

ATTACHMENT B: CONDITIONS OF APPROVAL

Fairview Shopping Center Remodel and Expansion 99-DP-055

October 24, 2001

1. This Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked 1-6, dated October 24, 2001, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval. The Final Development Plan supercedes all previous development plans on the site including Ordinance 1254 and 84-DPF-038 AM01.

The project description is as follows:

Final Development Plan (99-DP-055)

Fairview Center LLP requests approval of a Final Development Plan to remodel and expand the Fairview Shopping Center, including the addition of approximately 24,441 square feet of new building area to the existing 210,554 square foot development. Proposed building expansions include a 3,991 square foot addition to the Goodyear Tire Store, a 1,000 square foot addition to the vacant Tempo Music and Video store, a remodel of the Vons supermarket including a 7,750 square foot addition and a 12,000 square foot demolition and expansion into existing space adjacent to Vons, a 3,700 square foot addition to the Orchard Supply Hardware and Outdoor Garden Center (OSH), and a new 8,000 square foot professional building on a vacant area at the northern end of the property. The proposal would result in a total of 234,995 square feet of building area at the project site. The Chevron is no longer operating but the station will maintain a similar use and operator, and therefore would create no new impacts relative to this CEQA document. The project would be developed in two phases. The first phase would include all project components excluding the 8,000 square foot professional building. Within Phase 1 the project would most likely be developed in the following sequence, however, construction could be completed in any order. The exteriors of the smaller shops along the arcade between OSH and Vons would occur first, followed by the Vons remodel and expansion and rear access improvements from Shirrell Way to Calle Real. The main parking lot improvements, creek restoration, and improvements of the structure from the Michael's store to the Goodyear would be next, followed by the OSH remodel and expansion. Phase 2 would include the construction of the professional building. This building can also be built at any time; phasing is identified for permit expiration purposes only (See Condition of Approval #49). Additionally, because exact timing and sequence of implementation is unknown at this time, P&D will work with the applicant during land use permit review on timing and applicability of conditions for each land use permit (i.e. not all conditions would apply to all land use permits, therefore each future land use permit will be required to meet conditions determined by P&D to be applicable to that particular permit). The proposed new building and expansions are summarized in Table 1-1 below.

TABLE 1-1 Summary of Existing and Proposed Development

| Building | Existing Area (sf) | Proposed Addition (sf) | Total (sf) |
|-----------------------------------|---------------------------|-------------------------------|-------------------|
| SB Bank and Trust | 6,069 | 0 | 6,069 |
| Proposed Offices | 0 | 8,000 | 8,000 |
| Metropolitan Theater | 6,205 | 0 | 6,205 |
| Tenant | 4,185 | 0 | 4,185 |
| Rite Aid | 18,555 | 0 | 18,555 |
| Los Padres Bank | 1,906 | 0 | 1,906 |
| Wells Fargo | 6,000 | 0 | 6,000 |
| Chevron | 1,237 | 0 | 1,237 |
| Goodyear | 7,571 | 3,991 | 11,562 |
| Tempo Music | 5,170 | 1,000 | 6,170 |
| Fairview Auto Supply | 6,686 | 0 | 6,686 |
| Michael's Arts and Crafts | 24,988 | 0 | 24,988 |
| Vons supermarket | 26,963 | 7,750 | 34,713 |
| Existing space (adjacent to Vons) | 12,000 ^a | 0 | 12,000 |
| Existing Retail | 14,542 | 0 | 14,542 |
| Existing Retail | 5,562 | 0 | 5,562 |
| Orchard (Store) | 40,000 | 3,150 | 43,150 |
| Orchard Outdoor Storage | 15,140 | 0 | 15,140 |
| Orchard Garden Center | 7,775 ^b | 550 | 8,325 |
| TOTALS | 210,554 | 24,441 | 234,995 |

- a. Will be demolished and replaced for the Vons expansion.
- b. Includes 4,625 existing square feet plus 3,150 existing square feet but relocated.

The existing facades of the center would be remodeled to reflect the agricultural history and background of Goleta. The average height of the Center would range from 19 feet 3 inches to 25 feet, calculated based on the standard County formula which allows for averaging of heights around the structure. The proposed remodel would increase the peak height of the Vons supermarket from 23 feet to 34 feet, the peak height of Michael's from 21 feet to 32 feet, and the peak height of the Orchard Supply Hardware store from 29 feet to 36 feet 6 inches. The proposed remodel would also increase the peak height of the Los Padres Bank building from 23 feet to 28 feet and the Wells Fargo Bank building from 17 feet to 24 feet six inches. The Rite-Aid peak height would remain at 32 feet. Two tower features, which are attached architectural projections, are proposed near the arcade of retail shops that exist between the Vons supermarket and Orchard Supply Hardware. The first tower at 37-foot tall, would serve as a stylistic

shopping center symbol and be connected to the corner of the retail shops next to Vons supermarket. The second tower at 29.5-feet tall, would be located behind the first tower at the other end of the arcade of retail shops next to OSH. This second tower would function as an entry feature for pedestrians coming to the center from the parking area behind OSH or from the adjacent United Cerebral Palsy Foundation property (Figure 6). The average height of the main Center structure (from OSH to Goodyear), calculated based on the standard County formula which allows for averaging of heights around the structure, is approximately 24 feet.

The applicant proposes to deed the 1.4-acre vacant triangular area in the southwest corner of the property adjacent to Las Vegas Creek to the Flood Control District to facilitate potential future flood control improvements. Actual future flood control improvements, if any, would be subject to environmental review at the time they are proposed. In addition, a new storm drain line with drop inlets and area drains would be constructed to the east and west of the Vons supermarket and Michael's Arts and Crafts main Center structure to provide adequate drainage around these stores and into the Encina drain or Las Vegas Creek. The new 1,800-foot line would be fitted with petroleum filters to remove oil runoff from the parking areas before it would enter the creek. Installation of the drainage pipes would involve trenching approximately one foot wide and four to six feet deep.

Access

Access to the center is currently provided via eight driveways, including three located on Shirrell Way, three on Calle Real, and two on Fairview Avenue. Proposed modifications to shopping center access include relocation of the central driveway on Calle Real, the addition of a driveway on Calle Real, east of Las Vegas Creek and the removal of the driveway near Orchard Supply Hardware. The central driveway on Calle Real would be relocated approximately 35 feet to the east and widened to approximately 55 feet to direct internal circulation along the store frontage. A landscaped median is proposed in the center of the driveway to demarcate the entrance. To facilitate truck circulation through the rear of the center, a fourth driveway would be constructed on Calle Real near the western property boundary with a raised median to restrict use to right-turn in and right-turn out movements only. A bus pocket and shelter would be constructed south of the traffic light at Encina Road and Fairview Avenue, near the current bus stop at Wells Fargo Bank. A total of seven bike racks would be added to the Center located adjacent to the Goodyear Tire Store, Michael's, Vons, Rite-Aid Drugstore, Los Padres Bank, Orchard Supply Hardware, and the new professional building.

Parking

The existing pavement of the parking area would be removed and replaced, and parking stalls would be realigned from a 60-degree layout to a 90-degree layout. Currently, 868 parking spaces exist onsite. Per the Shopping Center (SC) and Professional and Institutional (PI) zone districts, the parking requirement for 234,995 square feet of net floor area is 1,175 spaces (one space per 200 square feet). The applicant is requesting a modification to this standard, proposing a total of 853 spaces, including 804 standard spaces and 27 handicap accessible spaces. Twenty-two spaces would be held in reserve for future additional parking as landscaping along the eastern frontage. Eight of the standard spaces would be designated for Park & Ride participants.

Pedestrian Access

Decorative paving would be laid at the central driveway entrance on Calle Real, at the Fairview Avenue entrance across from Encina Road, and the middle entrance along Shirrell Way. Decorative paving would also be used to demarcate pedestrian crosswalks near the store entrances and delineate travel corridors

from the Encina Road crosswalk to the anchor stores as well as between Shirrell Way and Calle Real. Along storefronts, the existing sidewalk and curbs would be replaced and the sidewalk width would be increased. The sidewalk in front of Vons would be increased from approximately nine feet to 16 feet, the sidewalk in front of Michael's would be increased from approximately 13 feet to 19 feet, the sidewalk in front of OSH would be increased from approximately 13 feet to 18 feet, and the sidewalk in front of the arcade of retail shops between OSH and Vons would be increased from approximately 12 feet to 22 feet. Striping would be added to demarcate pedestrian pathways leading from the United Cerebral Palsy Foundation property to the Center. Decorative pole lights would be installed along the pedestrian pathways that exist between the Encina Road crosswalk and the anchor stores, along the main travel corridor between Calle Real and Shirrell Way, and along a future outdoor seating area in front of the existing retail shops.

Landscaping

The proposed preliminary landscape plan depicts the addition of approximately 297 new trees, retention of 62 trees currently onsite, and removal of 105 trees, including two coast live oaks. Other trees to be removed include cedar, fan palm, evergreen pear, ficus, eucalyptus, and acacia. Removal of these trees allows additional landscaped parking areas, the proposed bus pocket, improved truck circulation, and the realigned driveway. A 12-18 inch low berm and evergreen screen hedge would be constructed along the frontage of Calle Real. A low screen hedge would be planted along Shirrell Way. A five-foot high planter would be planted along the western property line between the Center and the Goleta Presbyterian Church and the Cerebral Palsy Foundation properties to provide screening and help reduce noise. Landscaping for screening purposes would be provided along the boundary between the area proposed to be deeded to the FCD. Landscape Maintenance Guidelines would be prepared to address the long-term tree maintenance and pruning. The adopted landscape and revegetation plan (Exhibit #3) provide specific direction as to allowable vegetation removal and replacement and shall remain substantially the same through Board of Architectural Review (BAR) review and land use permit approval.

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

MITIGATION MEASURES FROM PROPOSED FINAL MITIGATED NEGATIVE DECLARATION 01-ND-18.

2. No signs of any type are approved with this action unless otherwise specified. All signs shall be in conformance with an approved Overall Sign Plan and require a separate Land Use Permit and Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations).
3. Trash bins shall be covered and shall be contained within trash enclosures (may be roofed or not roofed). Trash enclosures shall be installed which are architecturally compatible with the project design. The trash enclosures shall be constructed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash enclosures shall be maintained in good repair. Items kept in the OSH outdoor storage area shall not extend above the height of the existing enclosure. **Plan Requirement:** Location and design of trash enclosures shall be denoted on

project plans. **Timing:** Items in the OSH outdoor storage area extending above the existing fence shall be relocated prior to approval of the first Land Use Permit. Trash enclosures shall be installed prior to occupancy clearance.

MONITORING: P&D shall inspect prior to approval of the first Land Use Permit and again prior to occupancy clearance.

4. The design, scale and character of the project architecture shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Board of Architectural Review prior to approval of Land Use Permits. Grading plans shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.

MONITORING: P&D shall inspect prior to occupancy clearance.

5. Natural building materials and colors compatible with surrounding terrain as approved by the BAR shall be used on exterior surfaces of all structures, including walls and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

MONITORING: P&D shall inspect prior to occupancy clearance.

6. Any exterior night lighting installed on the project site shall be of low intensity, low glare, energy efficient design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to approval of a Land Use Permit.

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

7. The developer shall clear the project site of all excess construction debris. **Plan Requirement:** This requirement shall be noted on final building plans. **Timing:** Debris clearance shall occur prior to occupancy clearance.

MONITORING: P&D shall site inspect prior to occupancy clearance.

8. The project landscaping shall consist of primarily drought-tolerant native and/or Mediterranean type species which adequately screen the project site from surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure. **Plan Requirements/Timing:** Prior to approval of the Land Use Permit the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. To ensure proper long-term tree maintenance and pruning, the applicant shall submit Landscape Maintenance Guidelines prepared by a licensed landscape architect to P&D for review and approval prior to approval of a Land Use Permit. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D and the BAR for review and approval

prior to approval of a Land Use Permit. Prior to occupancy clearance, landscape and irrigation shall be installed.

MONITORING: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

9. The final landscape plan shall be reviewed by P&D and the BAR for preservation of as many existing trees as possible if appropriate and feasible. **Plan Requirements and Timing:** The final landscape plan shall include existing trees as appropriate and feasible and shall be reviewed by P&D and the BAR prior to approval of a Land Use Permit.

MONITORING: Permit Compliance shall ensure installation according to plan.

10. If any portion of the project site is graded and left undeveloped for over 30 days, the applicant shall employ the following methods immediately to inhibit dust generation:
- a) seeding and watering to revegetate graded areas, and/or
 - b) spreading of soil binders; and/or
 - c) any other methods deemed appropriate by the Air Pollution Control District and/or P&D.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on the grading plan. **Timing:** The final grading plan shall be submitted to P&D for review prior to land use permit approval.

MONITORING: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

11. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water should be used whenever possible.
- a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust, after each day's activities cease.
 - b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever the wind speed exceeds 15 miles per hour.
 - c) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - d) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

- e) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to land use clearance.

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

MONITORING: P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.

12. All ground disturbances and native vegetation removal shall be prohibited in a 50-foot setback from the eastside of the top-of-bank of Las Vegas Creek, except for installation of the pipe associated with the new storm drain system, removal of pavement and reconstruction of parking lot improvements, and installation of landscaping. Installation of the pipe into the creek bank shall be conducted during the dry season (i.e., April 15 to November 11). **Plan Requirements:** The riparian habitat area shall be shown on all grading plans. **Timing:** Fencing shall be installed prior to any earth movement.

MONITORING: Permit compliance shall inspect to ensure and installation of the drainage system is conducted during the dry season (no water is present in the creek).

13. Prior to approval of a Land Use Permit for structural development and/or grading, the applicant shall contact the U.S. Army Corps of Engineers and California Department of Fish and Game (CDFG) to determine if permits (e.g. Federal 404 or State 1603) are needed. **Plan Requirements and Timing:** Prior to any grading, a copy of the permit(s) or letter stating that no permit is necessary shall be submitted to P&D.

14. The applicant shall implement a creek restoration plan that will result in the revegetation of the eastern bank of Las Vegas Creek adjacent to the project site along the entire property boundary at this location. The plan shall include, but not be limited to the following measures:

- a. Landscaping shall be with native riparian species such as those indicated on the Preliminary Landscape Plan. Thirty-six inch box sycamores shall be planted in the vacant areas created by removal of the existing eucalyptus and as necessary to provide continuous screening of the Center's west elevation. Native vines shall be planted along the existing chain-link fence. Final plant species used in the restoration plan, plant locations, and the number of plants provided shall be indicated in a final restoration/revegetation plan. Species shall be from locally obtained plants and seed stock.
- b. The new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years.
- c. Removal of native species in the creek shall be avoided to the extent possible. Native vegetation that must be removed for installation of the storm drain pipes shall be salvaged for transplanting to the extent feasible.

- d. Non-native species, shall be removed from the eastern creek by methods that minimize destabilization of the creek bank and introduction of herbicides or other chemicals into the creek habitat.
- e. The grade along the existing chain-link fence shall be lowered as approved by the FCD.
- f. The plantings shall be in place, and non-natives removed prior to occupancy clearance for Vons or other appropriate timing agreed to by P&D.

Plan Requirements: Prior to approval of a Land Use Permit, the applicant shall submit a creek restoration plan, prepared by a P&D approved biologist, to P&D and the FCD for review and approval. Prior to approval of a Land Use Permit, the applicant shall submit the restoration plan to the BAR for review and approval. Prior to approval of a Land Use Permit, the applicant shall file a performance security with the County to complete restoration and maintain plantings. The security shall be held for a three year period and/or until the proposed plantings attain 80% ground coverage with no non-native plants present. **Timing:** Restoration work shall be completed within four weeks of the completion of grading activities along the east bank of Las Vegas Creek on the project site.

MONITORING: P&D staff shall site inspect for restoration. Maintenance shall be confirmed through site inspections. Permit Compliance signature is required for performance security release.

- 15. The two Coast Live Oak trees located in the parking area behind Orchard Supply Hardware shall be boxed and replanted elsewhere onsite, preferably along the riparian corridor. If the transplant is unsuccessful or infeasible, the applicant shall plant ten one gallon size *Quercus agrifolia* oak trees obtained from locally occurring saplings or seed stock. The trees shall be planted, gopher fenced and irrigated (drip irrigation on a timer) for a two year maintenance period. **Plan Requirements:** This requirement shall be shown on a landscape plan to be reviewed and approved by P&D. A performance security shall be required prior to issuance of a Land Use Permit. **Timing:** Prior to occupancy clearance, trees shall be planted, fenced, and irrigated.

MONITORING: P&D shall ensure tree installation and maintenance. Performance security release requires Permit Compliance sign-off.

- 16. Sedimentation, silt, and grease traps shall be installed in paved areas to act as filters to minimize pollution reaching downstream habitats. The filters shall be maintained in working order. **Plan Requirements:** Prior to approval of Land Use Permits for grading, the applicant shall submit plans for this requirement to P&D for review and approval. The location of such traps shall be denoted on grading and building plans. **Timing:** Traps shall be installed prior to occupancy clearance and shall be cleaned every three months.

MONITORING: P&D shall site inspect periodically throughout the construction phase and to ensure periodic cleanout.

- 17. Erosion control measures shall be implemented to prevent runoff into the creek bottom. Silt fencing, straw bales or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the stream channel. **Plan Requirements:** An erosion control plan shall be submitted to and approved by P&D, Grading Division and Flood Control prior to approval of Land

Use Permits. **Timing:** The plan shall be implemented prior to the commencement of grading/construction.

MONITORING: P&D and Grading staff shall perform site inspections throughout the construction phase.

18. Outlet structures shall minimize disturbance to the natural drainage and shall be limited to the two proposed storm drain outlets. The creek bottom shall not be disturbed or altered by installation of the outlets. Undisturbed natural rocks imbedded in the stream bank shall be utilized as a base to tie in rip-rap if available. The outlet shall be designed to end at the edge of the creek bank rather than entering the stream channel. **Plan Requirements:** Applicant shall submit outlet design and final plans to P&D and the FCD prior to approval of Land Use Permits. **Timing:** Outlets to be installed during site grading.

MONITORING: P&D staff shall ensure that final plans show acceptable outlet and shall monitor during construction.

19. An energy dissipater over the end of the drain pipe, shall be installed to ensure minimal erosion during storm events. **Plan Requirements:** The dissipater or other device shall be shown on final plans. **Timing:** The device shall be installed during site grading.

MONITORING: Permit Compliance shall site inspect prior to issuance of grading clearance.

20. A pollution interceptor and/or silt basin shall be installed in all drop inlets closest to the creek to prevent oil, silt and other debris from entering the creek. Such traps/basins shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming. **Plan Requirements:** A maintenance program shall be presented for P&D approval prior to approval of Land Use Permits. **Timing:** The trap/basin shall be installed during site grading and cleaned every spring and fall.

MONITORING: Permit Compliance shall site inspect prior to occupancy clearance to verify installation and once each year to monitor maintenance.

21. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Land Use Permits. The wash off area shall be in place throughout construction.

MONITORING: P&D staff shall check plans prior to approval of Land Use Permits and compliance staff shall site inspect throughout the construction period to ensure proper use.

22. All existing pavement shall be removed and stockpiled prior to disturbance of the aggregate base and soil profile below. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans. Stockpile areas shall be shown on all building and grading plans. Phasing of pavement removal shall be reviewed and approved by P&D prior to approval of a land use permit.

MONITORING: P&D shall check plans prior to approval of a land use permit and shall spot check in the field.

23. Excavation of all aggregate base and soils below shall be monitored by a County-qualified archaeologist and local Native American representative. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans. An agreement between the applicant and the consulting archaeologist and between the applicant and the Native American representative shall be reviewed and approved by P&D prior to approval of a land use permit. A monitoring report shall be prepared by the archaeologist and provided to P&D within 4 weeks of ground disturbance completion.

MONITORING: P&D shall check plans prior to approval of a land use permit and shall spot check in the field.

24. In the event potentially intact archaeological remains or any human remains are encountered during grading, work shall be stopped immediately or temporarily redirected until the monitoring archaeologist and Native American representative determine the appropriate means to evaluate the find, pursuant to County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

Plan Requirements and Timing: This condition shall be printed on all building and grading plans. Plans shall be reviewed and approved by P&D prior to approval of a land use permit.

MONITORING: P&D shall check plans prior to approval of a land use permit and shall spot check in the field.

25. The final grading/drainage and erosion control plan shall minimize grading requirements and shall be designed to minimize erosion. The plan shall include, but not be limited to, the following:
- (a) Grading shall be prohibited within 50 feet of the top of Las Vegas creek with the exception of trenching for the new storm drain line, removal of pavement and reconstruction of parking lot improvements.
 - (b) Methods such as the use of silt fences, straw bales, temporary berms and sediment trapping/retention basins, drainage diversion structures and spot grading shall be used to reduce siltation into Las Vegas creek during grading and construction activities.
 - (c) The applicant shall limit excavation and grading on the project site to the dry season of the year (i.e., April 15 to November 1) unless a Building and Safety approved erosion control plan is in place and all measures therein are in effect.
 - (d) Graded areas shall be revegetated within 4 weeks of grading activities for areas that are not to be constructed on, with deep rooted, native, drought-tolerant species to minimize erosion potential.

Plan Requirements: The final grading/drainage and erosion control plan shall be submitted for review and approved by P&D and the FCD prior to approval of a land use permit. The applicant shall notify Permit Compliance prior to commencement of grading. **Timing:** Components of the grading plan shall be implemented throughout all grading activities as specified on the plan. The erosion control plan shall be implemented within four weeks after the completion of grading activities, with the exception of surfaces graded for the placement of structures. These surfaces

shall be reseeded if construction of structures does not commence within 8 weeks of grading completion.

MONITORING: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

26. Velocity reducers (e.g. concrete rip-rap) shall be installed along drainages emptying into Las Vegas Creek. **Plan Requirements:** Prior to approval of land use clearance, the applicant shall submit to P&D and the FCD for review and approval, detailed plans and a report prepared by a licensed geologist or engineer for any proposed permanent erosion control structures. **Timing:** Erosion controlled structures shall be installed prior to grading permit issuance.

MONITORING: P&D shall spot check in the field.

27. Drainage shall be consistent with approved drainage plans. **Plan requirements and Timing:** Prior to approval of a Land Use Permit, a final drainage plan shall be submitted to P&D and FCD for review and approval. The plan shall include the location of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipelines, pipe diameters, and amount of water that would flow from each pipeline.

MONITORING: P&D shall site inspect for compliance during grading.

28. The applicant shall obtain proof of exemption or proof that a National Pollutant Discharge Elimination System Storm Water Permit from the California Regional Water Quality Control Board has been applied for by registered mail. **Plan requirements and Timing:** The applicant shall submit proof and P&D shall review and approve documentation prior to approval of a land use permit for grading.

MONITORING: P&D shall review documentation prior to land use permit approval.

29. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

MONITORING: P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

30. During site grading excavations, a monitor trained in identification of contaminated soil shall be present for at least part of each day to determine if previously unidentified contaminated soil has been encountered. The Hazardous Materials Section of the Santa Barbara County Fire Department shall determine which of the excavations are to be monitored. The monitor shall make this determination based on visual signs of discolored soil, olfactory indications, dialogue with grading contractors, and/or positive readings on a

photoionization detector or organic vapor analyzer. The monitor shall be current with respect to Cal OSHA 40-hour training for hazardous materials.

Plan Requirements and Timing: This condition shall be printed on all building and grading plans. An agreement between the applicant and the monitor shall be reviewed and approved by P&D prior to approval of a Land Use Permit. A monitoring report shall be prepared by the monitor and provided to P&D within 4 weeks of ground disturbance completion.

MONITORING: P&D shall check plans prior to approval of a Land Use Permit and shall spot check in the field.

31. In the event that storage, handling, or use of hazardous materials within the provisions of AB 2185/2187 occurs onsite, the applicant shall implement a Hazardous Materials Business Plan (HMBP). **Plan Requirements:** Prior to occupancy clearance, the applicant shall submit a HMBP to Santa Barbara County Fire Department for review and approval. The plan shall be updated annually and shall include a monitoring section. **Timing:** The components of HMBP shall be implemented prior to approval of a land use permit.

MONITORING: Santa Barbara County Fire Department shall inspect construction as to plan in the field.

32. Prior to Land Use Clearance, the applicant shall revise the Limited Soil Investigation Report for the Goodyear Facility (October 2000) to the satisfaction of the Santa Barbara County Protection Services Division.

MONITORING: P&D shall ensure sign-off of the revised study by PSD prior to approval of Land Use Permits within the area of the potential Goodyear contamination.

33. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** One sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building inspectors and Permit Compliance shall spot check and respond to complaints.

34. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and/or shall be located at a minimum of 1,600 feet from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location throughout construction activities.

MONITORING: Permit Compliance shall perform site inspections to ensure compliance.

35. Applicant shall provide all adjacent property owners with a construction activity schedule, construction routes, and the name and phone number of a contact person ten days in advance of construction activities. Any alterations or additions shall require two day notification. **Plan Requirements and Timing:** The applicant shall submit copy of schedule and mailing list to Permit Compliance fourteen days prior to initiation of any earth movement.

MONITORING: Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

36. The final plans approved for land use clearance shall be consistent with preliminary plans regarding noise abating features in the rear parking lot. **Plan Requirements and Timing:** The applicant shall submit final plans to P&D for review and approval prior to land use clearance.

MONITORING: P&D shall ensure measures are on plans.

37. The policies of the Noise Mitigation Plan (December 10, 1999) including regulation of delivery hours, delivery operations (i.e. no engine idling along the property boundary, no running of refrigeration units overnight, etc), prohibition of overnight parking, prohibition on trucks arriving at or leaving the Center through adjacent residential neighborhoods, etc. shall be included on tenant leases for tenants occupying space adjacent to the western property line. **Plan Requirements and Timing:** A prototypical lease shall be submitted to P&D for review and approval prior to Land Use Clearance.

MONITORING: P&D shall ensure the prototypical lease has been secured.

38. The applicant shall develop and implement a Final Solid Waste Management Plan. **Plan Requirements:** The program shall include, but not be limited to, the following:

- a) Provision of space and/or covered bins for storage of recyclable materials within the project site for tenants and patrons of the Center.
- b) Establishment of a recyclable material pickup area for commercial projects (i.e., loading docks).
- c) Participation in the County's recyclables and greenwaste collection programs.
- d) Development of a plan for accessible collection of recycle materials (including office paper, cardboard, and beverage containers) on a regular basis.
- e) Provision of a tenant/employee education pamphlet to be used in conjunction with available Santa Barbara County and federal source reduction materials. The pamphlet shall be provided to all tenants by the leasing/property management agency.
- f) Implementation of a monitoring program (quarterly, bi-annually) to ensure 100% of occupants are participating in recycling efforts, requiring written documentation in the form of receipts.

Timing: The applicant shall submit a Final Solid Waste Management Plan to P&D for review and approval prior to land use clearance. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste components are established and implemented.

39. Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

MONITORING: P&D shall review receipts prior to occupancy clearance.

40. The applicant shall secure a Can and Will Serve (CAWS) letter from the Goleta Sanitary District. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit, the applicant shall provide P&D with the CAWS letter indicating adequate service is available for the project.

MONITORING: P&D shall ensure the CAWS letter has been secured.

41. The Fairview Avenue/Calle Real and U.S. 101 northbound off-ramp intersection GTIP improvements must be installed by the County prior to occupancy (11,732 square feet may be built without generating a project specific significant impact prior to planned improvements):

- a. Restriping of intersection approaches;
- b. Traffic signal upgrades to "unsplit" the signal phasing;

MONITORING: P&D shall ensure completion of improvements prior to issuance of occupancy permits in excess of 11,732 square feet. The first 11,732 square feet of the project may receive occupancy clearance without triggering this requirement. Approval of any occupancy clearance for additional square footage shall be delayed until completion of the required GTIP improvements by the County.

42. The location of the proposed landscaped median at the central driveway on Calle Real shall be reviewed and approved by P&D and the Public Works Transportation Division. **Plan Requirements and Timing:** Prior to Land Use Clearance, the applicant shall submit revised plans to P&D and the Public Works Transportation Division for review and approval showing the location of the landscaped median.

MONITORING: P&D shall review plans prior to Land Use Clearance.

43. The easternmost driveway on Calle Real providing access to the shopping center and the westernmost driveway providing access to the Chevron Station shall be combined. **Plan Requirements and Timing:** Prior to Land Use Clearance, the applicant shall submit revised plans to P&D and the Public Works Transportation Division for review and approval.

MONITORING: P&D shall review plans prior to Land Use Clearance.

44. A construction haul route plan which prohibits the use of residential collector streets and limits access to the site to ingress/egress from Calle Real or Fairview Avenue shall be provided. **Plan Requirements and Timing:** The haul route plan shall be reviewed and approved by P&D and

Public Works prior to approval of a land use permit for tract grading. Construction – related trips shall be scheduled to avoid peak traffic hours (7:30 – 8:30 AM and 4:30 – 5:30 PM).

MONITORING: Permit Compliance shall site inspect to ensure compliance with haul route plan.

45. The drainage plan shall include filters installed in paved areas to reduce oil and grease pollution from entering Las Vegas Creek. The plan shall include specifications for the filters to be maintained in working order. **Plan Requirements:** Drainage plans shall contain specifications and maintenance procedures. The applicant may be required to bond for long-term maintenance for grease traps per Flood Control District conditions to ensure proper maintenance. **Timing:** The plan shall be reviewed and approved by P&D and the FCD prior to approval of the Land Use Permit for grading.

MONITORING: Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

46. Temporary storage of construction equipment for fueling and maintenance shall be located a minimum of 100 feet from Las Vegas Creek. **Plan Requirements and Timing:** The storage area shall be noted on final grading plans. Plans shall be submitted for review and approved by P&D prior to approval of a land use permit.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans.

47. A final flood study shall be prepared that indicates that preliminary cross sections shown on project plans are adequate to mitigate floodway impacts. **Plan Requirements and Timing:** The final study shall be reviewed and approved by FCD and P&D prior to approval of a land use permit.

MONITORING: P&D shall ensure construction according to the plan.

48. The applicant shall secure Can and Will Serve (CAWS) letters from the Goleta Water District. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit, the applicant shall provide P&D with the CAWS letter indicating adequate service is available for the project.

MONITORING: P&D shall ensure the CAWS letter has been secured.

DEVELOPMENT PLAN CONDITIONS

49. Approval of Phase I of the Development Plan (99-DP-055) shall expire five (5) years after final approval by the Board of Supervisors, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. Approval of Phase II of the Development Plan (99-DP-055) shall expire at the same time as Phase I or two (2) years from the date of issuance of occupancy clearance for Phase I, whichever occurs later, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

50. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibits 1-6 dated August 27, 2001. Substantial conformity shall be determined by the Director of P&D.
51. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
52. Approval of this permit is subject to the Board of Supervisors rescission of Ordinance 1254.
53. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a LUP.
54. The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to approval of a LUP, with specific attention paid to colors, use of metal siding, the Rite-Aid building, the Santa Barbara Bank & Trust building, the proposed professional building, and decorative elements.

COUNTY RULES AND REGULATIONS

55. 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, of permit issuance, the applicant shall obtain a Land Use and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
56. Prior to approval of Land Use Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
57. Two performance securities shall be provided by the applicant prior to approval of Land Use Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 3 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 2 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- a. Installation of proposed landscaping and creek revegetation planting as depicted on a final landscape/revegetation plan approved by P&D.

MONITORING: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

58. Landscaping shall be maintained for the life of the project.
59. Compliance with Departmental letters required as follows:
 - a. Air Pollution Control District dated March 15, 2000.
 - b. Environmental Health Services dated July 12, 2000.
 - c. Fire Department dated January 6, 2000.
 - d. Flood Control dated August 20, 2001.
 - e. Road Division (Public Works) dated August 13, 2001.
 - f. Park Department dated July 31, 2001.
60. All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
61. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
62. Prior to issuance of Land Use Permits, the applicant shall pay all applicable P&D permit processing fees in full.
63. Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
64. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the

Final Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

65. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors 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. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
66. A 20-foot wide area of landscaping shall be installed on the eastern frontage between the Santa Barbara Bank and Trust Building and the Metropolitan Theater and between the Los Padres Bank Building and the Wells Fargo Building. These landscaped areas shall be reserved for future parking which would be implemented if necessary upon review and approval by P&D prior to Land Use Clearance for the 8,000 square-foot professional building. **Plan Requirements and Timing:** The applicant shall submit a Revised Landscape Plan to P&D and the BAR for review and approval prior to approval of a Land Use Permit. Prior to occupancy clearance, landscaping shall be installed.

MONITORING: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed.

67. Prior to approval of the first land use permit, a performance security shall be provided by the applicant for completion of all of Phase I. The amount shall be reviewed and approved by P&D. The performance security may be reduced as land use permits for subsequent portions of Phase I are approved. If the applicant fails to complete Phase I according to the approved plan, P&D may collect security and complete the work on the property.
68. The design, scale and character of the architecture for the proposed professional building and any remodel of the existing Rite-Aid and Santa Barbara Bank & Trust buildings shall be compatible with the approved Final Development Plan and vicinity development. Particular attention shall be paid to the south elevation of the Rite-Aid building. **Plan Requirements and Timing:** The applicant shall submit architectural drawings of the professional building and a proposed remodel for review and approval by P&D and the Board of Architectural Review prior to approval of a Land Use Permit for these buildings. Grading plans shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.

MONITORING: P&D shall inspect prior to occupancy clearance.

69. Prior to Land Use Clearance, the applicant shall coordinate with the Hazardous Materials Section (HMS) of the Santa Barbara County Fire Department and the Regional Water Quality Control Board (RWQCB) to ensure development will not disrupt monitoring or remediation of existing contamination sites currently the subject of ongoing investigations.

MONITORING: P&D shall ensure sign-off by the HMS and the RWQCB prior to approval of Land Use Permits.

70. Demolition permits shall not be issued except in conjunction with submittal of a performance security as listed in Condition of Approval #67 for each respective phase of the project unless it is

determined that the building constitutes a health and safety hazard as determined by the County Building Official.

71. Prior to approval of the first Land Use Permit, a performance security shall be provided by the applicant for construction of a sound wall east of the creek bank. The performance security amount shall be reviewed and approved by the FCD and P&D. At such time that the limits of the regulatory floodway are reduced so that construction of a sound wall east of the creek bank could occur outside of these limits, the applicant shall submit plans for a sound wall. Plans for construction of such a wall, if deemed feasible by the FCD, shall be subject to review and approval by the FCD and P&D prior to Land Use Permit Approval of the wall. The performance security shall remain in place for a period of 5 years or until approval of any noise wall, whichever is sooner. If the FCD deems construction of a noise wall infeasible during the 5-year period, (i.e., floodway reducing improvements have not been completed or they have been completed and FCD deems noise wall construction to be in conflict with flood protection in the area), then the performance security shall no longer be required.
72. Prior to approval of the first Land Use Permit, conveyance of the deed between the applicant and the Flood Control District shall be recorded.
73. All electrical utilities associated with relocation of the existing power poles shall be installed underground.
74. An 8-foot clear walking area shall be maintained along the frontage of all stores for pedestrians. This clear area shall not be blocked by shopping cart storage, exterior merchandise, or other items. All exterior shopping cart storage along storefronts shall exist behind a screen wall separating it from the pedestrian walkways. **Plan Requirements and Timing:** The 8-foot clear areas shall be denoted on project plans and reviewed and approved by P&D prior to approval of a Land Use Permit.

MONITORING: Permit Compliance shall spot check in the field.