Staff explained that the item was staff initiated due to resident complaints.

Terese Kokorowski, Buellton, stated she has approached the Planning Commission and the City Council regarding this issue in the past. She is concerned that unregulated amplified music events will continue and possibly increase at Flying Flags Resort disturbing the peace and quiet of the neighborhood. She asked the Commission to consider limiting the number of amplified events, reduce the use of amplifiers and drums on the pool patio area and notify residents in advance of large events.

City Manager Marc Bierdzinski entered into the record a letter of support from the Buellton Chamber of Commerce suggesting potential mitigating conditions.

Dominic Pugliese, General Manager, Flying Flags Resort, stressed the importance of being a good neighbor and is willing to implement music restrictions such as time limits, allowing smaller acoustic groups only on the pool patio, decibel monitoring and notifying neighbors of large events.

Patricia Roether, Buellton, spoke in support of the music at Flying Flags and stated that it has never been a nuisance.

Stan Kokorowski, Buellton, read into the record a letter from Jerry Long stating his concerns regarding loud music coming from the Flying Flags Resort and offered several suggestions for reducing the impact on the neighborhood.

Dan Baumann, Former Manager, Flying Flags Resort, apologized for not keeping his commitment to keeping the music down at the most recent event. Mr. Baumann clarified the location of the two event areas.

Michael Roberts, Buellton, spoke in support of music at Flying Flags Resort.

Chair Mercado closed the Public Hearing at 6:37 p.m.

The Commission discussed possible conditions such as:

- Allowing acoustic instruments only on small pool patio
- Limiting days and times music is allowed
- Monitoring decibel levels
- Possibility of a sound barrier
- Send notification to residents of Rancho de Maria announcing large events

MOTION:

Commissioner Padilla moved and Vice Chair Mercado seconded the motion to adopt Resolution No. 17-07 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Development Plan Modification (17-DPM-02) to two Previously-Approved Final Development Plans, 16-FDP-04 and 95-FDP-06, to Add Condition(s) Related to Amplified Music at the Flying Flags RV Resort Located at 180 Avenue of Flags (Assessor’s Parcel Number 137-200-085 and 137-200-086), and Making Findings in Support Thereof” with the added conditions of imposing time limits of 9:00 p.m. in the winter and 10:00 p.m. in the summer months, no drums or bass instruments allowed on the pool patio area, monitoring the decibel levels, notifying Rancho De Maria residents of large events and provide contact information to the residents of Rancho De Maria.

VOTE:

Motion passed with a 3-0 roll call vote.

Commissioner Heedy returned to the Dais at 6:40 p.m.

OTHER BUSINESS

4. Preliminary Review of Central Avenue Homes

STAFF REPORT:

Assistant Planner Andrea Keefer presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

DISCUSSION/SPEAKERS:

The Commission commented on the incompleteness and lack of detail on the submitted plans and instructed the applicant to provide more details on the next submittal.

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

None

PLANNING DIRECTOR REPORT

City Manager Marc Bierdzinski updated the Commission the status of various projects and mentioned several upcoming projects.

ADJOURNMENT

Chair Mercado adjourned the meeting at 7:30 p.m. to the next regular scheduled meeting of the Planning Commission to be held July 6, 2017 at the City Council Chambers, 140 West Highway 246, Buellton.

ATTEST:

Art Mercado, Planning Commission Chair

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/aj
Planning Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members

From: Andrea Keefer, Assistant Planner

Date: July 6, 2017

Subject: Resolution No. 17-09 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (17-LLA-02) to Remove An Existing Lot Line That Runs Through the Center of Assessor’s Parcel Number 099-262-009 in Order to Create One Legal Lot at 35 Zaca Street (Assessor’s Parcel Number 099-262-009), and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

Assessor’s Parcel Number 099-262-009 located at 35 Zaca Street currently contains two legal lots (Lot 7 and Lot 8) (Attachment 1). The applicant has submitted an application for a Lot Line Adjustment (17-LLA-02) to remove the lot line that runs through the center of the parcel in order to create one legal lot.

The applicant currently has an application in process for a third dwelling unit to be constructed on the property. One legal lot is required in order for the proposed third dwelling unit to meet density and setback requirements. Currently, the parcel consists of two 7,500 square foot lots. The minimum lot size in the RM-14 zone is 10,000 square feet. With the removal of the lot line, the lot size will be 15,000 square feet; thereby meeting the density requirement. Additionally, with the removal of the lot line, setbacks from the property line would be met because there would not be a building situated over the property line. Currently, the proposed residential structure is proposed to be built over the existing lot line; which is inconsistent with the California Building Code, the Subdivision Map Act and the City’s Zoning Regulations (Attachment 2).

There is also an existing residential structure located on the property that was erroneously built over the existing lot line in 2003. The lot line should have been removed at that time, however, for reasons unknown, it was not required. The removal of the lot line will clear Title related to this structure.

In summary, the removal of the lot line is required to allow for the construction of a third residential unit on the property, and to clear Title related to the existing structure on the property.

The Lot Line Adjustment Map showing the removal of the lot line is included in Attachment 3. Lots 7 and 8 of Assessor's Parcel Number 099-262-009 will become the following adjusted lot:

- Lot 1 of 17-LLA-02

The proposed lot line adjustment does not result in any changes in land use or density and no additional lots will result. The project is exempt from the requirements of CEQA pursuant to the State CEQA Guidelines, 14 California Code of Regulations section 15000 *et seq.*, section 15305 (a), because it only involves a minor lot line adjustment with no new lots resulting. Accordingly, the proposal is being processed with a Class 5 Categorical Exemption.

RECOMMENDATION

Staff recommends that the Planning Commission consider the adoption of Resolution No. 17-09, "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (17-LLA-02) to Remove An Existing Lot Line That Runs Through the Center of Assessor's Parcel Number 099-262-009 in Order to Create One Legal Lot at 35 Zaca Street (Assessor's Parcel Number 099-262-009), and Making Findings in Support Thereof"

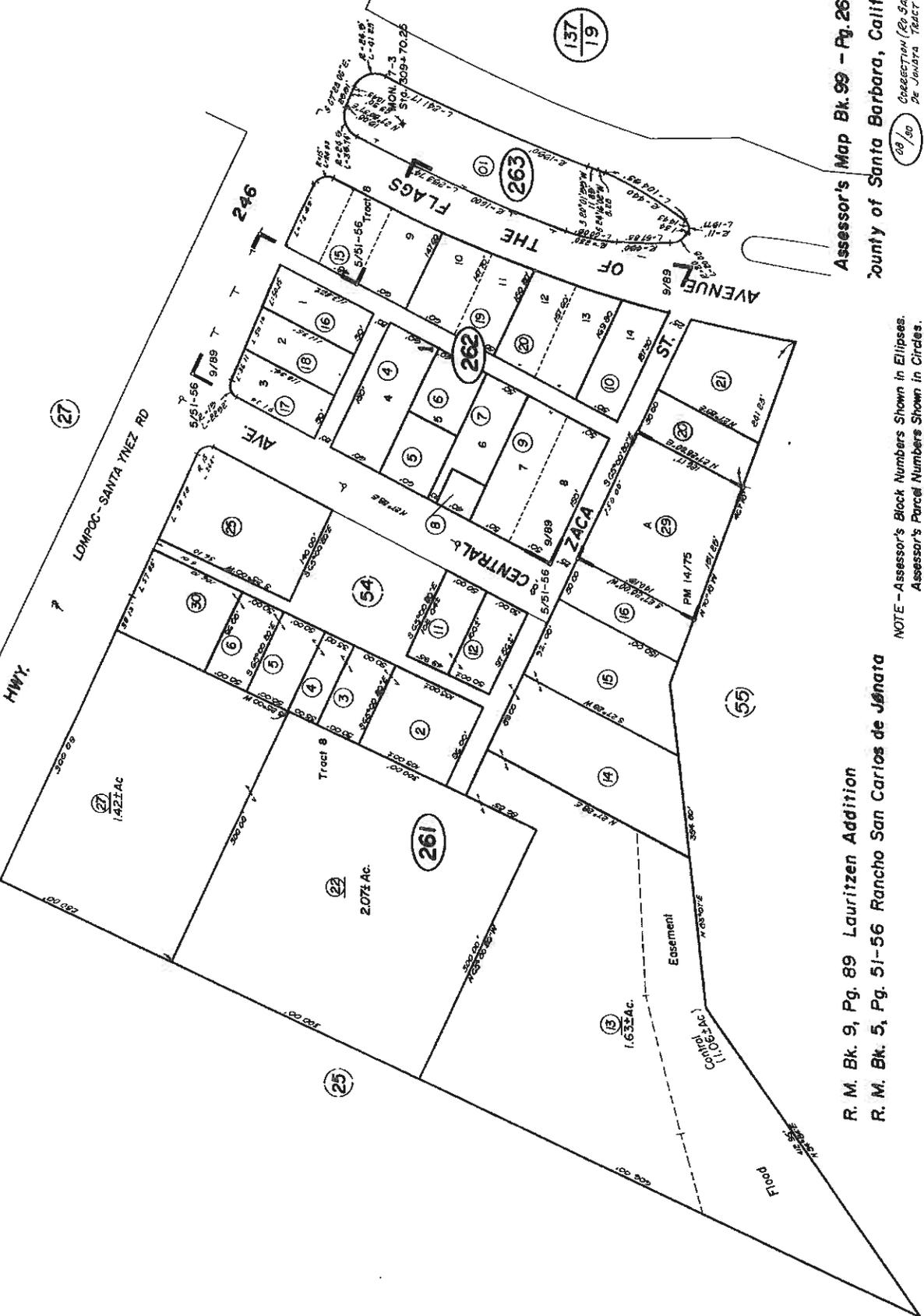
ATTACHMENTS

Attachment 1 – Santa Barbara County Assessor's Map (Bk. 99, Pg. 26)
Attachment 2 – Memorandum Regarding Building on Lot Line
Attachment 3 – Lot Line Adjustment Map
Planning Commission Resolution No. 17-09

99-26



POR. RANCHO SAN CARLOS DE JONATA



Assessor's Map Bk. 99 - Pg. 26
County of Santa Barbara, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

R. M. Bk. 9, Pg. 89 Lauritzen Addition
R. M. Bk. 5, Pg. 51-56 Rancho San Carlos de Jonata

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CORRECTION (Pg. 50) DE JONATA TRACT 8

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M E M O R A N D U M

TO: Andrea Keefer, Assistant Planner
CC: Stephen McEwen, City Attorney
FROM: Karen Murphy, Esq.
DATE: June 8, 2017
RE: Construction of Residence on Lot Line

You have asked us to provide an opinion as to whether a property owner can construct a residential dwelling over a lot line in the City's Multifamily Residential District ("RM"). In sum, a home cannot be constructed over a lot line. Such construction would be inconsistent with the Subdivision Map Act, the City's zoning and setback regulations, and the California Building Code.

The Subdivision Map Act, Government Code section 66410 *et seq.*, ("Map Act") allows for the creation of separate legal parcels that can be transferred separately. As noted in Government Code section 66424, a "subdivision" is defined as the division of land "for the purpose of sale, lease or financing." If two lots have been created, under the Map Act, each lot can then be transferred separately. In a situation where a home has been constructed over the property line, the lots could not be transferred separately, which would create an inconsistency with the intent of the lot creation and the Map Act. The construction of a home over a lot line would also create practical difficulties with the future transferability of the underlying lots.

In addition, construction over a lot line would violate the City's setback requirements. Section 19.02.120 of the Buellton Municipal Code provides for the following minimum setbacks from which structures may be constructed from the lot line in the RM District: (1) 20 feet for front yard; (2) 10 feet for side yard; and (3) 10 feet for rear yard. No matter how a home is constructed, it cannot be constructed on a lot line without violating the setback requirements as at least one side of the home would have no setback from the lot line.

Lastly, California Building Code ("CBC") section 706.1.1 allows for a limited exception that allows owners to construct only a "party wall" on a lot line, which exception does not apply in these circumstances. A "party wall" is a fire wall intended to create two separate buildings for safety purposes. The CBC requires that the two lot owners enter into an agreement regarding maintenance, removal, and other terms to

Attachment 2

ensure the agreement runs with the land and that the lots can be sold separately. A home is not covered by these provisions and cannot be constructed on a lot line pursuant to the CBC.

If you have any additional questions, please let me know.

PLANNING COMMISSION RESOLUTION NO. 17-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT (17-LLA-02) TO REMOVE AN EXISTING LOT LINE THAT RUNS THROUGH THE CENTER OF ASSESSOR'S PARCEL NUMBER 099-262-009 IN ORDER TO CREATE ONE LEGAL LOT AT 35 ZACA STREET (ASSESSOR'S PARCEL NUMBER 099-262-009), 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 Subdivision and Zoning Ordinance of the City of Buellton, an application has been filed by Philip and Dessie Reed, property owner and Brett Gauld, agent (hereinafter referred to as "Applicant"), requesting approval to remove the lot line as described in the title of this Resolution (the "Project"). A copy of the Lot Line Adjustment Map is attached hereto, marked as Exhibit "A", and incorporated herein by this reference.

SECTION 2: 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 July 6, 2017, ("Public Hearing").
2. All oral, written and visual materials presented by City staff in conjunction with those certain Public Hearings conducted by the Planning Commission on July 6, 2017.

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

1. A notice of Public Hearing was published in a newspaper of general circulation on June 22, 2017 (the "Public Notice"), a minimum of 10 days in advance of the Public Hearing conducted on July 6, 2017.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on June 22, 2017, a minimum of 10 days in advance of the Public Hearing.
3. The Public Notice was posted in two public locations on June 22, 2017, a minimum of 10 days in advance of the Public Hearing.

- C. Environmental Review** The Project is exempt from the requirements of CEQA pursuant to the State CEQA Guidelines, 14 California Code of Regulations section 15000 *et seq.*, section 15305 (a), because the Application only involves a minor lot line adjustment with no new lots resulting: Class 5 exemption as a minor lot line adjustment.
- D. Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the Public Hearing, the Planning Commission does hereby declare as follows:

1. 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. The proposed lots will now meet all lot size and parcel design requirements of the General Plan and Municipal Code.
- 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.

SECTION 3: Based on the findings set forth in Section 2, the Planning Commission hereby approves the Categorical Exemption for the Project in accordance with CEQA.

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 Lot Line Adjustment (17-LLA-02).

PASSED AND ADOPTED this 6th day of July, 2017

Art Mercado, Chair

Clare Barcelona, Planning Commission Secretary

Exhibit A – Lot Line Adjustment Map

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 17-09 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 6th day of July, 2017, by the following vote, to wit.

- AYES: ()
- NOES: ()
- ABSENT: ()
- NOT VOTING: ()

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

Clare Barcelona
 Planning Commission Secretary

CONDITIONS OF APPROVAL

REED 35 ZACA STREET
LOT LINE ADJUSTMENT (17-LLA-02)

PLANNING DEPARTMENT/GENERAL CONDITIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description, the application date stamped May 30, 2017, the Lot Line Adjustment Map dated May 30, 2017, and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by Philip and Dessie Reed, property owner and Brett Gauld, agent (the “Applicant”) for a Lot Line Adjustment consisting of the removal of the existing lot line that runs through the center of the parcel (between Lot 7 and Lot 8) located at 35 Zaca Street (APN 099-262-009). (the “Property” and the “Project”). The resulting adjusted lot is:

Lot 1 of 17-LLA-02

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., discretionary permit, 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. **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 Philip and Dessie Reed as the property owner and Brett Gauld, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
 - b. **“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.
 - c. **“Project”** means and includes all of the actions described in the Project description above.
 - d. **“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.
 - e. **“Property”** means the land and improvements identified in the Project Description.
 - f. **“Property Owner”** means Reed Family Trust 9/6/05 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.
 - g. **“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.
4. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.

5. **Indemnity.** 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.
6. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.
7. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.
8. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of 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.

9. **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.
10. **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.
11. **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.
12. **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.
13. **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.

ENGINEERING CONDITIONS

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

15. **Completion.** The lot line adjustment must be completed (i.e., grant deeds recorded and lot lines adjusted) prior to building occupancy. Upon approval of the Lot Line Adjustment by the Planning Commission, the applicant may apply for and obtain a Building Permit for the proposed addition of a third single family home on the property. However, Final Certificate of Occupancy shall not be granted until the lot lines are officially adjusted through the recordation of the documents noted in Condition 14.

FIRE DEPARTMENT CONDITIONS

NO CONDITIONS FOR LOT LINE ADJUSTMENT

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.

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB/aps
Planning Commission Agenda Item No: 3

To: The Honorable Chair and Commission Members

From: Andrea Keefer, Assistant Planner

Date: July 6, 2017

Subject: Resolution No. 17-10 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Minor Use Permit (17-MUP-01) to Allow Outdoor Music on the Weekends at Figueroa Mountain Brewing Company Located at 45/73 Industrial Way (Assessor’s Parcel Numbers 099-690-037 and 099-820-001), and Making Findings in Support Thereof”

OR

Resolution No. 17-10 - “A Resolution of the Planning Commission of the City of Buellton, California, Denying a Minor Use Permit (17-MUP-01) to Allow Outdoor Music on the Weekends at Figueroa Mountain Brewing Company Located at 45/73 Industrial Way (Assessor’s Parcel Numbers 099-690-037 and 099-820-001), and Making Findings in Support Thereof”

BACKGROUND

Jeff Hawxhurst has filed an application on behalf of Figueroa Mountain Brewing Company requesting a Minor Use Permit (17-MUP-01) to allow live outdoor music at 45/73 Industrial Way. The project site is located on two parcels, Assessor’s Parcel Numbers 099-690-037 and 099-820-001. The property is zoned M (Industrial) (Attachment 1 – Vicinity Map).

Since 2013, Figueroa Mountain Brewing Company has hosted several events that included live outdoor amplified music. There was one event in 2013, three events in 2014, two events in 2015, and four events in 2016 that included live outdoor amplified music. In the past, Figueroa Mountain obtained a Temporary Use Permit for each event. Until 2015, the City Council reviewed and approved these permits. Since 2015, these temporary use permits have been approved by the Planning Director at the direction of the City Council. Conditions related to noise and noise monitoring have been included in the Temporary Use Permit approvals, including requiring an on-site sound monitor to measure decibel levels, neighborhood outreach, and no amplified music past 6 p.m.

DISCUSSION

Figueroa Mountain Brewing Company is now requesting a Minor Use Permit to allow live outdoor music on a more regular and frequent basis on the outdoor patio, Friday through Sunday from 12 p.m. to 7p.m. (Attachment 2 – Site Plan). The applicant has indicated that noise levels would not exceed the 75 dB maximum at the property line, which is the maximum allowed decibel level in the Industrial zone (Attachment 3 – Project Description). The applicant has not made it clear whether the music they are proposing will be amplified or acoustic. Amplified music and drums from the outdoor stage can be easily heard within the Rancho de Maria area based on the few outdoor events that have been allowed at this site. The City has received complaints in the past about such noise, which was the reason the number of events was limited as noted previously.

Applications for Minor Use Permits are typically approved by the Zoning Administrator. However, due to the nature of the application, the Zoning Administrator has deferred the decision of the project to the Planning Commission to allow full public discussion of the issue.

The following are some options for conditions of approval for the Planning Commission to consider with regards to live outdoor music at Figueroa Mountain Brewing Company. Please note this list is not meant to be all-inclusive; it is only meant to provide some ideas for the types of conditions that could be added.

- No amplified music or drums are allowed
- Limit the hours, days and times that outdoor music can be played
- Require the sound to be monitored during any amplified music event
- Add a sound barrier of some kind to block the sound
- Re-orient the stage

Alternatively, staff has provided a resolution for denial if the Planning Commission determines that music each week is not in the best interests for the surrounding area. The Planning Commission should provide reasons for denial if this option is chosen.

ENVIRONMENTAL REVIEW

The proposed project is exempt from environmental review, as it meets the criteria for a General Exemption 15061(b)(3).

RECOMMENDATION

That the Planning Commission consider one of the following actions:

Approval with Conditions

1) Resolution No. 17-10 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Minor Use Permit (17-MUP-01) to Allow Outdoor Music on the Weekends at Figueroa Mountain Brewing Company Located at 45/73 Industrial Way (Assessor's Parcel Numbers 099-690-037 and 099-820-001), and Making Findings in Support Thereof" *with the addition of any appropriate conditions related to outdoor music.*

OR

Denial with Findings

2) Resolution No. 17-10 - "A Resolution of the Planning Commission of the City of Buellton, California, Denying a Minor Use Permit (17-MUP-01) to Allow Outdoor Music on the Weekends at Figueroa Mountain Brewing Company Located at 45/73 Industrial Way (Assessor's Parcel Numbers 099-690-037 and 099-820-001), and Making Findings in Support Thereof"

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Site Plan

Attachment 3 – Project Description

Resolution No. 17-10 (Approval)

Resolution No. 17-10 (Denial)

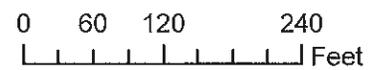


Attachment 1 - Vicinity Map



Legend

-  City Parcels
-  Project Location





Parking
Entrance

Taproom

Stage

Fire Pit
Fire Pit

tbl

tbl

tbl

tbl

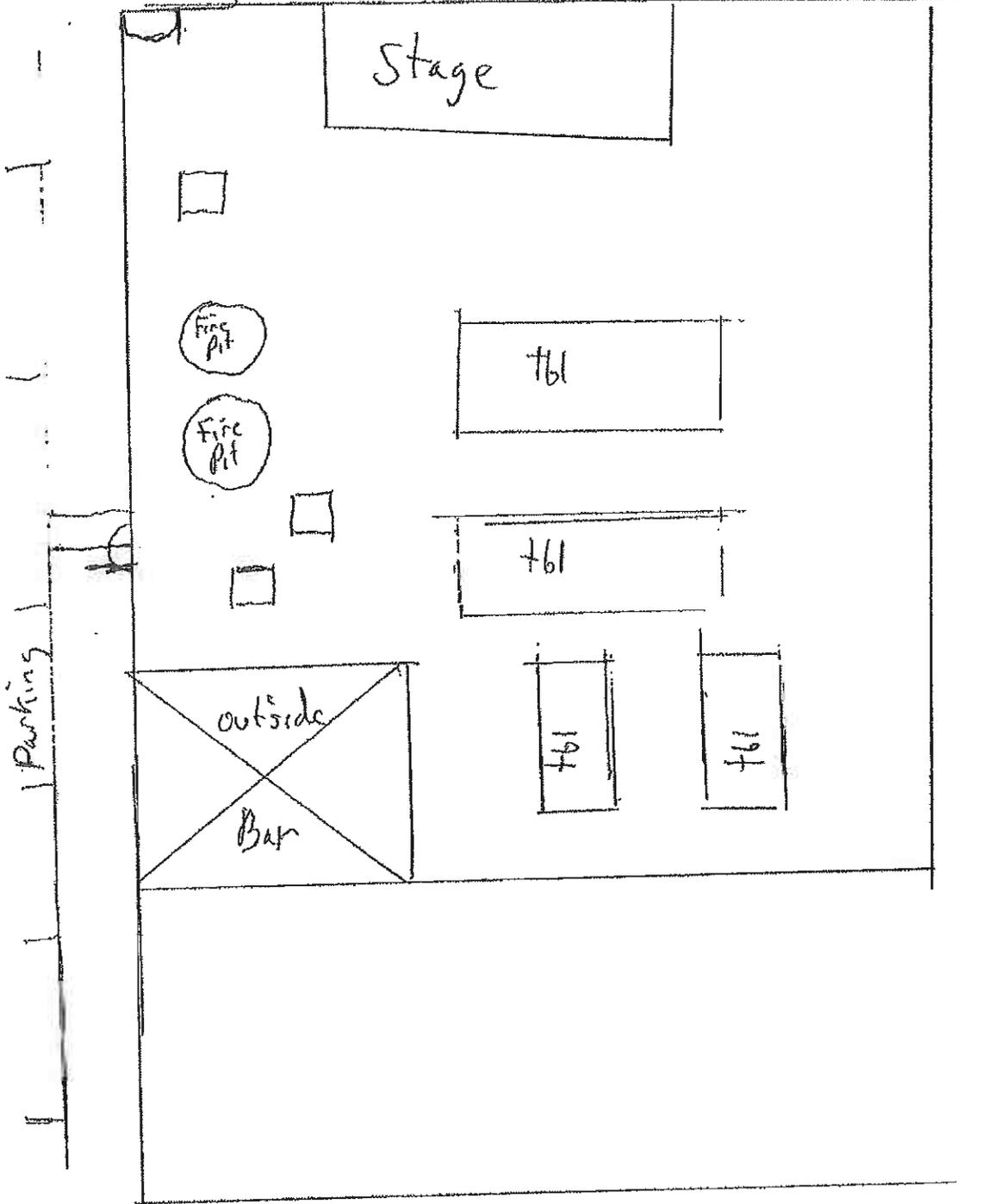
outside

Bar

Driveway

Parking

Industrial Wy



Conditional use permit

Figueroa Mountain Brewing Co. at 45 Industrial Way would like to obtain a permit to have live music outside on weekends during the day. This music would occur Friday through Sunday, mainly Sundays, and would not exceed 75 DB at the property line. We will make periodic checks to insure we do not go over 75 DB at the property line. The music would begin no earlier in the day than 12pm and conclude no later than 7pm. The music would take place on the stage in the patio area as diagramed on the attached page. Thank you for your consideration.

PLANNING COMMISSION RESOLUTION NO. 17-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A MINOR USE PERMIT (17-MUP-01) TO ALLOW OUTDOOR MUSIC ON THE WEEKENDS AT FIGUEROA MOUNTAIN BREWING COMPANY LOCATED 45/73 INDUSTRIAL WAY (ASSESSOR'S PARCEL NUMBERS 099-690-037 AND 099-820-001), AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Jim Dietenhofer, property owner of 45 Industrial Way, and Jon Hastings (CJ Strand Properties), property owner of 73 Industrial Way, and Jeff Hawxhurst, agent, hereinafter referred to as "Applicant", requesting approval to allow live outdoor music at 45/73 Industrial Way (APNs 099-690-037 and 099-820-001). The subject property is currently zoned M (Industrial).

SECTION 2: The proposed Project consists of:

A. Minor Use Permit (17-MUP-01): Approval of Minor Use Permit (17-MUP-01) to allow live outdoor at Figueroa Mountain Brewing Company Friday through Sunday from 12 p.m. to 7 p.m., located at 45/73 Industrial Way (APNs 099-690-037 and 099-820-001). The subject property is zone M (Industrial).

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 July 6, 2017 ("PC Public Hearing").
2. All oral, written and visual materials presented in conjunction with that certain Planning Commission Public Hearing.
3. The following informational documents, which by reference, are incorporated herein:
 - a. The project file for 17-MUP-01 and the set of project plans dated May 25, 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 June 22, 2017 (the "PC Public Notice"), a minimum of 10 days in advance of the PC Public Hearing conducted on July 6, 2017.
 2. The PC Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on June 22, 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 June 22, 2017, a minimum of 10 days in advance of the PC Public Hearing.
- C. Environmental Review.** The proposed project is exempt from environmental review, as it meets the criteria for a General Exemption 15061(b)(3).
- 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. **Minor Use Permit (17-MUP-01).**
 - a. **Findings:**
 - i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
 - ii. That significant environmental impacts are mitigated to the maximum extent feasible.

No environmental impacts would occur as a result of this project and the project is covered by a General Exemption 15061 (b) (3) under CEQA.
 - iii. That adequate public services are provided in this area.

Adequate public services are provided in this area. The addition of outdoor music will not have an effect on public services.

- 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 live outdoor music is required to comply with the noise ordinance of the City of Buellton. The music is limited to weekends only during day time hours.

- 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).

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 Minor Use Permit 17-MUP-01 subject to the attached conditions.

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

Art Mercado
Chair

ATTEST:

Clare Barcelona
Planning Commission Secretary

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the foregoing Resolution No. 17-10 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 6th day of July 2017, by the following vote, to wit:

AYES:	0
NOES:	0
NOT VOTING:	0
ABSENT:	0

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

Clare Barcelona
Planning Commission Secretary

CONDITIONS OF APPROVAL

FIGUEROA MOUNTAIN BREWING COMPANY LIVE OUTDOOR MUSIC MINOR USE PERMIT 17-MUP-01

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. **The Project Description is as follows:** A request by Jim Diethofer, property owner of 45 Industrial Way, and Jon Hastings (CJ Strand Properties), property owner of 73 Industrial Way, and Jeff Hawxhurst, Agent (the "Applicant") for a Minor Use Permit (17-MUP-01) to allow live outdoor music at Figueroa Mountain Brewing Company on Friday through Sunday from 12 p.m. to 7 p.m. ("the Project"). The Project is located at 45/73 Industrial Way, APNs 099-690-037 and 099-820-001 (the "Property"). The Project plans that are included in this approval are dated May 25, 2017. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.
2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
3. **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. LAND USE PERMIT CONDITIONS

15. **Approval.** Approval of 17-MUP-01 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.
16. **Fire Department.** The Project is located within the jurisdiction of the County

Fire Department and shall comply with all applicable standards of that agency.

- 17. **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.
- 18. **Noise.** Condition(s) related to noise monitoring and mitigation to be determined by the Planning Commission.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date

PLANNING COMMISSION RESOLUTION NO. 17-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, DENYING A MINOR USE PERMIT (17-MUP-01) TO ALLOW OUTDOOR MUSIC ON THE WEEKENDS AT FIGUEROA MOUNTAIN BREWING COMPANY LOCATED 45/73 INDUSTRIAL WAY (ASSESSOR'S PARCEL NUMBERS 099-690-037 AND 099-820-001), AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Jim Dietenhofer, property owner of 45 Industrial Way, and Jon Hastings (CJ Strand Properties), property owner of 73 Industrial Way, and Jeff Hawxhurst, agent, hereinafter referred to as "Applicant", requesting approval to allow live outdoor music at 45/73 Industrial Way (APNs 099-690-037 and 099-820-001). The subject property is currently zoned M (Industrial).

SECTION 2: The proposed Project consists of:

A. Minor Use Permit (17-MUP-01): Approval of Minor Use Permit (17-MUP-01) to allow live outdoor at Figueroa Mountain Brewing Company Friday through Sunday from 12 p.m. to 7 p.m., located at 45/73 Industrial Way (APNs 099-690-037 and 099-820-001). The subject property is zone M (Industrial).

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 July 6, 2017 ("PC Public Hearing").
2. All oral, written and visual materials presented in conjunction with that certain Planning Commission Public Hearing.
3. The following informational documents, which by reference, are incorporated herein:

a. The project file for 17-MUP-01 and the set of project plans dated May 25, 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 June 22, 2017 (the "PC Public Notice"), a minimum of 10 days in advance of the PC Public Hearing conducted on July 6, 2017.
2. The PC Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on June 22, 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 June 22, 2017, a minimum of 10 days in advance of the PC Public Hearing.

C. Environmental Review. The proposed project is exempt from environmental review, as it meets the criteria for a General Exemption 15061(b)(3).

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. Minor Use Permit (17-MUP-01).

a. **Findings:** *Findings for denial to be determined by the Planning Commission.*

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible.
- iii. That adequate public services are provided in this area.
- 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.
- 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).

SECTION 4: Based on the findings set forth in Sections 2 and 3, the Planning Commission hereby denies the Minor Use Permit 17-MUP-01.

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

Art Mercado
Chair

ATTEST:

Clare Barcelona
Planning Commission Secretary

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the foregoing Resolution No. 17-10 denying 17-MUP-01 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 6th day of July 2017, by the following vote, to wit:

AYES: 0
 NOES: 0
 NOT VOTING: 0
 ABSENT: 0

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

Clare Barcelona
 Planning Commission Secretary