

## Attachment 5

### RESOLUTION NO. 18-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (16-FDP-06) AND TENTATIVE TRACT MAP (TTM 31061) FOR THE HUB PROJECT LOCATED AT THE SOUTHERN TERMINUS OF INDUSTRIAL WAY, ASSESSOR'S PARCEL NUMBER 099-690-053 AND MAKING FINDINGS IN SUPPORT THEREOF**

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

**SECTION 1:** Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Peter Hauber, property owner, and Gavin Moores, agent, hereinafter referred to collectively as the "Applicant", requesting approval to develop The Hub Project, located at the southern terminus of Industrial Way (APN 099-690-053). The northern approximately three-quarters of the site has a General Plan designation of Industrial (zoned M – Industrial and Manufacturing), while approximately the southern quarter of the site is designated Open Space, Parks and Recreation (zoned OS – Open Space).

**SECTION 2:** The proposed Project consists of:

**A. Final Development Plan (16-FDP-06) and Tentative Tract Map (TTM 31061):**  
The proposed mixed use project consists of the following uses:

- 50 Apartment units and a community center in three buildings. There is a mix of 1 and 2 bedroom units
- 46,676 square feet of industrial space in 4 buildings
- 28,066 square feet of office/business space in 2 buildings with 4 rooftop residential units
- 323 parking spaces
- Dedicated open space with public trails and paths
- Restoration of Zaca Creek
- A 3-lot tentative tract map for airspace condominium purposes

**SECTION 3:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

**A. Record.** Prior to rendering a decision on the Project, the City Council considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on February 22, 2018 ("Public Hearing").

2. All oral, written and visual materials presented in conjunction with that certain Public Hearing.
3. The following informational documents, which by reference, are incorporated herein:
  - a. The project file for 16-FDP-06, TTM 31061, and the set of project plans dated June 13, 2017 (Architectural, Civil, Landscaping) and August 9, 2017 (Tentative Tract Map)
  - b. The staff report dated February 22, 2018
  - c. The Initial Study and Mitigated Negative Declaration for the project (17-MND-03), dated December 19, 2017
  - d. Planning Commission Resolutions No. 18-01 and 18-02

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

1. A notice of Planning Commission Public Hearing was published in a newspaper on January 4, 2018, more than the minimum of 10 days in advance of the Planning Commission Public Hearing conducted on January 18, 2018.
2. The Planning Commission Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on January 4, 2018, more than the minimum of 10 days in advance of the Planning Commission Public Hearing.
3. The Planning Commission Public Notice was posted in two public locations on January 4, 2018, more than the minimum of 10 days in advance of the Planning Commission Public Hearing.
4. A notice of City Council Public Hearing was published in a newspaper on February 8, 2018 (the "Public Notice"), more than the minimum of 10 days in advance of the Public Hearing conducted on February 22, 2018.
5. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on February 8, 2018, more than the minimum of 10 days in advance of the Public Hearing conducted on February 22, 2018.
6. The Public Notice was posted in two public locations on February 8, 2018, more than the minimum of 10 days in advance of the Public Hearing conducted on February 22, 2018.

**C. Environmental Review.** Pursuant to the California Environmental Quality Act (CEQA), the Initial Study/Mitigated Negative Declaration was circulated for public and agency review and comment on December 19, 2017, through, and including, January 18, 2018. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at the Planning Department on December 19, 2017, and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On December 14, 2017, a Notice of Availability of the Initial Study/Mitigated Negative Declaration, including the time and place of the Planning Commission meeting to review the Application and Initial Study/Mitigated Negative Declaration was published in the local newspaper and posted in two public locations. Findings for the CEQA document are included in City Council Resolution 18-02. City Council Resolution 18-02 was adopted prior to the consideration of City Council Resolution 18-03.

**D. Consistency Declarations.** Based on (i) the evidence presented in the project file (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the Public Hearing, the City Council does hereby declare as follows:

**1. Final Development Plan.**

**a. Findings:**

- i.** That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the project site is appropriately designated for such uses under the City's General Plan, the project is consistent with the mixed use regulations, and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site as determined by the City Engineer and Traffic Study dated July 18, 2017.
- ii.** No adverse impacts have been identified with this project through the incorporation of the mitigation measures from the Mitigated Negative Declaration that have been made conditions of approval.
- iii.** That streets are adequate and properly designed pursuant to the requirements of the City Engineer and the Traffic Study. The Fire Department has approved the circulation system from a Fire Department perspective.
- iv.** That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. The Public

Works Department is able to provide water and sewerage service to the project. The Fire Department has provided conditions of approval to address their concerns. The Sheriff's Department has no concerns with the project.

- v. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The project site allows a mixed use project. Surrounding land uses are residential and open space to the north and east and industrial to the west. The proposed project is expected to be compatible with the surrounding area.
- vi. That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the project complies with both the General Plan and Title 19 (Zoning).
- vii. That the project will not conflict with any easements required for public access through, or use of, a portion of the property as none exist on this property.
- viii. That the proposed development is in conformance with the Agrarian architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

## 2. **Tentative Tract Map.**

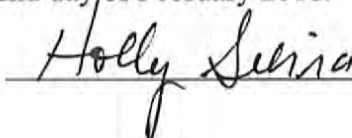
### a. **Findings:**

- i. The proposed subdivision, including its design and improvements, is consistent with Buellton's General Plan and the City's subdivision ordinance pursuant to the Public Works Director.
- ii. The site is physically suitable for the type of development proposed as the site is planned and zoned for mixed use development per the Buellton Zoning Ordinance and General Plan.
- iii. The site is physically suitable for the proposed density of development as the mixed use development meets the standards of the Buellton General Plan and Zoning Ordinance.

- iv. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat as mitigation measures are being made conditions of approval to reduce significant environmental impacts to a level of insignificance.
- v. The design of the subdivision or the proposed improvements will not likely cause serious public health problems as no public health issues have been identified on the property.
- vi. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision; or that substantially equivalent alternate easements are provided.
- vii. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
- viii. No new street names are being proposed so proposed street names are consistent with the types of names used elsewhere in the community and, where applicable, are logical extensions of those existing in the area of the subdivision.
- ix. The proposed subdivision is consistent with all applicable provisions of this title, and the Buellton zoning ordinance, including but not limited to minimum lot area requirements, any other applicable provisions of this code, and the Subdivision Map Act.

**SECTION 4:** Based on the findings set forth in Sections 2 and 3 and subject to the conditions attached hereto, the City Council hereby approves the Final Development Plan (16-FDP-06) and Tentative Tract Map (TTM 31061) with changes to conditions 107 and 109.

**PASSED, APPROVED and ADOPTED** this 22nd day of February 2018.

  
 \_\_\_\_\_  
 Holly Sierra  
 Mayor

ATTEST:  
  
 \_\_\_\_\_  
 Linda Reid  
 City Clerk

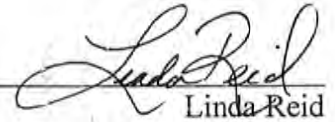
# Attachment 5

---

I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution No. 18-03 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 22<sup>nd</sup> day of February 2018 by the following vote of the Council:

AYES: 3 Council Members Andrisek and Mercado and Mayor Sierra  
NOES: 1 Vice Mayor King  
ABSENT: 0  
ABSTAIN: 0

---



Linda Reid  
City Clerk

## CONDITIONS OF APPROVAL

### THE HUB PROJECT FINAL DEVELOPMENT PLAN 16-FDP-06 TENTATIVE TRACT MAP TTM 31061

#### A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. The Project Description is as follows: This Project is a request by Peter Hauber (Property Owner) and Gavin Moores (Agent) (collectively, the Property Owner and Agent shall be referred to as the “Applicant”) for a Final Development Plan (16-FDP-06), and Tentative Tract Map for airspace condominium purposes (TTM 31061) for a residential and industrial mixed use project and associated improvements in support of those facilities (“The Project”). The 17.22-acre property is located at the southern terminus of Industrial Way, and is defined as Assessor’s Parcel Number 099-690-053 (“The Property”). The Property is currently vacant. The project plans that are included in this approval are dated June 13, 2017, and August 9, 2017 (Tentative Tract Map).

The proposed project consists of the following uses:

- 50 Apartment units and a community center in three buildings. There is a mix of 1 and 2 bedroom units
- 46,676 square feet of industrial space in 4 buildings
- 28,066 square feet of office/business space in 2 buildings with 4 rooftop residential units
- 323 parking spaces
- Dedicated open space with public trails and paths
- Restoration of Zaca Creek
- A 3-lot tentative tract map for airspace condominium purposes

Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.

2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other

permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.

3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.
4. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.
  - a. **“Applicant”** means Peter Hauber (Property Owner) and Gavin Moores (Agent), and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest of Property Owner and Agent.
  - b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
  - c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
  - d. **“County”** means the County of Santa Barbara.
  - e. **“Environmental Monitor”** means person or personnel of the City assigned to monitor field mitigation in order to ensure compliance with the Mitigation Measures. The City has discretion to determine the qualifications of the Environmental Monitor, the number of monitors needed and the disciplines of the monitors, their duties and the arrangements for compensation
  - f. **“Final Building Inspection Clearance”** means acknowledgement by the Building Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and

the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.

- g.** “**Fire Department**” means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of special district.
- h.** “**Mitigation Measures**” means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.
- i.** “**Entitlement**” means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- j.** “**Project**” means and includes all of the actions described in the Project description above.
- k.** “**Project Inspection**” means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.
- l.** “**Project Manager**” means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.
- m.** “**Property**” means the land and improvements identified in the Project Description.
- n.** “**Property Owner**” means Peter Hauber, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.
- o.** “**Retained Monitor**” means person or personnel of the Applicant assigned to monitor field mitigation in order to ensure compliance with the Mitigation Measures. The Retained Monitor must be qualified in his or her respective field and their appointment/retention is subject to approval by the City. For instance, the Retained Monitor assigned to verify compliance with cultural resources Mitigation Measures should be an

archaeologist or a person trained to identify cultural resources and who is acceptable to the City.

- p. **“Zoning Clearance”** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.
5. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
6. **Indemnity.** The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, arising from or in connection with the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project, including but not limited to writ proceedings, claims for inverse condemnation, personal injury, property damage, and/or breach of a mandatory duty, challenges under the California Environmental Quality Act, and/or any action that attacks, challenges, or seeks to set aside, void, or annul all or any part of the approvals, decisions, or actions concerning the Project. City shall promptly notify the Applicant of any Action brought and request that the Applicant defend the City. It is expressly agreed that Applicant may select legal counsel providing the Applicant’s defense and the City shall have the right to approve separate legal counsel providing the City’s defense. The Applicant shall reimburse City for any attorneys’ fees, costs and expenses directly and necessarily incurred by the City in the course of the defense.
7. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within

the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

8. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.
9. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of the Mitigation Monitoring and Reporting Program for the Mitigation Measures as well as the general conditions of approval set forth herein. The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.
10. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.
11. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.
12. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City
13. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the those fee schedules adopted by the City and then in effect at the time such fees become payable.
14. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The

Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

## **B. ENVIRONMENTAL MITIGATION MEASURES**

### Biological Resources

15. **BIO-1: Habitat Mitigation and Monitoring Plan (HMMP).** Prior to issuance of building or grading permits, a HMMP shall be prepared by a qualified biologist based on requirements outlined in the Streambed Alteration Agreement (SAA) and Clean Water Act (CWA) Section 401 and 404 certifications, if required, which shall be issued prior to initiating work on the HMMP. The HMMP shall include, at minimum, the following components:

- Mitigation ratios for permanent and temporary impacts to riparian habitat, waters of the U.S. and State, and CDFW streambed and riparian shall be established, in consultation with CDFW, USACE, and the RWQCB;
- Development of the landscape plan to include habitat restoration and a plant palette in keeping with fulfillment of established mitigation ratios;
- Identification of areas where habitat could be potentially be improved and restored;
- Defined attainable and measurable goals and objectives to be achieved through implementation of the HMMP;
- A restoration work plan that details methodologies, a restoration schedule, plant materials (seed), and implementation strategies;
- Schedules for planting, irrigation, and monitoring;
- A detailed maintenance plan to include removal of invasive non-native species;
- Defined performance standards for restoration;
- A monitoring plan that includes methods and analysis of results, goals for success or failure, and an adaptive management plan and suggestions for failed restoration efforts;
- Restoration activities using native riparian and wetland species from locally collected stock; and
- Details for implementation of any additional permit requirements.

**Monitoring:** Applicant shall prepare and provide the HMMP to the City of Buellton Planning Department prior to issuance of building permits. The Planning Department will verify compliance prior to beginning of construction.

16. **BIO-2: Floristic Surveys.** A focused floristic survey was conducted in April 6, 2017, and a second survey shall occur pursuant to protocol requirements at least 30 days prior to commencement of grading and construction activities. Surveys should be performed

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

17. **BIO-3: Arborist Surveys.** 30 days prior to initiation of grading and construction activities, a certified arborist or certified forester shall perform a physical inventory of the site by collecting tree locations and arboricultural attribute information for each tree that is special-status or that meets the minimum size requirements to be a protected tree (oak and sycamore). The tree height, canopy spread to drip line, trunk diameter, and tree health/structural condition shall be collected. If needed, each mapped and assessed tree shall be tagged with an aluminum tree tag identifying it with a unique tree number corresponding to GPS mapping data. Photographs of the site and of representative trees shall be collected.

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

18. **BIO-4: Native Tree Removal.** Protected trees shall not be removed without prior authorized consent from the planning director. Prior to the removal of any protected tree, the applicant shall submit an application, on a form authorized by the city, along with the applicable fee, to the planning department of the city for determination by the planning director. Replacement standards shall include the following:

- All oak trees of sizes defined as protected in the Native Tree Ordinance shall be replaced at a ratio of three oak trees planted for every oak tree removed.
- Prior to removal of any protected trees, a tree replanting schedule, site plan, and long term maintenance plan shall be submitted and approved.
- Replacement oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted.
- Replacement oak trees shall be established in a location suitable for their growth and survival as determined by an arborist, no closer than twenty (20) feet from each other or from existing oak trees and no farther than one hundred sixty-five (165) to one hundred eighty (180) feet from each other or existing oak trees unless otherwise approved by the arborist.

- The replacement trees shall be nurtured for five years, the last two without supplemental watering. At the end of the five years, all replacement trees must be alive, in good health as determined by the arborist, and capable of surviving without nurturing and protection
- Each replacement tree must be protected against damage from ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from browsing by animals both below and above ground until it has reached a minimum of eight feet in height.

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

19. **BIO-5: Native Tree Protection.** Existing protected trees on and adjacent to the project site shall be avoided through setbacks and installation of protective fencing to the extent feasible during demolition and construction. All fencing must be installed prior to the beginning of construction activities.

**Monitoring:** Prior to removal of any protected tree, the applicant shall obtain written approval from the Planning Department. The Public Works and Planning Departments will verify that temporary construction fencing is installed prior to issuance of Grading Permits.

20. **BIO-6: Birds/Southwestern Willow Flycatcher.** 30 days prior to initiation of grading and construction activities, a qualified biologist shall initiate a USFWS protocol level southwestern willow flycatcher survey to determine the presence or absence of the species on the project site and suitable habitat within 500 feet. No southwestern willow flycatchers were detected for the two surveys previously completed. State and Federal mitigation protocols shall be followed if this species is discovered.

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

21. **BIO-7: Birds/Least Bell's Vireo.** 30 days prior to initiation of grading and construction activities, a qualified biologist shall initiate a USFWS protocol level Least Bell's Vireo survey to determine the presence or absence of the species on the project site and suitable habitat within 500 feet. No Least Bell's Vireo was detected for the three surveys previously completed. No critical habitat exists on or near the project site. State and Federal mitigation protocols shall be followed if this species is discovered.

**Monitoring:** Applicant shall provide results of the survey to the City of Buellton Planning Department. The survey shall be conducted by a qualified biologist. The

Planning Department will verify compliance prior to issuing grading and/or building permits.

22. **BIO-8: Birds/Other Protected Species.** 30 days prior to initiation of grading and construction activities, a qualified biologist shall note the presence or absence of Cooper's hawk, tricolored blackbirds, yellow-breasted chat, and yellow warbler. If observed, mitigation measures to reduce the impact to these species shall be developed. State and Federal mitigation protocols shall be followed if this species is discovered.

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

23. **BIO-9: Nesting Birds.** In compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, a pre-construction survey for nesting birds shall be conducted 30 days prior to initiation of grading and construction activities that occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August). If active nests are found, clearing or construction activities within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist, will be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.
- If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist or a buffer as authorized through the context of the Biological Opinion and 2081b Incidental Take Permit (delineated with stakes or fencing), will be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.
  - No construction or project activities are permitted within this buffer until the nest is vacated, juveniles have fledged and there is no evidence of a second nesting attempt.
  - The nest shall be monitored every other week by a qualified biologist until fledglings become independent of the nest.
  - Additionally, in the event that Least Bell's Vireos or Southwestern Flycatchers are observed during the surveys, consultation with the USFWS (and possibly the State) would be required to ensure avoidance of this species.
  - The monitoring biologist shall halt construction activities if he or she determines that the construction activities are disturbing the nesting activities. The monitor shall make practicable recommendations to reduce the noise or disturbance near the nest. This may include 1) turning off vehicle engines and other equipment whenever possible to reduce noise, 2) working in other areas until the young have fledged, or 3) placing noise barriers to maintain the noise at the nest to 60 dBA Leq. Hourly or less or to the preconstruction ambient noise level if that exceeds 60 DBA Leq. Hourly.

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

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

24. **BIO-10: Pre-construction Survey/Reptiles.** A pre-construction survey for Blainville's horned lizard and California legless lizard shall be conducted of the project site by a qualified biologist 30 days prior to initiation of grading and construction activities. Subject species of surveys may vary depending on timing and species' activity patterns. At any time of year when project activities are initiated, pre-construction surveys shall be conducted for Blainville's horned lizard in open friable soils and California legless lizards in riparian habitats and areas with loose sand. If these species are observed, a salvage and relocation plan shall be implemented to allow a qualified biologist to capture and relocate the species away from ground disturbance and into protected open space.

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

25. **BIO-11: Pre-construction Survey/Amphibians.** The proposed project is setback approximately 500 feet from the Santa Ynez River (where California red-legged frog breeding ponds are known to be located) and avoids direct impacts to the riparian habitat associated with the Santa Ynez River. The project site does not support habitat for the western spadefoot toad. Although both species are not likely to occur on the project site, consultation with USFWS and CDFW shall

occur for concurrence with this determination 30 days prior to initiation of grading and construction activities and appropriate avoidance measures from the USFWS/CDFW shall be implemented.

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

26. **BIO-12: Pre-construction Survey/Mammals.** A pre-construction survey for American badger shall be conducted of the project site by a qualified biologist 30 days prior to initiation of grading and construction activities. If evidence of this species is observed (old or new dens), potential dens shall be monitored with tracking material and/or wildlife movement cameras. If a den is deemed inactive for three consecutive days, a qualified biologist shall excavate the den by hand with a shovel to prevent American badgers from reusing the den during construction.
- If active natal dens are observed during the pupping season (February 15 to July 1), a 200-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. Construction in this buffer zone would be postponed or halted until the project biologist determines that the young are no longer dependent on the natal den.
  - If winter dens are found, a 50-foot buffer shall be flagged or fenced to avoid inadvertent impacts to the den. If avoidance of the den is not possible during the non-pupping season, an attempt shall be made by a qualified project biologist to trap or flush the individual and relocate it to suitable open space habitat. Badgers can also be relocated by slowly excavating the burrow, removing no more than 4 inches at a time.

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

#### Cultural Resources

27. **CR-1: Extended Phase 1 Archaeological Survey.** Prior to commencement of grading and construction activities, the developer shall have an extended Phase 1 Archaeological Survey prepared by a qualified archaeologist acceptable to the City and the Chumash Tribe. The developer shall work with the Chumash Tribe on the scope of the extended Phase 1 survey and a Native American monitor shall be present during all surveys. Any cultural resources that are discovered shall be mitigated pursuant to current Federal regulations and the requirements of the Chumash Tribe. Work may begin in the affected area once mitigation has been completed.

**Monitoring.** The City, the applicant's archaeologist, and the Chumash Tribal representative will monitor this implementation of this mitigation measure.

### Greenhouse Gas

28. **GHG-1: GHG Reduction Plan.** The project shall reduce operational GHG emissions through implementation of one or more of the following measures:
- A. Prior to permit issuance, develop a project GHG Reduction Plan that reduces annual GHG emissions from the project by a minimum of 13.3 MT CO<sub>2</sub>e per year over the operational life of the project. The plan will be implemented on site by the project applicant and may include, but is not be limited to, the following components:
    - 1. Charging stations for alternative fuel vehicles
    - 2. Water conservation and recycling
    - 3. Renewable energy production
    - 4. Trip reduction (e.g., employee ridesharing, vanpool/shuttle)
    - 5. Carbon sequestration
    - 6. Recycling and composting of solid wasteand/or
  - B. If GHG emissions cannot be fully reduced by a minimum of 13.3 MT CO<sub>2</sub>e per year over the operational life of the project through compliance with a project GHG Reduction Plan, purchase carbon offsets to reduce GHG emissions below threshold levels.

### Hazards and Hazardous Materials

29. **HAZ-1: Phase I Environmental Site Assessment.** Prior to issuance of building permits, a Phase I Environmental Site Assessment prepared in accordance with the standards for such assessments promulgated by the EPA shall be conducted by a qualified professional to determine the potential for onsite soil contamination, and the recommendations of that report (if any) shall be followed.

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

### Traffic

30. **T-1: Striping and Signage.** The cul-de-sac intersection shall be striped and signs installed in accordance with the diagram included as Appendix D to the initial study prior to the issuance of the certificate of final occupancy.

**Monitoring:** Planning Department and Public Works will verify installation of striping and signs prior to final occupancy.

**C. ENGINEERING CONDITIONS – FINAL DEVELOPMENT PLAN****PRIOR TO GRADING PERMIT ISSUANCE:**

31. **Improvement Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.
32. **Improvement Plan Requirements.** Plans shall be drawn by a California Registered Civil Engineer. Drawings shall be prepared on 24-inch by 36-inch mylar (4 mil) showing all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, utilities, and street trees. Final plans shall be wet-stamped by the Civil and Soils Engineer and subsequently signed by the City Engineer prior to permitting.
33. **Soils Report.** At the time that Improvement Plans and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, two copies of a Soils Report, prepared by a California Registered Geologist or Soils Engineer, shall be submitted. The Report shall address soils engineering and compaction requirements, R-values, and other soils and geology related issues (including liquefaction) and shall contain recommendations as to foundation design, and paving sections, where applicable for the project.
34. **Grading Oversight by Geotechnical Engineer.** A geotechnical engineer or geologist licensed in the State of California shall provide guidance during grading operations and shall certify constructed pads and ensure all mitigation measures are properly implemented. Certifications and final reports shall be submitted to the City Engineer for approval.
35. **Erosion Control Plan.** Erosion Control Plans shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at all times. This shall be in compliance with the Regional Water Quality Control Board requirements. NOI shall be filed. A SWPPP shall be developed for the project site by a certified QSD, draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times. Implementation shall be performed by a QSP.
36. **Hydrology Report.** At the time that Improvement and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, a complete hydrology/hydraulic report shall be submitted by the applicant's engineer determining the adequacy of the proposed drainage system and the adequacy of the existing downstream system. A rain fall frequency of twenty-five (25) years shall be used for sizing piping and inlet structures. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara

County Engineering Design Standards shall be used. The report shall include a flood study the reviews pre-development and post development flood conditions, recommendations to be implemented to minimize or resolve flood issues that may impact the proposed development and recommendations to be implemented that minimize or resolve flood issues outside of the development property that results from the proposed development. These recommendations shall be incorporated in the project improvement plans.

Plans shall clearly delineate floodway and floodplain limits. A Property Owner Flood Development Notice shall be recorded. All fill within Floodplain areas shall be reviewed and analyzed in the Hydraulic and Hydrology study to ensure there is no adverse effects of flooding to any properties.

37. **CLOMR.** The Applicant shall process a Conditional Letter of Map Revision (CLOMR) with FEMA to remove the residential portions of the project site from the flood zone. Reasonable progress shall be made prior to issuance of the grading permit, such that certainty to approval can be reached. CLOMR will need to be approved and accepted by FEMA prior to issuance of Certificate of Occupancy.

It is recommended that the Applicant shall file the appropriate documentation with FEMA removing other buildings from the floodplain. At a minimum, Applicant shall file appropriate Elevation Certificates and record Owner's Notice Document for Development within a Floodplain. Design shall be subject to flood proofing requirements.

38. **Stormwater.** Development shall be undertaken in accordance with conditions and requirements of the State of California Regional Water Quality Control Board. Project Grading and Storm Drain Improvement Plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted on-site and during construction to effectively mitigate storm water pollution during construction as well as post-construction.

Stormwater management shall be incorporated in the improvement plans (low impact development). This project is subject to Post Construction Requirements as outlined in the City's Stormwater Technical Guide for a Tier 4 project.

A Stormwater Control Plan that analyzes the potential flows, run-off and drainage management area's and proposed lid improvements to address run-off and water quality, including a maintenance/water quality control plan, shall be submitted. This document shall include an owner's statement that maintenance of facilities will occur regularly (at least twice annually) and will be ongoing. The plan shall include an annual maintenance report which must be signed/certified by the QSD/QSP, Property Owner and contractor and submitted to the Public Works Department.

39. **Fire Department Review.** Applicant shall submit improvement plans for concurrent review with the Santa Barbara County Fire Department and shall provide documentation of submittal along with grading and utility improvement plans to the City Engineer. A copy of the Fire Department approval shall be submitted prior to issuance of grading permit.
40. **Mylars.** Upon approval of the final plans, Applicant shall furnish original stamped mylars to the City Engineer for signature and reproduction for permitting purposes. A final Engineer's estimate shall be prepared (updated from the original submittal and shall utilize prevailing wage rates) and permit/inspection fees paid.
41. **Sureties.** A faithful performance and labor/material bond for the grading and utilities (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year after the City has approved a Notice of Completion and after receipt/approval of the As-built Record Drawings.
42. **Private Sewer Lift Station.** Applicant shall provide engineering plans and calculations for the proposed private sewer lift station. An annual maintenance and operations audit shall be provided to the city by the property owner as long as the facility is needed to convey flows to the public system. Audit shall provide maintenance and repair log and supporting records. Owner is responsible for any violations resulting from lack of maintenance and repair to the system which causes a violation of Regional Water Quality Board regulations.
43. **Industrial Discharge Permit/FOG Permit.** Any tenant activities that involves, manufacturing, processing or food service shall comply with City's Industrial Discharge and FOG Programs and shall identify grease interceptors in grading improvement plans.
44. **Trails.** Project components include off-site trails. Applicant is required to secure an easement agreement and access/maintenance agreement for such facilities prior to issuance of grading permits. All trails proposed shall be developed, operated and maintained by the property owner.

**PRIOR TO BUILDING PERMIT ISSUANCE:**

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

47. **Industrial Waste Discharge Permit.** Applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.
48. **Payment of Water/Sewer Fees.** Applicant shall pay water and sewer utilities fees from the Public Works Department prior to occupancy. In addition, all pretreatment and FOG compliance requirements must be in place prior to payment of water/sewer fees and occupancy.
49. **Traffic Mitigation Fee.** Applicant shall pay all Traffic Mitigation Fees prior to obtaining a building permit.

**PRIOR TO OCCUPANCY CLEARANCE:**

50. **Completion of Improvements.** Applicant shall complete all required improvements to the satisfaction of the City Engineer prior to occupancy clearance. Applicant shall furnish mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "As-Built Record Drawings".
51. **Dedication of Public Easements.** Any public easements requiring dedication shall be approved and accepted by the City prior to occupancy clearance.
52. **Payment of Fees.** Applicant shall pay in full all fees and any unpaid balances from plan check or inspection and permits related to the Project prior to occupancy clearance.

**GENERAL CONDITIONS:**

53. **Public Improvement Standards.** Unless superseded by Caltrans all public improvements shall be designed and constructed in conformance with The City of Buellton Standards, and when applicable, the Santa Barbara County Standards.
54. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
55. **Utility Locations.** All utilities shall be shown on the plans. Proposed water and sewer lines shall be highlighted. Lines on-site shall be maintained as private. Should any utilities be determined to be public, appropriate easements shall be granted to the City.
56. **Parking Lot Maintenance.** Permeable parking lot areas shall be maintained on a regular basis. Proper maintenance shall include, but not be limited to, grading, leveling, removal of oils or other potential water quality contaminants that may be deposited through normal use/wear, restriping and sweeping. A maintenance management plan shall be provided and approved by the City Engineer with an annual self-audit provided to the City. Self-Audit shall provide maintenance and repair log and supporting records.

57. **River Trail.** Pursuant to the City's Bicycle and Pedestrian Master Plan, a walking trail shall be incorporated on-site for a "creekside trail". An easement for public trails shall be dedicated to the City. The developed trail system shall be operated and maintained by the Property Owner as part of the regular site maintenance requirements.

#### **D. ENGINEERING CONDITIONS – TENTATIVE TRACT MAP**

##### **PRIOR TO GRADING PERMIT ISSUANCE:**

58. **Easement Dedications.** The Applicant shall offer for dedication any utility easements required to accommodate the proposed water lines. Public Dedications shall be supplemented with Grant of Easement Deeds to the City of Buellton.
59. **Sureties.** A faithful performance and labor/material bond for each: grading, utilities, and monumentation (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year and until receipt of As-built Record Drawings and Surveyor's certificate and all fees paid.
60. **Easements on Map.** Any public or private easements required for drainage, access, trails, etc., shall be described and shown on the Map.
61. **Geotechnical.** Any geotechnical hazard or other hazard determinations, including flood hazards shall be shown on the map.
62. **Improvement Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.
63. **Mylars.** Plans for the improvements shall be prepared on 24-inch by 36-inch mylar (4 mil) showing all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, utilities, and street trees.
64. **Other Permits.** The Applicant shall acquire additional permits from other affected agencies (Caltrans, Fish & Game, etc.) prior to grading permit issuance if applicable.
65. **Final Development Plan.** All conditions with the final development plan shall apply.

66. **RWQCB.** Compliance with all Regional Water Quality Control Board regulations shall apply, including but not limited to stormwater control plans and water quality control plans.

**PRIOR TO BUILDING PERMIT ISSUANCE:**

67. **Final Map.** A Final Map shall be submitted by the Applicant to the City Engineer for review and approval prior to the City Council approval and authorization to record. Said Map shall be prepared by a licensed Surveyor or a qualified Civil Engineer, registered in the State of California. Closure calculations shall be submitted with the Final Map along with adequate reference data, easement documentation, current title report and map check processing fees.

**PRIOR TO OCCUPANCY CLEARANCE:**

68. **Final Map Conformance.** The Final Map shall be in substantial conformance with the approved Tentative Map and shall be subject to final review by the City Council prior to recordation, if a public easement is required for dedication. All applicable fees then outstanding at the time of Council approval shall be paid by the Applicant prior to Map recordation including, but not limited to, outstanding balances owed for development and map processing. Copies of the recorded Final Map shall be filed by the applicant with the City Engineer and Planning Director.
69. **CC&Rs.** Codes, Covenants and Restrictions (CC&Rs) for the project shall be submitted for review to the City Attorney, City Engineer, and Planning Director. The CC&Rs shall include provisions to ensure the fulfillment and ongoing maintenance plans outlined in the Stormwater Control Plan and maintenance of the public trails. The City Engineer and City Attorney may require additional restrictions within the CC&Rs as deemed appropriate.
70. **Map Recordation.** The Final Map and all applicable private and public easements must be recorded with the County Recorder.
71. **Public Improvements.** The applicant shall complete all required public improvements to the satisfaction of the City Council. Prior to accepting the public improvements, the applicant shall furnish the original mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "Record Drawings." Public improvements shall only be accepted after: (i) all items required are completed to the satisfaction of the City Engineer; and (ii) a Notice of Completion is filed by the City Engineer and accepted by the City Council.

**GENERAL CONDITIONS:**

72. **Phase I Environmental.** Prior to recordation of the Final Map, the Applicant shall have an environmental auditor (appropriately certified by the State of California and approved by the City Engineer) submit to the City Engineer a Phase I environmental site assessment for review and approval as to those portions of the project which are proposed for dedication to the City. The report shall state that all property within the boundaries of the map and any property being dedicated to the City (i.e., streets and off-site easements) have been evaluated for hazardous materials. The Phase I Assessment shall have been prepared no more than two years prior to submitting the offer to dedicate. Should additional assessment be required, the Applicant shall have a Phase II environmental site assessment performed at his sole cost.

Should there be any form of contamination found; the Applicant shall comply, at its sole expense, with all measures and recommendations contained in the environmental site assessment report approved by the City Engineer for the handling, removal, and disposal of any hazardous materials found at the property. The City will not accept any property dedication until the site has been proven clear from all known contaminants and a report is received from the consultant stating that the site in question is clean.

**E. PLANNING CONDITIONS**

73. **Zoning Clearance.** As a condition precedent to obtaining building permits, and prior to improving any portion of the Property or commencing any work pertaining to the Project approved herein, Applicant shall obtain Zoning Clearance from the Planning Director. Zoning Clearance shall only be granted upon satisfying all conditions precedent to construction as stated in these conditions of approval.
74. **Performance Standards.** The design, operation, and use of the Project and Property shall comply with all outdoor storage, trash collection design, performance standards, landscaping requirements, and lighting provisions of the Buellton Municipal Code. All exterior lighting shall be located and designed so as to avoid creating substantial off-site glare, light spillover onto adjacent properties, or upward illumination into the sky. In addition, the Property shall be maintained in strict compliance with the following additional standards:
- a. Use Limitations. No building or other improvement upon the Property shall be constructed, maintained, or used for any purpose other than that which is allowed by the Buellton Municipal Code or otherwise stipulated in the conditions of approval herein. Furthermore, the Property shall be maintained in strict compliance with the following additional standards:

## Attachment 5

- (1) Unobstructed Access. All driveways and areas designated for off-street parking shall remain accessible at all times. Except as allowed by revocable license approved by the City, parking shall not be allowed on driveways at anytime.
  - (2) Vehicle Repair. No disassembly, repair or any other work shall be performed on any vehicle, machine, motor, appliance or other similar device shall be allowed on any portion of the Property except or unless such work and device is wholly removed from public view.
  - (3) Exterior Storage. No storage of any goods, materials or equipment shall be permitted on the Property except within the confines of fully enclosed buildings.
- b. Prohibited Activities. No person owning, leasing, occupying or having charge or possession of the Property, or any portion thereof, shall maintain or use the premises in such a manner that any of the following conditions are found to exist:
- (1) Fire and Explosion Hazards. Storage and transportation of flammable or explosive materials, as defined by the County of Santa Barbara Fire Department, which are provided without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices, standard in the industry.
  - (2) Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances, affecting the operation at any point of any equipment other than that of the creator of such disturbance.
  - (3) Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, or humidity, heat or cold that is produced and is perceptible without instruments by the average person at the Property line.
  - (4) Liquid and Solid Wastes. Discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved

by the California Department of Public Health or such other governmental agency as shall have jurisdiction over such activities.

- (5) Odors. Emissions of odorous gases or other odorous matter that is produced in nuisance quantities at the Property line.
  - (6) Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectable without instrument by the average person at the Property line which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point.
  - (7) Vibration. Ground vibration that is produced and is discernible without instruments to the average person at the Property line. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard.
  - (8) Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.
  - (9) Noise. Unless otherwise conditionally allowed, no person shall operate or cause to be operated any source of sound at or on the Property, or allow the creation of any noise on the Property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any receiving property to exceed the noise level limits set forth by the Buellton Municipal Code as adopted and amended.
75. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
76. **Building Standards.** All building construction shall be designed and performed in accordance with the currently adopted California Building Code, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.

77. **Grading and Drainage.** All building construction, grading and drainage shall be designed and performed in accordance with the currently adopted Excavation and Grading Code and all other appropriate sections of the Buellton Municipal Code and Santa Barbara Flood Control Design Standards dealing with grading, drainage and public improvements. Prior to construction, necessary plans and documentation shall be submitted for review and approval by the City Engineer including, but not limited to, complete civil engineering drawings, public improvement plans, utility specifications and appropriate engineering calculations prepared by a California Registered Civil Engineer.
78. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Equipment maintenance and servicing shall be confined to the same hours. Weekend construction and other exceptions shall require special approval from the Planning Director, in consultation with the City Engineer, and be limited to the hours of 9:00 a.m. to 4:00 p.m. Prior to issuance of building permit, the Applicant shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition.
79. **APCD Permits.** Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boiler/large water heaters whose combined input rating exceeds 2.0 million BTUs per hour.
80. **Rule 360 Emissions Compliance.** Small boilers and water heating units (rated between 75,000 and 2.0 million BTU/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Please see [www.sbapcd.org/eng/boiler/rule360/rule\\_360.htm](http://www.sbapcd.org/eng/boiler/rule360/rule_360.htm) for more information and a list of certified boilers (note: any units fired on fuels other than natural gas must be certified by the SBAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
81. **Rule 303 Compliance.** The Project shall comply with Rule 303, as described below, which would reduce odor impacts to off-site residences.
- a. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material in violation of Section 41700 of the Health and Safety Code which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety or any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

82. **Compliance with Air Quality Regulations.** The Project shall comply with APCD Rule 345 and related air quality requirements, as described below, which would ensure that construction emissions would remain less than significant.
- a. No person shall engage in any construction or demolition activity or earth moving activities subject to this rule in a manner that causes discharge into the atmosphere beyond the property line visible dust emissions of 20% opacity or greater for a period or periods aggregating more than 3 minutes in any 60 minute period.
  - b. No person, including facility or site owner or operator of source, shall load or allow the loading of bulk materials or soil onto outbound trucks unless at least one of the following dust prevention techniques is utilized:
    1. Use properly secured tarps or cargo covering that covers the entire surface area of the load or use a container-type enclosure.
    2. Maintain a minimum of 6 inches of freeboard below the rim of the truck bed where the load touches the sides of the cargo area and ensure that the park of the load does not extend above any part of the upper edge of the cargo area.
    3. Water or otherwise treat the bulk material to minimize loss of material to wind or spillage.
    4. Other effective dust prevention control measures approved in writing by the Control Officer.
  - c. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be controlled as outlined below:
    1. Visible roadway dust shall be minimized by the use of any of the following track-out/carry-out and erosion control measures that apply to the project or operations: track-out grates of gravel beds at each egress point, wheel-washing at each egress point during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and
    2. Visible roadway dust shall be removed at the conclusion of each work day when bulk material removal ceases, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only a PM<sub>10</sub>-Efficient Street Sweeper shall be used. The use of blowers for removal of track-out/carry-out is prohibited.

83. **Exterior Building Materials.** New structures shall utilize non-reflective exterior materials to prevent glare, as feasible.
84. **Standard Dust Control Procedures.** During clearing, grading, earth moving, or excavation operation, excessive fugitive dust emissions shall be controlled by regular watering, paving construction roads, or other dust preventive measures such as using the following procedures:
  - 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. Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
  - d. If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - e. 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.
  - f. The Applicant 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 Santa Barbara County Air Pollution Control District ("APCD") prior to Zoning Clearance for map recordation and Zoning Clearance for finish grading for the structure.
  - g. Prior to Zoning Clearance, the Applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

85. **Dam Inundation Notification.** Prior to development within the areas subject to inundation should dam failure occur, upon the transfer of real property or rental agreements on development sites within the dam inundation hazard area depicted in the Safety Element of the General Plan, the transferor shall deliver to the prospective occupants a written disclosure statement that shall make all prospective occupants aware that this area is located within a dam failure inundation hazard area.
86. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction is completed and all improvements and landscaping associated with the Project are installed in accordance with the plans approved and the conditions specified herein. Exceptions to this requirement may be granted subject to: (i) approval of the City Engineer and Planning Director; (ii) assurance that unfinished items will be completed within a reasonable period of time (including, but not limited to, the posting of appropriate performance security to assure such completion); (iii) essential infrastructure necessary to serve the entire Project is fully installed; and (iv) public safety and convenience is appropriately protected.
87. **Property Maintenance.** The Project and Property, including the landscaping, shall be maintained in a continuous state of good condition and repair, in full compliance with all approved plans, specifications and conditions of approval. Corrective improvements shall be undertaken as necessary to continuously conform with and implement conditions of Project approval including, as applicable, repair, repainting and/or replacement of Project components as needed. Where a Project is found to be non-compliant, the Applicant shall adhere to City recommendations to bring the Project into compliance.
88. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
89. **Landscape and Irrigation Plans.** The final landscape and irrigation plans shall include a signed statement by a licensed landscape architect stating that the plans comply with the City's Water Efficient Landscaping Ordinance and utilize species from the City's Approved Tree Planting List or to the satisfaction of the City Planning Director.
90. **Project Inspections.** Upon completion of construction and prior to occupancy or use, the Planning Director shall conduct a Project Inspection prior to and as a condition precedent to obtaining Final Building Inspection Clearance. Compliance with all conditions of approval is a pre-requisite to obtaining the Final Building Inspection Clearance.

91. **Landscape Surety.** Prior to issuance of a building permit, a surety for installation of the landscaping and irrigation, and for maintenance for one year, shall be posted in a form acceptable to the City. The surety estimate shall be submitted as part of the building permit submittal.
92. **Landscape Installation.** Prior to obtaining Final Building Inspection Clearance, all landscaping and irrigation shall be completed and fully installed in accordance with the approved landscape plan. A letter from the landscape architect shall be submitted verifying compliance with the plans. The landscape and irrigation surety, less the one year maintenance portion, can be released at this time.
93. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than one year or until such time that all plant material has been completely established. The Planning Director shall inspect or cause to be inspected all landscaped areas after the one year maintenance period. If the landscaping is healthy and established, the one year maintenance portion of the surety may be released.
94. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.
95. **Approval.** Approval of 16-FDP-06 and TTM 31061 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.
96. **Development Time Frame.** The Final Development Plan shall expire after five years unless substantial physical construction has been completed or the Applicant has applied to the Planning Commission for an extension. Any request for an extension shall be processed under the procedures set forth in the Municipal Code. Substantial physical construction is defined as:
  - a. All zoning and related approvals are effective; and
  - b. All required building and grading permits have been issued; and
  - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the California Building Code or its successor have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary

equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.

97. **Parking.** A minimum of 306 parking spaces are required and must be provided for the Project as shown on the project plans. All parking spaces shall be striped in accordance with City of Buellton standards prior to issuance of the occupancy permit.
98. **Signage.** Signage must be in substantial conformance with what is indicated in the Master Sign Plan submitted as a component of the project plans dated June 13, 2017. Any deviation from this program will require a separate Zoning Clearance from the Buellton Planning Department.
99. **Master Sign Program Corrections.** Corrections shall be made to the Master Sign Program for consistency and clarification prior to Zoning Clearance issuance. The signage shall be revised to show a maximum of 200 square feet of sign area, dimensions for all signs shall be provided, and the wayfinding signs shall be reduced to 5 feet in height and 5 square feet of sign area each. If the wayfinding signs exceed the 5 square feet of sign area then the amount exceeded shall be counted towards the overall maximum allowed sign area of 200 square feet.
100. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations for the project plans submitted on June 13, 2017. The project is designed as Agrarian.
101. **Masonry Block.** All masonry walls shall be split face block.
102. **Bike Racks.** Bike racks shall be provided as shown on the Project plans.
103. **Lighting.** All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies. All lighting shall be LED or Inductive technology or other energy efficient type of lighting, consistent with what is indicated in the lighting specifications included with the project plans.
104. **Green Building Standards.** Green building features above the mandatory green building code requirements of the County of Santa Barbara shall be incorporated into the Project where feasible.
105. **Eastern Perimeter Fencing.** The existing fence along the eastern property boundary shall remain and additional landscape screening in the form of native shrubs shall be installed. Said landscaping shall be included with the final landscape plans.

106. **Architectural Details.** Prior to issuance of Zoning Clearance, details of how the design is carried out shall be shown on the plans. Typical details include roof eaves, gutters and downspouts, window trims, awnings, and any other character/project specific details.

107. **Affordable Housing.**

a. The City's inclusionary ordinance requires that 15% of the 54 units (8.1 units) be made affordable in the very low, low, and moderate income categories. Therefore, three very low income units, three low income units, and two moderate income units are required with the payment of an in-lieu fee for the 0.1 of a unit. One additional very low income unit may be substituted for two of the moderate income units.

As a condition precedent to obtaining a building permit, the Applicant shall prepare and submit an Affordable Housing Agreement in City standard format for review and approval by City Council prior to execution. The purpose of the Affordable Housing Agreement is to create easements, conditions, covenants, restrictions, liens, servitudes, and charges upon and subject to which Affordable Units and each and every part and portion thereof shall be occupied, owned, maintained, held, leased, rented, sold, and conveyed. As a condition prerequisite to obtaining a Final Building Inspection Clearance, the Affordable Housing Agreement shall be recorded against the units having such Affordable Units. The form and content of the Affordable Housing Agreement shall be determined by the City and, among things, address: (i) the size, type and location of Affordable Units to be constructed on-site; (ii) affirmative marketing procedures and the City's right of first refusal to occupy Affordable Units with Target Households of its choosing; (iii) price and resale restrictions, with the City's right to recapture a share of equity for sales that occur prior to expiration of the affordability period; (iv) income verification, tenant screening, eligibility re-certification and inspection procedures, with the Applicant's obligation to pay an annual monitoring fee for the term of required affordability; and (v) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

The mix of affordable units shall be evenly distributed among the 1 and 2-bedroom units.

b. **Duration of Affordability.** All Affordable Units shall be completed and occupied concurrent with the non-restricted dwellings. Except to the extent a longer period of time may be required by other provisions of law, all Affordable Units required shall remain affordable, and occupied by, the Target Households for the longest feasible time, but for not less than the following: (i) 55 years for renter-occupied dwelling units; and (ii) 45 years for owner-occupied dwelling units.

- c. **Operative Terms.** The determination of income, computation of affordable housing costs, definition of Target Households and all other operative terms bearing on the provision of the Affordable Units shall be governed by the provisions of the Affordable Housing Ordinance (“AHO”) codified in Chapter 19.16 of the Buellton Municipal Code. Any in-lieu fees are based on the most current fee schedule for the Santa Ynez Housing Market Area as periodically updated by the County of Santa Barbara Housing and Community Development Department.
- d. **Property Management.** The Property Owner shall adhere to the following Property management practices:
- i. **Management Agent.** The Property Owner shall insure that the Property will be operated by an experienced management agent (the “Management Agent”), reasonably acceptable to the City. The Property Owner and Management Agent shall operate the Project, including the Affordable Units, in a manner that will provide decent, safe, and sanitary residential facilities to the occupants thereof. The Property Owner and Management Agent shall insure that all nuisance issues and parking violations are taken care of and resolved in a timely manner. The Property Owner and Management Agent shall comply with the reporting requirements and inspection requirements stipulated in the Affordable Housing Agreement.
  - ii. **Performance Review.** Upon the City’s request, but not more often than annually, the Property Owner and Management Agent shall cooperate with the City in the periodic review of management practices and conditions of the Property, and for compliance with the notification requirements of the Affordable Housing Agreement.
  - iii. **Replacement of Management Agent.** Any contract for the operation or management of the Property entered into by the Property Owner shall provide that the contract may be terminated upon thirty (30) days written notice. The Property Owner’s failure to remove the Management Agent after written notice from the City requesting replacement of the Management Agent and setting forth the reasons for the request shall constitute a default under the Affordable Housing Agreement.
108. **Workforce Housing.** In order to target the local workforce, 50% of the units shall be first marketed to tenants of the Hub project for occupancy by their employees. Following an initial 45-day offer to Hub employees, the units shall be made available to workers on Industrial Way for another 45 days. Finally, there will be an additional 45 days of availability to qualified residents of Buellton before the apartments are marketed for rent outside of Buellton. The final marketing plan shall be submitted prior to occupancy of the first residential building.

109. **Trails.** All trails shown on the plans shall be public with a public access easement to the City of Buellton. All trails shall be privately maintained by the property owner. Easement document shall be recorded prior to issuance of the first occupancy permit. The Zaca Creek Trail and the River Trail are included with this requirement.
110. **Eastern Off-Site Trail.** The proposed off-site trail along the east boundary of the property shall require easements from both the City of Buellton and the Rancho de Maria Homeowner's Association. Easement documents shall be recorded prior to issuance of the first occupancy permit.
111. **Mixed Use Regulations.** This project is subject to the mixed use regulations contained in Chapter 19.18 of the Buellton Municipal Code.
112. **Construction Timing.** Prior to commencement of any other construction activities, the bridge across Zaca Creek and a temporary gate at the emergency access point shall be installed.
113. **Construction Access.** All access for construction activities shall occur via Industrial Way and the bridge across Zaca Creek. In the event that access needs to occur through the emergency access gate on an occasional basis, the Applicant shall provide 72 hours' notice to the Rancho de Maria Homeowner's Association.
114. **Security Cameras.** Security cameras shall be installed at both the emergency access gate and pedestrian access gate along the eastern property boundary.
115. **Industrial Building Parapets.** The parapets on the industrial buildings shall be increased in height to 29 feet.
116. **Disclosure.** All residents and businesses shall be given written disclosure not to trespass on private property, including the private areas of Rancho de Maria.
117. **Eastern Landscaping.** The Applicant shall work with the Rancho de Maria Homeowner's Association to install additional landscape screening and trees along the eastern property boundary.
118. **Eastern Emergency Access Gate.** The emergency access gate shall be limited to emergency ingress and egress only (defined as use by emergency responders and for evacuations).
119. **Eastern Pedestrian Access Gate.** A pedestrian gate for use by Rancho de Maria residents only shall be installed along the eastern perimeter. Access shall be controlled by the Rancho de Maria Homeowner's Association.
120. **Industrial Building Architecture.** The flat Corten steel shall be changed to corrugated Corten steel to be more compatible with the Agrarian style.

121. **Residential Building Architecture.** The standing seam metal shall be changed to corrugated metal and the overall building height shall be reduced to 19 feet 6 inches.

**F. FIRE DEPARTMENT CONDITIONS**

122. **Access.** The single access as proposed to this development does not meet a normal standard for access width.
- This proposed project shall require a 30-foot unobstructed roadway from Industrial Way to this development. This shall be exclusive of bike lanes and sidewalks.
  - The widest width allowed under development standards is required to keep large vehicles in their lane once engaged in a turn.
  - A complete and dimensioned access plan showing all access ways shall require Fire Department approval.
123. **Fire Code.** This development shall comply with California Fire Code Appendix D-105 for all structures over 30 feet in height.
124. **Fire Hydrants.** On site fire hydrants shall be required for this development. Please include fire hydrants on access plan.
125. **Standard Conditions.** All standard fire department conditions, current codes and fees shall apply at time of development.

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

126. **Geology Report.** A Geology report prepared and signed by a California licensed geologist will be required.
127. **Soils Report.** A soils report to include an assessment and conclusion of the potential for liquefaction will be required. At a minimum, one boring to a depth of 50 feet will be required.
128. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings, accessible site facilities and to the public way and/or street serving the site. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible exits, accessible site facilities, and the accessible entrance to the site. Plans shall fully detail compliance with CBC 11A & 11B accordingly.
129. **Conditions on Plans.** Incorporate all discretionary conditions of approval and department condition letters into the plans.

130. **Green Code Compliance.** Incorporate compliance with the applicable CA Green Code in the plans to include commissioning.
131. **Fire Protection Plan.** Provide a complete, independent plan which graphically delineates all fire areas, fire walls, fire barriers, horizontal fire-resistive assemblies, and/or fire partitions on the plans. Label all fire-resistive corridors, shafts, incidental use areas, etc. Cite code sections indicating reasons assemblies are rated.
132. **Building Egress.** A separate, detailed egress plan will be required for clarity of plan review and field inspection. Clearly show egress requirements for the buildings. Show occupant load, number of exits required, and number of exits provided at each space/floor/building. Provide a calculation for required exit width. Specify and detail an accessible path of travel to and from all entrances and exits to the public right of way. It appears 2 exits are required from the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the Hub buildings where one is currently proposed.
133. **Plumbing Fixture Analysis.** Provide a plumbing fixture analysis.
134. **Flood Plain Conditions on Plans.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans. Identify the flood plain and floodway boundaries on the plans. Provide structural design for flood loads as required by the 2016 CBC as applicable.
135. **Water Efficiency Plans.** Landscape plans which detail compliance with the current MWEL0 or City requirements (whichever are most stringent) will be required.
136. **California Codes.** Applications submitted after January 1, 2017, will be subject to the 2016 California Codes.
137. **Identification of Current and Proposed Property Lines on Plans.** Plans submitted for initial plan check review must identify the location of current property lines and proposed property lines as part of TTM 31061. Prior to final plan check approval and issuance of permits, the final map must be recorded and new property line locations reflected in the final plans.

#### H. FINANCE DEPARTMENT CONDITIONS

138. **Outstanding Fees.** Applicant shall pay all fees including, but not limited to, outstanding balances for processing by the City Engineer, Planning Department, Building Department, traffic mitigation fees, water connection fees, sewer fees, school fees, Fire Department mitigation fees and any additional processing deposits as required prior to zoning clearance.

139. **Impact Fees.** Applicant shall pay the water, sewer, housing, parks, and traffic impact fees in accordance with City requirements.

**Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval**

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Applicant/Agent/Representative Signature

\_\_\_\_\_  
Date