

CALLE REAL SHOPPING CENTER REMODEL
FINAL DEVELOPMENT PLAN

Case No. 95-DP-009

[Companion Case Nos. 95-LA-003 and 95-OA-003]

ATTACHMENT B
CONDITIONS OF APPROVAL

1. This Final Development Plan is based upon and limited to compliance with the project description, marked hearing Exhibit A, dated August 16, 1995, 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 project description is as follows:

The proposed Development Plan consists of the existing facilities and modification of those facilities including of an upgrade and addition to the Calle Real Shopping Center, located north and south of Calle Real. Building facades and landscaping would be modified. A total of 11,980 square feet of retail space (6,000 square feet on the north side and 5,980 square feet on the south side of Calle Real) would be added to the center. Two new towers would be added on each end of the pedestrian access located in the center of the north and south shopping areas. Several standard parking spaces would be eliminated by the new structures and enhanced parking area landscaping. However, the overall decrease in the number of spaces would be minimal (56 spaces), reducing the overall lot coverage of the parking areas from 60% to 54%. The project also includes increased walkway width alongside storefronts, additional bike racks, improved handicap ramp access between stores, decorative paving at the existing crosswalk and two new bus stops. The project would total 125,916 square feet, with a building coverage increase of 2.3% over the existing 21.4% building coverage. A lot line adjustment to reconfigure the lot line between two parcels in the northern area of the center is also proposed in a location where a proposed structure would straddle the existing lot line. A trash enclosure, approximately 864 square foot in size, would be added in the northern portion of the center.

In order to accommodate the new parking and walkway layout of the center, several trees would be removed, consisting of Bottlebrush, Carrotwood, Lemon Gum, New Zealand Christmas Tree, Victorian Box, Hollywood Juniper, Canary Island Pine, Fern Pine, Evergreen Pear, and Bronze Loquat. These trees would be replaced with 247 new trees, for a total landscaping coverage of 11%. The existing bottlebrush trees, as well as several other shrubs, vines and groundcover, would be removed and replaced with drought-tolerant palms, trees, vines, and groundcover.

New structures would be equipped with fire sprinkler systems pursuant to Fire Department requirements. A fire sprinkler main distribution line would be installed in all existing structures, with the completion of the sprinkler system to take place as tenants change and permits are issued for new tenant improvements to the center.

Outdoor lighting for the proposed project would be fully shielded with low glare design and be placed to minimize impacts to surrounding parcels.

The applicant also proposes to execute a voluntary merger of two Assessor Parcels on the south side of Calle Real. The merger would delete the lot line between Assessor's Parcel Numbers 69-110-068 and 69-110-069 resulting in the creation of a single parcel of 2.4 acres.

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.

2. Construction activity for site preparation and construction shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday. 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:** 2 signs (1 on the north side and 1 on the south side of Calle Real) stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to issuance of Land Use Permit and throughout grading and construction activities (mitigation measure #1).

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

3. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the 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/Timing: This condition shall be printed on all building and grading plans (mitigation measure #2).

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

4. Dust generated by the development activities shall be retained on site and kept to a minimum by following the dust control measures listed below.
 - 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 wind exceeds 15 miles per hour.
- c) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
- d) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e) 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.

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

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

5. 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 off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
Plan Requirements: The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to issuance of Land Use Permit for grading.

MONITORING: P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.

6. The following energy-conserving techniques shall be incorporated within the new development unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:
- a. Installation of low NO_x residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;
 - b. installation of heat transfer modules in furnaces;
 - c. use of light colored water-based paint and roofing materials;
 - d. installation of solar panels for residential water heating systems and other facilities and/or the use of water heaters that heat water only on demand;

- e. use of passive solar cooling/heating;
- f. use of natural lighting;
- g. use of concrete or other non-pollutant materials for parking lots instead of asphalt;
- h. installation of energy efficient appliances;
- i. installation of energy efficient lighting;
- j. use of landscaping to shade buildings and parking lots;
- k. installation of sidewalks and bikepaths;
- l. installation of covered bus stops to encourage use of mass transportation.

Plan Requirements and Timing: The applicant shall incorporate the listed provisions into building and improvement plans or shall submit proof of infeasibility prior to issuance of Land Use Permit.

MONITORING: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

7. The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school district. Fees shall be based upon the extent of new development. **Plan Requirements and Timing:** The applicant shall submit final square footage calculations and a copy of the fee payment to the school district prior to issuance of building permits.

MONITORING: Building and Safety shall ensure payment made prior to issuance of building permits.

8. The permittee shall develop and implement a Solid Waste Management Program for uses within the expansion. The program shall identify the amount of waste generation projected during processing of the project. The program shall include one or more of the following measures, but is not limited to those measures:

General

- a) Provision of space and/or bins for storage of recyclable materials within the project site as determined necessary by the Solid Waste Division of Public Works.
- b) Development of a plan for accessible collection of materials on a regular basis.
- c) Recycling bins shall be provided at the construction site to minimize construction-generated waste which goes to the landfill.

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- d) Implementation of a monitoring program to ensure a 35% to 50% participation in overall waste disposal, using source reduction, recycling, and/or composting programs. The monitoring program shall include a detailed report on the programs implemented and documentation (i.e., receipts) of the amounts diverted where applicable or, in the case of source reduction programs, an estimate of the amount diverted.
- e) Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
- f) Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. To ensure compliance, the applicant shall develop an integrated solid waste management program, including recommended source reduction, recycling, composting programs, and/or a combination of such programs, subject to P&D and Public Works Solid Waste Management Division review and approval prior to occupancy permits for the expansion. Reports on materials purchased, recycled content, participation, and other available information shall be made to permit compliance annually.

Plan Requirement and Timing: The applicant shall submit a Solid Waste Management Program to P&D and Solid Waste (Public Works) for review and approval prior to Land Use Permit. **Timing:** Program components shall be implemented prior to occupancy clearance.

MONITORING: P&D shall site inspect as required under the monitoring plan.

- 9. Demolition and/or excess construction materials shall be separated onsite 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 plan. 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.

- 10. Two performance securities shall be provided by the applicant prior to issuance of a Land Use Permit, 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 2 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 the items depicted in the landscape plan prior to occupancy clearance for the structural additions.

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

11. Landscaping shall be maintained for the life of the project.
12. Prior to issuance of a Land Use Permit for grading or construction, the applicant shall finalize the companion lot line adjustment, 95-LA-003.
13. DELETED.
14. Prior to issuance of a Land Use Permit, the applicant shall receive final Board of Architectural Review approval for modifications to the structures and landscaping.
15. Compliance with Departmental letters:
 - a. Goleta Sanitary District, Dated February 28, 1995
 - b. Public Works Transportation Division, Dated August 8, 1995, except to revise as follows:
 - Amend Condition #1, first paragraph, third sentence to read as follows:
"....developer shall, prior to ~~Reeordation~~ Occupancy Clearance, make a payment of....."; and
 - Delete "Note:....." at the end of Condition #1.
 - c. Environmental Health Services Division, Dated August 8, 1995
 - d. Fire Department letter dated August 16, 1995."

16. DELETED.
17. 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 Exhibit A, dated August 16, 1995. Substantial conformity shall be determined by the Director of P&D.
18. 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.
19. DELETED.
20. Before commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from Planning and Development. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Board of Supervisors. Before a Land Use 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 in Planning and Development.
21. 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.
22. 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 issuance of Land Use Permit 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.

23. Prior to issuance of Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.
24. 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 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.
25. 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.