

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
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August 20, 2019



James Slaughter
301 E. Carrillo Street, Suite B
Santa Barbara, CA 93101

PLANNING COMMISSION
HEARING OF AUGUST 14, 2019

RE: *Orcutt Gateway Retail Commercial Center Project (Key Site 2); 16OSP-00000-00002, 16CUP-00000-00017, 16CUP-00000-00018, 16DVP-00000-00009, 16TPM-00000-00001*

Hearing on the request of James Slaughter, agent for The Minson Company, owner, to consider the following:

- a) **16TPM-00000-00001** [application filed on August 12, 2016] for approval of a Tentative Parcel Map in compliance with County Code Chapter 21 to subdivide 5.95 gross acres into 4 lots of 2.27 gross acres (proposed parcel 1), 0.79 gross acres (proposed parcel 2), 1.47 gross acres (proposed parcel 3), and 1.42 gross acres (proposed parcel 4);
- b) **16DVP-00000-00009** [application filed on August 12, 2016] for approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code (LUDC), on property zoned C-2, to develop a new retail commercial center of 42,921 square feet;
- c) **16CUP-00000-000017** [application filed on August 12, 2016] for a Conditional Use Permit to allow for a drive-through fast food restaurant on proposed parcel 2 in compliance with Section 35.82.060 of the LUDC, on property zoned C-2;
- d) **16CUP-00000-00018** [application filed on August 12, 2016] for a Minor Conditional Use Permit to allow for a mechanical carwash on proposed parcel 4 in compliance with Section 35.82.060 of the LUDC, on property zoned C-2;
- e) **16OSP-00000-00002** [application filed on August 12, 2016] for approval of an Overall Sign Plan in compliance with Section 35.82.150 of the LUDC, on property zoned C-2; and to

accept the Addendum to the Orcutt Community Plan (OCP) Final Environmental Impact Report (95-EIR-01, certified 7/22/97) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. There are no new significant environmental impacts as a result of this project. The original EIR identified significant effects on the environment in the following categories: Geology/Soils/Flooding, Water Resources, Traffic/Circulation, Noise, Air Quality, Wastewater, Fire Protection, Solid Waste, and Visual Resources/Open Space. The Addendum to the Final EIR and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara and 624 West Foster Road, Suite C, Santa Maria. The Addendum to the EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 East Anapamu Street, Santa Barbara, and online at: <http://www.countyofsb.org/plndev/hearings/cpc.sbc>. The application

involves Assessor Parcel No. 129-280-001, located on a 5.95 gross acre portion of Key Site 2 at the southwest corner of the Highway 101 and Clark Avenue intersection in the Orcutt Community Plan area, Fourth Supervisorial District.

Dear Mr. Slaughter:

At the Planning Commission hearing of August 14, 2019, Commissioner Ferini moved, seconded by Commissioner Cooney and carried by a vote of 4 to 0 (Blough recused) to:

1. Make the required findings for approval of the project specified in Attachment A of the staff report dated July 25, 2019, including CEQA findings;
2. After considering the environmental review documents [Addendum dated July 15, 2019 (included as Attachment C of the staff report dated July 25, 2019) together with previously certified Final EIR included as Attachment G], determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report shall be prepared for this project;
3. Approve Case No. 16TPM-00000-00001 subject to the conditions included as Attachment B.1 of the staff report dated July 25, 2019 and as revised at the August 14, 2019 hearing;
4. Approve Case No. 16DVP-00000-00009, including a modification to the setback requirements, to develop a new retail commercial center subject to the conditions included as Attachment B.2 of the staff report dated July 25, 2019 and as revised at the August 14, 2019 hearing;
5. Approve Case No. 16CUP-00000-000017 allowing for a drive-through fast food restaurant on proposed parcel 2 subject to the conditions included as Attachment B.3 of the staff report dated July 25, 2019 and as revised at the August 14, 2019 hearing;
6. Approve Case No. 16CUP-00000-00018 allowing for a mechanical carwash on proposed parcel 4 subject to the conditions included as Attachment B.4 of the staff report dated July 25, 2019 and as revised at the August 14, 2019 hearing; and
7. Approve Case No. 16OSP-00000-00002 for an Overall Sign Plan, including a modification to the number and size of wall signs and to the design of the freestanding sign, subject to the conditions included as Attachment B.5 of the staff report dated July 25, 2019 and as revised at the August 14, 2019 hearing.

REVISIONS TO THE CONDITIONS OF APPROVAL

Condition No. 22 (Attachment B.2) is revised as follows:

22. **Mitigation KS2-NSE-2** (*addresses impacts NSE-1, KS2-NSE-2*): Long-term operational noise levels shall be limited through implementation of the following measures:
 - a. All outdoor noise generating devices, including air conditioners, fans, garbage compactors, etc., shall be shielded from the surrounding residential developments.
 - b. Silencers shall be installed on carwash dryers.
 - c. Delivery hours shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
 - d. Parking lot cleaning shall be limited to weekend days between the hours of 9:00 a.m. and 9:00 p.m.

Plan Requirements and Timing: These measures shall be depicted on the project plans, and reviewed and approved by P&D prior to zoning clearance for grading and construction activities.
Monitoring: P&D Building Inspectors and permit compliance personnel shall verify as to plan in the field during grading and construction.

Condition No. 25 (Attachment B.2) is revised as follows:

- 25. Mitigation KS2-VIS-4/KS2-VIS-5/KS2-VIS-6:** Project landscape plans shall include a minimum 15-foot landscape planter strip along the entire southwestern project boundary to screen existing residential neighborhoods from the proposed project, soften the views of new buildings and to partially obscure building masses. Plantings shall include a mix of drought tolerant trees, shrubs and vines planted in sufficient density to screen residences from new buildings and light overflow. Pedestrian entries from adjacent roadways shall also be attractively landscaped and include attractive “stamped decorative concrete” or other treated surface linking existing sidewalks/paths with the center’s own internal pedestrian circulation. The parking lot shall include a minimum of one planter for every 10 parking spaces. The planters shall include trees of sufficient canopy upon maturity to provide at least 76% canopy coverage of parking areas. Larger planters should be included at the end of each row of parking spaces and planted with trees, smaller shrubs and drought tolerant ground cover. Project landscape plans shall provide for raised landscape planters adjacent to all buildings, with those adjacent to buildings/building complexes of 10,000 square feet or larger to be of sufficient size to accommodate large trees and shrubs.

Plan Requirements and Timing: Prior to zoning clearance issuance for the final development plan, the applicant/owner shall (1) agree to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project; (2) submit four copies of a final landscape and water-conserving irrigation plan to Planning and Development (P&D) for review and approval by Public Works and P&D; and (3) submit a landscaping/irrigation system performance security in an amount approved by P&D for installation and maintenance of required project landscaping. Project landscaping and irrigation shall be complete prior to occupancy clearance of the first residential structure. **Monitoring:** Project landscaping/irrigation shall be installed and photo documented by Permit Compliance prior to occupancy clearance. P&D Permit Compliance staff shall check maintenance as needed. Release of performance security requires Permit Compliance signature.

Condition No. 27 (Attachment B.2) is revised as follows:

- 27. Mitigation KS2-VIS-8:** All night lighting shall be hooded and shielded away from surrounding residential areas, Highway 101, and Clark Avenue. Night lighting fixtures adjacent to residential areas shall be of a minimum height and intensity required for security/safety. The owner/applicant shall develop a Lighting Plan which shall incorporate the following elements:
- a. Wall and pole mounted lighting fixtures throughout the entire project area shall be consistent with the architectural theme and character.
 - b. Lighting levels shall be kept to a minimum to provide for safety and building identity. Permanent fixtures that illuminate entire tree canopies are prohibited.
 - c. All parking light fixtures shall be a maximum of 25 feet high. Pole supports shall have a dark finish to reduce glare.

- d. Building may have wall mounted light fixtures placed no higher than 16 feet high. Pole mounted pedestrian walkway lighting fixtures shall be no taller than 12 feet high. The use of low bollard lights and step lights shall be used wherever possible.
- e. Parking lot lighting shall be automatically phased down to 20% of normal brightness by 10:00 p.m. The lights will operate with motion sensors to temporarily increase the lighting up to 100% brightness when motion is detected.
- f. All exterior lighting fixtures shall be hooded and designed to direct light downward.

Plan Requirements and Timing: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to Zoning Clearance approval for the first structure. **Monitoring:** Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

Condition No. 4 (Attachments B.3, B.4) is revised as follows:

- 4. **Mitigation KS2-VIS-8:** All night lighting shall be hooded and shielded away from surrounding residential areas, Highway 101, and Clark Avenue. Night lighting fixtures adjacent to residential areas shall be of a minimum height and intensity required for security/safety. The owner/applicant shall develop a Lighting Plan which shall incorporate the following elements:
 - a. Wall and pole mounted lighting fixtures throughout the entire project area shall be consistent with the architectural theme and character.
 - b. Lighting levels shall be kept to a minimum to provide for safety and building identity. Permanent fixtures that illuminate entire tree canopies are prohibited.
 - c. All parking light fixtures shall be a maximum of 25 feet high. Pole supports shall have a dark finish to reduce glare.
 - d. Building may have wall mounted light fixtures placed no higher than 16 feet high. Pole mounted pedestrian walkway lighting fixtures shall be no taller than 12 feet high. The use of low bollard lights and step lights shall be used wherever possible.
 - e. Parking lot lighting shall be automatically phased down to 20% of normal brightness by 10:00 p.m. The lights will operate with motion sensors to temporarily increase the lighting up to 100% brightness when motion is detected.
 - f. All exterior lighting fixtures shall be hooded and designed to direct light downward.

Plan Requirements and Timing: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to Zoning Clearance approval for the first structure. **Monitoring:** Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

Condition No. 48 (Attachment B.2) is revised as follows:

48. Mitigation AQ-11: The applicant shall incorporate energy conservation measures into the project's design. These measures shall include but are not limited to the following:

- a. Installation of renewable energy facilities (e.g., solar photovoltaics)
- b. Implementation of energy efficient building design exceeding California Building Code requirements
- c. Installation of energy-efficient equipment and appliances exceeding California Green Building Code standards
- d. Installation of outdoor water conservation and recycling features, such as smart irrigation controllers and reclaimed water usage
- e. Project landscaping that includes drought-tolerant deciduous trees to shade buildings in the summer and allow for passive solar heating in the winter
- f. Installation of low-flow fixtures
- g. Installation of light emitting diode (LED) lights

Plan Requirements/Timing: These measures shall be reflected on the zoning and building plans. Prior to zoning clearance issuance, the project planner shall review the plans to ensure completion.

Monitoring: P&D building inspector shall inspect to ensure compliance onsite.

The attached findings and conditions reflect the Planning Commission's actions of August 14, 2019.

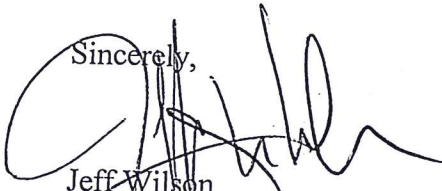
The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, August 26, 2019 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$668.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

A protest of mitigation fees imposed pursuant to Conditions Nos. 72-75 of Attachment B.2 in the Action Letter dated August 19, 2019 may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 16OSP-00000-00002, 16CUP-00000-00017, 16CUP-00000-00018, 16DVP-00000-00009, 16TPM-00000-00001
Planning Commission File
Owner: The Minson Company, 1157 E. Clark Avenue, Suite C, Santa Maria, CA 93455
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Peter Adam, Fourth District Supervisor
Larry Ferini, Fourth District Planning Commissioner
Brian Pettit, Deputy County Counsel
Dana Eady, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Conditions of Approval

JW/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (PER CEQA SECTION 15162)

CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Planning Commission has considered the Addendum dated July 15, 2019 (Attachment C) together with the previously certified Environmental Impact Report, 95-EIR-01 (Attachment G), for the Orcutt Gateway Retail Center project (16TPM-00000-00001/TPM 14,824, 16DVP-00000-00009, 16CUP-00000-00017, 16CUP-00000-00018, and 16OSP-00000-00002). The Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA. The Addendum, together with the Orcutt Community Plan EIR (95-EIR-01), is adequate for this proposal. On the basis of the whole record, including the Addendum and the Orcutt Community Plan EIR (95-EIR-01), and any public comments received, the Planning Commission finds that the project changes described in the Addendum are only minor technical changes or additions. As discussed in Section 6.1 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 since there are no substantial changes proposed in the project which will require major revisions to the EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) requires the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project dated July 15, 2019 addresses the following issues: Biological Resources, Geology/Soils/Flooding, Water Resources, Archaeological Resources, Traffic/Circulation, Fire Protection, Solid Waste, Noise, Visual Resources/Open Space, Wastewater, Air Quality and Greenhouse Gas Emissions. The Addendum dated July 15, 2019, incorporated herein by reference, finds that the Orcutt Community Plan EIR (95-EIR-01), as amended, may be used to fulfill the environmental review requirements of the current project. Since none of the following have occurred, as discussed in Section 6.1 of the staff report to the Planning Commission dated July 25, 2019, incorporated herein by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 and 15164: there are no substantial changes proposed in the project which will require major revisions to the EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

2.0 ADMINISTRATIVE FINDINGS

2.1 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)

A. **Findings for all Tentative Maps.** In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Orcutt Gateway Retail Center Vesting Tentative Parcel Map, Case No. 16TRM-00000-00001:

1. **State Government Code §66473.1.** The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The project has been sited and designed to take advantage of solar exposure for natural heat and light and prevailing winds for natural cooling effects. There is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site. Therefore, the project is consistent with this finding.

2. **State Government Code §66473.5.** No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.

As indicated in sections 6.2 and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference, with the implementation of the recommended conditions of approval, the proposed project is consistent with the applicable policies of the Comprehensive Plan and the Orcutt Community Plan. Adequate ingress/egress, infrastructure and public and private services are available to serve the project. Therefore, the project is consistent with this finding.

3. **State Government Code §66474.** A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if it makes any of the following findings:

a. **The proposed map is not consistent with applicable general and specific plans as specified in §66451.**

As discussed in Sections 6.2 and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment B.1, the project will be consistent with all applicable policies of the County's Comprehensive Plan, the Orcutt Community Plan, the Santa Barbara County Land Use and Development Code, and Chapter 21, the County Subdivision Ordinance.

b. **The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

As discussed in Sections 6.2 and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment B.1, the proposed project is consistent with the County's Comprehensive Plan, and the Orcutt Community Plan.

c. The site is not physically suitable for the type of development proposed.

The proposed project is consistent with the development of Key Site 2, per the OCP which anticipated the development of approximately 283,500 sq. ft. of commercial development onsite. The proposed project includes 42,921 sq. ft. of commercial development proposed on a 5.95 acre portion of Key Site 2 (APN 129-280-001), leaving approximately 12 acres of the Key Site (APNs 129-280-003, -004) undeveloped. There are no significant slopes or sensitive biological habitat onsite and adequate public and private services are available to serve the proposed project. Therefore, the site is physically suitable for the type of development proposed.

d. The site is not physically suited for the proposed density of development.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, the OCP EIR (95-EIR-01) anticipated that development on Key Site 2 would include approximately 283,500 sq. ft. of commercial development including a grocery store, retail commercial uses, and gas station. The project proposes to develop 42,921 sq. ft. of retail commercial uses on the site including a grocery store, retail commercial uses, drive-through restaurant, and gas station. This amount of proposed development is less than what was anticipated by the OCP EIR. The proposed project includes 42,921 sq. ft. of commercial development proposed on a 5.95 acre portion of Key Site 2 (APN 129-280-001), leaving approximately 12 acres of the Key Site (APNs 129-280-003, -004) undeveloped. As noted in the finding above, the proposed location of development is within the identified development areas in accordance with the requirements of the OCP EIR. Therefore, the project site is suited for the proposed density of development.

e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed project includes 42,921 sq. ft. of commercial development proposed on a 5.95 acre portion of Key Site 2 (APN 129-280-001), leaving approximately 12 acres of the Key Site (APNs 129-280-003, -004) undeveloped. The project proposes to develop 42,921 sq. ft. of retail commercial uses on the site including a grocery store, retail commercial uses, drive-through restaurant, car wash, and gas station with carwash. This amount of proposed development is less than what was anticipated by the OCP EIR. As noted in the Addendum to 95-EIR-01 (Attachment C), the project will have certain significant and unavoidable project related and cumulative impacts and potentially significant but mitigable project related and cumulative impacts. However, these impacts are the same as originally analyzed in 95-EIR-01 and the Board of Supervisors adopted a Statement of Overriding Considerations for these Class I impacts. Project conditions of approval require the implementation of erosion control measures during construction, and the use of protective devices (grease traps, bio-swales, and on site detention basin) to minimize and filter runoff prior to it leaving the site. Therefore, the project's design would not be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

f. The design of the subdivision or type of improvements is likely to cause serious public health problems.

As discussed in Sections 6.2 and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference, the retail commercial uses that will be developed on the site will not

result in the use of hazardous materials or processes that will have the potential to result in significant public health impacts. Adequate water, utilities, and access are available to serve the proposed parcels. The project is not located within an area of historic flood hazards and has been reviewed by the County Fire Department, Flood Control District, Environmental Health Services, Public Works Transportation, and Air Pollution Control District. The project's use of public sewers will reduce the potential for impacts to public water supplies to a less than significant level. Proposed conditions of approval will minimize construction-related air emissions, and project-related traffic will not result in impacts associated with localized increases in carbon monoxide concentrations.

There are no identified or likely public health problems or hazards associated with the project. Therefore, with the implementation of proposed conditions of approval included in Attachments B.1 through B.5, the project will not result in serious public health problems.

- g. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision**

The project is conditioned to include easements for, and the development of, a public trail onsite. The project also includes trail easements consistent with the OCP. The trail provides the public access to the OCPs trail system and will provide enjoyable, healthy exercise and recreational opportunities to the public. In summary, the proposed design of the subdivision will not adversely affect any public easement for access or other purposes.

- 4. State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The proposed project will be required to obtain a Can and Will Serve Letter by the Laguna County Sanitation District (LCSD). Adherence to Condition No. 3 of Attachment B.1 will ensure that the project's wastewater will not cause the LCSD to be unable to meet the RWQCB limits. Therefore, the project will not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems.

2.2. TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)

- A. The following findings shall be cause for disapproval of a tentative map but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant.**

- 1. Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date**

they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.

The project does not include any easements or rights-of-way across proposed county streets. Therefore, this finding can be made.

- 2. Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street.**

The proposed subdivision has been designed so that lots resulting from the tentative map will not become landlocked. Roads will be adequately designed for ingress and egress, and have been reviewed by the County Fire Department and Public Works Transportation Division.

- 3. Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view.**

The proposed parcels will be generally level or gently sloping. The subdivision and associated infrastructure improvements will not create steep or unsafe cut or fill slopes.

- 4. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors.**

The purpose of this finding is to prevent the commencement of development associated with a map prior to map recordation where the development is contingent on the valid creation of parcels under the recorded map. In this case, the commercial development to be approved under the Development Plan (16DVP-00000-00009) is not contingent on the creation of parcels under the Tentative Parcel Map. Upon approval of the Development Plan, the development could proceed without the map. Under these circumstances, the purpose of this finding would not be served by requiring that the final map be recorded prior to commencement of grading or construction work associated with the Development Plan, and the inclusion of that requirement is not warranted.

- 5. Potential creation of hazard to life or property from floods, fire, or other catastrophe.**

The Tentative Parcel Map will not create any hazards to life or property from floods, fire, or other catastrophes. Future development will be required to meet County Fire Department standards for defensible space and water storage for fire suppression purposes. The Santa Barbara County Flood Control and Fire Departments have reviewed the project and have submitted condition letters included in Attachment B.1. The project site is not located within any identified flood zones.

- 6. Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation.**

As discussed in Sections 6.2, and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference, compliance with the project description and required conditions of approval will ensure that the design and improvements of the project are consistent with the County's Comprehensive Plan, Orcutt Community Plan, and the Land Use Development Code. The Tentative Parcel Map will not affect the alignment of a state highway.

7. Creation of a lot or lots which have a ratio depth to width in excess of 3 to 1.

The project will not result in lots that have a ratio depth to width in excess of 3 to 1. All of the new lots have a ratio of 2 to 1 or less.

8. Subdivision designs with lots backing up to watercourses.

The proposed subdivision will not result in lots backing up to watercourses.

B. Pursuant to Chapter 21-8 of the Santa Barbara County Code, a tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.

The tentative map was evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2 and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference. As discussed in these sections, the subdivision and associated infrastructure improvements (as modified by the conditions of approval) are consistent with the County's Comprehensive Plan, Orcutt Community Plan, Santa Barbara County Land Use and Development Code, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. Finding 2.1 above, incorporated herein by reference, discusses the tentative map's consistency with applicable provisions of the State Subdivision Map Act.

2.3 DEVELOPMENT PLAN FINDINGS

A. Findings required for all Preliminary or Final Development Plans. In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

2.3.1 The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, the 5.95 acre portion of Key Site 2 (APN 129-280-001) is adequate in size, shape, location and physical characteristics to accommodate the proposed project. The site is zoned for retail commercial uses and is located in an urban area of Orcutt adjacent to other sites which are also zoned for retail commercial development. The project site was determined to be an appropriate location to accommodate the proposed density and intensity of retail commercial development during the adoption of the OCP and certification of the OCP EIR. The proposed project will not increase the build-out approved under the OCP since the project is proposing less retail commercial development than what the OCP allows on

the site (42,921 sq. ft. vs. 283,500 sq. ft.). Therefore the proposed project is consistent with this finding.

2.3.2 Adverse impacts will be mitigated to the maximum extent feasible.

As discussed in detail in the Addendum to the OCP EIR (95-EIR-01), the proposed project will not result in new potentially significant impacts or increase the severity of impacts identified in 95-EIR-01. The proposed project will not increase the build-out approved under the OCP. All significant impacts identified in 95-EIR-01 were mitigated to the maximum extent feasible. The Board of Supervisors adopted Findings of Overriding Consideration for significant impacts associated with build-out under the OCP which could not be reduced to less than significant levels through incorporation of mitigation measures identified in 95-EIR-01. Therefore, this finding can be made.

2.3.3 Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The design of the project's circulation system conforms to the requirements of the OCP, including the design and location of roadways. Primary access to the project site will be provided from a new signalized intersection located at the "preferred access point" shown on Figure KS2-1. Primary access to the Sunny Hills Mobile Home Park will be provided by this new signalized intersection, and the easement for the Key Site 3 project to the south has been realigned to be consistent with the new roadway alignment. A secondary access point (right-in/right-out) from Clark Avenue will continue to be provided from the existing roadway currently serving the mobile home park. This road will also serve as a secondary access point to the proposed gas station located along the eastern portion of the project site. A third point of access will be provided from Clark Avenue along the western side of the project site and will also be utilized as access to the adjacent Key Site 4 retail commercial development project which is currently under construction. The Santa Barbara County Public Works Roads Division has reviewed and approved the design of the proposed access roads for the project.

A Traffic and Circulation Study (Associated Transportation Engineers, March 27, 2019) was completed for the proposed project. Existing ADT volumes for the study-area roadways were obtained from traffic counts conducted in January, 2019. The operational characteristics of the study-area roadways were analyzed based on the County's engineering roadway design capacities. The existing intersection operations show that the study-area intersections currently operate acceptably at a Level of Service (LOS) C or better with existing traffic volumes, meeting the County's LOS C standard. According to the data included in the traffic study, the proposed project is forecast to generate a total of 6,036 ADTs with 513 PHTs occurring in the PM peak hour. Of those total trips, 3,350 ADTs and 287 PM PHTs would be primary trips that would be considered new to the study-area. The study-area roadways are forecast to carry volumes within their acceptable capacity ratings under existing plus project conditions, and the project would not significantly impact the study-area roadway segments based on County thresholds. The existing plus project levels of service were also evaluated and the data from the traffic study shows that study-area intersections would continue to operate at LOS C or better with existing plus project traffic volumes, which meets the County's LOS C standard.

The traffic study includes analysis for the proposed project assuming that both the Key Site 2 and Key Site 4 projects are constructed and operational. The roadway volumes under this scenario show that the study-area roadways are forecast to carry volumes within their acceptable capacity ratings. The proposed project would not significantly impact the study-area roadway segments based on County thresholds, and study-area intersections would continue to operate at a LOS C standard. Development of the proposed project will not adversely affect any offsite bike routes

or park and ride facilities. Sidewalks and a multi-use public trail are proposed as part of the project. These facilities connect to existing and future sidewalks, trails, and bikeways in the area by way of Stillwell Road and Clark Avenue. Therefore, this finding can be made.

2.3.4 There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.

As discussed in section 6.3 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, adequate fire and police protection, ingress and egress, landfill capacity, and wastewater service will be available for the proposed project. Sewage disposal will be provided by the Laguna County Sanitation District and the Golden State Water Company respectively. A draft supplemental water agreement has been obtained in compliance with OCP Policy WAT-O-2. The project has been annexed into the LCSD boundaries and a new connection to the sewer line located adjacent to Stillwell Road to the west is proposed. Therefore, this finding can be made.

2.3.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, the project site was determined to be an appropriate location for retail commercial development during the adoption of the OCP. Retail commercial uses on the project site have been sized and architecturally designed to ensure compatibility with surrounding land uses. As discussed in the Addendum to the OCP EIR (Attachment C) prepared for the project, the environmental impacts resulting from the project will be the same or less than what was anticipated in the OCP EIR. Applicable mitigation measures addressing visual resources, noise, biological resources, water resources/flooding, traffic, fire protection, and solid waste are included as project condition of approval. These conditions will ensure that the project is not detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood or is incompatible with the surrounding area consistent with this finding.

2.3.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.

As discussed in Sections 6.2, and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference, the project will conform to all applicable requirements of the Comprehensive Plan and the Orcutt Community Plan. The project also conforms to all requirements of the Land Use and Development Code in regards to the C-2 zone district standards. Therefore, this finding can be made.

2.3.7 Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.

The project site is located in an urban area within the Orcutt Community Planning boundary. Therefore, this finding does not apply to the project.

2.3.8. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

There are no existing public easements required for public access through or public use of the subject property. The proposed project includes a new public multi-use trail along the north

eastern boundary of the property consistent with OCP Development Standard DevStd KS2-7. The project has been designed to avoid conflicts with this public easement. Therefore this finding can be made.

- B. Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.**

The project consists of a Final Development Plan, and does not involve a previously approved Preliminary Development Plan. The Planning Commission may consider the Final Development Plan as both a Preliminary and Final Development Plan. Therefore, this finding can be made.

- C. Additional finding required for a 15-foot reduction in the required 25-foot rear yard setback requirement on proposed parcel 1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking except as provided within Subsection H.1.a, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and Chapter 35.36 (Parking and Loading Standards) when the review authority finds that the modification is justified.**

Allowing a reduction in the rear yard setback from 25 ft. to 10 ft. is justified as the reduced amount of space between the proposed grocery store/retail commercial building and the existing mobile home park does not allow for vehicle or pedestrian access to this area which will buffer residents from vehicle noise from loading and unloading operations, driving, parking and associated vehicle air emissions. The rear area is proposed to be landscaped with trees and shrubs and a new 8-ft. tall CMU block wall is proposed to be constructed along the rear property line between the existing mobile home park and the proposed project site. The proposed loading/unloading dock for the grocery store would be located along the western side of the building instead of the rear. This design is consistent with OCP Development Standard DevStd LUC-O-5.2 which specifies that additional noise reduction measures such as loading only on sides of buildings shall be considered.

2.4 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

- 2.4.1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, the 5.95 acre portion of Key Site 2 (APN 129-280-001) is adequate in size, shape, location and physical characteristics to accommodate the proposed project. The site is zoned for retail commercial uses and is located in an urban area of Orcutt

adjacent to other sites which are also zoned for retail commercial development. The project site was determined to be an appropriate location to accommodate the proposed density and intensity of retail commercial development during the adoption of the OCP and certification of the OCP EIR. The proposed project will not increase the build-out approved under the OCP since the project is proposing less retail commercial development than what the OCP allows on the site (42,921 sq. ft. vs. 283,500 sq. ft.). Therefore the proposed project is consistent with this finding.

2.4.2. That adverse environmental impacts are mitigated to the maximum extent feasible.

As discussed in Finding 1.4 of this document and Section 6.1 of the staff report dated July 25, 2019, incorporated herein by reference, significant adverse environmental impacts resulting from the project, including the drive-through restaurant and mechanical carwash, were identified by the Orcutt Community Plan Environmental Impact Report (95-EIR-01) and in the Addendum prepared for the proposed project (Attachment C). Mitigation measures that were identified by the EIR and the Addendum have been included as conditions of approval to mitigate impacts to the maximum extent feasible. Therefore, this finding can be made.

2.4.3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

As discussed in Finding 2.3.3 of this document, incorporated herein by reference, streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed uses including the drive-through restaurant and mechanical carwash. Therefore, the proposed project is consistent with this finding.

2.4.4. That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

As discussed in section 6.3 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, adequate fire and police protection, ingress and egress, landfill capacity, and wastewater service will be available for the proposed project including the drive-through restaurant and mechanical carwash and impacts related to these services will be less than significant. Sewage disposal will be provided by the Laguna County Sanitation District and the Golden State Water Company respectively. A draft supplemental water agreement has been obtained in compliance with OCP Policy WAT-O-2. The project has been annexed into the LCSD boundaries and a new connection to the sewer line located adjacent to Stillwell Road to the west is proposed. Therefore, this finding can be made.

2.4.5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019, incorporated herein by reference, the project site was determined to be an appropriate location for retail commercial development such as the drive-through restaurant and mechanical carwash during the adoption of the OCP. Retail commercial uses on the project site have been sized and architecturally designed to ensure compatibility with surrounding land uses. As discussed in the Addendum to the OCP EIR (Attachment C) prepared for the project, the environmental impacts resulting from the project will be the same or less than what was anticipated in the OCP EIR. Applicable mitigation measures addressing visual resources, noise, biological resources, water resources/flooding, traffic, fire protection, and solid waste are

included as project conditions of approval. These conditions will ensure that the project is not detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood or is incompatible with the surrounding area consistent with this finding.

2.4.6. That the project is in conformance with the applicable provisions and policies of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in Sections 6.2, and 6.3 of the staff report dated July 25, 2019, incorporated herein by reference, the project, including the drive-through restaurant and mechanical carwash, will conform to all applicable requirements of the Comprehensive Plan and the Orcutt Community Plan. Therefore, the project is consistent with this finding.

2.4.7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The project site is located in an urban area within the Orcutt Community Planning boundary. Therefore, this finding does not apply to the project.

2.5 OVERALL SIGN PLAN FINDINGS

In compliance with Subsection 35.82.150.F of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Overall Sign Plan that includes any modifications in compliance with Subsection 35.82.150.C the Planning Commission shall first make all of the following findings (as applicable):

1. **Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.
2. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
3. **Under Canopy sign.** The proposed area of the under canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.
4. **Wall sign.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

As a part of the approval of the proposed Overall Sign Plan, the applicant is requesting that the review authority approve a modification to the wall signage on proposed commercial building 1 (grocery store) to increase the maximum sign area from 100 sq. ft. to 110 sq. ft., and allow for two additional wall signs for tenant identification for a total of 3 wall signs. A modification request to allow for one additional wall sign for tenant identification on the north elevation of proposed commercial building 2 is also being requested. A third modification to the freestanding identification sign for the proposed shopping center is being requested to allow the sign to identify multiple tenants within the shopping center.

In compliance with Subsection 35.82.150.F of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Overall Sign Plan that includes any modifications, the review authority shall find that the proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center. For modifications to wall signs, the Planning Commission shall find that the proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed, and that the proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

The NBAR has conceptually reviewed the proposed signage on September 28, 2018 and has determined that the quantity, placement and design of the proposed signs would be appropriate for the proposed project. The proposed wall signage has been designed and sized to be compatible with the proposed grocery store and retail commercial uses and will be architecturally harmonious in relation to the size of these structures. Allowing the proposed freestanding sign to identify multiple tenants within the shopping center is consistent with other shopping centers in the area and this sign has also been designed to be architecturally consistent with the proposed structural development and overall design of the shopping center. No modifications to menu board or under canopy signage is proposed. Therefore, this finding can be made.

ATTACHMENT B.1: CONDITIONS OF APPROVAL

Orcutt Gateway Retail Commercial Center Vesting Tentative Parcel Map
Case No. 16TPM-00000-00001 / TPM 14,824

Date: August 14, 2019

I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Vesting Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated August 14, 2019, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The application is for a Vesting Tentative Parcel Map (16TPM-00000-00001/TPM 14,824) for approval under County Code Chapter 21 to subdivide the 5.95 gross acre project area into 4 parcels of 2.27 gross acres (proposed parcel 1), 0.79 gross acres (proposed parcel 2), 1.47 gross acres (proposed parcel 3), and 1.42 gross acres (proposed parcel 4). Water would be provided by the Golden State Water Company and sanitary services would be provided by the Laguna County Sanitation District. Access to the lots would be provided from Clark Avenue.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

II. MITIGATION MEASURES FROM ADDENDUM TO 95-EIR-01

2. **Mitigation WW-4** (*addresses Impact WW-2*): All new development shall pay the trunk and/or feeder line fees as appropriate for the project to the District to offset project contributions to cumulative impacts on sewer system maintenance in an amount determined by Laguna County Sanitation District, based on adopted fee schedule at the time of payment. Specific off-site improvements to increase pipeline capacity may also be required and shall be borne by the developer. **Timing:** Prior to map recordation or zoning clearance issuance, whichever occurs first, the applicant shall submit fees. **Monitoring:** Compliance shall be monitored by P&D and Laguna County Sanitation District.
3. **Mitigation KS2-WW-2** (*addresses Impact KS2-WW-2 and KS2-WW-4*): Prior to map recordation or zoning clearance issuance, whichever occurs first, a Can-and-Will-Serve letter from the Laguna County Sanitation District shall be submitted by the applicant to County Planning and Development (P&D) which specifies that: (1) The wastewater of the LCSD treatment plant will not cause District effluent to exceed Regional Board thresholds; (2) Adequate treatment and disposal capabilities exist to serve the project; and (3) Existing, or planned and funded, transmission lines have available capacity to serve the project. **Plan Requirements and Timing:** The Can and Will Serve Letter shall be provided prior to map recordation or zoning clearance issuance, whichever occurs first. **Monitoring:** P&D shall review documentation.
4. **Mitigation KS2-AQ-3** (*addresses Impact KS2-AQ-2 and KS2-AQ-3*): These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.

- b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- d. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- e. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- f. Prior to map recordation, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Requirements shall be shown on plans prior to Zoning Clearance issuance. This condition shall be adhered to throughout all grading and construction periods.

Monitoring: P&D shall ensure measures are on project plans. P&D Grading and Building inspectors shall inspect to ensure compliance onsite. P&D permit compliance monitoring staff shall respond to nuisance complaints.

III. PROJECT SPECIFIC CONDITIONS

5. **Special Condition - Final Supplemental Water Contract.** Prior to map recordation or zoning clearance issuance, whichever occurs first, the Owner/Applicant shall submit a can and will serve letter and final contract from the City of Santa Maria indicating: 1) The Owner/Applicant has purchased a total of at least 12.79-acre feet of supplemental water, and 2) Compliance with OCP Policies WAT-O2, WAT-O5 and OCP Development standards WAT-O-2.1 and WAT-O-2.3. Such compliance must demonstrate that this project in conjunction with other projects that have received final Can and Will Serve Letters from, or made contractual arrangements with, Golden State Water Company does not exceed the Golden State Water Company safe yield purchased from the State Water Project and from the City of Santa Maria.
6. **Special Condition - Public Multi-Use Trail.** The applicant shall record in favor of the County a 10-foot wide public multi-use trail easement as identified on the approved Vesting Tentative Parcel Map and Final Development Plan on the project site (APN129-280-001). The Owner/Applicant shall be responsible for the installation of the public multi-use trail, including signage, to standards and specifications of the Orcutt Community Plan (Orcutt Multiple Use Trails Plan and Trail Siting and Design Guidelines), and the Community Services Department (CSD) Parks Division. The developer shall be responsible for the maintenance of the trail for two years, at which time the County CSD Parks Division shall be responsible for the maintenance of the public trail. **Plan Requirements and Timing:** Prior to final map recordation or zoning clearance issuance, whichever

occurs first, the applicant shall submit the proposed access easements to the CSD Parks Division, P&D, and the Surveyor's office for review and approval. The required easements shall be depicted on the Final Development Plan and recorded with the approved Vesting Tentative Parcel Map. Prior to Zoning Clearance issuance, the owner/applicant shall submit the public multi-use trail plans, including specific alignment and signage plans for review and approval by P&D and the HCD Parks Division. A performance security for the installation and maintenance of the multi-use trail shall be submitted to P&D. **Monitoring:** P&D permit compliance shall site inspect to verify the public multi-use trail has been installed per requirements.

IV. TENTATIVE PARCEL MAP CONDITIONS

7. **Map-01 Maps-Info.** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Parcel Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
8. **Map-01a Maps-Future Lots.** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map. During any future grading or construction activities and during any subsequent development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
9. **Map-01b Maps-Not Retroactive.** If Zoning Clearances are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued permit.
10. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Parcel Map, the Owner/Applicant shall submit a Parcel Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
11. **Map-08 Water and Sewer Connections.** If, prior to the Board action to approve the recording of the Final Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
12. **Map-10 Public Utility Easements.** Prior to recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the parcel map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
13. **Map-11 Electrical Utilities.** Electrical utilities shall be installed underground.

- 14. Map-14 Annexation.** The property subject to the tentative parcel map shall be annexed into the North County Lighting District, County Services Area 5, and the Orcutt Community Facilities District prior to recordation of the Final Map.
- 15. Special Condition – Road Naming.** The new roadway shall be named in accordance with Chapter 35.76, Road Naming and Address Numbering, of the Santa Barbara County Land Use and Development Code prior to recordation of the Final Map or zoning clearance issuance, whichever occurs first.

V. COUNTY RULES AND REGULATIONS

- 16. Rules-19 Maps/LLA Revisions.** If the unrecorded Tentative Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Map.
- 17. Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District dated July 17, 2019;
 - b. Environmental Health Services Division dated May 22, 2019;
 - c. Fire Department dated November 5, 2018;
 - d. Flood Control Water Agency dated September 1, 2016
 - e. Public Works Department Project Clean Water dated May 21, 2019
 - f. Community Services Department dated June 21, 2019;
 - g. Public Works Transportation Division dated July 9, 2019.
- 18. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 19. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Pay fees prior to zoning clearance issuance as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
 - c. Note the following on each page of grading and building plans “This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Addendum to the Final Environmental Impact Report 95-EIR-01;

- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

- 20. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 21. Rules-36 Map/LLA Expiration.** This tentative map shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.
- 22. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ATTACHMENT B.2: CONDITIONS OF APPROVAL

Orcutt Gateway Retail Commercial Center Final Development Plan

Case No. 16DVP-00000-00009

Date: August 14, 2019

I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated August 14, 2019, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

A Final Development Plan is proposed for the construction of 42,921 sq. ft. of retail commercial space. Proposed parcel 1 would be developed with a 28,020 sq. ft. grocery store with a maximum height of 35 ft., proposed parcel 2 would be developed with 2,700 sq. ft. drive-through fast food restaurant with a maximum height of 27 ft. 3 in., proposed parcel 3 would be developed with 6,816 sq. ft. retail commercial building with a maximum height of 35 ft., and proposed parcel 4 would be developed with a new gas station with 12 fueling stations and a 4,135 sq. ft. convenience store and 1,250 sq. ft. carwash with a maximum height of 20 ft. 11 in., and 18 ft. 10 in., respectively.

Access to the site would be provided from three new driveways from Clark Avenue. Improvements to Clark Avenue would be consistent with the required development standards for Key Site 2, which include realignment of the northern segment of Sunny Hills Road through the site with a new signalized intersection at Clark Avenue to align with the future access road into Key Site 1 to the north. The existing northern segment of Sunny Hills Road would be retained and limited to right-turns only. The project includes 184 parking spaces (10 handicap accessible spaces), and 10 parking spaces for bicycles. A public multi-purpose trail located within the 35-foot wide landscaped buffer is proposed along Clark Avenue consistent with Orcutt Community Plan Figure KS2-1.

The project includes approximately 65,085 sq. ft. of new landscaping including perimeter landscaping, landscaped medians, and a 35-ft. wide landscaped buffer averaged along Clark Avenue. Entranceways to the development will be landscaped in accordance with applicable Orcutt Community Plan policies and development standards. The project includes the installation of an 8-ft. tall CMU block wall along the rear property line.

Grading for site preparation and installation of the proposed detention basin in the southeast corner of the site would include approximately 2,555 cubic yards of cut and 11,144 cubic yards of fill. The fill material would be stockpiled temporarily during grading and construction activities and would be permitted as part of the grading permit for the project. Water service would be provided by the Golden State Water Company and Sanitary Services would be provided by the Laguna County Sanitation District. Pursuant to LUDC Section 35.82.080.H.1, the applicant is requesting that the review authority modify the required rear yard setback distance on proposed parcel 1 from 25 feet to 10 feet. The proposed project includes a lighting plan with dark sky compliant lighting.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the

approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM ADDENDUM TO 95-EIR-01

3. Mitigation BIO-26: Tree Protection and Replacement Plan. In order to protect existing native trees and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree protection and replacement plan. No ground disturbance including grading for buildings, access ways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree unless specifically authorized by the approved tree protection and replacement plan. The tree protection and replacement plan shall include the following:

- a. An exhibit showing the location, diameter and critical root zone of all native [and specimen] trees that are located onsite for preservation within 25 feet of ground disturbance.
- b. Fencing of all trees to be protected at or outside of the critical root zone. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every 6 feet. The applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree protection exhibit, shall be installed prior to zoning clearance issuance and shall remain in place throughout all grading and construction activities.
- c. The tree protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree. All encroachment is subject to review and approval by P&D.
- d. Construction equipment staging and storage areas shall be located outside of the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- f. Any proposed tree wells or retaining walls shall be shown on the tree protection plan exhibit as well as grading and construction plans and shall be located outside of the critical root zone of all protected trees unless specifically authorized.
- g. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
 - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
 - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- h. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.

- i. No permanent irrigation shall occur within the critical root zone of any native [or specimen] tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- j. Only trees designated for removal on the approved tree protection plan shall be removed.
- k. Any protected trees which are removed, relocated and/or damaged (more than 20% encroachment into the critical root zone) shall be replaced on a 10:1 basis with 1 gallon size saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
- l. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

Plan Requirements and Timing: Prior to zoning clearance issuance, the applicant shall submit grading plans, building plans and the tree protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to zoning clearance issuance, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D to guarantee tree replacement, if required. Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities. **Monitoring:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

4. **Arborist Report.** The Owner/Applicant shall hire a P&D-approved arborist/biologist to evaluate all proposed native tree and shrub removals within 25 ft of potential ground disturbances. The arborist/biologist report shall present biologically favorable options for access roads, utilities, drainages and structure placement taking into account native tree and shrub species, age, and health with preservation emphasized. All development and potential ground disturbances shall be designed to avoid the maximum number of natives possible. **Plan Requirements and Timing:** The Owner/Applicant shall submit the above report to P&D for review prior to Zoning Clearance. Recommendations in the report shall be incorporated into the project prior to Zoning Clearance. **Monitoring:** P&D processing planner shall check all plans for incorporation of recommendations and P&D compliance monitoring staff shall site inspect as appropriate.
5. **Special-Status Bats Avoidance and Minimization.** Pre-construction surveys for roosting bats shall be conducted by a County-approved qualified biologist no more than 30 days prior to vegetation removal and shall be completed in accordance with the Biological Report completed for the project (Dudek, April 2017 revised May, 2019). If active roosts are located, all construction work shall be conducted outside a buffer zone from the roost to be determined by the County-approved qualified biologist. Work may resume within this buffer zone when the County-approved qualified biologist determines that bats are not occupying roosting trees. To the extent feasible and

if applicable, night time work shall be kept to a minimum and lighting used shall be as dim as legally possible. Lighting should be directed to where it is needed to avoid light spillage and any upward lighting should be minimized.

Plan Requirements and Timing: The name, qualifications, scope, and contact information for the County-approved surveying biologist must be submitted to P&D compliance monitoring staff in advance of the surveys. A report of the results of the bat survey shall be submitted to P&D compliance monitoring staff for review and approval prior to initiation of ground-disturbing activities. **Monitoring:** P&D compliance monitoring staff will review and approve reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity within identified roosting habitat.

6. **Nesting Bird Surveys.** For grading or construction activities occurring during the nesting season (generally February through August), pre-construction surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a County-approved qualified biologist no more than 30 days prior to the start of grading and construction activities. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the County-approved qualified biologist. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. The County-approved qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. **Plan Requirements and Timing:** Pre-construction surveys shall be conducted during the time when birds are active, and shall be sufficient to reliably conclude presence/absence. The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D compliance monitoring staff in advance of the surveys. A report of the nesting bird survey results, if applicable, shall be submitted to P&D compliance monitoring staff for review and approval prior to initiation of ground disturbance activities. **Monitoring:** Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults.
7. **American Badger Avoidance and Minimization.** A minimum of 30 days prior to the initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by a County-approved biologist. If the project is phased, a survey shall be required prior to each phase of construction. Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the project site shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for 3 to 5 days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project study area, the dens would be collapsed by hand with a shovel. **Plan Requirements and Timing:** The name, qualifications, scope, and contact information for the County-approved surveying biologist must be submitted to P&D in advance of the surveys. A report of the results of the badger survey shall be submitted to P&D compliance monitoring staff for review and approval prior to initiation of ground-disturbing activities. **Monitoring:** P&D compliance monitoring staff will review and approve reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activities.

8. **Blainville's Horned Lizard, Coast Patch-nosed Snake, and California Legless Lizard.** At a minimum of 30-days prior to the initiation of ground disturbing activities and vegetation removal, a County-approved biologist shall conduct a pre-construction survey for Blainville's horned lizard, coast patch-nosed snake, and California legless lizard. If the project is phased, a survey shall be required prior to each phase of construction. **Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. Proposed relocation areas shall be identified and approved by P&D prior to beginning the work. A report of the results of the capture and relocation efforts shall be submitted to P&D for review prior to initiation of ground-disturbing activities. **Monitoring:** P&D compliance monitoring staff shall review the reports for compliance and shall inspect the site during construction to ensure compliance.
9. **Burrowing Owl Avoidance and Minimization.** Pre-construction surveys shall be conducted for by a County-approved qualified biologist for burrowing owls in accordance with *Appendix D. Breeding and Non-breeding Season Surveys and Reports in the Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Surveys should include conducting 4 survey visits: 1) at least one site visit between February 15th and April 15th; and 2) a minimum of three survey visits, at least three weeks apart, between April 15th and July 15th, with at least one visit after June 15th. **Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the County-approved surveying biologist must be submitted to P&D compliance monitoring staff in advance of the surveys. **Monitoring:** P&D compliance monitoring staff will review reports and P&D will approve reports. The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance.
10. **Mitigation GEO-6 (addresses Impact GEO-2):** Landscape plans shall be required for all new development in areas of sandy soils to ensure re-vegetation of graded areas. All landscape plans shall be reviewed by the County BAR; landscape securities (bonds) shall be required unless expressly waived by P&D. Two performance securities shall be provided by the applicant prior to zoning clearance issuance, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three (3) years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security two (2) years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
 - a. Installation of all landscaping and irrigation with timers in accordance with the approved landscape plan prior to occupancy clearance.**Monitoring:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.
11. **Mitigation GEO-7, -8, -9, -10, -11 and FLD-11 (addresses Impacts GEO-2; KS2-FLD 1, and 2; and FLD-3, 8, 10 and 11):** A grading, erosion control, and drainage plan which minimizes erosion/sedimentation and unstable slopes shall be implemented, including the following:

- a. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, sand bags, etc. shall be used to prevent erosion on slopes and siltation during grading and construction activities.
- b. Graded areas shall be re-vegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If necessary, as determined by Planning and Development (P&D), irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c. Exposed areas shall be watered at the end of each work period or more frequently as conditions require.
- d. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a P&D Building & Safety approved erosion control plan is in place and all measures therein are in effect.
- e. Exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the P&D Grading Division and Air Pollution Control District.
- f. Where necessary, site preparation shall include the removal of all or a portion of the collapsible soils and replacement with compacted fill, or pre-collapsing of the on-site soils by ponding water prior to construction.
- g. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
- h. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by P&D prior to zoning clearance issuance for grading.
- i. All surface water runoff shall be culverted and diverted to avoid exposed slopes and directed to the nearest natural drainage channel across an energy-dissipating outfall.
- j. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
- k. Cut and fill benches shall be constructed at regular intervals.
- l. A detailed geological and soils engineering study addressing structure sites and access roads shall be prepared to determine structural design criteria, as recommended by the P&D Building and Safety Division. The study shall be submitted for review and approval by Building and Safety.
- m. Ground disturbances and development on slopes of 20 percent or greater shall be avoided, unless such avoidance would prohibit development.
- n. The applicant shall post a bond with the County and hire a P&D-qualified geologist or soils engineer prior to zoning clearance issuance for grading, and to ensure that erosion is controlled and geologic mitigation measures are properly implemented.

Plan Requirement and Timing: The grading and erosion and sediment control plan(s) shall be submitted for review and approved by P&D prior to zoning clearance issuance. The plan shall be designed to address erosion and sediment control during all phases of development of the site. The

applicant shall notify Permit Compliance prior to commencement of grading. Components of grading plans shall be implemented prior to occupancy clearance. **Monitoring:** Permit Compliance will photo document re-vegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

12. **Mitigation-FLD-7, 8** (*addresses Impacts FLD-3, 8, and 11*): To reduce runoff from impervious areas and allow for infiltration, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement or unit pavers on sand) into the project design. **Plan Requirements and Timing:** Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans. The plans shall be submitted to P&D for review prior to zoning clearance issuance. **Monitoring:** P&D building and safety inspectors shall site inspect for installation.
13. **Mitigation-FLD-10** (*addresses Impacts FLD-3, 8, and 11*): Outlet structures for energy dissipation shall minimize disturbance to the natural drainage and avoid the use of unnatural materials, such as concrete, grouted rock, and asphalt rubble. Where hard bank materials must be used, natural rock, gabions, crib wall or other more natural means of energy dissipation shall be preferred. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D and Flood Control. **Plan Requirements and Timing:** Plans shall be submitted for review and approval by P&D and Flood Control prior to issuance of zoning clearance for grading. Structures shall be installed during grading operations. **Monitoring:** P&D permit compliance planner shall review plans for compliance. P&D building and safety building inspector shall site inspect to confirm compliance.
14. **Mitigation WAT-4** (*addresses Impacts WAT-1 and 2*): The County requires that the maximum feasible water conservation measures be included in all new development projects. The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure. **Plan Requirements/Timing:** Prior to zoning clearance the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval prior to zoning clearance issuance. Prior to occupancy clearance, landscape and irrigation shall be installed. **Monitoring:** Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.
15. **Mitigation ARCH-10** (*addresses impacts Arch-1, Arch-2*): In the event that archaeological or paleontological remains or historical artifacts are uncovered during construction on any site, excavation shall be temporarily suspended and redirected until a County-qualified archaeologist and, as applicable, a Native American representative or historic archaeologist are retained by the applicant to evaluate the find, in accordance with the provisions of CEQA Guidelines Section 15064.5 (f). If a cultural resources site is found, Orcutt Community Plan 95-EIR-01 Mitigation Measures ARCH-1 through ARCH-9 shall apply. In the event burials are encountered, they shall be treated according to procedures set forth in the Archaeological Resource Protection Act and implementing regulation (43 CFR Part 7), CEQA Guidelines Sections 15064.5 (e), and the Public Resources Code Section 5097.98. These California State and local procedures require notification of the appropriate local coroner to determine the origin of the remains. If the remains are of Native American origin, procedures established by Public Resources Code Section 5097.98 regarding Native American consultation will be followed. The above measures shall be applied consistent with the most current provisions of CEQA, the archaeological guidelines of Santa Barbara County, the State Office of Historic Preservation, and the State of California Native American Heritage Commission. **Plan Requirements and Timing:** All mitigation of resource impacts shall be funded by the developer. This measure shall be printed on all overall project grading and public

improvement plans. This measure shall be in effect throughout all overall project grading and building activities. **Monitoring:** Planning and Development shall check plans prior to zoning clearance issuance and shall field check development operations.

16. Mitigation KS2-CIRC-1 and 2: Traffic/Circulation Fees (*addresses impacts KS2-CIRC-1 and 2*). In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees (DIMF) to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total DIMF amount for Transportation is currently estimated to be \$1,050,557.00 (August 14, 2019). This is based on a retail commercial project type and a project size of 42,921 square feet. **Timing:** Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st). **Monitoring:** P&D building and safety shall confirm fee payment prior to final building permit inspection.

17. Mitigation FIRE 1 and 3, KS2-FIRE-1 (*addresses Impacts FIRE-1, 3 and KS2-Fire-1*). The following fire protection measure shall be implemented to minimize fire hazards:

- a. *Fees.* Fire protection fees shall be paid.
- b. *Structural Requirements.* All new development shall adhere to building standards as outlined in the Uniform Fire Code, unless directed otherwise by the Fire Department. Building materials for all structures including residences, fences and accessory structures shall be constructed of fire resistant materials. P&D Building & Safety Class A roofing (i.e. non-combustible tile or asphalt composite shakes) shall be required for all future on-site structures. Where wood structural overhangs are used, eave vents and wood eave blocks are prohibited.
- c. *Access.* Adequate access shall be provided in accordance with Fire Department standards for road and driveway widths, all-weather surfaces, grades, and turn-arounds.

Plan Requirements and Timing: Fire protection components, including primary and secondary access routes, landscape plans, and structural requirements shall be submitted to Planning and Development (P&D) and the Fire Department for review and approval prior to zoning clearance issuance. Primary and secondary emergency access, fire hydrants, and landscaping shall be installed as part of initial tract improvements. Fire protection fees shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st). **Monitoring:** Site inspection for compliance shall be conducted by P&D personnel following initial tract improvements, prior to occupancy clearance, and as needed for vegetation management.

18. Mitigation SW-1 & SW-2 (*addresses Impacts SW-1, SW-2, SW-3 and KS2-SW-1*): The project shall be served by a recycling service which provides pick-up service of all accepted recyclable materials. If such a service is not available the applicant shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project. The program shall include the following measures, but is not limited to those measures:

- a. Recycling and composting programs including separating excess construction materials onsite for reuse/recycling or proper disposal (e.g., concrete, asphalt, wood, brush). Provide separate onsite bins as needed for recycling.

- b. Implementation of a curbside recycling program or participation in an existing program to serve the new development. If it is determined by Planning and Development that the curbside recycling program cannot be implemented, and an alternative program such as the anticipated wet/dry collection is not on line, then it will be the responsibility of the owner to contract with the Community Environmental Council or some other recycling service acceptable to Planning and Development to implement a project-wide recycling program.

Plan Requirement and Timing: Prior to zoning clearance, the applicant shall submit a "Can-and-Will serve" letter from a resource recycling company that indicates service to the project will be provided. If service is unavailable the applicant shall submit a Solid Waste Management Program to P&D for review and approval prior to zoning clearance issuance. **Timing:** Program components shall be implemented prior to occupancy clearance and throughout the life of the project. **Monitoring:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented.

19. **Mitigation SW-4** (*addresses Impacts SW-1, SW-2, and SW-3*): To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to zoning clearance issuance, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. **Monitoring:** Permit Compliance staff shall inspect periodically throughout grading and construction activities.
20. **Mitigation NSE-6** (*addresses impact NSE-3*): Temporary noise barriers providing for solid, continuous shielding at least 6-feet high (e.g., plywood, etc.) shall be used and relocated as needed to block line-of-sight between construction equipment and surrounding noise-sensitive uses to reduce construction noise. **Plan Requirements and Timing:** The noise barriers shall be depicted on the grading plan, and reviewed and approved by P&D prior to zoning clearance for grading. The measure shall be implemented during grading and construction. **Monitoring:** P&D Building Inspectors and permit compliance personnel shall verify as to plan in the field during grading and construction.
21. **Mitigation KS2-NSE-1** (*addresses impacts NSE-3, KS2-NSE-1*): In order to reduce construction noise impacts on surrounding properties, the following measures are required:
 - a. Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.
 - b. Construction equipment generating noise levels above 95 dB may require additional mitigation.
 - c. All construction equipment shall be properly maintained and muffled. Such equipment shall also be stationed centrally on the project site, at least 100 feet from surrounding uses.

Plan Requirements and Timing: Two (2) signs stating these restrictions shall be provided by the applicant and posted on site. Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **Monitoring:** P&D building inspectors and permit compliance staff shall spot check and respond to complaints.

22. Mitigation KS2-NSE-2 (*addresses impacts NSE-1, KS2-NSE-2*): Long-term operational noise levels shall be limited through implementation of the following measures:

1. All outdoor noise generating devices, including air conditioners, fans, garbage compactors, etc., shall be shielded from the surrounding residential developments.
2. Silencers shall be installed on carwash dryers.
3. Delivery hours shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
4. Parking lot cleaning shall be limited to weekend days between the hours of 8:00 a.m. and 9:00 p.m.

Plan Requirements and Timing: These measures shall be depicted on the project plans, and reviewed and approved by P&D prior to zoning clearance for grading and construction activities.
Monitoring: P&D Building Inspectors and permit compliance personnel shall verify as to plan in the field during grading and construction.

23. Mitigation VIS-4/KS2-VIS-3 (*Addresses Impacts VIS-4, VIS-5, KS2-VIS-1*): The developer shall fund and install a landscaped center median in Clark Avenue extending the entire length of the site. This median shall be planted with drought tolerant species to the maximum extent feasible consisting of low maintenance trees, shrubs and groundcover which do not obstruct views of motorists, bicyclists, and pedestrians and are acceptable to County Public Works and Planning and Development. Trees shall be of sufficient size and spacing at maturity to provide a partial canopy over Clark Avenue. Until such a time as the County adopts a landscape maintenance district or other vehicle for median maintenance, the owner/operator of the shopping center shall be responsible for maintenance of median plantings. The County shall establish a reimbursement agreement to allow the costs of median construction to be shared on a pro-rata basis with Key Site 1. **Plan Requirements and Timing:** The plans and designs shall be reviewed and approved by P&D and the Public Works Department prior to map recordation or zoning clearance issuance, whichever occurs first. **Timing:** Improvements shall be in place prior to first Occupancy Clearance. **Monitoring:** P&D shall site inspect prior to occupancy clearance.

24. Mitigation KS2-VIS-1/KS2-VIS-2/KS2-VIS-6: (*Addresses Impacts VIS-5, KS2-VIS-1*): Development of the site shall include the installation of a minimum 35-foot landscape buffer along Clark Avenue. The buffer shall be landscaped with a sufficient density of trees and shrubs to entirely screen all parking areas from these roadways and to break-up and at a minimum partially obscure building masses. Trees shall be planted along Clark which reach a minimum height of 35-50 feet with a sufficiently large canopy to partially extend over Clark Avenue. Raised landscaped berms shall be incorporated into these buffer strips to supplement the screening provided by vegetation. Landscaped buffer areas along project perimeters shall include decorative masonry walls and/or landscaped berms to provide additional screening. All walls shall be planted with fast growing vines and shrubs along the base.

Plan Requirements and Timing: Prior to zoning clearance issuance for the final development plan, the applicant/owner shall (1) agree to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project; (2) submit four copies of a final landscape and water-conserving irrigation plan to Planning and Development (P&D) for review and approval by Public Works and P&D; (3) submit documentation for landscape maintenance for landscaping along the Clark Avenue Right-of-Way, including responsible party(s) and funding mechanism(s), to P&D for review and approval; (5) submit a landscaping/irrigation system performance security in an amount approved by P&D for installation and maintenance of required project landscaping. Project landscaping and irrigation shall be complete prior to occupancy clearance of the first commercial building. **Monitoring:** Project landscaping/irrigation shall be installed and photo documented by Permit Compliance prior to occupancy clearance. P&D

Permit Compliance staff shall check maintenance as needed. Release of performance security requires Permit Compliance signature.

25. Mitigation KS2-VIS-4/KS2-VIS-5/KS2-VIS-6: Project landscape plans shall include a minimum 15-foot landscape planter strip along the entire southwestern project boundary to screen existing residential neighborhoods from the proposed project, soften the views of new buildings and to partially obscure building masses. Plantings shall include a mix of drought tolerant trees, shrubs and vines planted in sufficient density to screen residences from new buildings and light overflow. Pedestrian entries from adjacent roadways shall also be attractively landscaped and include attractive “decorative concrete” or other treated surface walkways linking existing sidewalks/paths with the center’s own internal pedestrian circulation. The parking lot shall include a minimum of one planter for every 10 parking spaces. The planters shall include trees of sufficient canopy upon maturity to provide at least 76% canopy coverage of parking areas. Larger planters should be included at the end of each row of parking spaces and planted with trees, smaller shrubs and drought tolerant ground cover. Project landscape plans shall provide for raised landscape planters adjacent to all buildings, with those adjacent to buildings/building complexes of 10,000 square feet or larger to be of sufficient size to accommodate large trees and shrubs.

Plan Requirements and Timing: Prior to zoning clearance issuance for the final development plan, the applicant/owner shall (1) agree to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project; (2) submit four copies of a final landscape and water-conserving irrigation plan to Planning and Development (P&D) for review and approval by Public Works and P&D; and (3) submit a landscaping/irrigation system performance security in an amount approved by P&D for installation and maintenance of required project landscaping. Project landscaping and irrigation shall be complete prior to occupancy clearance of the first residential structure. **Monitoring:** Project landscaping/irrigation shall be installed and photo documented by Permit Compliance prior to occupancy clearance. P&D Permit Compliance staff shall check maintenance as needed. Release of performance security requires Permit Compliance signature.

26. Mitigation KS2-VIS-7: To the extent feasible, overall project design, architecture, landscaping and signage shall be suited for a semi-rural community. Screening of rooftop mechanical equipment shall be incorporated into building design. Mechanical equipment shall not be visible within the project site, and shall be minimized from any angle or any height off the project site. **Plan Requirement and Timing:** The applicant shall submit architectural drawings and landscape plans of the project for review and approval by the Board of Architectural Review prior to Zoning Clearance. Materials shall be denoted on building plans. Structures shall be painted prior to occupancy clearance. **Monitoring:** P&D shall inspect structures and landscaping prior to occupancy clearance.

27. Mitigation KS2-VIS-8: All night lighting shall be hooded and shielded away from surrounding residential areas, Highway 101, and Clark Avenue. Night lighting fixtures adjacent to residential areas shall be of a minimum height and intensity required for security/safety. The owner/applicant shall develop a Lighting Plan which shall incorporate the following elements:

- a. Wall and pole mounted lighting fixtures throughout the entire project area shall be consistent with the architectural theme and character.
- b. Lighting levels shall be kept to a minimum to provide for safety and building identity. Permanent fixtures that illuminate entire tree canopies are prohibited.
- c. All parking light fixtures shall be a maximum of 25 feet high. Pole supports shall have a dark finish to reduce glare.

- d. Building may have wall mounted light fixtures placed no higher than 16 feet high. Pole mounted pedestrian walkway lighting fixtures shall be no taller than 12 feet high. The use of low bollard lights and step lights shall be used wherever possible.
- e. Parking lot lighting shall be automatically phased down to 20% of normal brightness by 10:00 p.m. The lights will operate with motion sensors to temporarily increase the lighting up to 100% brightness when motion is detected.
- f. All exterior lighting fixtures shall be hooded and designed to direct light downward.

Plan Requirements and Timing: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to Zoning Clearance approval for the first structure. **Monitoring:** Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

28. **Mitigation WW-4** (*addresses Impact WW-2*): All new development shall pay the trunk and/or feeder line fees as appropriate for the project to the District to offset project contributions to cumulative impacts on sewer system maintenance in an amount determined by Laguna County Sanitation District, based on adopted fee schedule at the time of payment. Specific off-site improvements to increase pipeline capacity may also be required and shall be borne by the developer. **Timing:** Prior to map recordation or zoning clearance issuance, whichever occurs first, the applicant shall submit fees. **Monitoring:** Compliance shall be monitored by P&D and Laguna County Sanitation District.
29. **Mitigation WW-7** (*Addresses Impact WW-5*): The applicant shall submit plans showing the design, location, and proposed installation method of all sewer lines, in accordance with requirements of the County of Santa Barbara. **Plan Requirements and Timing:** A plan which incorporates the above requirements shall be submitted for review and approval by P&D and the Laguna County Sanitation District prior to Zoning Clearance approval. **Monitoring:** P&D shall ensure compliance prior to occupancy clearance.
30. **Mitigation WW-7a** (*Addresses Impact WW-5*): A parking lot cleaning program shall be developed and implemented. The program shall include the following elements: removal of litter; spot cleaning of oil, fuel, and other automotive leaks; vacuum sweeping; inspection and cleaning of storm drain inlets and catch basins before November 1 and in January of each year; and posting of signs prohibiting littering, oil changing, and other automotive repairs. Debris removed from the catch basins shall be analyzed and disposed of accordingly. **Plan Requirements and Timing:** The cleaning program shall be submitted to P&D for review prior to Zoning Clearance. The location of the signs and the requirement for storm drain cleaning shall be included on the site and building plans submitted to P&D. The plans shall be reviewed prior to approval of Land Use Permits. **Monitoring:** P&D shall site inspect prior to occupancy clearance and shall respond to complaints. The landowner shall maintain annual records of the storm drain cleaning and make them available for review by P&D on request.
31. **Mitigation WW-7b** (*Addresses Impact WW-5*): The parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as oil/water separators, sand filters, landscaped areas for infiltration, basins or equivalent BMPs shall be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records. **Plan Requirements and Timing:** The location and type of BMP shall be shown on the site,

building, and grading plans. The plans and maintenance program shall be submitted to P&D for approval prior to Zoning Clearance. **Monitoring:** P&D shall site inspect for installation prior to occupancy clearance. The landowner shall make annual maintenance records available for review by P&D upon request.

32. **Mitigation WW-7c** (*Addresses Impact WW-5*): Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the grading plans submitted to P&D for review prior to Zoning Clearance approval. **Monitoring:** P&D shall site inspect prior to the commencement of, and as needed during all, grading and construction activities.
33. **Mitigation WW-7d** (*Addresses Impact WW-5*): The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to Zoning Clearance approval the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **Monitoring:** P&D shall review the documentation prior to Zoning Clearance approval. P&D shall site inspect during construction for compliance with the SWPPP.
34. **Mitigation WW-7e** (*Addresses Impact WW-5*): To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site, building and grading plans prior to approval of grading and land use permits. Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of grading and Zoning Clearance. **Monitoring:** Planning and Development shall site inspect prior to occupancy clearance.
35. **Mitigation WW-7f** (*Addresses Impact WW-5*): The applicant shall install a roof runoff collection and disposal system to infiltrate storm water runoff. Runoff shall be directed to either a subsurface infiltration trench, french drains, planter boxes, landscaped areas or connected to the site’s irrigation system. An overflow or high flow bypass system will be provided. **Plan Requirements and Timing:** The roof runoff collection system shall be shown on grading, building and landscape plans. The plans shall be submitted to P&D for review prior to Zoning Clearance approval. The system shall be installed prior to occupancy clearance. **Monitoring:** P&D shall site inspect for installation of the system.
36. **Mitigation WW-7g** (*Addresses Impact WW-5*): The commercial property owner(s) shall be responsible for the long-term maintenance of the water quality conditions of approval. **Plan Requirements and Timing:** The proposed maintenance responsibilities and schedule shall be included in a maintenance program submitted by the landowner. The CC&Rs/maintenance program shall be submitted for review by P&D and Public Works, Water Resources Division staff, prior to Zoning Clearance approval. Annual records of the maintenance activities shall be maintained by owner and submitted to P&D upon request. **Monitoring:** P&D shall review the maintenance records or site inspect, as needed. Costs shall be borne by the owner.

37. Mitigation WW-7h (*Addresses Impact WW-5*): All vehicle/equipment washing/steam cleaning areas must be self-contained and/or covered, equipped with a clarifier or other pretreatment facility, and properly connected to a sanitary sewer or other appropriately permitted disposal facility. **Monitoring:** P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

38. Mitigation WW-7i (*Addresses Impact WW-5*): The following design criteria are required for all loading/unloading dock areas:

- 1) Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- 2) Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

Monitoring: P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

39. Mitigation WW-7j (*Addresses Impact WW-5*): A permanent biofiltration system shall be constructed to treat storm water runoff from the site. Biofiltration includes vegetated swales, channels, buffer strips, retention, rain gardens, and shall be designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method. The biofilter system shall be designed by a registered civil engineer specializing in water quality or other qualified professional to ensure that the filtration properties and the plants selected are adequate to reduce concentrations of the target pollutants including motor oil, engine coolant, and other pollutants expected from parking lots. Where feasible, local plants sources (i.e., collected from the watershed or propagated from cuttings or seed collected from the watershed) shall be used in the biofiltration system. Invasive plants shall not be used. Biofilters shall not replace existing riparian vegetation or native vegetation unless otherwise approved by P&D.

Plan Requirements/Timing: The applicant shall include the biofilter design, including the plant palette and the source of plant material, on the grading and drainage and landscape plans, and depict it graphically. The applicant shall submit a maintenance plan for the biofilter system to P&D and Project Clean Water, Water Resources Division for review and approval. A performance security will be required to ensure installation and long-term maintenance, including a maintenance inspection program. Long-term maintenance and proof of inspections shall be the responsibility of the landowner. Maintenance requirements shall be specified in the in a maintenance program submitted by the landowner and recorded with the Clerk of the Board. The plans and a copy of the long-term maintenance program shall be submitted to P&D and Public Works, Water Resources Division, for review prior to Zoning Clearance. Biofilter maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the landowner conduct maintenance inspections as stipulated in the maintenance plan and retain proof of inspections. **Monitoring:** Permit Compliance personnel shall inspect the site for installation and periodically inspect for maintenance throughout a five-year performance period. Performance security release requires P&D approval. The landowner shall be responsible for maintenance inspections as stipulated in the maintenance plan for the life of the project. Proof of maintenance inspections shall be maintained and made available to County staff upon request.

40. Mitigation WW-7k (*Addresses Impact WW-5*): To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall not be applied prior to wet weather. Storm drains and manholes within the construction area shall be covered and

protected from spills or discharges when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements/Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to Zoning Clearance. **Monitoring:** Permit Compliance personnel and Building and Safety shall inspect the site as needed during construction.

41. **Mitigation WW-7l** (*Addresses Impact WW-5*): All trash container areas must meet the following requirements:

- 1) Trash container areas must divert drainage from adjoining paved areas.
- 2) Trash container areas must be protected and regularly maintained to prevent off-site transport of trash.

Plan Requirements/Timing: These requirements shall be specified on the grading and building plans submitted to P&D prior to Zoning Clearance. **Monitoring:** Permit Compliance personnel shall inspect the site prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

42. **Mitigation WW-7m** (*Addresses Impact WW-5*): All outdoor equipment/accessory washing or steam cleaning must be conducted in an area designed for that purpose. The area must be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. If the wash area is located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility. **Plan Requirements/Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to Zoning Clearance. **Monitoring:** Permit Compliance personnel shall inspect the site prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

43. **Mitigation WW-7n** (*Addresses Impact WW-5*): The fuel dispensing area shall extend 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less. The fuel dispensing areas shall be paved with Portland cement concrete (or equivalent smooth impervious surface), with a 2% to 4% slope to prevent ponding, and shall be separated from the rest of the site by a grade break that prevents run-on of storm water. The paving around the fuel dispensing area may exceed the minimum dimensions of the "fuel dispensing area" stated above. **Plan Requirements and Timing:** These requirements shall be specified on the grading and building plans submitted to P&D. The plans shall be reviewed and detailed prior to approval of Zoning Clearance. **Monitoring:** P&D shall site inspect prior to occupancy clearance.

44. **Mitigation WW-7o** (*Addresses Impact WW-5*): The fuel dispensing area shall be covered, and the cover's minimum dimensions must be equal to or greater than the area within the fuel dispensing area as defined by the grade break. Runoff from the cover shall be directed away from the fuel dispensing area to prevent drainage across the fueling area. **Plan Requirements and Timing:** These requirements shall be specified on grading and building plans submitted to P&D. The plans shall be reviewed prior to Zoning Clearance approval. **Monitoring:** P&D shall site inspect prior to occupancy clearance.

45. **Mitigation KS2-WW-1** (*addresses Impact KS2-WW-1*): Oil and grease traps or equivalent protective devices and measures, including the use of bio-filters, shall be incorporated into the project design to minimize the transport of pollutants offsite. **Plan Requirements:** Grading and building plans to contain specifications. The applicant shall develop a maintenance program for long-term maintenance of grease traps to ensure grease traps are maintained in working order. **Timing:** Specifications shall be submitted prior to zoning clearance and implemented during construction and thereafter.

Monitoring: Permit Compliance shall monitor mitigation implementation prior to, during, and after construction.

46. **Mitigation KS2-WW-2** (*addresses Impact KS2-WW-2 and KS2-WW-4*): Prior to map recordation or zoning clearance issuance, whichever occurs first, a Can-and-Will-Serve letter from the Laguna County Sanitation District shall be submitted by the applicant to County Planning and Development (P&D) which specifies that: (1) The wastewater of the LCSD treatment plant will not cause District effluent to exceed Regional Board thresholds; (2) Adequate treatment and disposal capabilities exist to serve the project; and (3) Existing, or planned and funded, transmission lines have available capacity to serve the project. **Timing:** The Can and Will Serve Letter shall be provided prior to map recordation or zoning clearance issuance, whichever occurs first. **Monitoring:** P&D shall review documentation.

47. **Mitigation AQ-3** (*addresses Impacts AQ-1 and 2*): The applicant shall provide a fair share contribution toward regional transit needs, through provision of a bus stop/bench facility as determined by Planning and Development (P&D) in consultation with Santa Maria Area Transit (SMAT). **Plan Requirements:** Prior to zoning clearance for the Final Development Plan, the applicant shall submit agreement for provision of transit mitigation, as determined by P&D in consultation with SMAT. **Timing:** The applicant shall provide agreed-to transit mitigation as follows: facilities shall be constructed prior to first occupancy permit. **Monitoring:** Compliance shall be monitored by P&D.

48. **Mitigation AQ-11:** The applicant shall incorporate energy conservation measures into the project's design. These measures shall include but are not limited to the following:

- a. Installation of renewable energy facilities (e.g., solar photovoltaics)
- b. Implementation of energy efficient building design exceeding California Building Code requirements
- c. Installation of energy-efficient equipment exceeding California Green Building Code standards
- d. Installation of outdoor water conservation and recycling features, such as smart irrigation controllers and reclaimed water usage
- e. Project landscaping that includes drought-tolerant deciduous trees to shade buildings in the summer and allow for passive solar heating in the winter
- f. Installation of low-flow fixtures
- g. Installation of light emitting diode (LED) lights

Plan Requirements/Timing: These measures shall be reflected on the zoning and building plans. Prior to zoning clearance issuance, the project planner shall review the plans to ensure completion. **Monitoring:** P&D building inspector shall inspect to ensure compliance onsite.

49. **Mitigation KS2-AQ-3** (*addresses Impact KS2-AQ-2 and KS2-AQ-3*): These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
- b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

- c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- d. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- e. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- f. Prior to map recordation, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Requirements shall be shown on plans prior to Zoning Clearance issuance. This condition shall be adhered to throughout all grading and construction periods. **Monitoring:** P&D shall ensure measures are on project plans. P&D Grading and Building inspectors shall inspect to ensure compliance onsite. P&D permit compliance monitoring staff shall respond to nuisance complaints.

III. PROJECT SPECIFIC CONDITIONS

50. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

Plan Requirements: These dust control requirements shall be noted on all grading and building plans. **Pre-construction requirements:** The contractor or builder shall provide P&D monitoring

staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

Timing: The dust monitor shall be designated prior to zoning clearance issuance for grading activities. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed. **Monitoring:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

51. **Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **Plan Requirements:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **Timing:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **Monitoring:** P&D staff shall perform site inspections throughout the construction phase.
52. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction. **Plan Requirements and Timing:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans. A copy of the written notice shall be submitted to P&D permit processing staff prior to approval of land use or zoning clearance permits. This restriction shall be maintained throughout construction. P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies. **Monitoring:** P&D compliance monitoring staff shall site inspect prior to Final Building Inspection Clearance.
53. **WatCons-01 Water Conservation-Outdoor.** To improve water conservation, the Owner/Applicant shall include the following in Landscape and Irrigation Plans to be approved by P&D:

- a. Landscaping that reduces water use:
 - i. Landscape with native and/or drought tolerant species.
 - ii. Group plant material by water needs.
 - iii. Turf shall constitute less than 20% of the total landscaped area.
 - iv. No turf shall be allowed on slopes of over 4%.
 - v. Extensive mulching (2" minimum) shall be used in all landscaped areas to reduce evaporation.
- b. Irrigation that reduces water use:
 - i. Install soil moisture sensing devices to prevent unnecessary irrigation.
 - ii. Install drip irrigation or other water-conserving irrigation.

Plan Requirements/Timing: The Owner/Applicant shall submit a landscape and irrigation plan to P&D for review and approval prior to issuance of zoning clearance. The Owner/Applicant shall implement all aspects of the landscape and irrigation plan in accordance with the Landscape and Performance Security Conditions. **Monitoring:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required conserving landscape and irrigation features are installed prior to Final Building Inspection Clearance and landscape and irrigation are maintained per approved landscape plans. Any part of irrigation plan requiring a plumbing permit shall be inspected by building inspectors.

54. **WatCons-03 Water Conservation in Landscaping.** The project is subject to the California Water Conservation Landscaping requirements. Prior to issuance of zoning clearance, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Water Efficient Landscape Ordinance Supplemental application. **Plan Requirements:** The Owner/Applicant shall depict the California Water Conservation Landscaping supplemental application landscape plans on building plans. **Timing:** The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to zoning clearance issuance. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance. **Monitoring:** Permit Compliance shall check in the field prior to Final Building Inspection Clearance.
55. **WatCons-04.** Final landscape plans shall comply with the most stringent applicable State and/or local regulations for landscape irrigation water conservation in effect at the time of the plan-check application for the final landscape plans. Relevant regulations include the Governor's emergency drought declaration and recent changes to State Model Water Efficient Landscape Ordinance and California Green Building Code. Compliance may require a re-design from previously approved Conceptual Landscape plans. **Plan Requirements and Timing:** Landscape areas and tree coverage may not be reduced. In the instance where any differences exist between the requirements of this condition and elements of other permit conditions, the requirements of this condition shall prevail. **Monitoring:** The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved plan are in place as required prior to Final Building Clearance.
56. **WatConv-01 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:
 - a. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry

cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

- b. Apply concrete, asphalt, and seal coat only during dry weather.
- c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
- d. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

PLAN REQUIREMENTS: The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans. **TIMING:** Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction.

57. **WatConv-03 Erosion and Sediment Control Revegetation.** The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **Plan Requirements:** Include this measure as a note on all grading and building plans. **Timing:** The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities. **Monitoring:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.
58. **WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **Plan Requirements:** The Owner/Applicant shall designate the P&D approved location on all zoning clearance, land use, grading, and building permits. **Timing:** The Owner/Applicant shall install the area prior to commencement of construction. **Monitoring:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
59. **WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site daily. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **Plan Requirements:** The Owner/Applicant shall designate the P&D approved location on all zoning clearance, land use, grading and building permits. **Timing:** The Owner/Applicant shall install the area prior to commencement of construction. **Monitoring:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
60. **Special Condition – Placement and Importation of Fill Material.** Prior to issuance of a grading permit, the Owner/Applicant shall designate the location proposed to accommodate excess fill material onsite, including temporary stockpiling. A schedule for the importation of fill material which avoids truck trips to the site during morning and evening peak periods shall be developed. **Plan Requirements and Timing:** The designated locations for all fill material, including temporary stockpiling, shall be depicted on all Grading Permit plans. The importation schedule shall describe the number of truck trips per day, the hours of operation, and the haul routes to be utilized. Haul trips shall be scheduled to avoid periods of roadway and intersection improvement

construction to the maximum extent feasible. The schedule shall be submitted to P&D and Public Works for review and approval prior to zoning clearance issuance for grading. **Monitoring:** P&D grading inspector shall site inspect to confirm compliance with approved grading permit.

61. Special Condition – On-Site Manager. The owner shall designate a person to manage the shopping center. The manager's name and phone number shall be conspicuously posted within the shopping center. **Plan Requirements and Timing:** This condition shall be printed on all grading, building and zoning plans. The name and telephone number of such person shall be provided to P&D prior to occupancy clearance of the first structure. **Monitoring:** P&D Permit Compliance Planner shall site inspect to confirm compliance with this condition prior to occupancy clearance.

62. Special Condition - Public Multi-Use Trail. The applicant shall record in favor of the County a 10-foot wide public multi-use trail easement as identified on the approved Vesting Tentative Parcel Map and Final Development Plan on the project site (APN129-280-001). The Owner/Applicant shall be responsible for the installation of the public multi-use trail, including signage, to standards and specifications of the Orcutt Community Plan (Orcutt Multiple Use Trails Plan and Trail Siting and Design Guidelines), and the Community Services Department (CSD) Parks Division. The developer shall be responsible for the maintenance of the trail for two years, at which time the County CSD Parks Division shall be responsible for the maintenance of the public trail. **Plan Requirements and Timing:** Prior to final map recordation or zoning clearance issuance, whichever occurs first, the applicant shall submit the proposed access easements to the CSD Parks Division, P&D, and the Surveyor's office for review and approval. The required easements shall be depicted on the Final Development Plan and recorded with the approved Vesting Tentative Parcel Map. Prior to Zoning Clearance issuance, the owner/applicant shall submit the public multi-use trail plans, including specific alignment and signage plans for review and approval by P&D and the HCD Parks Division. A performance security for the installation and maintenance of the multi-use trail shall be submitted to and accepted by P&D prior to final map recordation or zoning clearance issuance, whichever occurs first. **Monitoring:** P&D permit compliance shall site inspect to verify the public multi-use trail has been installed per requirements.

63. Special Condition - Odor Abatement Plan. An Odor Abatement Plan (OAP) shall be submitted to and approved by P&D. The OAP shall include the following elements:

- a. Name and telephone number of contact person(s) at the facility responsible for logging in and responding to odor complaints.
- b. Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the staff on how to respond.
- c. Description of potential odor sources at the facility.
- d. Description of potential methods for reducing odors, including minimizing idling of delivery and service trucks and buses, process changes, facility modifications and/or feasible add-on pollution control equipment.
- e. Contingency measures to curtail emissions in the event of a public nuisance complaint.

Plan Requirements and Timing: The OAP shall be submitted for review and approval by P&D prior to Zoning Clearance issuance. **Monitoring:** P&D permit compliance planner shall respond to odor complaints and ensure compliance with the OAP.

64. Special Condition - Final Supplemental Water Contract. Prior to map recordation or zoning clearance issuance, whichever occurs first, the Owner/Applicant shall submit a can and will serve

letter and final contract from the City of Santa Maria indicating: 1) The Owner/Applicant has purchased a total of at least 12.79-acre feet of supplemental water, and 2) Compliance with OCP Policies WAT-O2, WAT-O5 and OCP Development standards WAT-O-2.1 and WAT-O-2.3. Such compliance must demonstrate that this project in conjunction with other projects that have received final Can and Will Serve Letters from, or made contractual arrangements with, Golden State Water Company does not exceed the Golden State Water Company safe yield purchased from the State Water Project and from the City of Santa Maria.

IV. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

65. **Rules-01 Effective Date-Not Appealable to CCC.** This Final Development Plan shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].
66. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
67. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
68. **Rules-07 DP Conformance.** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1 dated August 14, 2019.
69. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
70. **Rules-14 Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
71. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
72. **DIMF-24a DIMF Fees-Library.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for libraries. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. [LUDC §35.84.030]. The total Library DIMF amount is currently estimated to be \$24,035.76 (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 square feet. **TIMING:** Library DIMFs shall be paid to Planning & Development Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 73. DIMF-24b DIMF Fees-Public Administration.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for public administration. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. [LUDC §35.84.030]. The total Public Administration DIMF amount is currently estimated to be \$13,434.27. (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 square feet. **TIMING:** Public Administration DIMFs shall be paid to Planning & Development Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 74. DIMF-24c DIMF Fees-Sheriff.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the County Sheriff. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. [LUDC §35.84.030]. The total County Sheriff DIMF amount is currently estimated to be \$9,828.91 (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 square feet. **TIMING:** County Sheriff DIMFs shall be paid to Planning & Development Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 75. DIMF-24d DIMF Fees-Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Fire DIMF amount is currently estimated to be \$33,049.17 (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 square feet. **TIMING:** Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 76. Rules-26 Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for three years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
- 77. Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District dated July 17, 2019;
 - b. Environmental Health Services Division dated May 22, 2019;

- c. Fire Department dated November 5, 2018;
- d. Flood Control Water Agency dated September 1, 2016;
- e. Public Works Department Project Clean Water dated May 21, 2019
- f. Community Services Department dated June 21, 2019;
- g. Transportation Division dated July 9, 2019.

78. Rules-30 Plans Requirements. The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

79. Rules-31 Mitigation Monitoring Required. The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
- b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of zoning clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
- c. Note the following on each page of grading and building plans "This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Addendum to the Final Environmental Impact Report 95-EIR-01;
- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

80. Rules-32 Contractor and Subcontractor Notification. The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

81. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

82. Rules-37 Time Extensions-All Projects. The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ATTACHMENT B.3: CONDITIONS OF APPROVAL

Orcutt Gateway Retail Commercial Center Conditional Use Permit

Case No. 16CUP-00000-00017

Date: August 14, 2019

I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated August 14, 2019, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

The project is for a Conditional Use Permit to allow for the operation of a drive-through fast food restaurant on proposed parcel 2. The drive-through would allow for space for the stacking of ten cars. Access to the drive-through would be provided from Clark Avenue via the proposed new signalized intersection. Grading and associated infrastructure improvements would be permitted under the companion Development Plan, Case No. 16CUP-00000-00009.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM ADDENDUM TO 95-EIR-01

3. **Mitigation KS2-VIS-7:** To the extent feasible, overall project design, architecture, landscaping and signage shall be suited for a semi-rural community.

Plan Requirement and Timing: The applicant shall submit architectural drawings and landscape plans of the project for review and approval by the Board of Architectural Review prior to Zoning Clearance. Materials shall be denoted on building plans. Structures shall be painted prior to occupancy clearance.

Monitoring: P&D shall inspect structures and landscaping prior to occupancy clearance.

4. **Mitigation KS2-VIS-8:** All night lighting shall be hooded and shielded away from surrounding residential areas, Highway 101, and Clark Avenue. Night lighting fixtures adjacent to residential areas shall be of a minimum height and intensity required for security/safety. The owner/applicant shall develop a Lighting Plan which shall incorporate the following elements:
 - a. Wall and pole mounted lighting fixtures throughout the entire project area shall be consistent with the architectural theme and character.
 - b. Lighting levels shall be kept to a minimum to provide for safety and building identity. Permanent fixtures that illuminate entire tree canopies are prohibited.

- c. All parking light fixtures shall be a maximum of 25 feet high. Pole supports shall have a dark finish to reduce glare.
- d. Building may have wall mounted light fixtures placed no higher than 16 feet high. Pole mounted pedestrian walkway lighting fixtures shall be no taller than 12 feet high. The use of low bollard lights and step lights shall be used wherever possible.
- e. Parking lot lighting shall be automatically phased down to 20% of normal brightness by 10:00 p.m. The lights will operate with motion sensors to temporarily increase the lighting up to 100% brightness when motion is detected.
- f. All exterior lighting fixtures shall be hooded and designed to direct light downward.

Plan Requirements and Timing: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to Zoning Clearance approval for the first structure.

MONITORING: Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

III. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

- 5. **Rules-01 Effective Date-Not Appealable to CCC.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].
- 6. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 7. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 8. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 9. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 5 years following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 5 years following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then the Conditional Use Permit shall be considered void and of no further effect.

10. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
11. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
 - a. Air Pollution Control District dated July 17, 2019;
 - b. Environmental Health Services Division dated May 22, 2019;
 - c. Fire Department dated November 5, 2018;
 - d. Flood Control Water Agency dated September 1, 2016;
 - e. Public Works Department Project Clean Water dated May 21, 2019
 - f. Community Services Department dated June 21, 2019;
 - g. Transportation Division dated July 9, 2019.
12. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
13. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of zoning clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans "This project is subject to Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Addendum to 95-EIR-01";
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
14. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

- 15. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 16. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ATTACHMENT B.4: CONDITIONS OF APPROVAL

Orcutt Gateway Retail Commercial Center Minor Conditional Use Permit

Case No. 16CUP-00000-00018

Date: August 14, 2019

I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Minor Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated August 14, 2019, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

The project is for a Minor Conditional Use Permit to allow for the operation of a mechanical carwash on proposed parcel 4. Access to the carwash would be provided from Clark Avenue. Grading and associated infrastructure improvements would be permitted under the companion Development Plan, Case No. 16CUP-00000-00009.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM ADDENDUM TO 95-EIR-01

3. **Mitigation KS2-VIS-7:** To the extent feasible, overall project design, architecture, landscaping and signage shall be suited for a semi-rural community.

Plan Requirement and Timing: The applicant shall submit architectural drawings and landscape plans of the project for review and approval by the Board of Architectural Review prior to Zoning Clearance. Materials shall be denoted on building plans. Structures shall be painted prior to occupancy clearance.

Monitoring: P&D shall inspect structures and landscaping prior to occupancy clearance.

4. **Mitigation KS2-VIS-8:** All night lighting shall be hooded and shielded away from surrounding residential areas, Highway 101, and Clark Avenue. Night lighting fixtures adjacent to residential areas shall be of a minimum height and intensity required for security/safety. The owner/applicant shall develop a Lighting Plan which shall incorporate the following elements:
 - a. Wall and pole mounted lighting fixtures throughout the entire project area shall be consistent with the architectural theme and character.
 - b. Lighting levels shall be kept to a minimum to provide for safety and building identity. Permanent fixtures that illuminate entire tree canopies are prohibited.
 - c. All parking light fixtures shall be a maximum of 25 feet high. Pole supports shall have a dark finish to reduce glare.

- d. Building may have wall mounted light fixtures placed no higher than 16 feet high. Pole mounted pedestrian walkway lighting fixtures shall be no taller than 12 feet high. The use of low bollard lights and step lights shall be used wherever possible.
- e. Parking lot lighting shall be automatically phased down to 20% of normal brightness by 10:00 p.m. The lights will operate with motion sensors to temporarily increase the lighting up to 100% brightness when motion is detected.
- f. All exterior lighting fixtures shall be hooded and designed to direct light downward.

Plan Requirements and Timing: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to Zoning Clearance approval for the first structure.

MONITORING: Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

III. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

- 5. **Rules-01 Effective Date-Not Appealable to CCC.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].
- 6. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 7. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 8. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 9. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 5 years following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 5 years following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then the Conditional Use Permit shall be considered void and of no further effect.
- 10. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.

11. Rules-29 Other Dept Conditions. Compliance with Departmental/Division letters required as follows:

- a. Air Pollution Control District dated July 17, 2019;
- b. Environmental Health Services Division dated May 22, 2019;
- c. Fire Department dated November 5, 2018;
- d. Flood Control Water Agency dated September 1, 2016;
- e. Public Works Department Project Clean Water dated May 21, 2019
- f. Community Services Department dated June 21, 2019;
- g. Transportation Division dated July 9, 2019.

12. Rules-30 Plans Requirements. The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

13. Rules-31 Mitigation Monitoring Required. The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
- b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of zoning clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
- c. Note the following on each page of grading and building plans "This project is subject to Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Addendum to 95-EIR-01";
- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

14. Rules-32 Contractor and Subcontractor Notification. The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

15. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding

against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

- 16. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ATTACHMENT B.5: CONDITIONS OF APPROVAL

Orcutt Gateway Retail Commercial Center Overall Sign Plan

Case No. 16OSP-00000-00002

Date: August 14, 2019

I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Overall Sign Plan is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated August 14, 2019, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

Pursuant to LUDC Section 35.82.150, an Overall Sign Plan is proposed for the project which includes signage that is architecturally complimentary with the proposed development. The proposed signage included in the overall sign plan is as follows:

Commercial Building 1 – 4 wall signs, each not to exceed 110 sq. ft.

Commercial Building 2 – 3 wall signs, each not to exceed 80 sq. ft.

Commercial Building 3 – 1 wall sign @ 65 sq. ft.; 1 freestanding sign (21 sq. ft.), 6 ft. in height

Commercial Building 4 – 4 wall signs: 2 @ 80 sq. ft., 1 @ 65 sq. ft., 1 @ 50 sq. ft.; menu boards for the drive-through restaurant

1 Free Standing Tenant Sign – 36 sq. ft. in size, 6 ft. in height

The applicant is requesting that the review authority approve a modification per LUDC Section 35.82.150.C, Overall Sign Plan – Allowed Modifications, for an increase in the number and area limitation of wall signs (2 additional signs up to 110 sq. ft. in sign area) on proposed Commercial Building 1 (grocery store), and an increase in the number of wall signs (1 additional sign) on proposed commercial building 2. An additional modification to the freestanding identification sign for the proposed shopping center is being requested to allow the sign to identify multiple tenants within the shopping center.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM ADDENDUM TO 95-EIR-01

3. **Mitigation KS2-VIS-7:** To the extent feasible, overall project design, architecture, landscaping and signage shall be suited for a semi-rural community.

Plan Requirement and Timing: The applicant shall submit architectural drawings and landscape plans of the project for review and approval by the Board of Architectural Review prior to Zoning Clearance. Materials shall be denoted on building plans. Structures shall be painted prior to occupancy clearance.

Monitoring: P&D shall inspect structures and landscaping prior to occupancy clearance.

III. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

4. **Rules-01 Effective Date-Not Appealable to CCC.** This Overall Sign Plan shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].
5. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
6. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
7. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
8. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
 - a. Air Pollution Control District dated July 17, 2019;
 - b. Fire Department dated November 5, 2018;
 - c. Flood Control Water Agency dated September 1, 2016;
 - d. Public Works Department Project Clean Water dated May 21, 2019
9. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

- 10. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of zoning clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans “This project is subject to Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Addendum to 95-EIR-01”;
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
- 11. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 12. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 13. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to

standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



air pollution control district
SANTA BARBARA COUNTY

July 17, 2019

Dana Eady
Santa Barbara County
Planning and Development
624 W. Foster Road
Santa Maria, CA 93455

Re: Air Pollution Control District Updated Suggested Conditions on Orcutt Gateway Retail Center, 16DVP-00000-00009, 16TPM-00000-00001, 16OSP-00000-00002, 16CUP-00000-00017, 16CUP-00000-00018

Dear Dana Eady:

The Air Pollution Control District (District) has reviewed the referenced project, which consists of the construction an approximately 42,921 square foot (SF) commercial center consisting of five (5) separate buildings for retail, restaurant, highway convenience and other commercial uses. The site construction would include a new signalized intersection and access road between Key Site 2 and Key Site 1 across Clark Avenue to the north. Approximately 184 parking spaces are proposed to serve all site uses. Specific uses include a 28,000 SF grocery store, a 2,700 SF drive-thru restaurant, 6,800 SF of retail shops, a 3,500 SF gas station/convenience-mart, and 900 SF car wash. Grading is estimated as 2,555 cubic yards of cut and 11,144 cubic yards of fill. The subject property, a 6.25-acre parcel zoned C-2 (Commercial) and identified in the Assessor Parcel Map Book as APN 129-280-001, is located south of Clark Avenue and east of Stillwell Road along Highway 101 in the community of Orcutt, and is known as Key Site 2 in the Orcutt Community Plan.

The proposed project includes operations, including a gasoline dispensing facility, subject to District permit requirements and prohibitory rules. Therefore, the District will be a responsible agency under the California Environmental Quality Act (CEQA), and will rely on the environmental document when evaluating any District permits for proposed equipment. The County of Santa Barbara is preparing an Addendum to the Orcutt Community Plan Environmental Impact Report (95-EIR-01) to evaluate the potential impacts of the proposed project. The Addendum should examine whether any of the operations associated with the proposed project will result in air quality impacts to sensitive land uses such as residential, childcare facilities, schools, or senior living communities. Examples of this type of impact include odors from restaurants, dust, or toxic air contaminants such as diesel particulate emissions from trucks and emissions associated with the gas station use. The Addendum should include the air pollutant emissions for all proposed equipment to avoid additional CEQA documentation requirements related to District permit issuance.

As part of District permit issuance, an evaluation of health risk may be required to demonstrate that the operation of project-related equipment does not cause a significant risk to the surrounding community and nearby sensitive receptors. We recommend that health risk assessments be performed up front during the land use review process to ensure that project-related equipment will not result in a significant impact.

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

ourair.org



@OurAirSBC

Air Pollution Control District staff offers the following suggested conditions:

1. Standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to grading/building permit issuance.
2. District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities* establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The rule can be viewed at www.ourair.org/wp-content/uploads/rule345.pdf.
3. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible.
4. Prior to building permit issuance, a District Authority to Construct (ATC) permit must be obtained for the proposed gasoline dispensing facility. Proof of receipt of the required District permits shall be submitted by the applicant to planning staff. *Advisories:* (1) Since the gasoline dispensing facility has the potential to emit toxic or hazardous air pollutants, the applicant may be required to prepare a Health Risk Assessment as part of District permit issuance to determine the potential level of risk associated with its operation. The applicant should refer to the District's website at www.ourair.org/gas-station/ for more information on gas station permitting, and contact David Harris in the District's Engineering Division at (805) 961-8824 for information regarding potential HRA requirements for the proposed gas station use. (2) The District permit process can take several months. To avoid delay, the applicant is encouraged to submit their Authority to Construct permit application to the District as soon as possible, see www.ourair.org/permit-applications/ to download the necessary permit application(s).
5. Prior to building permit issuance, APCD Authority to Construct permits must be obtained for all equipment that requires an APCD permit. Proof of receipt of the required APCD permits shall be submitted by the applicant to planning staff. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
6. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from obtaining a District permit, provided they will be on-site for less than 12 months.
7. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 Btu/hr and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of District Rule 352. Please see www.ourair.org/wp-content/uploads/rule352.pdf for more information.

8. 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 District Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to building permit issuance. Please see www.ourair.org/wp-content/uploads/rule360.pdf for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the SBCAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
9. If contaminated soils are found at the project site, the District must be contacted to determine if Authority to Construct and/or Permit to Operate permits will be required.
10. At all times, idling of heavy-duty diesel trucks should be minimized; auxiliary power units should be used whenever possible. State law requires that:
 - Drivers of diesel-fueled commercial vehicles shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location.
 - Drivers of diesel-fueled commercial vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle. Trucks with 2007 or newer model year engines must meet additional requirements (verified clean APS label required).
 - While at a school, the driver must shut down the engine immediately upon arrival and leave within 30 seconds of starting the engine.
 - See www.arb.ca.gov/noidle for more information.
11. At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
 - Energy use (energy efficiency, low carbon fuels, renewable energy)
 - Water conservation (improved practices and equipment, landscaping)
 - Waste reduction (material re-use/recycling, composting, waste diversion/minimization)
 - Architectural features (green building practices, cool roofs)
 - Transportation (pedestrian- and bicycle-friendly features such as sidewalks and bike racks, transit improvements such as covered bus stops and route enhancements)
 - Electric Vehicle Infrastructure (EV charger installation, installation of pre-wiring for future EV chargers), see www.ourair.org/sbc/plug-in-central-coast/ and www.ourair.org/ev-charging-program/ for more information.
12. Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at WaddingtonE@sbcapcd.org.

Sincerely,



Emily Waddington,
Air Quality Specialist
Planning Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: David Harris, Supervisor, District Engineering Division [email only]
James Slaught
Minson Company
Planning Chron File



air pollution control district
SANTA BARBARA COUNTY

ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

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

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



air pollution control district
SANTA BARBARA COUNTY

ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

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

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO_x idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

PLAN REQUIREMENTS AND TIMING: Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

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

Santa Barbara County
PUBLIC Health
DEPARTMENT



Environmental Health Services

225 Camino del Remedio • Santa Barbara, CA 93110
805/681-4900 • FAX 805/681-4901

Van Do-Reynoso, MPH, PhD Director
Suzanne Jacobson, CPA Chief Financial Officer

2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Douglas Metz, DPM, MPH Deputy Director
Polly Baldwin, MD, MPH Medical Director
Charity Dean, MD, MPH Health Officer

Lawrence Fay Director of Environmental Health

TO: Dana Eady, Planner
Planning & Development Department
Development Review Division

FROM: Paul E. Jenzen
Environmental Health Services

DATE: May 22, 2019

SUBJECT: Case No. 16TPM-00000-00001, 16DVP-00000-00009, 16CUP-00000-00017,
16CUP-00000-00018
Orcutt Area

Applicant: Minson Company
c/o Mr. James Slaughter
133 W. De La Guerra Street
Santa Barbara, CA. 93101

Property Location: Assessor's Parcel No. 129-280-001, zoned C-2, located at Key Site 2, Clark Ave. in the township of Orcutt.

16TPM-00000-00001, 16DVP-00000-00009, 16CUP-00000-00018 and 16CUP-00000-00017 represents a request for approval of a Tentative Parcel Map, Development Plan, two Conditional Use Permits for development of a new retail commercial center. The project proposal involves the following discretionary requests:

Tentative Parcel Map (Case No. 16TPM-00000-00001/TPM 14,824). A Tentative Parcel Map to subdivide the 5.95 gross acre project area into 4 parcels of 2.27 gross acres (proposed parcel 1), 0.79 gross acres (proposed parcel 2), 1.47 gross acres (proposed parcel 3), and 1.42 gross acres (proposed parcel 4).

Final Development Plan (Case No. 16DVP-00000-00009). A Final Development Plan is proposed for the construction of 42,921 sq. ft. of retail commercial space. Proposed Lot 1 would be developed with a grocery store, proposed Lot 2 would be developed with a drive-through fast food restaurant, proposed Lot 3 would be developed with a retail commercial building, and proposed Lot 4 would be developed with a new gas station, a convenience store and a carwash.

Conditional Use Permits. The proposed project requires two Conditional Use Permits (Case Nos. 16CUP-00000-00017, 16CUP-00000-00018) to allow for the operation of a drive-through

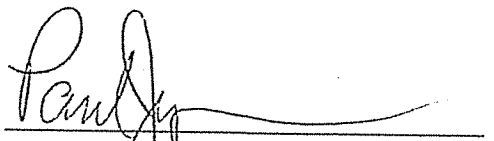
fast food restaurant on proposed Lot 2, and for the operation of a mechanical carwash at the proposed gas station on proposed Lot 4.

Domestic water supply is proposed to be provided by the Golden State Water Company. The applicant has provided a preliminary can and will serve letter from the Golden State Water Company dated April 5, 2019 but prior to recordation the applicant will need to obtain a final can and will serve letter.

Sewage disposal is proposed to be provided by the Laguna County Sanitation District. The applicant has provided an availability letter from the Laguna County Sanitation District dated May 13, 2019 but prior to recordation a can and will serve letter will be required.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Recordation, Environmental Health Services shall approve written notice in the form of a final can and will serve letter, from the Golden State Water Company indicating that said company can and will provide domestic water.
2. Prior to Recordation, Environmental Health Services shall approve written notice from the Laguna County Sanitation District indicating that said sanitation district can and will provided municipal sewage collection and disposal.
3. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.
4. Prior to Issuance of a Building Permit, Environmental Health Services shall review and approve the plans and specifications for the proposed **food facilities** and any related facilities. An annual permit for operation shall also be obtained.
5. Prior to Occupancy, the management of the food facilities and the car wash/gas station shall contact the CUPA section of Environmental Health Services and obtain any required permits.



Paul E. Jenzen, REHS
Senior Environmental Health Specialist

cc: Applicant
Golden State Water Company
Martin Wilder, Laguna County Sanitation District
Kathy Cardiel, Environmental Health Services
Jim Ray, Environmental Health Services

Memorandum

DATE: November 5, 2018
TO: Dana Eady
Planning and Development
County of Santa Barbara - Santa Maria
FROM: Glenn Fidler, Captain
Fire Department



SUBJECT: APN: 129-280-001
Permits: 16OSP-00002, 16DVP-00009, 16TPM-00001, 16CUP-00014, 16CUP-00018
Site: Clark Avenue – Key Site 2
Projects: Overall Sign Plan – Orcutt Commercial Plaza
Development Plan – Orcutt Commercial Plaza
Tentative Parcel Map – Orcutt Commercial Plaza
Conditional Use Permits – Orcutt Commercial Plaza

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

NO CONDITIONS FOR OVERALL SIGN PLAN

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

CONDITIONS FOR DEVELOPMENT PLAN

I have reviewed your project and find it will require revisions before it can be approved by the Santa Barbara County Fire Department.

1. A complete commercial fire hydrant plan shall be approved by the fire department.
 - Commercial fire hydrants shall be installed, number to be determined.
 - Commercial fire hydrants shall be located per fire department specifications and shall flow 1500 gallons per minute at a 20 psi residual pressure.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2 inch outlets.

Please re-submit four sets of corrected plans to Planning and Development, Attention Fire Department. The plans must be clearly marked "CORRECTED".

CONDITIONS FOR THE PROPOSED CONSTRUCTION

ADVISORY

2. All standard fire department conditions and current codes shall apply at time of development.
3. Fire Protection Certificates will be required.

PRIOR TO VERTICAL CONSTRUCTION

4. All access ways shall be made serviceable
 - Access shall be as shown on plans dated September 22, 2018.
 - Surface shall be paved.
5. Commercial fire hydrants shall be installed. number to be determined.
 - The fire department shall have on file a set of approved fire hydrant plans prior to any work being started.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.

PRIOR TO OCCUPANCY CLEARANCE

6. Designated fire lanes shall include red curbs and signs indicating "Fire Lane – No Stopping" placed as required by the fire department. Refer to current adopted California Fire Code.
7. Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
8. Propane tanks must be installed per current adopted California Fire Code.
9. An automatic fire sprinkler system shall be installed where required.
 - Fire sprinkler plans shall be approved by the fire department prior to installation.
 - The fire department shall determine the location of any fire department connections that may be required.
 - Fire department connections shall be labeled, identifying all buildings or addresses it serves, per NFPA 13.
10. Fire department connection(s) shall be clearly visible from the access road or driveway. Provide unobstructed access from the roadway to the fire department connection(s). Clearance around the fire department connection(s) shall be a minimum of 3 feet.
 - Clearance shall be maintained for the life of the project.
11. Automatic fire or emergency alarm systems shall be installed where required.
 - Fire alarm systems shall meet fire department requirements.
 - Automatic fire or emergency alarm system plans shall be approved by the fire department.
 - Alarm panel locations and annunciator graphics shall be approved by fire department prior to installation.
12. Address numbers shall be a minimum height of 12 inches.
 - Address number locations shall be approved by the fire department.
 - Address numbers shall be a color contrasting to the background color.
 - Address numbers shall be elevated at least 3 feet from the ground for clear visibility and easy directional identification.

- Address numbers shall be visible from the access road when travelling in either direction.
 - If the driveway is over 150 feet in length or the building is obstructed from view at the access road and/or driveway, address numbers shall be posted at all road and driveway intersections as required by the fire department.
13. A Knox Box entry system shall be installed as required by the fire department. A spare key shall be provided for the Knox Box entry system.*
14. The applicant will be required to pay Fire Department Development Impact Mitigation Fees. In accordance with Chapter 15 of the Santa Barbara County Code.

Payment shall be made according to the schedule of fees in place on the date fees are paid.

CONDITIONS FOR TENTATIVE PARCEL MAP

I have reviewed your project and find it will require revisions before it can be approved by the Santa Barbara County Fire Department.

15. A complete commercial fire hydrant plan shall be approved by the fire department.
- Commercial fire hydrants shall be installed, number to be determined.
 - Commercial fire hydrants shall be located per fire department specifications and shall flow 1500 gallons per minute at a 20 psi residual pressure.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2 inch outlets.

Please re-submit four sets of corrected plans to Planning and Development, Attention Fire Department. The plans must be clearly marked "CORRECTED".

CONDITIONS FOR CONDITIONAL USE PERMIT

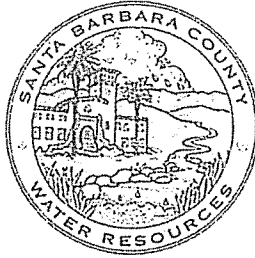
16. Automatic fire sprinkler systems shall be installed where required.
- Fire sprinkler plans shall be approved by the fire department prior to installation.
17. An automatic fire sprinkler system shall be installed in the gas station/store and car wash due to the close proximity.
18. Address numbers shall be a minimum height of 12 inches.
- Address number locations shall be approved by the fire department.
 - Address numbers shall be a color contrasting to the background color.
 - Address numbers shall be elevated at least 3 feet from the ground for clear visibility and easy directional identification.
 - Address numbers shall be visible from the access road when travelling in either direction.
 - If the driveway is over 150 feet in length or the building is obstructed from view at the access road and/or driveway, address numbers shall be posted at all road and driveway intersections as required by the fire department.

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

GF:mkb

*Information is posted at sbcfire.com. Select Doing Business/Planning and Engineering. To have information provided, telephone 805-681-5523.

c Golden State Water Co, 2330 A St, #A, Santa Maria 93455



Santa Barbara County Public Works Department
Flood Control & Water Agency & Project Clean Water

9/1/2016

Florence Trotter-Cadena
County of Santa Barbara
Planning & Development Department
624 W. Foster Rd.
Santa Maria, CA 93455

Re: 16DVP-00000-00009, 16TPM-00000-00001, 16OSP-00000-00002,
16CUP-00000-00017, 00018; Orcutt Gateway Retail Center (Key Site 2)
APN: 129-280-001; Orcutt

Dear Ms. Trotter:

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Water/Development/StdConditionsJan2011.pdf>)
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

2. Design

- a. Projects near a watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code.
- b. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies, landscape plans and Map to the District for review and approval.
- c. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- d. Detention basins are required and shall be designed to hold a volume not less than 0.07 ac-ft/ac for residential developments or 0.1 ac-ft/ac for commercial/industrial developments; and to discharge water at a maximum rate of 0.07 cfs/ac and shall also provide detention such that the post-development peak storm water runoff discharge rate shall not exceed the pre-development rate for the 2-year through 100-year storm events.

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Scott D. McGolpin
Public Works Director

Naomi Schwartz Building
130 E. Victoria Street, Suite 200, Santa Barbara, California 93101
PH: 805 568-3440 FAX: 805 568-3434 <http://cosb.countyofsb.org/pwd/water/>

Thomas D. Fayram
Deputy Public Works Director

- e. Any off-site drainage shall be conveyed through the site separately from the storm water generated on-site.
- f. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.

3. Prior to Final Map Recordation/Zoning Clearance

- a. The applicant shall acquire and supply proof of drainage easements for off-site drainage conveyances.
- b. The applicant shall sign and return the Maintenance Agreement (Subdivider's or Owner's Agreement).
- c. The applicant shall post surety bonds for drainage improvements in amounts approved by the Public Works Director at the respective department.
- d. The applicant shall submit to the District electronic drawings in PDF format of the approved Final Map, grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc.

4. Prior to Occupancy Clearance

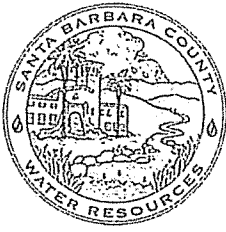
- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
- b. The applicant shall submit a Project Summary Report in PDF format to the District

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

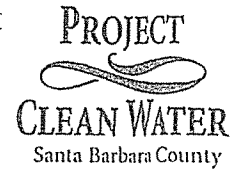
By: Y. Thierumaran
Yoganathan Thierumaran, P.E.
Development Review Engineer

Cc: MOJO KS2 LLC, 10 E. Yanonali Street, Suite 2B, Santa Barbara, CA 93101
Minson Company, 1145 E. Clark Ave, Suite E, Santa Maria, CA 93455
James Slaught, 133 West De La Guerra Street, Santa Barbara, CA 93101
Paul Poirier, 156 W. Alamar, Santa Barbara, CA 93105
Russ Garrison, 2624 Airpark Drive, Santa Maria, CA 93455



County of Santa Barbara Public Works Department
Project Clean Water

123 E. Anapamu Street, Santa Barbara, CA 93101
(805) 568-3440 FAX (805) 568-3434
www.sbprojectcleanwater.org



SCOTT D. MCGOLPIN
Director

THOMAS D. FAYRAM
Deputy Director

May 21, 2019

Dana Eady
Planning & Development Department
County of Santa Barbara
624 Foster Road
Santa Maria, CA

Re: 16DVP-00000-00009 Orcutt Gateway Retail Center
16TPM-00000-00001; 16OSP-00000-00002; 16CUP-00000-00017,-18
Keysite 2 APN 129-280-001
Project Clean Water Comments

THIS LETTER SUPERCIDES THE PRIOR PROJECT CLEAN WATER CONDITION LETTER DATED SEPT 2, 2016, BY REMOVING THE "PRIOR TO APPLICATION COMPLETENESS" ITEM.

Dear Ms Eady

The Orcutt Gateway Retail Center project is subject to state regulations for Post-Construction Stormwater Requirements (Central Coast Water Board Resolution No. R3-2013-0032). The proposed 187,893 square feet (sf) of impervious surfaces onsite exceeds the established threshold of 2,500 sf of impervious area. Therefore this project is required to meet the performance objectives of these requirements which include but are not limited to retaining storm water runoff on site.

The following provisions apply to this project:

1. Prior to Tract Map Clearance, Zoning Clearance, Land Use Clearance, or issuance of Building or Grading Permits, whichever of these actions comes first, the applicant must submit to the Water Resources Division (attention: Project Clean Water) for review and approval a Final Stormwater Control Plan.

The final Stormwater Control Plan must provide relevant details on the location and function of LID facilities on a separate plan sheets within the engineering and landscaping plans. The construction checklist will be updated based on the final plan sheet numbers.

It is recommended to follow the County of Santa Barbara's Stormwater Technical Guide for a Tier 4 project. The Stormwater Technical Guide is on the Water Resources Division website. Click on the Development tab at SBProjectCleanWater.org.

Note that the applicant will be required to pay a deposit for plan check review at the time the final Stormwater Control Plan and engineering plans are submitted. The plan check deposit shall be submitted along with the plans to Water Resources Division, Public Works, 130 E. Victoria St. Suite 200, Santa Barbara, CA 93101. More information for your plan check submittal can be found at SBProjectCleanWater.org.

2. Prior to Tract Map Clearance, Zoning Clearance, Land Use Clearance, or issuance of Building or Grading Permits, whichever comes first, the owner must sign a maintenance agreement that includes the long-term maintenance plan. Instructions for preparing a maintenance plan are provided in the Stormwater Technical Guide. The maintenance agreement identifies the owner as the party responsible for maintaining the storm water retention facilities for the life of the project. The maintenance agreement will be signed and notarized by the property owner.
3. Prior to Rough Grade inspection, and if appropriate for landscape installation, prior to Building Inspection Clearance, all improvements required as part of the above conditions shall be installed in accordance with the approved plans.
4. Prior to the first final Building Inspection Clearance, or the first final Building Occupancy Clearance, an Engineer's Certificate of Approval shall be signed and stamped by the engineer of record and submitted to the Water Resources Division along with a set of As-Built plans or drawings in PDF format. If necessary, the final maintenance plan may be revised by the engineer of record based on as-built construction drawings, including elevations and construction details of LID facilities. Any changes to plans must be approved by Project Clean Water.

I would be happy to work with you and the applicant on ways to meet the recommendations and conditions set forth in this letter. Please don't hesitate to contact me at (805) 568-3561.

Sincerely,



Cathleen Garnand
Project Clean Water Manager

cc: MOJO KS2 LLC 10 E. Yanonali St. Suite 2B, Santa Barbara, CA 93101
Minson Company 1145 E. Clark Ave. Suite E Santa Maria, CA 93455
James Slaughter 133 West de la Guerra St, Santa Barbara, CA 93101
Paul Poirier 156 W. Alamar, Santa Barbara, CA 93105
Russ Garrison, Bethel Engineering, 2624 Airpark Dr, Santa Maria, CA 93455



**Community
Services
Department**
Connecting People and Opportunities

George Chapjian, Director, Community Services
Sarah York Rubin, Executive Director, Office of Arts & Culture
Ryder Bailey, CPA, Chief Financial Officer, Community Services
Dinah Lockhart, Deputy Director, Housing & Community Development
Jen Cregar, Co-Division Chief, Sustainability Division
Ashley Watkins, Co-Division Chief, Sustainability Division



June 21, 2019

TO: Dana Eady, Planner
Planning & Development

FROM: George Amoon, Contract Park Planner

RE: 16DVP-00009 Orcutt Gateway Retail Center
APN 129-280-001

County Parks recommends the following condition(s) to the approval of the above referenced project:

1) Pursuant to Ordinance 4316 and Resolution 98-226 adopted by the Board of Supervisors, the applicant will be required to pay a development mitigation fee for new commercial or industrial development to offset the project's potential impact on the County's park system. Said fee will be used in conjunction with other similar fees collected in the area to provide park and recreational facilities in the Regional Demand Area. A protest of mitigation fees imposed may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun

The current applicable fee for retail commercial development is \$1,384/1000 square feet. The development mitigation fee for the project would be \$59,402.66 (42,921 new SF x \$1.384). Fees shall be paid prior to final inspection approval, and shall be based on the fee schedule in effect when paid. Fee schedules are subject to yearly adjustments. Funds for payment of fees will not be accepted or processed prior to project approval.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Parks Administration, 123 East Anapamu St., 2nd floor, Santa Barbara CA 93101.

2) In conformity with the Parks, Recreation and Trails map of the Orcutt Community Plan, the applicant shall dedicate an easement to the County of Santa Barbara identified as Woodmere Trail (W-1) for riding and hiking trail purposes. Said easement shall be 10 foot wide and dedicated generally along the northern portion of the site conforming to the Community Plan's Key Site 2 exhibit. The applicant shall also construct an 8 foot decomposed granite trail within the easement in conformance with Development Standard KS2-7. Said trail easement shall be dedicated to the County of Santa Barbara concurrently with the recordation of the final map in a location as approved by County Parks and shall



**Community
Services
Department**
Connecting People to Opportunities

George Chapjian, Director, Community Services
Sarah York Rubin, Executive Director, Office of Arts & Culture
Ryder Bailey, CPA, Chief Financial Officer, Community Services
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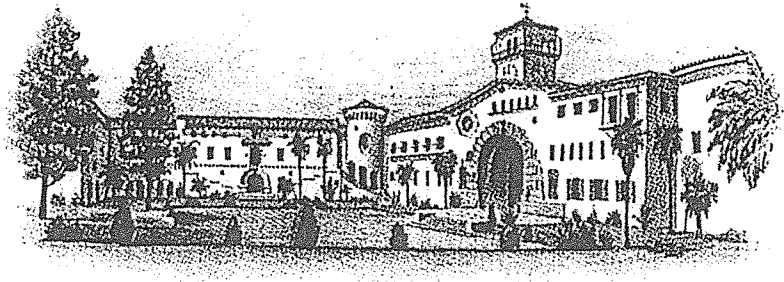


be constructed to County Parks standards. County public trail easements shall be for multi-use (equestrian, pedestrian and biking) riding and hiking trails.

If the trail crosses any proposed driveways or roadways serving the project, the crossing must be level, with no berm or curb, and the pavement must be scored or other appropriate surface installed to prevent slippage by horses. A copy of County Parks' standard to trail crossing of a road or driveway may be requested by the applicant.

cc: George Chapjian, Community Services Department Director

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



July 09, 2019

TO: Dana Eady, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: **Orcutt Gateway Retail Center (KS 2)**
Revised Conditions of Approval (5 pages)
Standard Conditions of Approval (5 pages)
16TPM-00000-00001, 16DVP-00000-00009,
16CUP-00000-00017, 16CUP-00000-00018,
APN: 129-280-001, Orcutt

Traffic Mitigation Fees

- I. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip, for the purpose of funding transportation facilities within the Goleta planning area of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is **\$1,050,557**. Fees are due prior to occupancy clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

A protest of mitigation fees imposed may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

Undergrounding of Utilities

2. **Prior to zoning clearance**, the applicant shall engineer and post a surety, acceptable to County Counsel, for the undergrounding installation of all fronting overhead utilities and services, both existing and proposed, pursuant to Resolution No. 87-344 and Resolution No. 24416.
3. **Prior to occupancy clearance**, the following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 87-344 and Resolution No. 24416. All services shall be connected to each commercial building or stubbed out to each legal lot where lots are created/sold: Gas, Water, Cable Television/Internet, Fiber Optic Cables, Telephone, Sanitary Sewer and Electrical Power.

Sight Distance

4. **Prior to zoning clearance**, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Access

5. **Prior to zoning clearance**, the developer shall design the main driveway along Clark Avenue to align with the proposed Key Site I driveway and to consistent with the preliminary plans dated 3/14/19, approved by Public Works.
6. **Prior to zoning clearance**, the developer shall design a full signalized access, at the Orcutt Community Plan preferred access point, consistent with the preliminary plans dated 3/14/2019.
7. **Prior to occupancy clearance**, the developer shall construct all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section, consistent with the plans dated 3/14/2019, approved by Public Works. All driveway accesses shall be improved to include a minimum 27 foot wide driveway with 15' radius curb returns unless otherwise approved by Public Works. All necessary pavement or cross gutters shall match adjacent improvements as required by the Department of Public Works Traffic Section.
8. **Prior to zoning clearance**, the applicant shall design and **prior to occupancy clearance**, the applicant shall install an unobstructed, non-circuitous, pedestrian path of travel from all proposed commercial entrances to both Clark Ave and the realigned Sunny Hills Road. Implementation shall comply with all State and Federal walkable community guidelines by improving multi-modal access and safety while minimizing pedestrian/vehicle conflicts.

Street Sections/Pavement Traffic Index

9. **Prior to zoning clearance**, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved, in writing, by the Department of Public Works Traffic and Permit Sections.

All proposed improvements shall transition in existing improvements in a manner acceptable to the Public Works Traffic and Permit Sections.

10. **Prior to zoning clearance**, the applicant shall engineer and post a surety, acceptable to County Counsel, for the construction/repair of standard concrete curb, gutter, ADA acceptable walking path and up to 18 feet of matching asphalt paving for all proposed roads, public or private, and all applicable project frontages. Improvements shall be based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards and shall include any necessary off-site transitions.

Encroachment/Excavation Permit

11. **Prior to zoning clearance**, an Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, and connections.

The developer shall comply will all applicable Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, prior to issuance of an Encroachment Permit.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Pubic Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
620 West Foster Road
Santa Maria, CA 93455
805-739-8788

South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

12. **Prior to zoning clearance**, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
13. **Prior to zoning clearance**, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.

14. **Prior to occupancy clearance**, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

Street Lights

15. As authorized by the Board of Supervisors Resolution No. 81-229, **before the approval of any Final Subdivision Map, or Precise Plan** in planned developments or of any Conditional Use Permit, Conditional Exception or Variance involving land development, the Developer or owner must provide a Road Lighting Plan to the Department of Public Works for approval

The plan must have the approval of the public utility or the public agency involved.

The Road Lighting Plan must show the location of each road light, the mounting height, luminaire arm length, the luminaire type, lamp type and lumen rating and conform to IES, RP-06 standards as determined by County staff.

Whenever possible, road lights must be placed on lot lines and at intersections.

Residential and commercial road lighting poles may be required to be of an ornamental type acceptable to the Public Works Department and meeting the current standards filed by the utility company concerned in writing, with the Public Works Department

A written statement showing the number of lights, the amount of lumens and the monthly and yearly costs must accompany the Road Lighting Plan.

The Developer or owner, prior to final approval of occupancy, must deposit a check with the Public Works Department, payable to the County of Santa Barbara, sufficient in amount to maintain and energize the street lights shown of the approved lighting plan, from the requested date for occupancy clearance, up to the date the first charges or benefit assessments will be made or levied upon the property being developed.

All electrical equipment and installation must conform to the applicable standards of the following:

- a. Electrical safety orders of the Division of Industrial Relations, State of California
- b. Rules for overhead electric line construction, General Rule No. 95 of the California Public Utilities Commission.

Road lighting provided under Highway Lighting Districts or County Service Areas must only be installed in the right of way, roads, or other areas dedicated to the public.

The Department of Public Works may require increased illumination where it is found necessary for traffic or pedestrian safety, due to special circumstances affecting such areas.

16. Prior to recordation of the Final Map, the applicant must apply for annexation of the tract into County Service Area No. 5, and pay all fees and costs for advertising public hearings in connection therewith.
17. Prior to occupancy, the developer shall install the following street lighting. Any modifications to this specification may be done by Public Works, during the plan check process, or by the developer with the approval of Public Works.
 1. 139W Cree XSP Roadway Luminaires (or equivalent) along Clark Ave. The fixtures shall be type III, full cut-off luminaires, 6 foot arm at a 32.5 foot mounting height, placed 2 feet behind back of sidewalk at approximately 150 foot intervals.
 2. 73W Cree XSP Roadway Luminaires (or equivalent) along the realigned Sunny Hills Drive. The fixtures shall be type III, full cut-off luminaires, 6 foot arm at 32.5 foot mounting height, placed 2 feet behind back of sidewalk at approximately 150 foot intervals.

Off-site Road Improvements

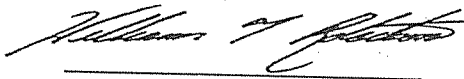
18. Where off-site road improvements or a dedication of right of way for off-site improvements is required for which a need cannot be attributed to the project, the County shall deduct the value of construction or dedication from the payment that would otherwise be collected for Traffic Mitigation Fees.

Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and are not to be deducted from the Traffic Mitigation Fee's. If the value of the off-site road improvements or dedication exceeds the payment required, the County may:

1. Reimburse the applicant the difference between the amount of the payment and the value of the additional improvements and dedication, or
2. Enter into an agreement with the applicant to establish a credit for the additional improvements and dedications.

If you have any questions, please contact me at 739-8785.

Sincerely,

 7/09/2019

William T. Robertson

Date

cc: 16TPM-00000-00001; 16DVP-00000-00007, 16CUP-00000-00017, 16CUP-00000-00018
Chris Sneddon, Transportation Manager, County of Santa Barbara, Public Works Department

COUNTY OF SANTA BARBARA



DEPARTMENT OF PUBLIC WORKS

Standard Conditions of Approval

4. Construction of all improvements required by the Public Works Department in the approval of the Tentative Map shall be in accordance with County Subdivision Ordinance No. 1722, the Geometric Design Standards contained in the Engineering Design Standards Manual, the applicable portions of the California Department of Transportation Standard Specifications of current date and the Standard Detail contained in Appendix 4 of the Engineering Design Standards Manual.
5. Design of all improvements to be constructed as part of this development shall be performed by a Civil Engineer registered in the State of California. Specifications and plan and profile drawings, completed in accordance with Department of Public Works Standards shall be submitted to the Public Works Department and appropriate officials of other departments for their approval, and all bonds and fees shall be posted prior to recordation of the final development map.
6. Prior to recordation of the Final Map and start of any construction, the Developer shall designate to the Department of Public Works the road or roads he intends for construction access to the development to the extent to which subject roads will be used as haul roads. The Public Works Department may, at its option, designate an alternate off-site access or may require a security for the repair or reconstruction in the event subject road is damaged by construction traffic.
7. The Structural road section for all proposed public roads shall consist of the following:

Aggregate Base conforming to the provisions in Section 26, "Aggregate Bases", of the Standard Specifications shall be placed with a minimum thickness of 0.50 feet on all public roads. The actual thickness of the aggregate base shall be determined by "R" Values from Test Method 301-F, California Department of Transportation Specifications. When the Traffic Index is less than 5.5 the minimum section will be 0.2 feet of A.C. and 0.5 feet of A.B. When the Traffic Index is 5.5 or greater, the minimum section will be 0.3 feet A.C. and 0.5 feet Class II Base.
8. All underground utilities shall be extended to development boundaries and laterals stubbed out to the property lines clear of zone at each lot before the placement of concrete surfacing. Prior to release of the Road Improvement Security and acceptance of the roads within the development, it will be necessary for the Developer to have each utility company certify in writing that the above has been accomplished.
9. Prior to release of the Road Improvement Security, the Registered Civil Engineer or Licensed Land Surveyor who performed the construction staking for the development shall certify in writing, that all curbs, gutters, storm drains, and other related street work have been staked in the field accordance with the plan and profile drawings by the Director of Public Works.
10. Prior to approval of plan and profile drawings by the Department of Public Works, the Developer shall post Sureties and provide inspection fees in amounts to be determined by the Department of Public Works to insure required improvements within the road right of way

11. Hydraulic studies indicating drainage flows to be anticipated from the entire watershed within which the development is located shall be submitted to the Public Works Department and Flood Control Engineer for review and approval. Detailed hydraulic studies of storm water run-off to be carried in each gutter of each street shall be submitted by the Developer's Engineer for approval by the Public Works Department. The amount of storm water runoff to be carried in a street section shall be computed on the basis of a 10 year frequency storm. Special drainage facilities will be required when the capacity of the street section has been reached. The drainage facility design shall be prepared in conformance with Section 13 and Appendix 12 of the Engineering Design Standards Manual, and submitted for approval by the Department of Public Works and Flood Control Engineer. Design criteria for underground drainage facilities will be based on a minimum storm frequency of 25 years. Actual design frequency will be determined by the Department of Public Works or the Flood Control Engineer.
 12. Developer shall furnish and install any required road name signs, traffic control signs. *And striping* to County standards. *All traffic control signs shall be installed after roads are paved and prior to being opened up to traffic, including construction traffic.*
 13. All off-tract drainage and flood control facilities and installations shall be installed and completed prior to grading of subject development.
 14. Developer shall offer for dedication as easement to the County, at no cost to the County, all road rights of way shown within the boundaries of subject development map, except roads proposed to be private roads. All road rights of way offered for dedication to the County shall be free and clear of any easements prior to recordation of the Final Map, unless approved otherwise by the Department of Public Works.
 15. A denied access strip one foot wide shall be offered for dedication in fee to the County as a separate parcel of land, not part of the road right of way, and standard Public Works Department road barricades constructed across the end of all public roads extending to the tract boundaries of any unit of the tract, except where they are extensions of existing improved public roads.
 16. Prior to approval of plan and profile drawings by the Public Works Department, the following utilities shall be shown on the plans and approved by an authorized representative of the utility:
 1. Sewer System
 2. Water Distribution System
 3. Gas Distribution System
 4. Storm Drains required by Flood Control
- Additionally, a preliminary plan showing underground electrical, telephone and Cable T.V. service shall be submitted by each agency.
17. All plan and profile drawings presented to the Public Works Department for approval shall be in conformance with the requirements of the Engineering Design Standards Manual. All road widths shall be as specified in this Manual. Roadway classifications are as specified in the Circulation Element of the General Plan.
 18. Water for compaction and dust control shall be made available within the boundaries of the development prior to starting any earth moving operations other than necessary for the installation of subject water source. Applicant shall provide a water availability letter from the appropriate water supply agency.
 19. Prior to start of any earth moving or improvements within the development the Developer shall obtain a Road Excavation and Encroachment Permit from the Public Works Department as required by Board of Supervisors Ordinance No. 1491, dated November 26, 1963, and/or shall obtain a County Grading Permit per Santa Barbara County Ordinance No. 1795 dated May 20, 1967.
 20. The program for reconstruction of any existing County road being used by public traffic shall be presented in writing to the Public Works Department a minimum of 4 working days ahead of the proposed starting date.

The Progress Schedule of proposed work shall be approved prior to start of construction. After construction on any existing County road commences, the project shall be pursued continuously to completion. Any delay will provide good cause for issuance of a stop order on all other portions of the development.

21. The following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 24416 and connected to each dwelling unit where housed are built, or stubbed out to each lot where lots only are sold: Gas, Water, Cable T.V., Telephone, Sanitary Sewer and Electrical Power.
22. After Sign-off by the Public Works Department Inspector, and prior to release of final security, the Developer's Engineer shall add "Record Drawing" information to the original tracings in red or orange ink and sign them as "RECORD DRAWING".
23. *On any proposed streets where curbs, gutters and sidewalks are required, the sidewalks shall have a total distance from curb face to back of sidewalk as prescribed in the Standard Details contained in Appendix 3 and 4 of the Engineering Design Standards Manual. Existing streetlights or fire hydrants within the sidewalk area shall be relocated behind the sidewalk, and any proposed streetlights or fire hydrants placed behind the sidewalk.*
24. Any double frontage lot (lots having a street both front and rear) shall have denied access to the rear street.
25. Concrete masonry block walls, if required by the Resource Management Department shall be constructed to the design and standards of the Building and Safety Division of the Public Works Department. Walls adjacent to road rights of way shall be shown on the Department of Public Works plan and profile drawings. A Building Permit may be required for such walls.
26. Developer shall comply with the Department of Public Works policy relating to Subdivision Street Trees and Utility Service Laterals on all subdivision streets.
27. Chain link fences, if required by the Resource Management Department of Flood Control, shall be constructed to Cal Trans Standard Plans. Subject fences shall be shown on the Department of Public Works plan and profile drawings if adjacent to County road rights of way.
28. Developer shall post Security and provide plan-checking fees in amounts to be determined by the Public Works Department to insure proper construction of all private streets within the development. Security will be released upon certification of a Civil Engineer registered in the State of California that subject streets have been constructed to approved standards.
29. Occupancy of any building within the development will be denied until all street improvements and drainage facilities are completed.
30. The developer's engineer of record, as specified in these conditions, shall certify to the Public Works Department prior to release of any securities that all private streets within the subject development are constructed according to approved plans prior to occupancy of any dwelling unit within the tract, and that all rough grading has been completed in substantial conformance with the tract grading plan.
31. Upon completion of construction and prior to occupancy, the entire road right of way abutting this project will be cleaned to allow Public Works Department Inspectors to check for damage to curbs, gutters, or sidewalks caused by construction traffic. Any damage will be repaired by the Developer prior to occupancy.
32. The Developer shall comply with the current Bikeway Element of the General Plan as to the dedication and construction of bikeways.
33. All roads shall be kept clear of mud and/or other construction debris during construction.
34. The Developer will be responsible for and fees required for materials retesting.

35. The Developer may be required by the Public Works Department to overlay or chip seal a road, as determined by the Public Works Department, after construction work has been completed if it is determined by the County that local patching is insufficient to mitigate project related construction and utility trenching damage.
36. Subdivider shall submit a Grading Plan acceptable to the Public Works Department for all streets and building pads prior to submitting the Final Map for approval. The Grading Plan shall show all lots draining to the street on which they front unless otherwise approved by the Public Works Department. The Grading Plan shall also show method and degree of compaction and proposed method of stabilizing exposed slopes. Subdivider shall plant and maintain all cut and fill slopes and maintenance shall be continued until the lot is occupied.
37. A preliminary Soils Report of the area, prepared by a Civil Engineer experienced in soil mechanics and slope stability, and registered in the State of California, will be required prior to the issuance of Grading Permits. The report shall include data regarding the distribution, stability and expansive nature of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures.
38. All grading shall comply with the provisions of County Grading Ordinance No. 1795, and to Public Works Department standards.
39. Grading shall be designed so that natural drainage from off-tract property is not obstructed.
40. Provision shall be made to prevent off-tract drainage from being received by lots. Tract drainage shall not be drained to a public street gutter that does not have storm drainage inlets and where the tract drainage could, after being carried along the road gutter for some distance, be dumped into another tract.
41. No grading can be done prior to Final Map recordation except in compliance with County Code Chapter 21-8-C4.
42. All underground utility trench backfills on private property and in private roads shall be compacted and tested to a minimum of 90%, or to the satisfaction of the Public Works Director. Compaction test reports shall be submitted before and grading is finalized.
43. The Subdivider shall furnish one copy of the Final Tract Map to the Public Works Department prior to approval.
44. All debris, litter, and other construction waste generated by this development shall be removed from the site or adjacent property. Occupancy clearance of any building will be denied until debris removal is acceptable to the Public Works
45. Since certain areas of Santa Barbara County are prone to accelerated seasonal erosion by either wind or water, and acceptable Erosion Control Plan, with timing, may be required with the project Grading Plan.
46. Any tract which is to be graded out (mass graded) and developed as a Phased Build-Out will require a detailed engineered Erosion Control Plan which will apply to all graded areas which are not built out. This plan shall be maintained until the respective tract phases are built out. *This condition shall also apply to Lot Sale Subdivisions.*
47. *On lot sale subdivisions, no building permits shall be issued for any lot until all required utilities, rough grading, drainage facilities, and street improvements have been completed, unless otherwise approved by the Director of Public Works. This condition must be shown on the Final Map, along with the time allowed by the Subdividers Contract for the developer to complete said improvements.*
48. *Prior to issuance of any road construction and/or grading permits, the applicant shall verify to the Department of Public Works, in writing, that a registered civil engineer has been retained to act as the Engineer of Record during construction and testing operations. This engineer shall be responsible for any and all observation during construction, which he deems necessary to certify those aspects of construction*

requiring certification pursuant to these conditions. Where possible, the engineer whose signature and stamp appear on the tract plans should be retained as the Engineer of Record.

- 49. Regardless of all review and/or acceptance of tract plans, specifications, calculations, and reports by Public Works or other County departments, the registered civil engineer whose signature and stamp appear on the tract grading and road improvement plans is responsible for the accuracy and integrity of the design and base information relating to the plans and calculations. Design conflicts which arise during construction may result in work being stopped until discrepancies are resolved.*