



CITY OF BUELLTON

CITY COUNCIL AGENDA

**Regular Meeting of October 24, 2013 at 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the City Council after distribution of the agenda packet, are available for public inspection in the Office of the City Clerk, located at 107 West Highway 246, during normal business hours.

CALL TO ORDER

Mayor Judith Dale

PLEDGE OF ALLEGIANCE

Vice Mayor John Connolly

ROLL CALL

Council Members Ed Andrisek, Leo Elovitz, Holly Sierra, Vice Mayor John Connolly, and Mayor Judith Dale

REORDERING OF AGENDA

PUBLIC COMMENTS

Speaker Slip to be completed and turned in to the City Clerk prior to commencement of meeting. Limited to matters not otherwise appearing on the agenda. Limited to three (3) minutes per speaker. No action will be taken at this meeting.

CONSENT CALENDAR

(ACTION)

The following items are scheduled for consideration as a group. Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion.

- 1. Minutes of September 26, 2013 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2013-14**
- 3. Opposition to the Closure of the Local Workers' Compensation Office in Goleta**

PRESENTATIONS

- 4. Proclamation Recognizing Thursday, October 24, 2013 as Food Day**

PUBLIC HEARINGS**(POSSIBLE ACTION)**

5. **Resolution No. 13-15 - “A Resolution of the City Council of the City of Buellton, California, Adopting a Statement of Facts and Findings; Establishing a Mitigation Monitoring Program; and Certifying a Final Subsequent Environmental Impact Report (12-EIR-01) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) and Making Findings in Support Thereof”**

Resolution No. 13-16 - “A Resolution of the City Council of the City of Buellton, California, Approving a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) and Making Findings in Support Thereof”

❖ *(Staff Contact: City Manager Bierdzinski)*

COUNCIL MEMBER COMMENTS**COUNCIL ITEMS****WRITTEN COMMUNICATIONS**

Written communications are included in the agenda packets. Any Council Member, the City Manager or City Attorney may request that a written communication be read into the record.

COMMITTEE REPORTS

This Agenda listing is the opportunity for Council Members to give verbal Committee Reports on any meetings recently held for which the Council Members are the City representatives thereto.

BUSINESS ITEMS**(POSSIBLE ACTION)**

6. **Quarterly Treasurer’s Report - June 30, 2013**
❖ *(Staff Contact: Interim Finance Director Herrera)*

CITY COUNCIL OF BUELLTON AS SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY**(POSSIBLE ACTION)**

7. **Resolution No. SA 13-02 – “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring the Socio-Economic Mitigation Program (SEMP) Loan to the Housing Authority of Santa Barbara County”**
❖ *(Staff Contact :City Manager Bierdzinski)*

CITY MANAGER’S REPORT**ADJOURNMENT**

The next meeting of the City Council will be held on Thursday, November 14, 2013 at 6:00 p.m.

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES
Regular Meeting of September 26, 2013
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Mayor Judith Dale called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Council Member Ed Andrisek led the Pledge of Allegiance

ROLL CALL

Present: Council Members Ed Andrisek, Leo Elovitz, Holly Sierra, Vice Mayor John Connolly, and Mayor Judith Dale

Staff: City Manager Marc Bierdzinski, City Attorney Ralph Hanson, Public Works Director Rose Hess, Recreation Coordinator Kyle Abello, Interim Finance Director John Herrera, Station Commander Lt. Shawn O'Grady, and City Clerk Linda Reid

REORDERING OF AGENDA

None

PUBLIC COMMENTS

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau spoke about the International Conference for Shopping Centers that she and Ron Anderson attended last week in San Diego.

Ms. Vreeland also announced that the Scarecrow contest begins on October 11.

CONSENT CALENDAR

- 1. Minutes of September 12, 2013 Regular City Council Meeting**
- 2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2013-14**

MOTION:

Motion by Council Member Andrisek, seconded by Council Member Elovitz, approving the Consent Calendar as listed.

VOTE:

Motion passed by a roll call vote of 5-0.

PRESENTATIONS

None

PUBLIC HEARINGS

None

COUNCIL MEMBER COMMENTS

Council Member Sierra announced that she and Council Members Andrisek and Connolly and Mayor Dale attended the League of California Cities (LOCC) Annual Conference in Sacramento and that the conference provided worthwhile information.

Council Member Andrisek discussed the new brochure created and distributed by the Buellton Visitor's Bureau, which can be viewed on the City's website at www.cityofbuellton.com

Mayor Dale announced the Buellton and Solvang Libraries are hosting a fundraiser golf tournament at Zaca Creek Golf Course on November 3.

COUNCIL ITEMS

None

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

Council Member Andrisek announced that the Central Coast Water Authority did not have a meeting this week.

BUSINESS ITEMS**3. Consideration of Allowing Amplified Music at River View Park for Specialized Coronary Outpatient Rehabilitation (SCOR) Prelude Bike Event****RECOMMENDATION:**

That the City Council consider approval of the use of amplified sound by SCOR at River View Park on November 1 (6:00 – 10:00 p.m.) and November 2 (9:00 a.m. – 4:00 p.m.)

STAFF REPORT:

Recreation Coordinator Abello presented the staff report.

DOCUMENTS:

Staff Report with attachments (SCOR Special Event Permit Application, Special Event Checklist for 2012 SCOR Prelude, Buellton Municipal Code Section 12.28.220, and SCOR 2012 Special Event Permit)

DISCUSSION:

The City Council discussed allowing amplified music until 8:00 p.m., on November 1, not 10:00 p.m.

MOTION:

Motion by Council Member Andrisek, seconded by Vice Mayor Connolly, approving the use of amplified sound by SCOR Prelude Bike Event at River View Park on November 1 from 6:00 to 8:00 p.m. and November 2 from 9:00 a.m. to 4:00 p.m.

VOTE:

Motion passed by a roll call vote of 5-0.

4. Review and Discussion of Vision Plan**RECOMMENDATION:**

That the City Council review the status of the various action items and provide direction to staff.

STAFF REPORT:

Interim City Manager Bierdzinski presented the staff report.

DOCUMENTS:

Staff report with attachments (Operational Action Items, In Progress Action Items, and Pending Action Items)

SPEAKERS/DISCUSSION:

Ken Hira, representing Kosmont Companies provided a PowerPoint presentation and provided the same handout for the record and the City's website.

Peggy Brierton, Buellton, submitted a letter regarding this item, which was distributed to the City Council and made part of the record.

Marcilo Sarquilla, Buellton Parks and Recreation Commissioner, spoke about the Vision Plan.

Larry Bishop, Buellton Parks and Recreation Commissioner, spoke about the Vision Plan and provided his suggestions for how to move forward with the Plan.

The City Council discussed the following issues:

- Discussing the Vision Plan goals one at a time
- Having the Planning Commission and Parks & Recreation Department involved in the Vision Plan process.

DIRECTION:

The City Council agreed by consensus to discuss the Vision Plan goals one at a time at separate Council meetings, starting with Goal 8, Economic Development.

5. **Ordinance No. 13-05 – “An Ordinance of the City Council of the City of Buellton, California, Adding New Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control and Making Findings in Support Thereof”**

RECOMMENDATION:

That the City Council consider the adoption of Ordinance No. 13-05.

STAFF REPORT:

Public Works Director Hess presented the staff report.

DOCUMENTS:

Staff report with attachment (Ordinance No. 13-05)

MOTION:

Motion by Council Member Elovitz, seconded by Council Member Andrisek approving the adoption of Ordinance No. 13-05 – “An Ordinance of the City Council of the City of Buellton, California, Adding New Title 15 and Chapter 15.01 to the Buellton Municipal Code Pertaining to Stormwater Management and Discharge Control and Making Findings in Support Thereof” by title only and waive further reading.

VOTE:

Motion passed by a roll call vote of 5-0.

6. **Approval of City Manager Contract**

City Attorney Hanson discussed the City Manager’s contract and requested that the City Council approve the contract.

MOTION:

Motion by Council Member Andrisek, seconded by Council Member Sierra approving the City Manager Contract for Marc Bierdzinski until March, 12, 2015.

VOTE:

Motion passed by a roll call vote of 5-0.

CITY COUNCIL OF BUELLTON AS SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY

The Buellton City Council convened as the Buellton Successor Agency of the former Buellton Redevelopment Agency in order to discuss Item No. 7.

- 7. Resolution No. SA 13-01 - “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring Housing Conservation Program Loan to the County of Santa Barbara”**

RECOMMENDATION:

That the Successor Agency consider adoption of Resolution No. 13-01.

STAFF REPORT:

City Manager Bierdzinski presented the staff report and noted that all references to the County of Santa Barbara should be changed to the Housing Authority of Santa Barbara County.

DOCUMENTS:

Staff report with attachments (Resolution No. 13-01 and Loan Repayment Agreement)

MOTION:

Motion by Agency Member Elovitz, seconded by Agency Member Andrisek, approving Resolution No. SA 13-01 – “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring Housing Conservation Program Loan to the Housing Authority of Santa Barbara County”

VOTE:

Motion passed by a roll call vote of 5-0.

The City Council reconvened the regular City Council meeting.

CITY MANAGER’S REPORT

City Manager Bierdzinski provided an informational report for the record.

ADJOURNMENT

Mayor Dale adjourned the regular meeting at 7:45 p.m. The next regular meeting of the City Council will be held on Thursday, October 10, 2013 at 6:00 p.m.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk

BACK-UP/SUPPORT DATA IS AVAILABLE FOR COUNCIL REVIEW IN CITY HALL

The following is a list of claims to be ratified and approved for payment by the City Council at the
October 24, 2013 Council Meeting.

Listed below is a brief summary of the attached claims:

EXHIBIT A		<u>\$ 430,031.10</u>
EXHIBIT B		<u>\$ 70,169.97</u>
PAYROLL		
Council	9/27/13	2,311.70
Other	9/30/13	18,382.78
Staff	9/30/13	34,488.78
Staff	10/16/13	<u>\$ 33,745.07</u>
TOTAL AMOUNT OF CLAIMS:		<u>\$ 589,129.40</u>

**AUTHORIZATION IS HEREBY GIVEN TO THE CITY TREASURER TO PAY ALL CLAIMS
AS REVENUES BECOME AVAILABLE.**

Check-Run	Seq#	Date	Vendor Name	Checking	# Obls	Discount	Net amount	Status
28552-	575	1	9/26/2013	0 ALYSSIA TRANCOSO	1	.00	40.00	Logged
28553-	575	2	9/26/2013	0 SHERI GRIFFITHS	1	.00	32.58	Logged
28554-	575	3	9/26/2013	0 YOLANDA LOMELI	1	.00	80.84	Logged
28555-	575	4	9/26/2013	0 SEANN VAN CLEVE	1	.00	48.36	Logged
28556-	575	5	9/26/2013	0 LYLE BOLTE	1	.00	17.15	Logged
28557-	575	6	9/26/2013	16 SCHAFF HOLDINGS, INC. dba	3	.00	432.15	Logged
28558-	575	7	9/26/2013	22 AMERICAN WATER WORKS ASSOC.	1	.00	413.00	Logged
28559-	575	8	9/26/2013	27 AQUA BEN CORPORATION	1	.00	1,866.24	Logged
28560-	575	9	9/26/2013	42 BRYAN PETERSEN dba	1	.00	181.25	Logged
28561-	575	10	9/26/2013	76 CAL-COAST IRRIGATION, INC.	4	.00	174.51	Logged
28562-	575	11	9/26/2013	107 CITY OF LOMPOC	1	.00	1,666.66	Logged
28563-	575	12	9/26/2013	118 COASTAL COPY, LP	2	.00	318.82	Logged
28564-	575	13	9/26/2013	119 CRAIG ADAMS	1	.00	50.00	Logged
28565-	575	14	9/26/2013	199 FOSTER D. REIF	1	.00	50.00	Logged
28566-	575	15	9/26/2013	203 GARY BROWN dba	1	.00	110.00	Logged
28567-	575	16	9/26/2013	228 HOLLY SIERRA	1	.00	200.94	Logged
28568-	575	17	9/26/2013	228 HOLLY SIERRA	1	.00	404.54	Logged
28569-	575	18	9/26/2013	237 IRON MOUNTAIN	1	.00	41.74	Logged
28570-	575	19	9/26/2013	242 JASON L. FUSSEL	1	.00	50.00	Logged
28571-	575	20	9/26/2013	248 JCI JONES CHEMICALS, INC.	2	.00	3,095.52	Logged
28572-	575	21	9/26/2013	303 ART MERCADO	1	.00	50.00	Logged
28573-	575	22	9/26/2013	310 MARBORG INDUSTRIES	1	.00	8.35	Logged
28574-	575	23	9/26/2013	325 MISSION READY MIX CO, INC	1	.00	238.00	Logged
28575-	575	24	9/26/2013	327 MONIOT ELECTRIC, INC.	1	.00	360.00	Logged
28576-	575	25	9/26/2013	352 P G & E	1	.00	31,872.41	Logged
28577-	575	26	9/26/2013	353 MICHAEL J. BOGGESE dba	1	.00	300.00	Logged
28578-	575	27	9/26/2013	380 PRAXAIR DISTRIBUTION, INC.	1	.00	134.72	Logged
28579-	575	28	9/26/2013	382 PROCARE JANITORIAL SUPPLY, INC	1	.00	94.82	Logged
28580-	575	29	9/26/2013	395 JOSE RAFAEL RUIZ dba	2	.00	3,755.00	Logged
28581-	575	30	9/26/2013	426 SAN LUIS PAPER CO.	1	.00	53.86	Logged
28582-	575	31	9/26/2013	543 USA BLUEBOOK	1	.00	49.60	Logged
28583-	575	32	9/26/2013	556 VERIZON WIRELESS	1	.00	320.82	Logged
28584-	575	33	9/26/2013	570 WAYNE KREPS, JR. dba	1	.00	84.06	Logged
28585-	575	34	9/26/2013	582 VINTAGE WALK, LLC OWNERS ASSOC	1	.00	104.00	Logged
28586-	575	35	9/26/2013	598 ENGEL & GRAY, INC.	1	.00	5,268.61	Logged
28587-	575	36	9/26/2013	629 ED ANDRISEK	1	.00	421.23	Logged
28588-	575	37	9/26/2013	655 COAST NETWORKX, INC.	1	.00	95.00	Logged
28589-	575	38	9/26/2013	663 MARC P. BIERDZINSKI	1	.00	412.81	Logged
28590-	575	39	9/26/2013	677 WALLACE GROUP	1	.00	33,346.58	Logged
28591-	575	40	9/26/2013	701 JUDITH DALE	1	.00	206.69	Logged
28592-	575	41	9/26/2013	706 SATCOM GLOBAL, INC.	1	.00	49.21	Logged
28593-	575	42	9/26/2013	713 COASTAL COPY, LP	1	.00	484.92	Logged
28594-	575	43	9/26/2013	718 AUTOSYS, INC.	2	.00	1,070.00	Logged
28595-	575	44	9/26/2013	745 PEDRO DE LA CRUZ dba	1	.00	300.00	Logged
28596-	575	45	9/26/2013	777 UNITED STORM WATER, INC.	1	.00	4,964.00	Logged
28597-	575	46	9/26/2013	781 VALLEY CREST LANDSCAPE MAINT.	5	.00	11,280.00	Logged
28598-	575	47	9/26/2013	782 WAGE WORKS	1	.00	98.00	Logged
28599-	575	48	9/26/2013	787 LISA FIGUEROA	1	.00	50.00	Logged
28600-	575	49	9/26/2013	788 CITY OF SANTA MARIA	1	.00	39,095.37	Logged
28601-	575	50	9/26/2013	797 ESLY O. GUZMAN HERRERA dba	1	.00	466.40	Logged
28602-	575	51	9/26/2013	802 GOVERNMENT STAFFING SERVICES.	1	.00	6,250.00	Logged
28603-	575	52	9/26/2013	812 KOSMONT & ASSOCIATES, INC. dba	1	.00	12,479.70	Logged
28604-	575	53	9/26/2013	11105 ADRIENNE WALTER	1	.00	108.00	Logged

Check-Run	Seq#	Date	Vendor Name	Checking	# Obls	Discount	Net amount	Status
28605-	575	54	9/26/2013	11108 ALFONSO TERRAZO	1	.00	216.00	Logged
28606-	575	55	9/26/2013	11141 CESAR GARCIA	1	.00	216.00	Logged
28607-	575	56	9/26/2013	11170 DONELLE MARTIN	1	.00	450.00	Logged
28608-	575	57	9/26/2013	11236 GARY GENE JOHNSON dba	1	.00	450.00	Logged
28609-	575	58	9/26/2013	11243 HECTOR C. GARCIA	1	.00	197.40	Logged
28610-	575	59	9/26/2013	11244 HERMILA SANCHEZ	1	.00	245.00	Logged
28611-	575	60	9/26/2013	11280 JAMES R. ATHERTON	1	.00	347.20	Logged
28612-	575	61	9/26/2013	11300 KAREN PALMER	1	.00	59.50	Logged
28613-	575	62	9/26/2013	11304 KEITH MARSHALL	1	.00	35.00	Logged
28614-	575	63	9/26/2013	11321 LAURA COGAN	1	.00	135.00	Logged
28615-	575	64	9/26/2013	11343 MARIANNE MADSEN	1	.00	234.00	Logged
28616-	575	65	9/26/2013	11476 STEPHEN F. DUNLAP	1	.00	399.00	Logged
28617-	575	66	9/26/2013	11491 THOMAS CHAMBERLAIN	1	.00	175.00	Logged
28618-	576	1	9/30/2013	74 CSMFO CHANNEL COUNTIES CHAPTER	1	.00	50.00	Logged
28619-	576	2	9/30/2013	90 Ca1PERS LONG-TERM CARE PROGRAM	1	.00	84.25	Logged
28620-	576	3	9/30/2013	193 FIRST NATIONAL BANK OF OMAHA	10	.00	5,088.64	Logged
28621-	576	4	9/30/2013	469 STAPLES CONTRACT & COMMERCIAL,	3	.00	222.05	Logged
28622-	576	5	9/30/2013	529 TRANSFIRST HEALTH & GOVERNMENT	1	.00	404.89	Logged
28623-	576	6	9/30/2013	11292 JOSHUA A. GRANT	2	.00	182.00	Logged
28624-	577	1	10/10/2013	0 CAROLYN HANLY	1	.00	39.00	Logged
28625-	577	2	10/10/2013	0 FIDELITY NATIONAL TITLE CO.	1	.00	300.00	Logged
28626-	577	3	10/10/2013	5 ABALONE COAST ANALYTICAL, INC.	1	.00	597.00	Logged
28627-	577	4	10/10/2013	28 ARAMARK UNIFORM SERVICES	1	.00	463.10	Logged
28628-	577	5	10/10/2013	32 NESTLE WATERS NORTH AMERICA db	2	.00	65.13	Logged
28629-	577	6	10/10/2013	43 BARBARA KNECHT	1	.00	24.87	Logged
28630-	577	7	10/10/2013	59 MOTOR PRODUCTS INC. dba	1	.00	21.59	Logged
28631-	577	8	10/10/2013	82 CALIFORNIA DEPT OF PUBLIC HEAL	1	.00	3,136.98	Logged
28632-	577	9	10/10/2013	90 Ca1PERS LONG-TERM CARE PROGRAM	1	.00	84.25	Logged
28633-	577	10	10/10/2013	101 CITY OF SOLVANG	1	.00	21,948.00	Logged
28634-	577	11	10/10/2013	110 CVS PHARMACY	1	.00	21.59	Logged
28635-	577	12	10/10/2013	121 COC/BBA/VISITORS INFORMATION	1	.00	38,699.76	Logged
28636-	577	13	10/10/2013	122 COMCAST CABLE	1	.00	163.81	Logged
28637-	577	14	10/10/2013	142 DANIEL FITZGERALD dba	1	.00	960.00	Logged
28638-	577	15	10/10/2013	151 CALIF DEPT OF PUBLIC HEALTH	1	.00	60.00	Logged
28639-	577	16	10/10/2013	172 ECHO COMMUNICATIONS	1	.00	59.16	Logged
28640-	577	17	10/10/2013	187 FARM SUPPLY COMPANY	1	.00	107.75	Logged
28641-	577	18	10/10/2013	201 G E CAPITAL	1	.00	160.92	Logged
28642-	577	19	10/10/2013	273 KURT GREER	1	.00	29.08	Logged
28643-	577	20	10/10/2013	280 LEE CENTRAL COAST NEWSPAPERS	1	.00	491.83	Logged
28644-	577	21	10/10/2013	285 SANTA MARIA TIMES dba	3	.00	823.41	Logged
28645-	577	22	10/10/2013	342 NIELSEN BUILDING MATERIALS, INC	1	.00	5.28	Logged
28646-	577	23	10/10/2013	350 OLIVERA'S REPAIR, INC	1	.00	537.97	Logged
28647-	577	24	10/10/2013	369 ROBERT COBB	1	.00	102.91	Logged
28648-	577	25	10/10/2013	379 POSTMASTER	1	.00	550.00	Logged
28649-	577	26	10/10/2013	387 ALBERTSONS, LLC.	1	.00	141.35	Logged
28650-	577	27	10/10/2013	413 SUSAN CAMPBELL dba	1	.00	1,629.95	Logged
28651-	577	28	10/10/2013	438 SANTA YNEZ VALLEY HARDWARE	1	.00	336.42	Logged
28652-	577	29	10/10/2013	439 SANTA YNEZ VALLEY NEWS	1	.00	21.00	Logged
28653-	577	30	10/10/2013	450 SB CO SHERIFF'S DEPARTMENT	2	.00	140,328.00	Logged
28654-	577	32	10/10/2013	469 STAPLES CONTRACT & COMMERCIAL,	2	.00	576.72	Logged
28655-	577	33	10/10/2013	473 SPRINT SPECTRUM, L.P. dba	1	.00	34.67	Logged
28656-	577	34	10/10/2013	507 THE GAS COMPANY	2	.00	34.54	Logged
28657-	577	35	10/10/2013	521 TODD PIPE & SUPPLY	1	.00	552.58	Logged

Check-Run	Seq#	Date	Vendor Name	Checking	# Obls	Discount	Net amount	Status
28658-	577	36 10/10/2013	532 TRIKKE TECH, INC.		2	.00	957.86	Logged
28659-	577	37 10/10/2013	535 UNDERGROUND SERVICE ALERT		1	.00	27.00	Logged
28660-	577	38 10/10/2013	551 VALLEY TOOL RENTALS		1	.00	22.83	Logged
28661-	577	39 10/10/2013	555 VERIZON CALIFORNIA		1	.00	2,290.07	Logged
28662-	577	40 10/10/2013	563 VORTEX INDUSTRIES, INC.		1	.00	1,128.59	Logged
28663-	577	41 10/10/2013	570 WAYNE KREPS, JR. dba		1	.00	22.00	Logged
28664-	577	42 10/10/2013	583 CAL NATIVE dba		1	.00	20.00	Logged
28665-	577	43 10/10/2013	655 COAST NETWORX, INC.		2	.00	2,771.70	Logged
28666-	577	44 10/10/2013	664 ESRI		1	.00	1,664.00	Logged
28667-	577	45 10/10/2013	668 ONE STOP AUTO PARTS		1	.00	128.20	Logged
28668-	577	46 10/10/2013	679 COURIER SYSTEMS		1	.00	126.50	Logged
28669-	577	47 10/10/2013	718 AUTOSYS, INC.		1	.00	3,668.43	Logged
28670-	577	48 10/10/2013	744 GE CAPITAL INFO TECH SOLUTIONS		1	.00	500.05	Logged
28671-	577	49 10/10/2013	768 WEX BANK		1	.00	2,692.56	Logged
28672-	577	50 10/10/2013	781 VALLEY CREST LANDSCAPE MAINT.		3	.00	3,485.00	Logged
28673-	577	51 10/10/2013	802 GOVERNMENT STAFFING SERVICES,		4	.00	21,831.25	Logged
28674-	577	52 10/10/2013	804 ANIMAL & INSECT PEST MANAGEMEN		2	.00	299.00	Logged
28675-	577	53 10/10/2013	813 HOME DEPOT CREDIT SERVICES		1	.00	129.05	Logged
28676-	577	31 10/10/2013	465 SP MAINTENANCE SERVICES, INC.		1	.00	2,821.00	Logged
						.00		
** Total check discount **						.00		
** Total check amount **						430,031.10		
** Total void discount **						.00		
** Total void amount **						.00		

Payments via Electronic Fund Transfer (EFT):

FSA-Staff	9/19/13	755.63
Rabobank 8/13 Svc Chgs	9/30/13	155.00
Payroll Taxes-Council	10/2/13	120.39
FSA-Council	10/2/13	100.00
Health Premium	10/3/13	15,168.88
Deferred Compensation Plan	10/3/13	14,221.47
Payroll Taxes - Staff	10/3/13	9,064.06
Payroll Taxes - Other	10/3/13	9,272.01
Retirement Contribution	10/4/13	19,542.99
FSA-Staff	10/4/13	755.63
Aflac Sup Ins-Staff/Council	10/8/13	579.87
Grp Life - Staff/Council	10/8/13	434.04
Total		<u>\$ 70,169.97</u>

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 3

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, City Manager

Meeting Date: October 24, 2013

Subject: Opposition to the Closure of the Local Workers' Compensation Office in Goleta

BACKGROUND

The City was informed at the last Mayors and Managers meeting that the State Department of Industrial Relations (DIR) is proposing the close the Division of Workers' Compensation local office in Goleta. DIR plans to consolidate the Goleta office with the Oxnard office effective November 20, 2013. The Goleta District Office was the only Workers' Compensation location serving Santa Barbara County. A copy of the State's press release on the closure is provided as Attachment 1.

It is unclear from the press release or the articles written on the closure what the exact motivation is to close this office and whether or not it is part of a statewide consolidation effort. No local hearing or outreach was conducted by the State Division of Workers' Compensation (DMC) regarding this proposal. In addition, the goals to be achieved and options considered were never shared with the public. Accordingly, the public was never given the opportunity to be part of the solution.

The closure of the Goleta office would represent an inconvenience to those Buellton residents who require the services of the Workers' Compensation office provides. The facility is used by both employers and employees who deal with claims being processed. Although many can be handled without going to the facility, hearings and trials would require attendance. Even is a disabled employee has transportation they will now be asked to travel a significant distance to receive these services. Any local employees dependent on public transportation would face an incredibly cumbersome and time-consuming process to go to the Oxnard location.

The mayor has asked for City Council authorization to send a letter (Attachment 2) to the DIR opposing the closure of the local office and objecting to the decision-making process. The opposition would be based on the grounds that no public process was used

in making the determination to close the office and would address the significant impact this closure would have on Buellton residents.

Were the City Council to support an opposition letter being sent, Buellton would be joining other jurisdictions in Santa Barbara County who are raising concerns about this closure.

RECOMMENDATION

That the City Council authorize the Mayor to send a letter (Attachment 2) to the State Department of Industrial Relations opposing the planned closure of the local Division of the Workers' Compensation District office in Goleta.

ATTACHMENTS

Attachment 1 – State Press Release
Attachment 2 – Draft Letter



N E W S L I N E

Newsline No. 66-13

September 19, 2013

[Twitter @CA_DIR](#)

[Facebook](#)

DWC Merges Goleta and Oxnard Offices Effective November 30

The Division of Workers' Compensation (DWC) announced today that the Goleta District Office will close and merge with the Oxnard office on November 30. The last day that hearings will be scheduled in Goleta will be Friday, November 29.

All cases currently in Goleta will be transferred to the Oxnard District Office, approximately 45 miles south. The seven DWC employees in Goleta will also transfer to the Oxnard office. The Goleta closure will consolidate resources and create savings for future DWC needs, including hiring. Oxnard has sufficient space to accommodate the Goleta staff, who will begin work there on Monday, December 2.

“We appreciate the valuable service provided by the Goleta district Office over the past several years. However, due to the high cost of leasing the Goleta facility and the proximity and space availability of the Oxnard office, the consolidation of these two offices is clearly in the best interest of the state. The savings recouped by this move will significantly enhance our ability to maintain our operations,” said Department of Industrial Relations Director Christine Baker. DWC is a division of DIR.

Information on the [Oxnard](#) district office, including directions, is available on the DWC website.

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City of Buellton

October 24, 2013

Christine Baker, Director
Department of Industrial Relations
1515 Clay Street, 17th Floor
Oakland, CA 94612

RE: Objection to the Goleta District Workers' Compensation Office Closure

Dear Ms. Baker,

The City of Buellton objects to the closure of the local Workers' Compensation Office, effective November 30, 2013. The objection is based on the grounds that no local hearing or outreach was conducted by the State Division of Workers' Compensation in making the determination to close the office and address the significant impact the closure would have on the public.

The Goleta District Office is the only location serving Santa Barbara County and its closure represents a significant inconvenience to those members of the public who require the services the local Workers' Compensation office provides. Even if a disabled employee has transportation, they will now be asked to travel significant lengths to receive these services. Were a local employee to be dependent on public transportation it would be incredibly cumbersome and time-consuming to get to the Oxnard location, requiring multiple bus transfers and over three hours travel time in each direction.

At this time, the City of Buellton requests that the Department of Industrial Relations delay taking action to close the Goleta District Office until the City has an opportunity to discuss this matter with the agency and the public outreach process is complete.

Sincerely,

Judith Dale
Mayor



City of Buellton

PROCLAMATION HONORING FOOD DAY IN THE CITY OF BUELLTON – THURSDAY, OCTOBER 24, 2013

WHEREAS, the health and well-being of our citizens is of primary concern for the City of Buellton; and

WHEREAS, promoting safer, healthier diets is a critical factor in improving citizens' overall health; and

WHEREAS, supporting sustainable family farms and local agriculture benefits the local economy; and

WHEREAS, obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer so that the food we produce and consume is safe and fair for all; and

WHEREAS, expanding access to food and reducing hunger is of critical importance to aid those who live in food deserts; and

WHEREAS, reforming factory farms to protect the environment and farm animals is necessary to sustain future generations.

NOW, THEREFORE, I, Judith Dale, Mayor of the City of Buellton, on behalf of the Buellton City Council, hereby proclaim Thursday, October 24, 2013 as **FOOD DAY** in the City of Buellton and I urge all citizens to participate in the planned activities.

PASSED, APPROVED, and ADOPTED this 24th day of October 2013.



Mayor

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 5

To: The Honorable Mayor and City Council

From: Planning Commission
By: Angela Perez, Assistant Planner and
Marc Bierdzinski, City Manager

Meeting Date: October 24, 2013

Subject: Resolution No. 13-15 - “A Resolution of the City Council of the City of Buellton, California, Adopting a Statement of Facts and Findings; Establishing a Mitigation Monitoring Program; and Certifying a Final Subsequent Environmental Impact Report (12-EIR-01) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) and Making Findings in Support Thereof”

Resolution No. 13-16 - “A Resolution of the City Council of the City of Buellton, California, Approving a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) and Making Findings in Support Thereof”

BACKGROUND

Norman Williams, Buellton Oaks L.P., property owner, and Mark Edwards, agent (“Applicant”) have submitted a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for a senior assisted and independent living project. The project is located on an 18.2 acre site on Jonata Park Road on Assessor’s Parcel Number’s 099-400-064, 099-400-065, and 099-400-069 (off-site portion) (see Attachment 1 - Vicinity Map). The property is zoned CR (General Commercial) and is an Affordable Housing Overlay Zone (AHOZ) site.

This Project is being processed as a General Commercial project with a CUP. The Project consists of the following applications:

- **Conditional Use Permit (Case No. 12-CUP-01):** Consideration of a skilled nursing facility (24 rooms), memory building (40 units), assisted living units (91), independent living units (92 units), 242 parking spaces, landscaping and walking paths. It also includes a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service. A drainage basin, a portion of a roadway, and 23 of the parking spaces are located outside the city limits and would require approval from the County of Santa Barbara.
- **Tentative Tract Map (TTM 31056):** Approval of a Tentative Tract Map for the creation of 6 parcels on an 18.2 acre parcel. The proposed parcels are 2.8 acres (Lot 1 - Vacant), 2.8 acres (Lot 2 - Vacant), 2.1 acres (Lot 3 – Skilled Nursing Facility), 5.4 acres (Lot 4 – Memory Building, Assisted Living), 3.3 acres (Lot 5 – Independent Living, Community Center), and 1.9 acres (Lot 6 – Independent Living).

The complete set of project plans is provided as Attachment 2. Full size plans have been provided to the City Council.

Project History

This Project was originally submitted to the Planning Department in 2005. At that time City Staff and various County departments reviewed the plans and an incomplete letter was sent to the applicant. There were some revisions and additional items that were requested. The Planning Director also determined that an EIR would be required for this Project. The applicant appealed this decision to the Planning Commission. On January 19, 2006 the Planning Commission denied the appeal and upheld the determination of the Planning Director that an EIR was required for the Project.

In 2009 the applicant requested that the preparation of the EIR begin before the Project plans were resubmitted. Staff explained that this wasn't possible because the full project description and plans were needed to adequately assess the environmental impacts of the Project.

In 2010 the applicant told staff that he was planning to resubmit the Project as a "medical services-hospital and extended care" use. This type of project is permitted in the CR zone with a Conditional Use Permit. Section 19.01.050(C) of the Buellton Municipal Code allows the Planning Director to forward questions about an equivalent use to the Planning Commission for determination. On April 15, 2010, the Planning Commission conducted a preliminary review of the plans for this project and a use determination regarding whether the project meets the Zoning Ordinance's CR Zone definition of "Medical services — hospitals and extended care (land use)". At the conclusion of the April 15, 2010 public meeting, the Planning commission made a preliminary determination that the

proposed project came within the CR Zone definition of “Medical services — hospitals and extended care (land use)” as follows:

- “Medical services—hospitals and extended care (land use)” means hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include accessory retail pharmacies, and emergency heliports. Also includes residential establishments providing nursing and health related care as a principal use with in-patient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in “residential care.”

The Planning Commission has formally made this use determination recommendation to the City Council as noted in Planning Commission Resolution No. 13-10 (Attachment 5). This use determination is now formalized in City Council Resolution No. 13-16.

In March 2012 the applicant resubmitted the plans. The preparation of the Subsequent EIR began in April 2012 and the Final Subsequent EIR was completed in June 2013. The Planning Commission public hearing was held on August 15, 2013. The Planning Commission recommends that the City Council adopt a statement of facts and findings, establish a mitigation monitoring program, certify the Subsequent EIR, and approve the Conditional Use Permit and Tentative Tract Map for this Project (see Attachment 3 – Planning Commission Minutes, Attachment 4 – Planning Commission Resolution No. 13-09, and Attachment 5 – Planning Commission Resolution No. 13-10).

Project Description

The Conditional Use Permit is for the approval of building envelopes, site and floor plans and architectural renderings for the skilled nursing facility, memory building, assisted living and independent living units. The skilled nursing building, memory building and assisted living buildings have enclosed gardens or courtyards. There are walking paths throughout the site. The assisted living building includes a dining hall and commercial kitchen. The facility will be staffed 24 hours per day, seven days per week. Staff will include positions in the areas of administration, care-giving, skilled nursing, memory care, food service, housekeeping, activities, marketing, and maintenance.

The assisted living building is in the middle of the site and has three stories that decrease to two stories. The buildings at the north and south edges of the project are one and two stories. All of the buildings meet the height requirement in the Zoning Ordinance. The independent apartments and cottages include six 12-plex buildings and five 4-plex buildings. There are 24 garage parking spaces for the independent apartments, along with uncovered parking spaces. There is also a community building and pool within the area of the independent living units.

One exception is requested to the rear setback. The exception is to allow 12 garage parking spaces and 12 uncovered parking spaces within the required 10 foot rear setback. Section 19.04.160(C)(2) of the Buellton Municipal Code allows a required rear or side yard setback in the CR, CS, or M zoning districts to be reduced to zero. When approving the reduction in the setback, the Commission shall make all of the following findings:

- a. The reduced setback(s) will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas. The reduction of a portion of the rear setback would not be incompatible with the neighborhood because there is no development to the rear of the property.
- b. The reduced setback(s) conform with other applicable provisions of this title and with the general plan.
- c. The reduced setback(s) will not conflict with any easements required for public access through, or the public use of, a portion of the property. There are no easements in the area where the rear setback is reduced.

An off-site drainage basin, a portion of a roadway, and 23 parking spaces are located on a portion of Assessor Parcel Number 099-400-069, which is located outside the city limits. This property is owned by the same owner as the subject property. This area is located to the west of the project. The County of Santa Barbara has jurisdiction over this area and would have to approve permits for the drainage basin, road, and parking. This area is not proposed to be annexed to the city. The comments received from the County indicate that these uses may not be supported by the County. However, the Applicant has discussed this with the County and decided to move forward with the Project. These components would have to be approved by the County of Santa Barbara in order for the project to be constructed. If approval by the County is not granted, then a revised project entirely within the City Limits would need to be reviewed by the Planning Commission and City Council. The environmental document includes an alternative that is entirely within the City Limits.

Portions of the site are currently used for grazing and farming. A small residence and some outbuildings are currently on the site and would be removed. The property outside the city limits is used for farming. There was some concern from the County regarding the farming that will take place on the adjacent property and the proximity to the Project. A Condition of Approval requires a 200 foot buffer between the Project's facilities and agricultural uses on the adjacent property. The two properties are both owned by the developer of the Project, and an easement would be required to enforce this. It is also noted that the farming that is currently occurring on the adjacent property is organic farming.

The proposal conforms with the City's general commercial zoning standards as summarized in table on the following page (reference Buellton Municipal Code sections 19.02.220 and 19.04.142).

Development Standard	General Commercial (CR) Zone Requirements	Proposed Project
Minimum Lot Size	None required	18.2 acres
Front Setback	None Required	Varies, 30 feet to 110 feet for different buildings
Side Setback	None Required	Varies, 5 feet to 170 feet for different buildings
Rear Setback	10% of lot depth, to 10 ft. maximum	Varies, 0 feet to 135 feet for different buildings (An exception is requested to reduce a portion of the rear setback to 0)
Floor Area	No maximum	N/A
Site Coverage	No Maximum	28%
Height Limit	35 feet	Tallest buildings are 35 feet
Landscaping	5% of the net lot area	38%
Parking	Independent Living and Assisted Living (1 space per unit): 183 spaces Extended Care-Skilled Nursing and Memory Buildings (1 space per 3 beds): 22 spaces Employee Parking (Up to 56 employees during the day, 1 per 2 employees): 28 spaces Total Required: 233 spaces	Independent Living (4-plex Cottages): 28 spaces Independent Living (12-plex Apts): 100 spaces Assisted Living: 70 spaces Memory Building: 20 spaces Skilled Nursing Building: 24 spaces Total Provided: 242 spaces (Including 10 handicapped spaces)

Architecture

The architecture of the project is considered Agrarian per the Community Design Guidelines. The buildings include composition roofs, metal roofs, horizontal siding and vertical board and batten siding. A color and materials board will be provided at the City Council meeting.

Signage

One monument sign is proposed near the driveway access to Jonata Park Road which is to the east of the assisted living building. This sign meets the standards in the Zoning Ordinance. Any further signs would require a Zoning Clearance from the Planning Department.

Traffic Analysis

A Traffic Study was prepared for the project. It is included as part of the Subsequent Environmental Impact Report. The traffic study concluded that there will not be any significant traffic impacts to the surrounding circulation system upon implementation of mitigation measures. The property has four driveway access points along Jonata Park Road. The City's Traffic Engineer has required improvements to Jonata Park Road - two 12 foot travel lanes and two paved 8 foot shoulders with curb, gutter and sidewalk on the west side. The 8 foot shoulders will also function as 8 foot bike lanes. Also, a 16-foot fire lane for emergency vehicles is provided on-site to the west of the memory building and assisted living buildings.

The U.S. Highway 101 off-ramp/Avenue of Flags/Central Avenue/Jonata Park Road intersection has been noted as a concern. The intersection has already been identified in the city's Circulation Element as an intersection that needs modifications in order to improve traffic flow. This Project would submit traffic impact fees that would be used towards these improvements when they occur.

This Project will generate 725 average daily trips. Two of the alternatives that were discussed in the SEIR are a multi-family residential project and a shopping center. A multi-family project would generate 2,175 average daily trips and a shopping center would generate 12,453 average daily trips.

The most often used indicator of the ability of a roadway or intersection to accommodate traffic is Level of Service (LOS), which sets a standard based on a scale from LOS "A", free-flow conditions, to LOS "F", which refers to unstable conditions approaching gridlock. This project, as well as the alternative multi-family residential project would not create any conditions where the LOS is lower than LOS "C". With a shopping center, the U.S. Highway 101 off-ramp/Avenue of Flags/Central Avenue/Jonata Park Road intersection is expected to have an LOS "F" in the PM peak hour (i.e. gridlock). The Avenue of Flags/Damassa Road intersection is expected to have an LOS "D" in the PM peak hour.

Based on the above, the proposed project as a low traffic generator would not create significant traffic impacts to the surrounding roadways. A purely retail use would have significant impacts to the surrounding circulation system.

Parking

Pursuant to the City's parking standards, the project is required to provide 233 parking spaces. 242 spaces are proposed. The Applicant requested that the first phase be constructed with the required amount of parking. Following the first phase the Applicant will provide data regarding parking use. The Planning Commission will review the data and adjust the amount of required parking for future phases if it feels it is warranted. The Applicant believes that this type of development uses much less parking that is required. The Planning Commission recommended that Condition 47 be modified to allow this.

Agricultural Buffer

The Project site is adjacent to agriculturally zoned property that is currently used for organic farming. A 200 foot buffer is required between agricultural uses on the adjacent property and any of the Meritage Senior Living facilities. An off-site easement is required for the agricultural buffer.

Utility Services

All new utility services and existing telephone lines will be required to be placed underground. No new utility poles will be installed; however the existing poles supporting the high power electrical lines would remain.

Phasing

Each of the Parcels will obtain separate building permits and would be constructed as determined by the developer.

Economic Impacts

An economic analysis was not prepared for the proposed project or required by the Municipal Code. However, any development would increase the property tax revenue received by the City. In addition, this type of project, while not providing direct sales tax revenue, would provide economic benefits to the City via medical and service job creation (approximately 30 jobs). Secondary economic benefits would include relatives coming to Buellton to visit their relatives living in this complex. These visitors would generate sales tax revenue and transient occupancy tax revenue.

The additional sales tax revenue that a retail project would generate on this property has to be weighed against the negative traffic impacts a retail project would create and the gridlock that would develop on the surrounding street network.

General Plan Policy Consistency

The Project is consistent with the following General Plan policies.

- L-3 Encourage locally serving businesses such as grocery stores, pharmacies, hardware stores, banks, day care, dry cleaning, and post offices, as well as schools, parks and social centers to locate within easy walking distance (generally ½ mile) of residences. Similarly, new residential neighborhoods should remain within easy walking and bicycling distance from the City center.

The project is within walking distance of the Avenue of Flags. The sidewalks will not be complete on Jonata Park Road, but as other development occurs the sidewalks will be constructed. A bus shelter is proposed so that bus service can be extended to the site.

- L-5 New development shall not be allowed unless adequate public services are available to serve such new development.

Adequate public services are available.

- L-11 New development shall incorporate a balanced circulation network that provides safe, multi-route access for vehicles, bicycles and pedestrians to neighborhood centers, greenbelts, other parts of the neighborhood and adjacent circulation routes.

The project site provides sidewalk along the Project frontage. As it is a senior development, it also includes walking paths on site for seniors who cannot walk a long distance. A bus shelter is also proposed.

- L-12 All exterior lighting in new development shall be located and designed so as to avoid creating substantial off-site glare, light spillover onto adjacent properties, or upward into the sky. The style, location and height of the lighting fixtures shall be submitted with building plans and shall be subject to approval by the City prior to issuance of building or grading permits, as appropriate.

The lighting is required to be night sky friendly and the proposed design conforms to the Agrarian architectural style.

- L-13 Master plans for sewer, water, roads, drainage and other public improvements shall be required for new development that includes at least 100 housing units or 200,000 square feet of commercial or industrial development, unless otherwise specified by the City Public Works Director. The scope of these master plans shall be further defined in the General Plan Public Facilities and Services Element.

The existing plans that were submitted comply. More extensive plans are not required because there aren't numerous connections to the city's utilities.

- L-28 New commercial development should incorporate elements to encourage pedestrian access and to screen parked areas from public view.

A walking path is proposed throughout the project site. Sidewalks will be constructed along the project frontage. Landscaping is proposed to screen the parking areas.

- C-7 The City should discourage new commercial or industrial development that allows customers, employees or deliveries to use residential streets. The circulation system should be designed so that non-residential traffic (especially truck traffic) is confined to nonresidential areas.

Commercial traffic would likely use Highway 246, Highway 101, Avenue of Flags, and Jonata Park Road.

- C-24 New development should provide sidewalks and pedestrian paths consistent with applicable State, federal and local plans, programs and standards.

Sidewalks are proposed along the project street frontage. Walking paths are proposed within the development.

- C/OS-14 Encourage new development to protect visual amenities, including hillsides, by implementing the standards in the Community Design Guidelines.

The Project is consistent with the Community Design Guidelines as to visual impacts.

- E-4 Encourage and actively attract institutional and office uses, and business functions (e.g., health care facilities and related businesses) that engage the local pool of high skilled and semi-skilled labor and/or that offer higher paying wage scales.

The assisted living, skilled nursing, and memory facilities are health care facilities that will employ high skilled and semi-skilled labor.

- N-1 Noise/land use compatibility shall be as determined by Figure N-1. In general, areas within Buellton shall be considered impacted by noise if exposed to noise levels on the exterior of a building that exceeds 65 dB, and on the interior of a building exceeding 45 dBA. New development producing stationary noise levels that exceed 65 dB will not be permitted in areas containing residential or other noise sensitive land uses.

This type of project is considered a noise sensitive land use. The noise levels are not expected to exceed the standards because of site design and building design per the Final SEIR.

Planning Commission Public Hearing

On August 15, 2013 the Planning Commission held a public hearing for the Project. Several members of the public spoke during the public hearing. The items that were brought up include traffic on Jonata Park Road, cultural resources, the medical services and hospital definition, landscaping, architecture, offsite improvements, parks and recreation facilities, bike paths, bike racks, pedestrian pathways, hazardous materials and green building standards.

The items that the Planning Commission discussed include architecture, design of the retention basin in regards to safety, walking paths, benches, parking requirements and drainage. The improvements to Jonata Park Road were discussed by the applicant and Planning Commission. The applicant requested that 4 foot bike lanes be permitted instead of 8 foot bike lanes. The Planning Commission determined that all the improvements to Jonata Park Road would be approved by the Public Works Director when the improvement plans are prepared. The City's Traffic Engineer has determined that two 12

foot travel lanes and 8 foot shoulders are required. This is a standard section for two lane roads and the 8 foot shoulders can function as bike lanes. The Public Works Director does not feel there is any justification for a reduction and there is enough existing right-of-way to accommodate the recommended road section.

The Planning Commission recommended that the following items be added or modified in the Conditions of Approval:

1. Condition No. 39 was modified to allow release of occupancy when all the construction in a phase is complete. It also clarifies that the condition only applies to the buildings, not to the public improvements.
2. Condition No. 47 was modified to allow the city standard for parking in the first phase. Following the first phase the applicant will provide data regarding parking use. The Planning Commission will review the data and approve any adjustments in the amount of parking required for other phases.
3. Condition No. 86 was modified to clarify that the final design of the public improvements will be approved by the City Engineer.
4. All walking paths shall be made of concrete (new condition 55).
5. The windows shall be recessed (new condition 56).
6. Bike racks shall be added to the design (new condition 57).
7. The walking path along the frontage of Jonata Park Road shall have connections to the sidewalk to the north and south of the site (new condition 55).
8. The walking path to the east of the fire lane shall have a connection to the walking path along the fire lane (new condition 55).

ENVIRONMENTAL REVIEW

A Subsequent Environmental Impact Report (SEIR) has been prepared in accordance with the requirements of the California Environmental Quality Act, Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the CEQA Guidelines of the City of Buellton. The SEIR tiers from the City of Buellton Land Use Element and Circulation Element Update Program EIR. There were no Class I-Significant and Unavoidable Environmental Impacts found for this project. Mitigation measures from the City of Buellton Land Use Element and Circulation Element Update Program EIR and the SEIR have been made conditions of approval. The Final SEIR and all such related environmental documents are located in and in the custody of the City of Buellton Planning Department and are available for review on the City's website.

RECOMMENDATION

That the City Council consider the following two actions:

Adoption of Resolution No. 13-15 - “A Resolution of the City Council of the City of Buellton, California, Adopting a Statement of Facts and Findings; Establishing a Mitigation Monitoring Program; and Certifying a Final Subsequent Environmental Impact Report (12-EIR-01) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) and Making Findings in Support Thereof”, by title only and waive further reading.

Adoption of Resolution No. 13-16 - “A Resolution of the City Council of the City of Buellton, California, Approving a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) and Making Findings in Support Thereof”, by title only and waive further reading.

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Project Plans

Attachment 3 – Planning Commission Minutes for August 15, 2013

Attachment 4 – Planning Commission Resolution No. 13-09

Attachment 5 – Planning Commission Resolution No. 13-10

Resolution No. 13-15 with Exhibit A - CEQA Findings

Resolution No. 13-16

Full set of Plans, the 2005 General Plan Final EIR, and the 2013 Final SEIR to City Council members

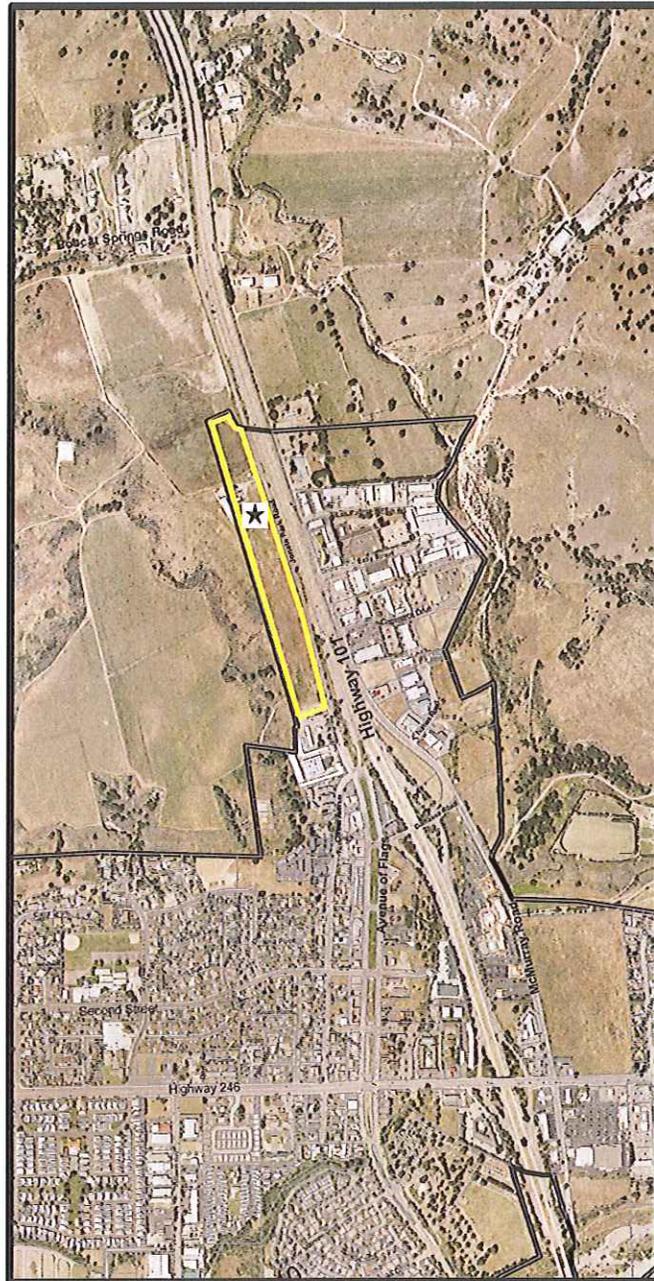
Both the 2005 General Plan Final EIR and the 2013 Final SEIR can be accessed through the following links:

[City of Buellton Land Use Element and Circulation Element Update Final EIR](#)

[Meritage Senior Living Project Final SEIR](#)

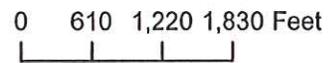
[Meritage Senior Living Project Final SEIR-Appendices A-F](#)

[Meritage Senior Living Project Final SEIR-Appendices G-K](#)



Legend

-  City Limits
-  Meritage Senior Living Project Location



Senior Board & Care Health Community

This community will be a licensed facility designed to provide multiple levels of senior board and care ranging from Independent and Assisted Living to Special Needs and Extended Care. We envision a village like setting with a focus on wellness, including medical care, health care, recreation and fitness facilities guaranteed for all clients. It will include a Dining Hall and Commercial Kitchen to prepare healthy meals, a pool and health center, social programming, health education, cultural programs, and concierge services.

Seniors will be housed in either one or two-story independent "cottage-like" units, or two and three-story independent and assisted quarters. There will also be a forty-unit Memory Care building as part of the facility. A twenty-four bed Skilled Nursing Facility, in close proximity to the main campus is planned for special needs of the clients as the community stabilizes.

Along with client medical and housing needs, the campus will include administrative and maintenance spaces. The facility is planned to be staffed twenty-four hours per day, seven days a week. Day staff will include up to fifty-six positions in the areas of administration, care-giving, skilled nursing, memory care, food service, housekeeping, activities, marketing and maintenance. The facility will produce no gases, odors, noise, smoke or vibration.

A rural, agrarian architecture has been selected to blend and complement the surrounding area, and be compatible with the City of Buellton Community Design Guidelines. Setbacks will conform to the CR requirements, namely a 10' rear yard, with the exception of a request to place twelve, single story garages (P5 on the Site Plan) and carports at C3 and C4 4-plexes. Building heights will not exceed 35' above average grade, with the three-story elements being scaled down by one and two-story buildings at the edges. All exterior lighting will be shielded and in accordance with the City's Night Lighting Standards. Wherever possible, green building practices will be utilized.

The entire campus will be landscaped with a variety of trees, shrubs and ground covers. The site will feature walkways for exercise, vegetable and flower garden areas, and social gathering spaces. All ground floor areas will have small outdoor areas. Lighting will be located along walkways, at building entries, in parking areas and as perimeter security.

Master Plan & Lot Split

This development plan request is for a master plan of two (2) parcels of land, APN #099-400-064 and 065, totaling approximately 18 acres. These two (2), existing lots will be split into six (6) separate lots - Parcels 1 and 2 will remain unimproved and available for future development, while Parcels 3, 4, 5, and 6 are planned as Phases of a new senior care facility. Due to the interrelated proximity, we feel it is an advantage to proceed with this development request as a master plan and lot split. It is anticipated that each of the Parcels would obtain additional, separate governmental permits, at their own rate of development. A small residence and outbuildings will be demolished to make way for the planned developments.

Parcels of land would be:

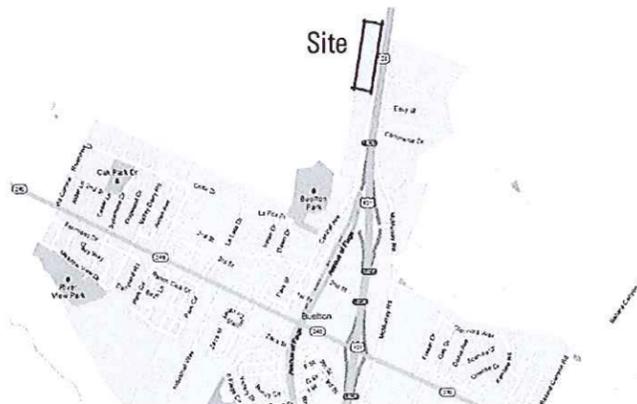
Parcel 1	2.79 AC	Vacant
Parcel 2	2.79 AC	Vacant
Parcel 3	2.07 AC	Skilled Nursing Facility
Parcel 4	5.39 AC	Memory Building, AL/IL, Main Entry, Dining, Kitchen
Parcel 5	3.27 AC	Independent Living, Community Center - Phase I
Parcel 6	1.86 AC	Independent Living - Phase II

The senior care facility will developed on the level portion of its' respective parcels. Grading for compaction, drainage and minor slope modifications will be accomplished with respect to the choice of phase development and in an effort to balance cut and fills onsite. Onsite storm waters will be first managed through percolation in the landscaped areas, collection into an underground system and directed to an existing storm water channel along Jonata Road that will be improved into a bio-swale. Offsite drainage will be collected in a Storm Water Management retention basin located directly to the west of the site with a metered release into the Jonata Road bio-swale improvement.

Onsite, vehicular travel, as well as fire and emergency access, will be accomplished by a loop roadway system around all the senior care parcels. The portion of this loop system along the Westerly property line of Parcels 4, 5 and 6 will be located on land located within the County of Santa Barbara via a dedicated use easement - there will also be parallel guest parking added along this portion of the perimeter roadway. Onsite parking has been developed according to similar care facilities, historic needs, with a generous supplement for guest and staff use.

A walking trail is planned along Jonata Road to encourage safe pedestrian circulation between the parcels and for community use. There is also a system of onsite walkways for safe pedestrian circulation and exercise through and around the senior care facility.

Vicinity Map



Unit Count & Parking Summary

	Total Units	Unit Count	Stalls Provide	Total Stalls
INDEPENDENT LIVING - 4-Plex Cottages	20			28
2BR / 2BA		20		20
Guest & Staff			8	
INDEPENDENT LIVING - 12-Plex Apartments	72			100
1BR / 1BA		30		30
1BR+D / 1BA		12		12
2BR / 2BA		30		30
Guest & Staff			25	
Handicap			3	
ASSISTED LIVING BUILDING	91			70
JUNIOR 1-BR		7		2
1-BR, 1-BA		68		21
1-BR+D, 1-BA		5		2
2-BR, 1 BA		11		3
Guest & Staff			39	
Handicap			3	
MEMORY BUILDING	40			20
Memory units (private studios with baths)		40		0
Guest & Staff			18	
Handicap			2	
SKILLED NURSING BUILDING	24			24
Private rooms (with baths)		24		0
Guest & Staff			22	
Handicap			2	
PROJECT TOTALS	247			242

Project Data & Code Summary

PROJECT ADDRESS:	JONATA PARK ROAD, BUELLTON, CA
ASSESSOR'S PARCEL NO.:	APN 99-400-64, 99-400-65
ZONING:	CR
HEIGHT LIMIT:	35' maximum, 35' proposed
SETBACKS:	Front - 0' Side - 0' Rear - 10'
CONSTRUCTION TYPES:	Type V & Type III
OCCUPANCY GROUPS:	R-2, R-2.1, I-2, A-3, S-2
STORIES:	1, 2 & 3 Story Structures
LANDSCAPE AREA:	38% 208,310 SF
HARDSCAPE AREA:	34% 186,000 SF
BUILDING FOOTPRINT AREA:	28% 154,110 SF
TOTAL AREA (PARCELS 3,4,5 & 6):	548,420 SF (12.59 Acres)

BUILDING AREA:

Skilled Nursing Building	1st Floor	11,870	gsf
	2nd Floor	10,705	gsf
Memory Building	1st Floor	16,560	gsf
	2nd Floor	15,800	gsf
Assisted Living Building	1st Floor	51,730	gsf
	2nd Floor	36,926	gsf
	3rd Floor	29,640	gsf
4-Plex Cottages		21,860	gsf
12-Plex Apartments	1st Floor	43,460	gsf
	2nd Floor	41,484	gsf
Community Building		3,130	gsf
Enclosed Garages		5,500	gsf
TOTAL:		288,665	gsf
			(excludes covered balconies & porches)

Project Directory

OWNER: Buellton Oaks L.P. 855 10th Street, Suite 10 Santa Monica, CA 90403	CIVIL ENGINEER: EDA Design Professionals 1998 Santa Barbara St, Ste. 200 San Luis Obispo, CA 93401 (805) 549-8658
ARCHITECT: BAR Architects 543 Howard Street San Francisco, CA 94105 (510) 293-5700	SOILS ENGINEER: Pacific Materials Laboratory 35 South La Patera Lane Goleta, CA 93116 (805) 964-6901
LANDSCAPE ARCHITECT: David R. Black & Associates 1718 Pampas Avenue Santa Barbara, CA 93101 (805) 898-8717	

Sheet Index

A-0	Cover Sheet
A-1	Project Information
A-2	Site Plan & Composite Elevation
A-3	Assisted Living - 1st Floor Plan
A-4	Assisted Living - 2nd Floor Plan
A-5	Assisted Living - 3rd Floor Plan
A-6	Assisted Living - Elevations
A-7	Memory Building - Plans & Elevations
A-8	Skilled Nursing Building - Plans & Elevations
A-9	Apartment Buildings - Plans & Elevations
A-10	Cottage Buildings - Plans & Elevations
A-11	Community Buildings - Plans & Elevations
C-1	Preliminary Grading & Drainage Plan
L-1	Preliminary Landscape Development Plan
L-2	Preliminary Landscape Development Plan
L-3	Trees & Lighting Concept
TPM-1	Tentative Parcel Map

Meritage - Senior Living

Buellton, CA

BAR ARCHITECTS

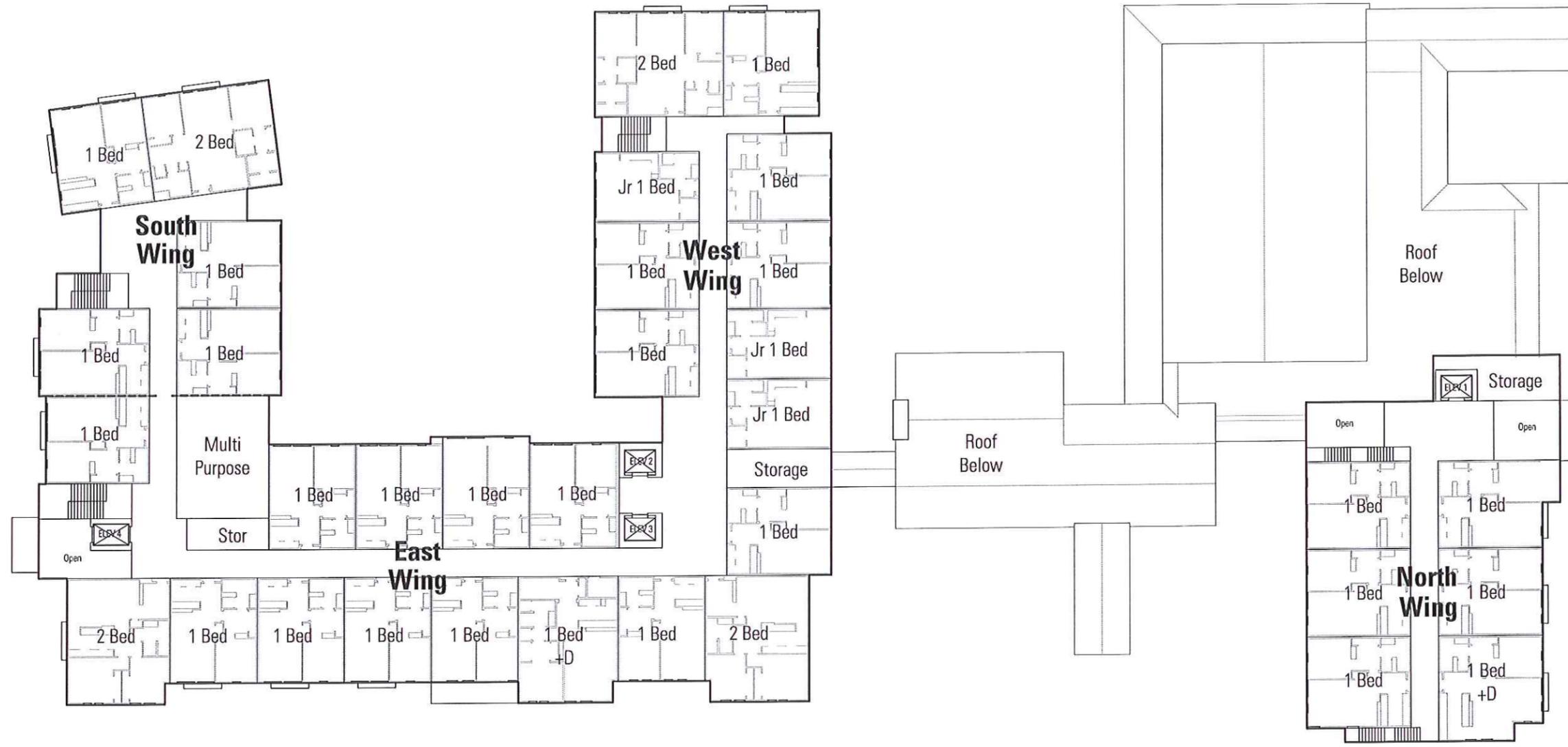
543 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 WWW.BARARCH.COM

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03.22.12

Project Information

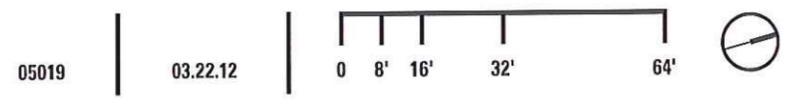
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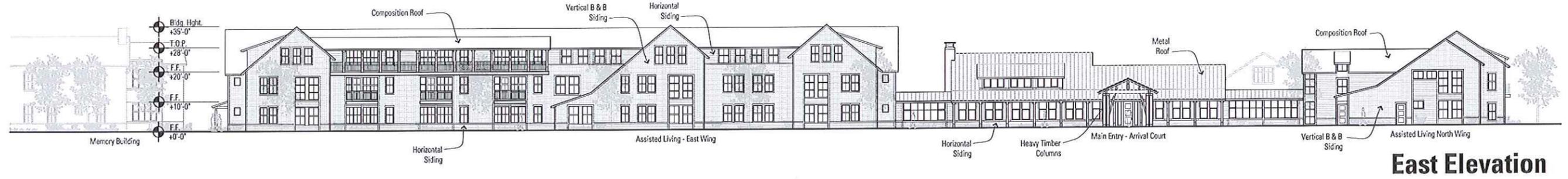


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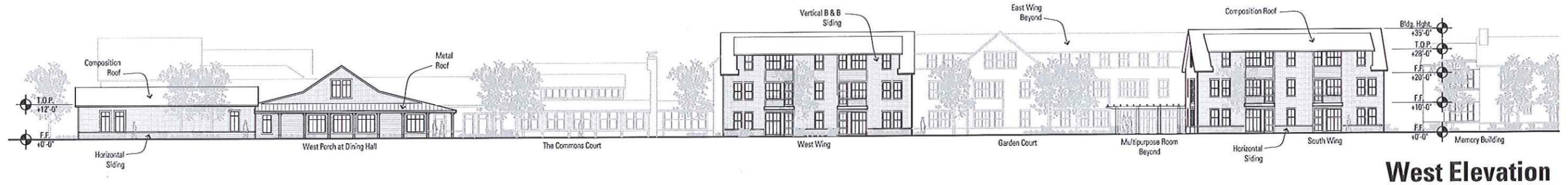
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Assisted Living Building - 2nd Floor





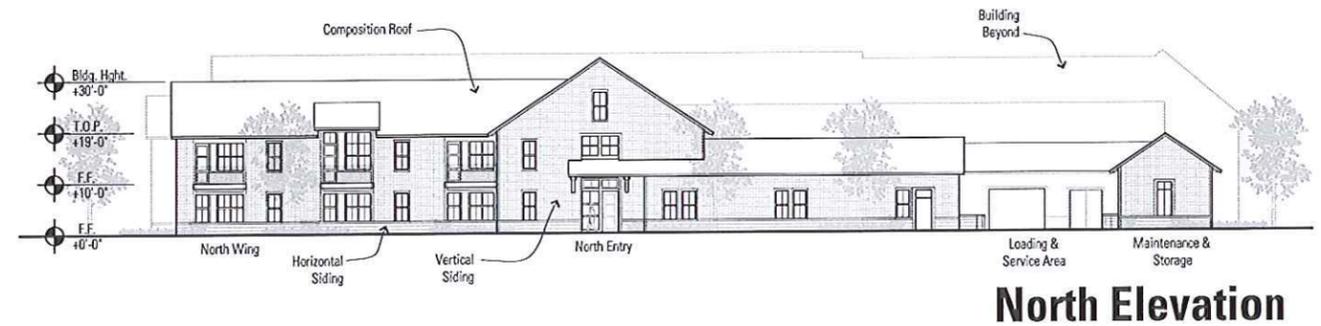
East Elevation



West Elevation



South Elevation



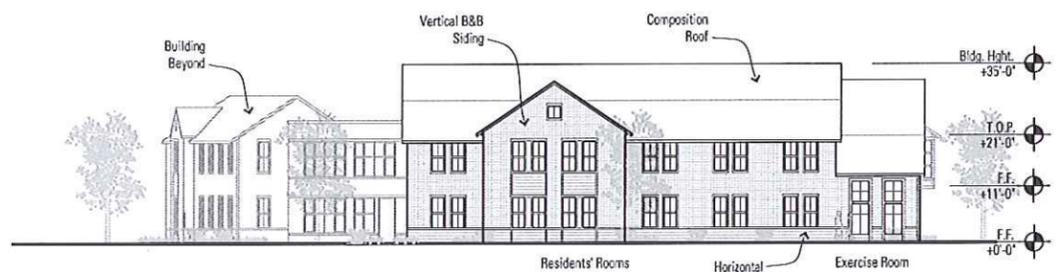
North Elevation

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Assisted Living Building - Schematic Elevations



East Elevation



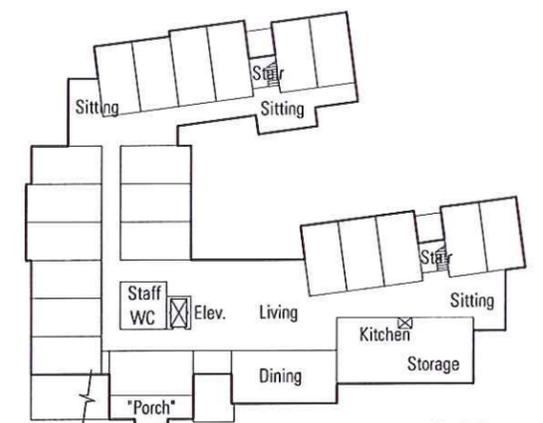
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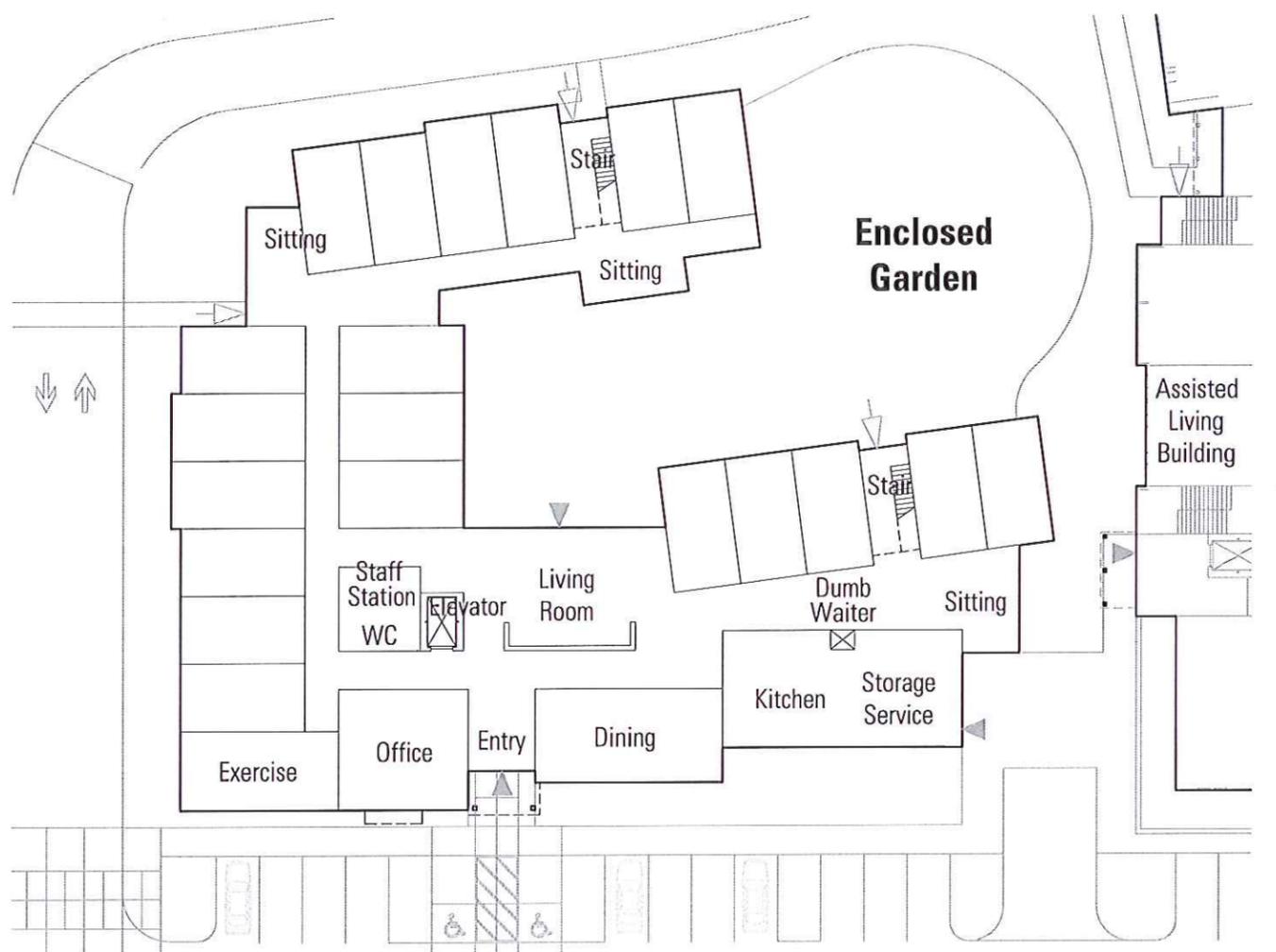
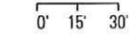
West Elevation



North Elevation



2nd Floor



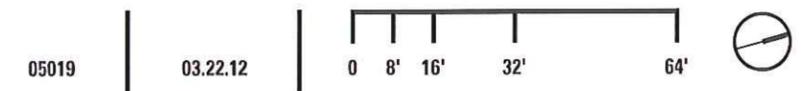
Floor Plan - 1st Floor

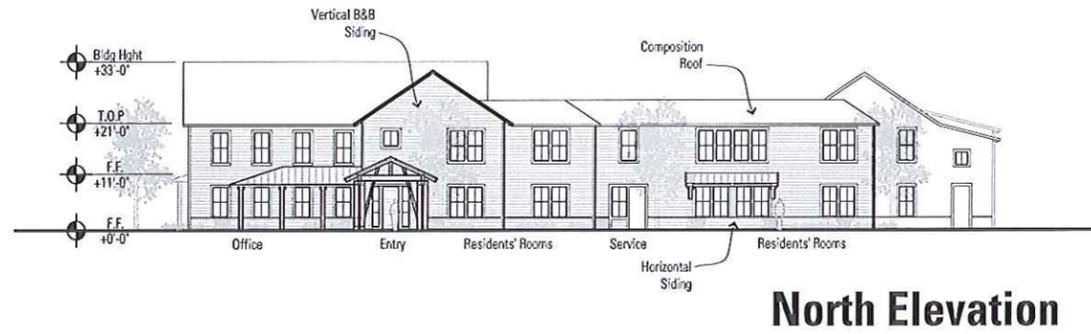
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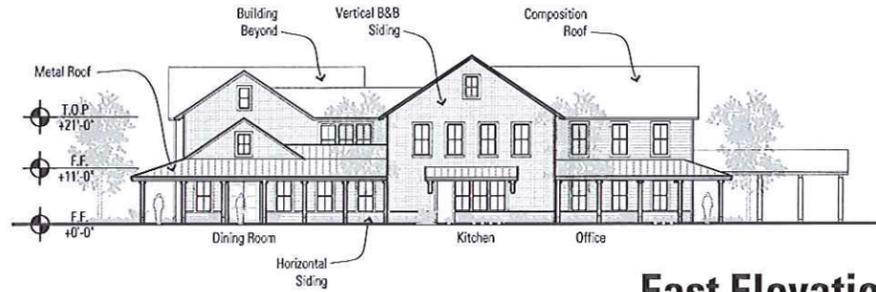
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Schematic Floor Plan & Elevations - Memory Building





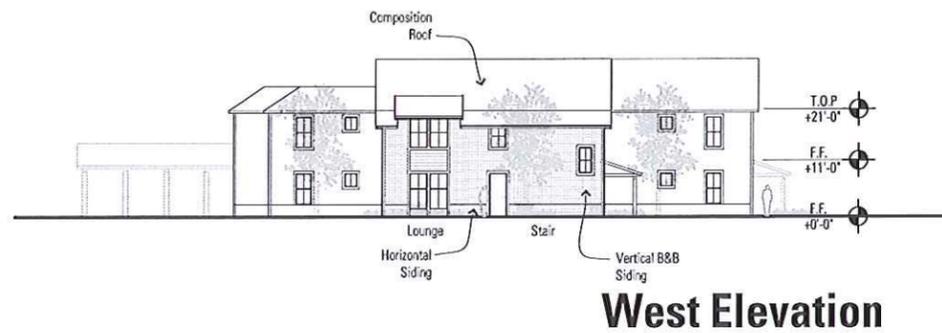
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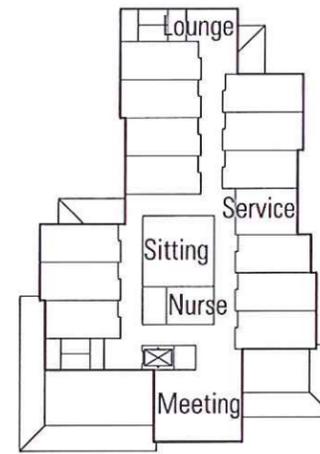
East Elevation



South Elevation

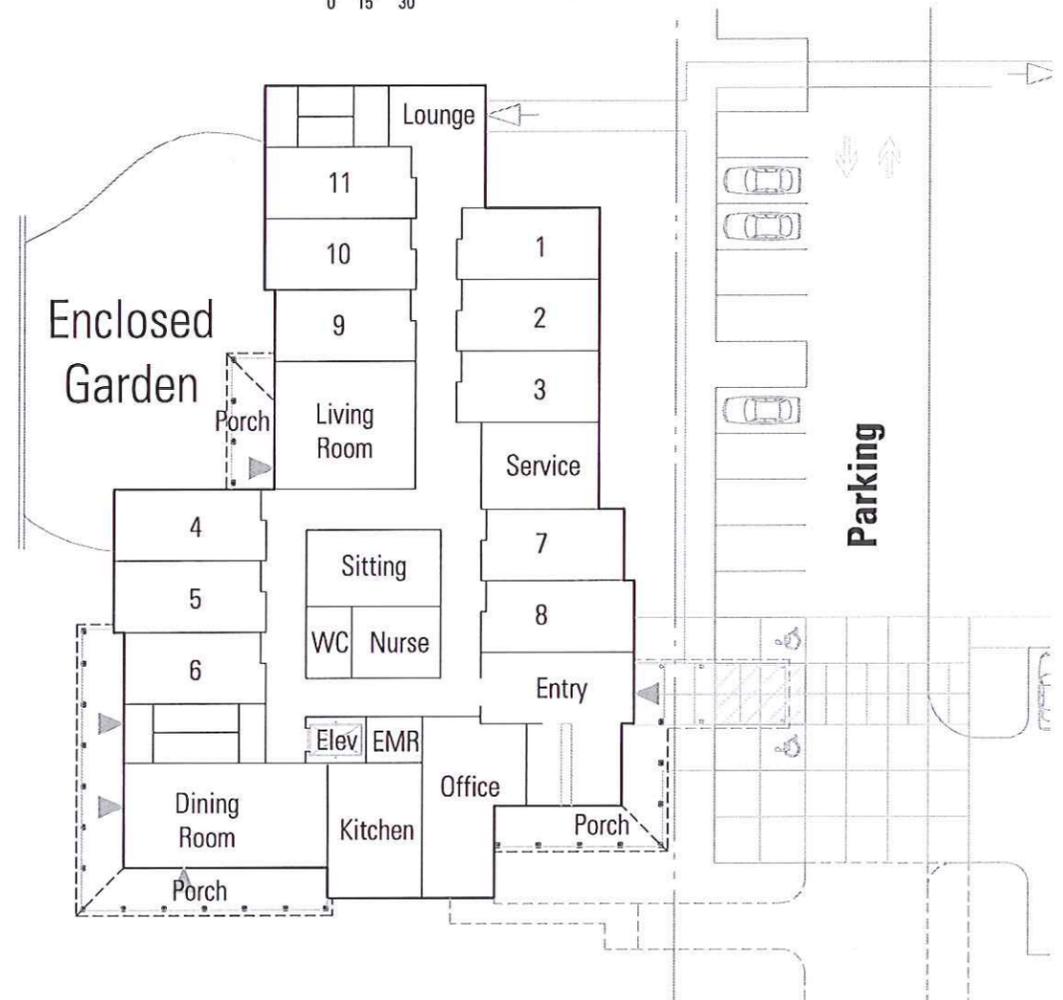


West Elevation



2nd Floor Plan

0' 15' 30'



1st Floor Plan

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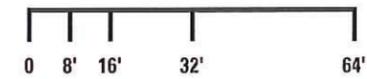
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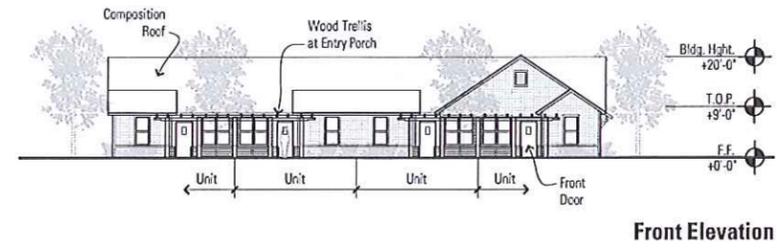
Schematic Floor Plan & Elevations - Skilled Nursing Building

05019

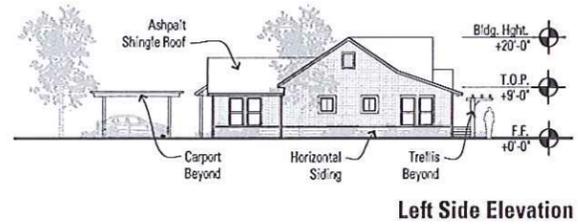
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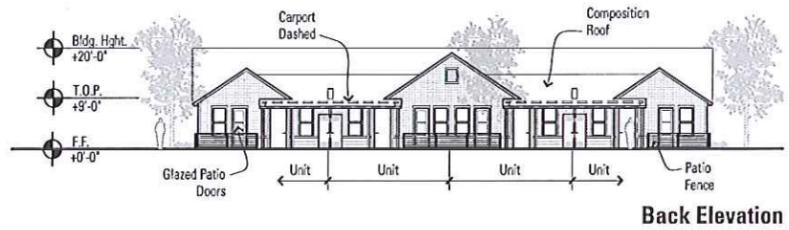
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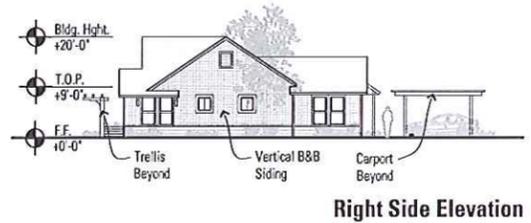
Front Elevation



Left Side Elevation

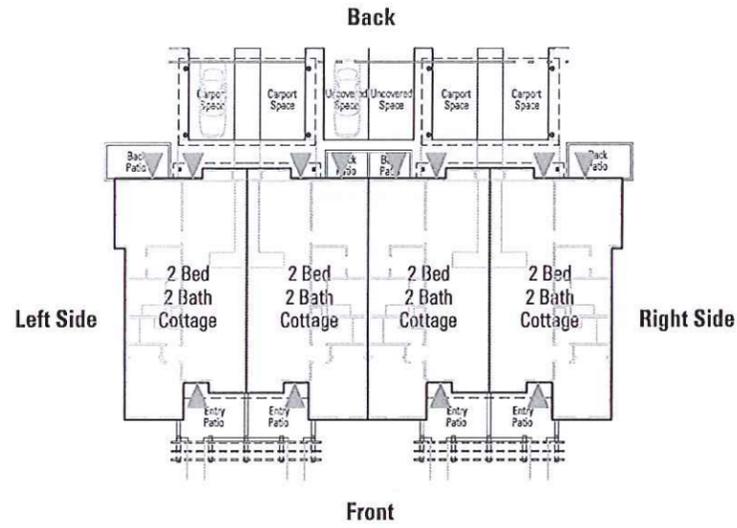


Back Elevation

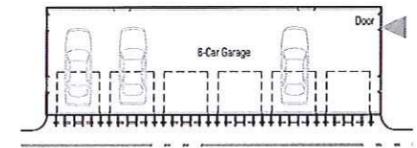


Right Side Elevation

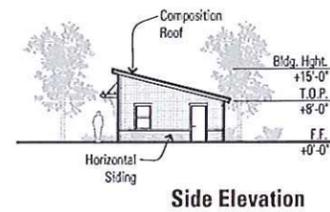
Exterior Elevations - 4-Plex Cottages



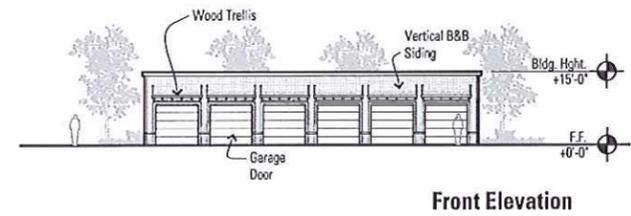
Floor Plan - 4-Plex Cottages



Typical Floor Plan - Garages



Side Elevation

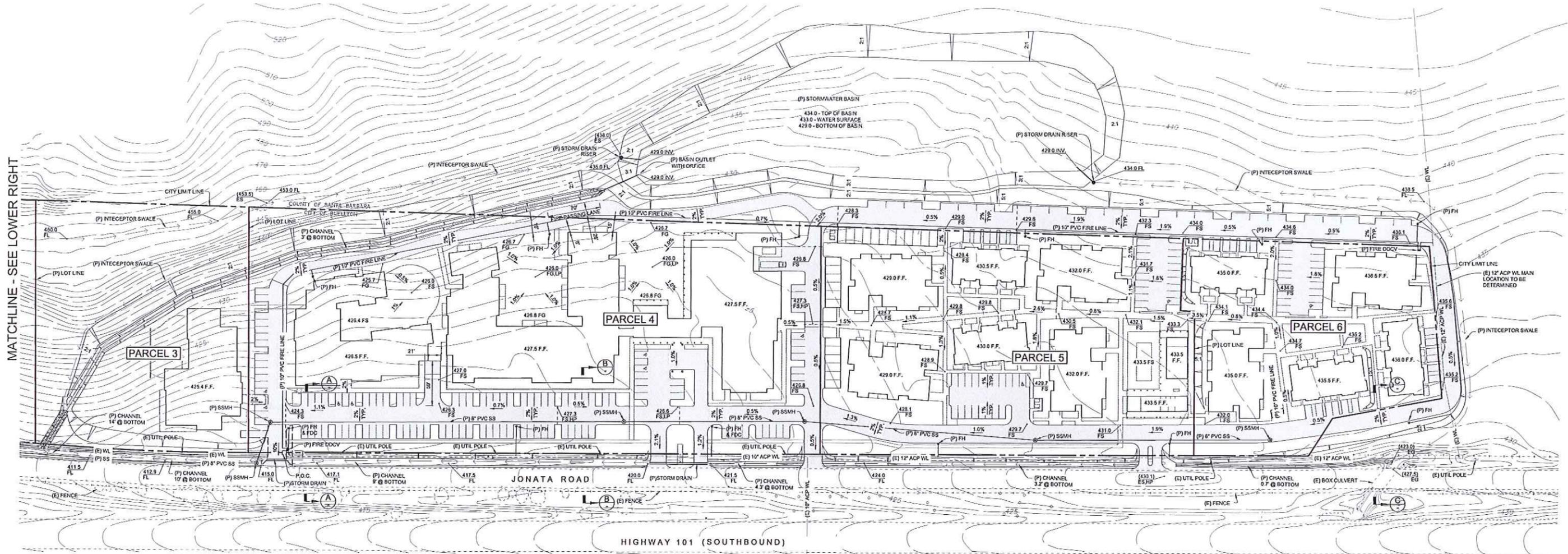


Front Elevation

Typical Elevations - Garages

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Schematic Plans & Elevations - Fourplex Cottages & Garages



MATCHLINE - SEE LOWER RIGHT

MATCHLINE - SEE UPPER LEFT

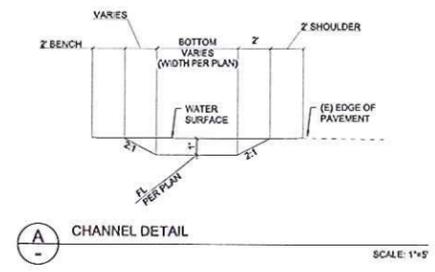
NOTE:

- BOUNDARY INFORMATION PROVIDED BY FARGEN SURVEYS DATED JAN. 2012.
- THE TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS PREPARED IN 1994 BY SOUTHWEST MAPPING CO INC (GLENDALE, AZ) AND WAS BASED ON GROUND CONTROL PROVIDED BY CAL-COAST ENGINEERING (AS NOTED ON A PLAN PREPARED BY SID GOLDSTEIN CIVIL ENGINEER INC., DATED 6-10-94). EDA DESIGN PROFESSIONALS OFFERS NO WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF THE TOPOGRAPHIC SURVEY.

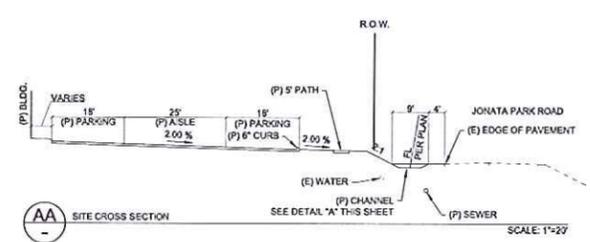
EARTHWORK QUANTITIES AS SHOWN HEREON HAVE BEEN ESTIMATED FOR PERMIT AND/OR BONDING PURPOSES ONLY.

CUT = 33,977 CUBIC YARDS
 FILL = 33,342 CUBIC YARDS
 EXPORT 635 CUBIC YARDS

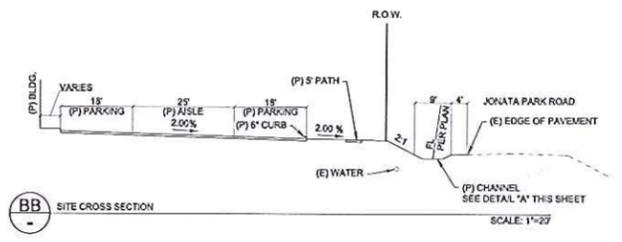
NOTE: STORM WATER BASIN IS OVER-SIZED AND WILL FUNCTION AS A FILL AND BORROW SITE TO BALANCE THE SITE EARTHWORK.



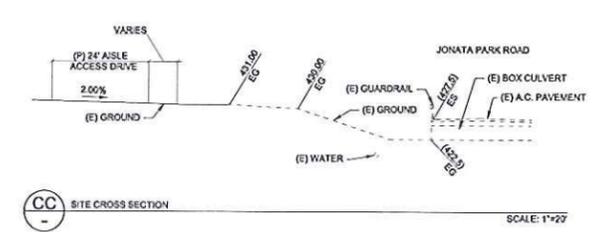
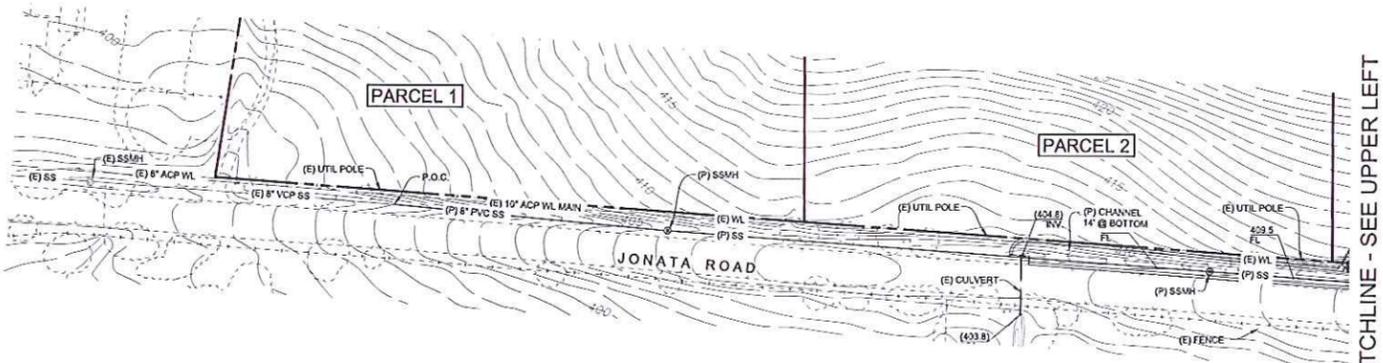
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AA SITE CROSS SECTION
SCALE: 1"=20'



BB SITE CROSS SECTION
SCALE: 1"=20'

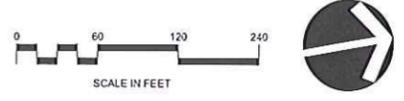


CC SITE CROSS SECTION
SCALE: 1"=20'

Meritage - Senior Living Buellton, CA

Preliminary Grading / Drainage/ Utility Plan

Prepared By:
eda design professionals
 civil engineers • land surveyors • land planners
 1998 santa barbara st. • san luis obispo, ca 93401
 ph: 805/549-8658 • email: eda@edainc.com





PLANT SCHEDULE

- TREES**
Aesculus californica / California Buckeye
Alnus rhombifolia / White Alder
Liquidambar styraciflua / Sweet Gum
Pistache chinensis / Chinese Pistache
Platanus x acerifolia / London Plane Tree
Platanus racemosa / California Sycamore
Pyrus calleryana 'Aristocrat' TM / Aristocrat Flowering Pear
Quercus agrifolia / Coast Live Oak
Quercus lobata / Valley Oak
Umbellularia californica / California Laurel
- ACCENT TREES**
Arbutus menziesii / Pacific Madrone
Cercis canadensis 'Forest Pansy' TM / Forest Pansy Redbud
Cornus nuttallii / Western Flowering Dogwood
- FRUIT TREES**
Citrus reticulata 'Satsuma' / Satsuma Tangerine
Citrus x limon 'Improved Meyer' / Meyer Lemon
Citrus x sinensis 'Valencia' / Sweet Orange
- SCREEN SHRUBS 10-25 FT**
Ceanothus x 'Ray Hartman' / California Lilac
Cercocarpus betuloides / Mountain Mahogany
Heteromeles arbutifolia / Toyon
Prunus ilicifolia ilicifolia / Hollyleaf Cherry
Prunus ilicifolia lyoni / Catalina Cherry
Rhamnus californica / California Coffee Berry
Rhus integrifolia / Lemonade Berry
Rhus ovata / Sugar Bush
- LARGE SHRUBS 5-9 FT**
Arctostaphylos densiflora 'Howard McMin' / Howard McMin Manzanita
Calycanthus occidentalis / Spice Bush
Carpenteria californica / Bush Anemone
Ceanothus x 'Concha' / California Lilac
Ceanothus x 'Dark Star' / California Lilac
Ceanothus x 'Ray Hartman' / California Lilac
Lavatera assurgentiflora / Malow
Rhamnus californica 'Eve Case' / California Coffeeberry
Rhamnus californica 'Mound San Bruno' / California Coffeeberry
Ribes speciosum / Fuchsia Flowering Gooseberry
Rosa californica / California Wild Rose
- MEDIUM SHRUBS 3-5 FT**
Grevillea x 'Carberra Gem' / Carberra Gem Grevillea
Lavandula heterophylla / Lavender
Lavandula stoechas / Spanish Lavender
Ribes viburnifolium / Evergreen Currant
Salvia dionisiensis 'Wilfred Gilman' / Cleveland Sage
Salvia greggii 'Red' / Autumn Sage
Salvia x 'Athen Chickering' / Sage
- LOW SHRUBS 2-3 FT**
Arctostaphylos x 'John Dourley' / John Dourley Manzanita
Artemisia californica 'Canyon Grey' / Prostrate California Sagebrush
Galvezia speciosa / Island Bush Snapdragon
Polystichum montanum / Western Scaevola Fern
Salvia leucantha 'Santa Barbara' / Mexican Bush Sage
Salvia spathulacea / Hummingbird Sage
- PERENNIALS**
Achillea millefolium 'Moonwalker' / Moonwalker Yarrow
Achillea millefolium 'Paprika' / Red Yarrow
Geranium x cantabrigiense 'Bokovo' / Bokovo Cranesbill
Hesperaloe parviflora 'Santa Ana Cardinal' / Island Alum Rock
Penstemon heterophyllus 'Blue Boddie' / Footbill Penstemon
Penstemon heterophyllus 'Margarita BOP' / Beard Tongue
Romneya coulteri / Matija Poppy
Sisyrinchium bellum / Blue Eyed Grass
- GRASSES**
Carex divulsa / Berkeley Sedge
Carex pansa / Sanddune Sedge
Festuca californica / California Fescue
Festuca rubra / Red Fescue
Leymus condensatus 'Canyon Prince' / Native Blue Rye
Muhlenbergia rigens / Deer Grass
Nassella pulchra / Purple Needle Grass
- GROUNDCOVERS**
Arctostaphylos x 'Emerald Carpet' / Emerald Carpet Manzanita
Ceanothus glaucus 'Anchor Bay' / Anchor Bay Ceanothus
Ceanothus griseus horizontalis 'Yankee Point' / California Lilac
Fragaria chiloensis / Beach Strawberry
Gazania x 'Fiesta Red' / Gazania
Geranium x cantabrigiense 'Bokovo' / Bokovo Cranesbill
Symphoricarpos mollis / Creeping Snowberry

Meritage - Senior Living | Buellton, CA

Preliminary Landscape Development Plan

Prepared By: DAVID R. BLACK & ASSOCIATES



Scale: 1" = 40'-0"



L-1

PLANT SCHEDULE

TREES
Aesculus californica / California Buckeye
Alnus rhombifolia / White Alder
Liquidambar styraciflua / Sweet Gum
Pistacia chinensis / Chinese Pistache
Platanus x acerifolia / London Plane Tree
Platanus racemosa / California Sycamore
Prunus californiana / Aristocrat TM / Aristocrat Flowering Pear
Quercus agrifolia / Coast Live Oak
Quercus lobata / Valley Oak
Umbellularia californica / California Laurel

ACCENT TREES
Arbutus menziesii / Pacific Madrone
Cercis canadensis / Forest Pansy TM / Forest Pansy Redbud
Cornus nuttallii / Western Flowering Dogwood

FRUIT TREES
Citrus reticulata 'Satsuma' / Satsuma Tangerine
Citrus x limon 'Improved Meyer' / Meyer Lemon
Citrus x sinensis 'Valencia' / Sweet Orange

SCREEN SHRUBS 10-25 FT.
Ceanothus x 'Ray Hartman' / California Lilac
Cercocarpus betuloides / Mountain Mahogany
Heteromeles arbutifolia / Toyon
Prunus ilicifolia ilicifolia / Hollyleaf Cherry
Prunus ilicifolia lyonii / Catalina Cherry
Rhamnus californica / California Coffee Berry
Rhus integrifolia / Lemonade Berry
Rhus ovata / Sugar Bush

LARGE SHRUBS 5-8 FT.
Arctostaphylos densiflora 'Howard McMin' / Howard McMin Manzanita
Calycanthus occidentalis / Spice Bush
Carpentaria californica / Bush Anemone
Ceanothus x 'Concha' / California Lilac
Ceanothus x 'Dark Star' / California Lilac
Ceanothus x 'Ray Hartman' / California Lilac
Lavatera assurgentiflora / Malow
Rhamnus californica 'Eye Case' / California Coffeeberry
Rhamnus californica 'Mount San Bruno' / California Coffeeberry
Ribes speciosum / Fuchsia Flowering Gooseberry
Rosa californica / California Wild Rose

MEDIUM SHRUBS 3-5 FT.
Grevillea x 'Candora Gem' / Candora Gem Grevillea
Lavandula heterophylla / Lavender
Lavandula stoechas / Spanish Lavender
Ribes viburnifolium / Evergreen Currant
Salvia clevelandii 'Winfred Gilman' / Cleveland Sage
Salvia greggii 'Red Autumn Sage' / Autumn Sage
Salvia x 'Athen Chickering' / Sage

LOW SHRUBS 2-3 FT.
Arctostaphylos x 'John Dourley' / John Dourley Manzanita
Artemisia californica 'Canyon Grey' / Prostrate California Sagebrush
Galvezia speciosa / Island Bush Snapdragon
Polystichum munitum / Western Sword Fern
Salvia leucantha 'Santa Barbara' / Mexican Bush Sage
Salvia spathacea / Hummingbird Sage

PERENNIALS
Achillea millefolium 'Moonwalker' / Moonwalker Yarrow
Achillea millefolium 'Paprika' / Red Yarrow
Geranium x cantabrigiense 'Blokovo' / Blokovo Cranesbill
Heuchera maxima 'Santa Ana Cardinal' / Island Alum Root
Penstemon heterophyllus 'Blue Boddor' / Footfall Penstemon
Penstemon heterophyllus 'Margarta BOP' / Beard Tongue
Romneya coulteri / Matija Poppy
Sisyrinchium bellum / Blue Eyed Grass

GRASSES
Carex divisa / Berkeley Sedge
Carex pansa / Sandune Sedge
Festuca californica / California Fescue
Festuca rubra / Red Fescue
Leymus condensatus 'Canyon Prince' / Native Blue Rye
Muhlenbergia rigens / Deer Grass
Nassella pulchra / Purple Needle Grass

GROUNDCOVERS
Arctostaphylos x 'Emerald Carpet' / Emerald Carpet Manzanita
Ceanothus gloriosus 'Anchor Bay' / Anchor Bay Ceanothus
Ceanothus griseus horizontalis 'Yankee Point' / California Lilac
Fragaria chiloensis / Beach Strawberry
Gazania x 'Fiesta Red' / Gazania
Geranium x cantabrigiense 'Blokovo' / Blokovo Cranesbill
Symphoricarpos mollis / Creeping Snowberry



Meritage - Senior Living | Buellton, CA

Preliminary Landscape Development Plan

Prepared By: **DAVID R. BLACK & ASSOCIATES**



Scale: 1" = 40'-0"



L-2



Alnus rhombifolia
(White Alder)



Liquidambar styraciflua
(Sweet Gum)



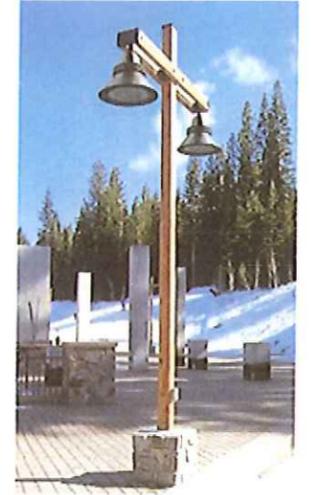
Platanus x acerfolia
(London Plane Tree)



Platanus racemosa
(California Sycamore)



Pathway Lighting



Parking Lot Lighting



Aesculus californica
(California Buckeye)



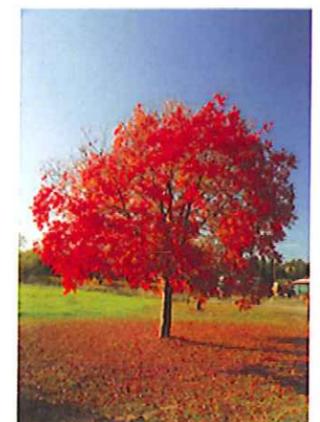
Pyrus calleryana 'Aristocrat'
(Aristocrat Flowering Pear)



Quercus agrifolia
(Coast Live Oak)



Quercus lobata
(Valley Oak)



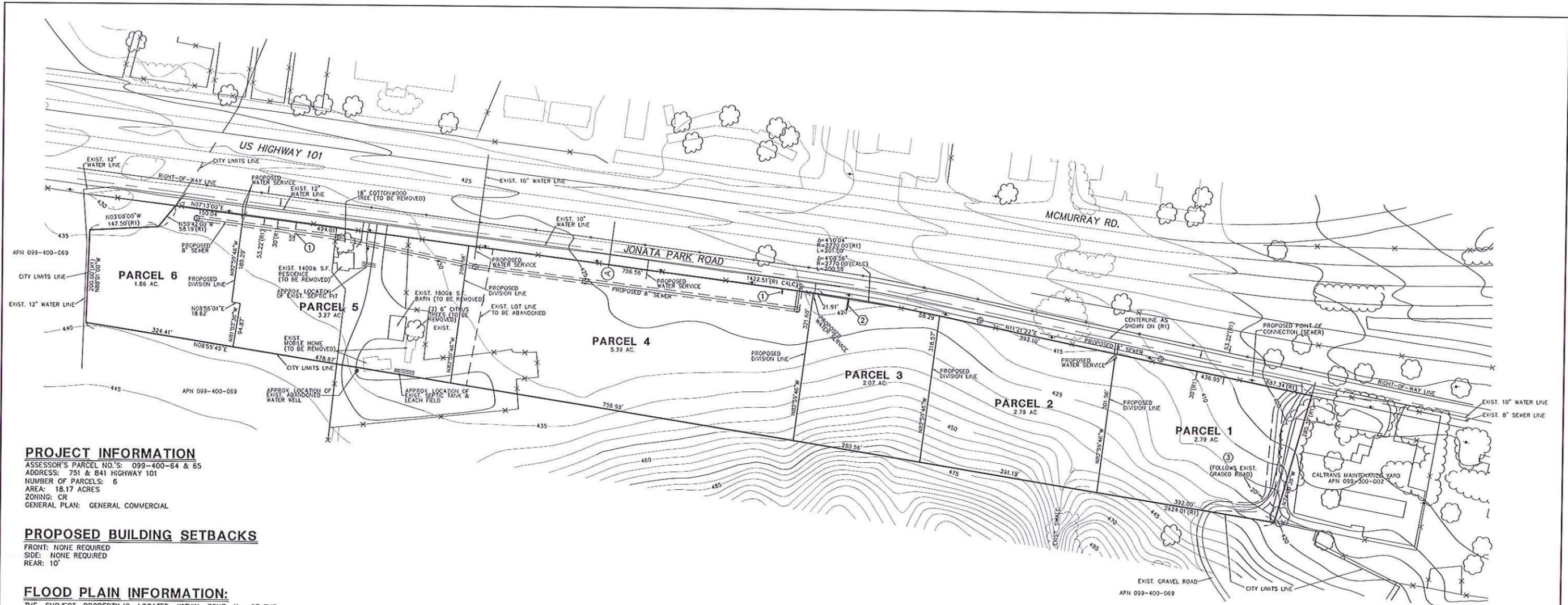
Pistache chinensis
(Chinese Pistache)

Meritage - Senior Living | Buellton, CA

Trees and Lighting Concepts

Prepared By: DAVID R. BLACK & ASSOCIATES





PROJECT INFORMATION

ASSESSOR'S PARCEL NO.'S: 099-400-64 & 15
 ADDRESS: 751 & 841 HIGHWAY 101
 NUMBER OF PARCELS: 6
 AREA: 18.17 ACRES
 ZONING: CR
 GENERAL PLAN: GENERAL COMMERCIAL

PROPOSED BUILDING SETBACKS

FRONT: NONE REQUIRED
 SIDE: NONE REQUIRED
 REAR: 10'

FLOOD PLAIN INFORMATION:

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 060757 0790 F, AND COMMUNITY PANEL 060757 1052 F, DATED SEPT. 30, 2005, AND CLASSIFIED AS FOLLOWS:

ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

TOPOGRAPHIC DATA

TOPOGRAPHIC DATE SHOWN HEREON IS PER A 1993 AERIAL SURVEY AND IS PER THE NAVD83 DATUM.

OWNER'S CERTIFICATE

WE HEREBY CONSENT TO THE DIVISION OF REAL PROPERTY SHOWN ON THIS MAP, AND CERTIFY THAT WE ARE THE LEGAL OWNERS AND THAT THE INFORMATION HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

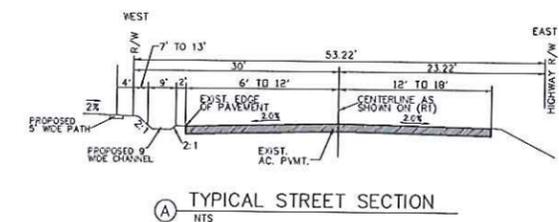
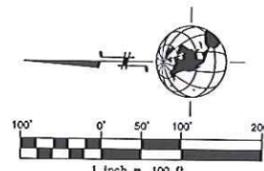
BUELLTON OAKS L.P.,
 A CALIFORNIA LIMITED PARTNERSHIP
 ADDRESS:
 855 10TH STREET
 SUITE 10
 SANTA MONICA, CA. 93403

UTILITIES

WATER: CITY OF BUELLTON
 SEWER: CITY OF BUELLTON
 ELECTRICITY: PACIFIC GAS & ELECTRIC
 GAS: SO. CALIF. GAS COMPANY
 TELEPHONE: VERIZON
 CABLE TV: COMCAST CABLE

LEGEND

- (R1) DENOTES DATA PER PARCEL MAP BOOK 14, PAGE 37
- (CALC) DENOTES CALCULATED DATA
- PROJECT BOUNDARY
- CENTERLINE
- FENCE LINE
- EXIST. CONTOURS
- EXIST. TREE
- EXIST. UTILITY POLE
- PROPOSED SEWER MANHOLE



PROPOSED EASEMENTS

- ① 10' WIDE PUBLIC SEWER EASEMENT

EXISTING EASEMENTS

- ① EASEMENT PER 1080-OR-45 FOR PUBLIC UTILITIES
- ② EASEMENT PER 1564-OR-33 FOR POLES AND CABLES
- ③ EASEMENT PER 2229-OR-1201 FOR INGRESS AND EGRESS
- EASEMENT PER INST. NO. 77-41388 O.R. FOR ELECTRIC PURPOSES CANNOT BE LOCATED FROM THE RECORD.
- EASEMENT AGREEMENT PER INST. NO. 2002-0065208 O.R. CANNOT BE LOCATED FROM THE RECORD.

SURVEYORS STATEMENT

I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION UNDER THE PROVISIONS OF SECTION 8726 OF THE PROFESSIONAL LAND SURVEYORS ACT.

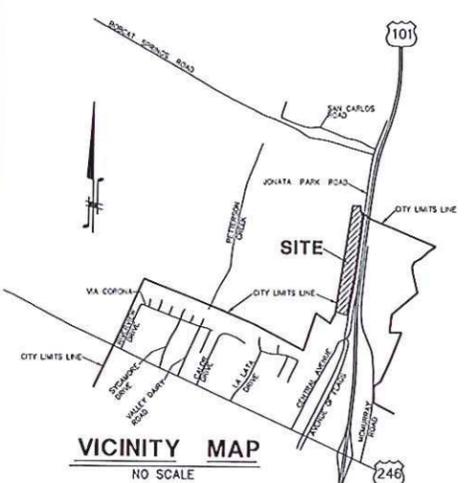
Kenny L. Fargen 3-15-12
 KENNY L. FARGEN L.S. 4597 DATE



TENTATIVE PARCEL MAP NO. 31,056

A PROPOSED DIVISION OF PARCELS A AND B OF PARCEL MAP NO. 11,839, IN THE CITY OF BUELLTON, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 14, PAGES 37 AND 38 OF PARCEL MAPS, RECORDS OF SAID COUNTY.

Fargen Surveys, Inc.
 2624 AIRPARK DRIVE
 SANTA MARIA, CA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: MARCH, 2012



CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

Regular Meeting of August 15, 2013 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Chair Mercado called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Reif led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Lisa Figueroa, Jason Fussel, Foster Reif, Vice
Chair Craig Adams and Chair Art Mercado

Staff: Planning Director/Interim City Manager Marc Bierdzinski
Public Works Director Rose Hess
Assistant Planner Angela Perez
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of July 18, 2013

MOTION:

Commissioner Fussel moved and Commissioner Reif seconded the motion to approve the Minutes of July 18, 2013.

VOTE:

Motion passed by 5-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

2. **Resolution No. 13-09 - "A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Adopt a Statement of Facts and Findings; Establish a Mitigation Monitoring Program; and Certify a Subsequent Environmental Impact Report (12-EIR-01) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)), and Making Findings in Support Thereof"**

and

Resolution No. 13-10 - "A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project, Which Includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)), and Making Findings in Support Thereof"

STAFF REPORT:

Assistant Planner Angela Perez presented the staff report and narrated a powerpoint presentation highlighting the proposed project. Planning Director Bierdzinski elaborated on traffic counts stating that this project is a low traffic generator and stated that the offsite basin may or may not be located inside the City limits depending on the County of Santa Barbara's approval. He went on to state that the project is consistent with the General Plan and that the economic impact of the project would be beneficial to the community.

DISCUSSION/SPEAKERS:

Mark Edwards, representing the Applicant, thanked the Commission and Staff for their assistance and feels that the EIR has been well constructed, is in agreement with the content of the report and supports the report findings. He went on to identify elements of the project with a powerpoint presentation highlighting the architectural features, parking and landscaping. Mr. Edwards stated that once completed, Meritage would provide focused care for seniors in the Valley and clarified that the offsite detention basin is designed to collect water from the surrounding hillsides and that no water from Meritage

would go in to the basin. He went on to describe the bio swale location, projected traffic counts, bike lanes along Jonata Road, and asked the Commission to consider a 4 foot Class II bike lane rather than an 8 foot wide Class II bike lane. Mr. Edwards emphasized the economic benefits to the community that this project would provide.

Lee Cory, President, Paradigm Senior Living, stated he has been managing and operating senior living facilities for more than 25 years. He explained that his focus is building senior care "communities" that keep families together by providing adequate resources in one place and access to increasing levels of care. In closing he stated that this project would provide a valuable resource to the community for generations to come.

Commissioner Reif asked if there were any future plans for the southern parcel of the property. Mr. Edwards answered that there are no plans at this time.

Rose Hess, City Engineer and Mark Edwards discussed the need for a bus stop and Mr. Edwards stated that a covered bus stop will be provided. Ms. Hess went on to describe the proposed public improvements such as travel lanes, road shoulder, curb, gutter and sidewalks. She stated that the bike lanes would be located in the 8 foot shoulder area.

Mr. Bierdzinski clarified that an acceptable solution for the sidewalk would be a public easement granted to the City by the Applicant for a concrete sidewalk located on private property. Mr. Edwards stated that this would be an acceptable solution. The Commission continued to discuss the bike lanes and walking paths

Chair Mercado opened the Public Hearing at 7:12 p.m.

Mike Adriansen, Jonata Springs Home Owners Association, addressed the Commission regarding traffic concerns on Jonata Park Road and suggested widening the road and adding a center turn lane into the project.

Freddie Romero, representing the Santa Ynez Band of Chumash Indians Elders Council, stated he does not oppose or support the project and asked that cultural resources be protected.

Peggy Brierton, 225 Teri Sue Lane, Buellton, questioned the 92 residential units and asked how this component fits under the medical services and hospital care description. She went on to express concerns regarding the proposed improvements outside the city limits, landscape maintenance concerns and inadequate architectural details.

Larry Bishop, 511 Sycamore Drive, Buellton, stated that this is a great project and a needed service to the City. He expressed concerns regarding the need for parks and recreation facilities, bike paths, bike racks, pedestrian pathways, traffic concerns and compliance with hazardous material permits. He also suggested that the City require Tier 2 green building standards in addition to the basic green standard proposed by the developer.

Larry R. Rankin, 433 Freear Drive, Buellton, spoke in favor of the project and that it would be an asset to the citizens and community.

Judi Stauffer, 1610 Cougar Ridge Road, supports the comments received by WeWatch and Mr. Adriansen and expressed concerns regarding increased traffic on Jonata Park Road.

Chair Mercado closed the Public Hearing at 7:30 p.m.

Mr. Bierdzinski addressed the comments from the public regarding the use determination and stated that the basin being outside the city limits does not violate the Urban Growth Boundary. The subdivision would be subject to park fees, bike racks can be added to the conditions and that hazardous materials permits would be required by the State.

Mr. Edwards stated the retention basin being built outside the city limits is not an issue. It needs to be built for the management of County water on County land and that they are working with the County on this issue. He stated they are also concerned about the improvements on Jonata Park Road and are working with Caltrans to provide safe routes for everyone. He stated that the architectural elements are adequate and that they are providing a high quality project.

The Commission discussed the following issues:

- Architectural elements
- The design of the retention basin in regards to standing water and safety requirements
- The continuation of the walking path around the perimeter of the project
- The addition of benches along the walking paths
- Parking requirements and phasing
- Drainage
- Typographical errors on Exhibit B (CEQA findings)

In summary, Mr. Bierdzinski noted the proposed changes as follows:

- add recessed windows
- add bike racks
- add an on-site bus stop
- add benches along the pedestrian path
- sidewalk connections
- fire lane
- provide concrete paths
- add a connection to the southern and northern portions of the property

MOTION:

Commissioner Reif moved and Commissioner Fussel seconded the motion to adopt Resolution No. 13-09 by title only and waive further reading with the correction noted to Exhibit B.

VOTE:

Motion passed with a 5-0 roll call vote.

MOTION:

Commissioner Reif moved and Commissioner Figueroa seconded the motion to adopt Resolution No. 13-10 by title only and waive further reading with the additions read into the record by Staff.

VOTE:

Motion passed with a 5-0 roll call vote.

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

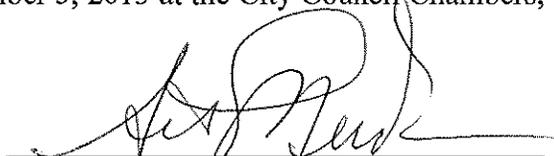
None

PLANNING DIRECTOR REPORT

Mr. Bierdzinski updated the Commission on upcoming events and recent City Council actions and highlights of his recent trip to New Zealand.

ADJOURNMENT

Chair Mercado adjourned the meeting at 8:20 p.m. to the next regular scheduled meeting of the Planning Commission to be held September 5, 2013 at the City Council Chambers, 140 West Highway 246, Buellton.


Art Mercado, Planning Commission Chair

ATTEST:


Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request

PLANNING COMMISSION RESOLUTION NO. 13-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A STATEMENT OF FACTS AND FINDINGS; ESTABLISH A MITIGATION MONITORING PROGRAM; AND CERTIFY A FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE MERITAGE SENIOR LIVING PROJECT, WHICH INCLUDES A SKILLED NURSING FACILITY (24 ROOMS), A MEMORY BUILDING (40 UNITS), 91 ASSISTED LIVING UNITS, AND 92 INDEPENDENT LIVING UNITS ON 18.2 ACRES, LOCATED ON JONATA PARK ROAD (ASSESSOR PARCEL NUMBERS 099-400-064, 099-400-065 AND 099-400-069 (OFFSITE PORTION)), AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Mark Edwards, Agent, and Norman Williams, Buellton Oaks, L.P., Property Owner, have filed an application requesting approval of the Meritage Senior Living Project, described above in the title of this Resolution (the "Project"); and

WHEREAS, an Initial Study was prepared and completed for the Project in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the Environmental Guidelines of the City of Buellton and based on these documents made the determination that the proposed Project may have a significant impact on the environment and that a Subsequent Environmental Impact Report ("SEIR") to the Final EIR for the City of Buellton General Plan Land Use Element and Circulation Element Update (State Clearinghouse #2005011097) was required to be prepared based upon the standards described in CEQA and the State CEQA Guidelines; and

WHEREAS, on April 26, 2012, a Notice of Preparation for the SEIR was sent to all organizations and individuals requesting notice and those public agencies listed on the Distribution List attached to the Notice of Preparation. The Notice of Preparation describes the Project, its location, and its anticipated impacts sufficiently to permit a meaningful response. The Notice was available for public review from April 26, 2012, through May 28, 2012, and solicited comments regarding the scope and content of the SEIR and any environmental information germane to the Project. In response to the Notice of Preparation for the Project, eight (8) comment letters were received from public agencies and individuals (i.e., the Native American Heritage Commission, State Department of Transportation, Ron Dale, Santa Barbara County Air Pollution Control District, Santa Barbara County Planning and Development Department, Santa Barbara County Fire Department, State Department of Fish and Game and the Santa Barbara Local Agency Formation Commission). The primary areas of environmental concern from the commenting agencies include: (1) protection and preservation of Native American cultural resources; (2) hydraulics, (3) landscape maintenance; (4) traffic; (5) air quality impacts; (6) agricultural impacts; (7) visual resources and night lighting impacts; and (8) impacts to biological resources. A copy of the Notice of Preparation, together with comments received,

has been made a part of the Draft SEIR and Final SEIR. These documents are on file with the Planning Department of the City of Buellton and available for public inspection.

WHEREAS, the Draft SEIR was prepared for the Project, dated December, 2012. A Notice of Completion (“NOC”) of the Draft SEIR was prepared and filed with the Santa Barbara County Clerk’s Office, and copies of the NOC and Draft EIR were distributed to applicable public agencies as shown on the list attached to the NOC. Additionally, the Draft EIR was distributed to responsible and interested state agencies through the State Clearinghouse; State Clearinghouse No. 2012041088.

WHEREAS, the Draft SEIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The public review period lasted from December 20, 2012, to February 4, 2013. Copies of the Draft SEIR were made available for public review at the City of Buellton Planning Department and the Buellton public library.

WHEREAS, during the public review period, comments were received on the Draft SEIR from the public as well as affected agencies. The actual written comments are included in the Final SEIR. In accordance with CEQA Guidelines, Section 15088, the City evaluated the comments on environmental issues received from persons and entities which reviewed the Draft SEIR and has prepared a written response to each. The responses of the City are also set forth in the Final SEIR. A full, true and correct copy of the Final SEIR is attached hereto, marked as Exhibit “A,” and incorporated herein by this reference. In addition, the Final SEIR is on file with the Planning Department of the City of Buellton and available for public inspection.

WHEREAS, a notice of intent to certify a Final Subsequent Environmental Impact Report (the “SEIR”) was posted in three public places in the City of Buellton and published in a newspaper of general circulation and distributed to responsible public agencies on August 1, 2013, a minimum of 20 days prior to taking action on the Project.

WHEREAS, the Planning Commission has conducted a duly noticed public hearing on the scope of the Project, and the information contained in the Final SEIR, on August 15, 2013, and has considered all public testimony, both written and oral, received in conjunction with those public hearings prior to adopting this Resolution.

WHEREAS, all legal prerequisites prior to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BUELLTON DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

SECTION 1: The Planning Commission hereby finds that the facts, findings and conclusions set forth above are true and correct.

SECTION 2: Based upon the substantial evidence on the record, including the oral and written comments received during the above-referenced processes, the oral and written staff reports submitted in conjunction with the Final SEIR and the Project, and its Final SEIR, the

Planning Commission hereby finds, and recommends that the City Council find, that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects identified in the Final SEIR. The Planning Commission's determination as to the environmental effects pertinent to this finding are more completely described in the Statement of Facts and Findings attached hereto, marked as Exhibit "B," and incorporated herein by this reference.

SECTION 3: The Planning Commission hereby recommends that the City Council find, approve and adopt the Statement of Facts and Findings for the Project, as well as establish and adopt the Mitigation Monitoring Program for the Project, all of which are attached hereto, marked as Exhibit "B," and incorporated herein by this reference as if fully set forth.

SECTION 4: Based on the facts and findings set forth above in this Resolution, the Planning Commission finds that it has reviewed and considered all such information and that the findings herein reflect the independent judgment and analysis of the Planning Commission, and that the Planning Commission hereby recommends that the City Council of the City of Buellton certify that the Final SEIR for the Project is complete and adequate and has been completed in compliance with the requirements of CEQA, the State CEQA Guidelines and the City of Buellton Environmental Guidelines.

SECTION 5: The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

PASSED, APPROVED and ADOPTED this 15th day of August 2013.



Art Mercado
Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

Exhibit A – Final SEIR
Exhibit B – Statement of Facts and Findings

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the foregoing Resolution No. 13-09 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 15th day of August 2013, by the following vote, to wit.

AYES: (5) Commissioners Lisa Figueroa, Jason Fussel, Foster Reif, Vice
 Chair Craig Adams and Chairman Art Mercado

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of August, 2013.



 Clare Barcelona
 Planning Commission Secretary

PLANNING COMMISSION RESOLUTION NO. 13-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT (12-CUP-01) AND TENTATIVE TRACT MAP (TTM 31056) FOR THE MERITAGE SENIOR LIVING PROJECT, WHICH INCLUDES A SKILLED NURSING FACILITY (24 ROOMS), A MEMORY BUILDING (40 UNITS), 91 ASSISTED LIVING UNITS, AND 92 INDEPENDENT LIVING UNITS ON 18.2 ACRES, LOCATED ON JONATA PARK ROAD (ASSESSOR PARCEL NUMBERS 099-400-064, 099-400-065 AND 099-400-069 (OFFSITE PORTION)), AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Norman Williams, Buellton Oaks, L.P., property owner, and Mark Edwards, agent ("Applicant"), for a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) to allow the development of a senior assisted and independent living project on property located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (Offsite Portion)). The senior project includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) (the "Project").

SECTION 2: The proposed Project consists of two land use applications:

Conditional Use Permit (Case No. 12-CUP-01): Approval of a skilled nursing facility (24 rooms), memory building (40 units), assisted living units (91), independent living units (92 units), 242 parking spaces, landscaping and walking paths. Also includes a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service. A reduction in a portion of the rear setback from ten feet to zero feet is also included as shown on the site plan. A drainage basin, a portion of a roadway, and 23 of the parking spaces are located outside the city limits and would require approval from the County of Santa Barbara.

Tentative Tract Map (TTM 31056): Approval of a Tentative Tract Map for the creation of 6 parcels on an 18.2 acre parcel. The proposed parcels are 2.8 acres (Lot 1 - Vacant), 2.8 acres (Lot 2 - Vacant), 2.1 acres (Lot 3 - Skilled Nursing Facility), 5.4 acres (Lot 4 - Memory Building, Assisted Living), 3.3 acres (Lot 5 - Independent Living, Community Center), and 1.9 acres (Lot 6 - Independent Living).

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

A. Record. Prior to rendering a decision on any aspect of the Project, the Planning Commission considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on August 15, 2013 (“Public Hearing”).
2. All oral, written and visual materials presented in conjunction with the Public Hearing.
3. The following informational documents which, by this reference, are incorporated herein.
 - a. The Project file for 12-CUP-01 and TTM 31056 and the set of Project plans dated March 22, 2012.
 - b. Planning Commission staff report of August 15, 2013.
 - c. The Final Subsequent Environmental Impact Report (SEIR) for the Project.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance and Government Code Section 65091 have been lawfully satisfied:

1. A notice of public hearing was published in a newspaper on August 1, 2013 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on August 1, 2013, a minimum of ten (10) days in advance of the Public Hearing.
3. The Public Notice was posted in three public locations on August 1, 2013, a minimum of ten (10) days in advance of the Public Hearing.

C. Environmental Clearance.

A Subsequent Environmental Impact Report (SEIR) was prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the CEQA Guidelines of the City of Buellton.

By separate Resolution (No. 13-09), the Planning Commission has recommended that the City Council adopt the Statement of Facts and Findings and the Reporting/Mitigation Monitoring Program for the Project and certify as complete, the Final SEIR prepared for the Project. Mitigation measures from the Final SEIR have been made conditions of approval.

The Final SEIR and all such related environmental documents are located in and in the custody of the City of Buellton Planning Department.

D. Use Determination. The Planning Commission hereby determines that the Project meets the definition of “Medical Services – Hospitals and Extended Care” use, and therefore would be permissible in the General Commercial (CR) zone. As described in Section 19.12.020 of the Buellton Municipal Code, this land use is defined as follows:

- “Medical services — hospitals and extended care (land use)” means hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include accessory retail pharmacies, and emergency heliports. Also includes residential establishments providing nursing and health related care as a principal use with in-patient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in “residential care.”

E. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments and outside Agencies, (iii) testimony and comments received in connection with the public hearing and (iv) adoption of the conditions of approval set forth hereof, the Planning Commission does hereby declare as follows:

1. Conditional Use Permit (12-CUP-01).

a. Findings:

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed because the size of the site and its location are appropriate for this type of use. The Zoning Ordinance does not have requirements for lot size or site coverage. However, the site is adequate for the development and is accessible by a public street.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and mitigation measures from the Final SEIR and prior environmental documents have

been made conditions of approval and would mitigate any impacts to a level of insignificance.

- iii. That streets and highways are adequate and properly designed per the requirements of the City's Public Works Director with conditions imposed herein. Traffic and circulation impacts are negligible with this type of low impact use.
- 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 approved the plans and provided conditions of approval. 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 is zoned for general commercial- land uses and the Planning Commission determined that this Project meets the definition of a Medical Services- Hospitals and Extended Care use. The project conforms to the requirements of the Zoning Ordinance as to site design and layout and would not conflict with the surrounding area and land uses pursuant to the conditions of approval imposed on the project.
- 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 the General Plan and the Zoning Ordinance.
- vii. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
- viii. That the proposed development is in conformance with the Community Design Guidelines. The architectural style is Agrarian.

2. Rear Yard Setback Reduction.

a. Findings:

- i. The reduced setback(s) will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas. The reduction of a portion of the rear setback would not be incompatible with the neighborhood because there is no development to the rear of the property and the property is zoned for agricultural uses.
- ii. The reduced setback(s) conform with other applicable provisions of this title and with the general plan.
- iii. The reduced setback(s) will not conflict with any easements required for public access through, or the public use of, a portion of the property. There are no easements in the area where the rear setback is reduced.

3. Tentative Tract Map (TTM 31056).

a. Findings:

- i. The proposed subdivision, including its design and improvements, is consistent with Buellton's General Plan pursuant to the Public Works Director with the conditions of approval herein.
- ii. The site is physically suitable for the type of development proposed as the site is planned and zoned for commercial development and the Planning Commission has determined that the project falls into the commercial category.
- iii. The site is physically suitable for the proposed density of development as the commercial development meets the standards of the 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 none exist on the property based on the findings in the Final SEIR and the mitigation measures imposed herein.
- 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. No public easements exist.

- 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. 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. There are no new street names.
- 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 Section 3 and subject to the attached conditions of approval, the Planning Commission hereby recommends that the City Council approve the Conditional Use Permit (12-CUP-01), Tentative Tract Map (TTM 31056) and the reduction in a portion of the rear setback as shown on the site plan dated March 22, 2012, with the following additions:

1. Condition No. 39 was modified to allow release of occupancy when all the construction in a phase is complete. It also clarifies that the condition only applies to the buildings, not to the public improvements.
2. Condition No. 47 was modified to allow the city standard for parking in the first phase. Following the first phase the applicant will provide data regarding parking use. The Planning Commission will review the data and approve any adjustments in the amount of parking required for other phases.
3. Condition No. 86 was modified to clarify that the final design of the public improvements will be approved by the City Engineer.
4. All walking paths shall be made of concrete (new condition 55).
5. The windows shall be recessed (new condition 56).
6. Bike racks shall be added to the design (new condition 57).
7. The walking path along the frontage of Jonata Park Road shall have connections to the sidewalk to the north and south of the site (new condition 55).
8. The walking path to the east of the fire lane shall have a connection to the walking path along the fire lane (new condition 55).

PASSED, APPROVED, AND ADOPTED this 15th day of August 2013.



Art Mercado
Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

**CONDITIONS OF APPROVAL
MERITAGE SENIOR LIVING PROJECT**

**CONDITIONAL USE PERMIT (12-CUP-01)
TENTATIVE TRACT MAP (TTM 31056)**

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description contained in the application received January 5, 2012, and conditions of approval set forth below. The Project Description is as follows: A request by Norman Williams, Buellton Oaks, L.P., property owner, and Mark Edwards, agent (the "Applicant") for a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) to develop the Meritage Senior Living Project which consists of a 24-bed skilled nursing facility, a 40-unit memory building, 91 assisted living units, 92 independent living units, parking, landscaping, and an offsite drainage basin. Also proposed are a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service (the "Project"). The Project is located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (Offsite Portion)) (the "Property"). The project plans that are included in this approval include the site plan, floor plans, elevation plans, preliminary grading/drainage/utility plan, preliminary landscape plan, and tentative tract map dated March 22, 2012. 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. The following are the approvals:

- **Conditional Use Permit (Case No. 12-CUP-01):** A Conditional Use Permit (12-CUP-01) for the development of a skilled nursing facility (24 rooms), memory building (40 units), assisted living units (91), independent living units (92 units), 242 parking spaces, landscaping and walking paths. Also includes a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service. A drainage basin, a portion of a roadway, and 23 of the parking spaces are located outside the city limits and would require approval from the County of Santa Barbara.
- **Tentative Tract Map (TTM 31056):** A Tentative Tract Map (TTM 31056) for the creation of 6 parcels on an 18.2 acre parcel. The proposed parcels are 2.8 acres (Lot 1 - Vacant), 2.8 acres (Lot 2 - Vacant), 2.1 acres (Lot 3 - Skilled Nursing Facility), 5.4 acres (Lot 4 - Memory Building, Assisted Living), 3.3 acres (Lot 5 - Independent Living, Community Center), and 1.9 acres (Lot 6 - Independent Living)

2. **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 Norman Williams, Buellton Oaks L.P., property owner, and Mark Edwards, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project.
 - 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. **“Final Building Inspection Clearance”** means acknowledgement by the Building and Safety Division of the County that construction of the Project has been completed in full compliance with plans and specifications approved by the Building and Safety Division of the County. Such acknowledgement is typically evidenced by signature of appropriate Building and Safety Division staff on the building permit inspection form.
 - f. **“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 a special district.
 - g. **“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.
 - h. **“Project”** means and includes all of the actions described in the Project Description above.
 - i. **“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.
 - j. **“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.
 - k. **“Property”** means the land and improvements identified in the Project Description.

8. **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.
9. **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.
10. **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
11. **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 fee schedules adopted by the City and then in effect at the time such fees become payable.
12. **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

Acsthetics

13. **AES-2 Exterior Building Materials.** New structures shall utilize non-reflective exterior materials to prevent glare, as feasible.

Air Quality

14. **AQ-3(a) 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:

- 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.
 - Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
 - 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.
 - 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.
 - The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.
 - Prior to land use 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.
15. **AQ-3(b) Application of Standard CBACT.** Best available control technology for construction equipment (CBACT) shall be applied to the piece of construction equipment estimated to cause the highest level of combustion emissions during any proposed construction, based on APCD standards. CBACT technology may include the following: fuel injection timing retard of 2 degrees; installation of high pressure injectors; coating of internal combustion surfaces (cylinder head, pistons, and valves); and/or use of reformulated diesel fuel.
16. **AQ-3(c) Standard Ozone Precursor Controls.** At all times, ozone precursor emissions shall be controlled not only through the routine maintenance of all construction equipment, but construction activities shall also be required to utilize new technologies to control ozone precursor emissions including:
- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
 - The engine size of construction equipment shall be the minimum practical size.

- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Agricultural Resources

17. **AG-2(a) Agricultural Buffer.** A 200-foot buffer between the senior center facilities and active agricultural uses on adjacent parcels shall be incorporated into the project site plans of the proposed project. The agricultural buffer shall be required to be incorporated into the applicable off-site agricultural parcel by easement.
18. **AG-2(b) Agricultural Buffer Monitoring.** As a component of monitoring AG-2(a), the project applicant shall provide photo documentation to City planning staff on an annual basis documenting adherence to the 200-foot buffer between the senior center facilities and active agricultural uses on the adjacent property.

Cultural and Historic Resources

19. **CR-2 Halt Work Order for Archaeological Resources.** If archaeological resources are exposed during construction of the proposed project, pursuant to the Land Use or Circulation Elements, all earth disturbing work within 100 feet of the find must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A representative should monitor any mitigation excavation associated with Native American materials.

Geology/Soils

20. **G-2 Reduction of Soil Stability Hazards.** Grading and construction of the proposed project shall incorporate all of the recommendations included in the Preliminary Geotechnical Investigation prepared by Pacific Material Laboratory, dated June 6, 2012. These recommendations are summarized below and include, but are not limited to, the following requirements designed to minimize impacts related to soil stability hazards.
 - a. Grading
 - Soils found to be expansive will be excavated and wasted in landscape portions of the project.

- The footings of the proposed structures shall be supported completely by a uniform thickness of non-expansive soil. The structure shall not be supported over a cut/fill transition unless the foundation is engineered to account for the transition.
 - Beneath the proposed structures and for a minimum distance of 5 feet beyond the exterior perimeters, the loose topsoil and compressible surface soils shall be removed and observed by a representative of Pacific Materials Laboratory.
- b. Foundations
- All continuous exterior footing for one-story portions of the structure which rest upon compacted fill soils shall extend a minimum of 18 inches and all continuous interior one-story footing shall extend a minimum distance of 12 inches below compacted ground surface.
 - All footings shall contain a minimum of two No. 4 horizontal rebar placed one in the base and one in the stem of the footing.
- c. Resistance to Lateral Loads
- An allowable friction coefficient of 0.35 shall be used.
 - The passive pressures of 350 pcf of footing shall be used.
 - A triangular distribution shall be used.
 - The frictional resistance and the passive pressure may be combined without reduction.
 - The resistance may be increased by one-third for wind or seismic loading.
- d. Retaining Walls
- The cantilevered retaining walls (site walls and garden walls) shall be designed assuming an active soil pressure equivalent to a fluid (E.F.P.) whose weight is 35 pcf for level backfill conditions and 52 pcf for backfill slopes, which are constructed at an angle of up to 27 degrees.
 - Restrained and partially restrained retaining walls or cantilevered retaining walls which form a portion of the foundation system of the structure shall be designed assuming an at-rest soil pressure equivalent to a fluid (E.F.P.) whose weight is 60 pcf for level backfill conditions and 73 pcf for backfill slopes, which are constructed at an angle of up to 27 degrees.
- e. Pavement
- Beneath the proposed parking areas, the top loose surface soils shall be removed, moistened or dried to at or near the optimum moisture content and compacted.
 - R-values shall be performed once the subgrade elevations have been established. The parking lot shall be designed based on an estimated R-value of 35.
 - Maintenance to reduce the potential for deterioration of paved areas shall include surface treatment approximately six months to one year after construction and approximately three years or less from the first treatment.
- f. Adjacent Loads

- The effect of adjacent loads shall be calculated using the published Formulas for Stresses in Semi-infinite Elastic Foundations or the Boussinesq figures and equations.
- g. Settlement
- The project shall achieve angular distortions of approximately 1/480.

The required provisions from the Preliminary Geotechnical Investigation shall be reflected on grading and foundation plans and reviewed by the City Engineer to very compliance as required.

21. **G-4(a) Grading and Erosion Control Plan.** A grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared and implemented by the applicants for development projects, prior to issuance of Grading Permits. It must include one or more of the following erosion reduction methods, as determined by the City Engineer:

- a. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Santa Ynez River, Zaca Creek and Thumbelina Creek during grading and construction activities.
- b. Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by the Planning Department, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c. After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the Planning Department and Air Pollution Control District. These methods may include importing of topsoil is to be imported and spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. As a minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodable soils.
- d. Where necessary, site preparation shall include the removal of all or a portion of the expansive soils at the building sites and replacement with compacted fill.
- e. Where necessary, construction on transitional lots shall include overexcavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.
- f. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.

- g. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to land use clearance for grading.
- h. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- i. Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.
- j. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
- k. Cut and fill benches shall be constructed at regular intervals.
- l. Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
- m. The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a Planning Department Building and Safety approved erosion control plan is in place and all measures therein are in effect.

The applicant shall post a bond with the County and hire a Planning Department-approved geologist or soils engineer prior to land use clearance for grading, and to ensure that erosion is controlled and mitigation measures are properly implemented.

Hazardous Materials

- 22. **S-1(b) Previously Unidentified Hazardous Materials.** In the event that hazardous waste and/or materials, including chemical odors or stained soils, are encountered during construction of future development sites, the following actions shall be taken by the applicant or authorized agent thereof: (1) all work in the vicinity of the suspected contaminant will be halted; (2) all persons shall be removed from the area; (3) the site shall be secured under the direction of the County Fire Department; and (4) the City of Buellton Hazardous Waste/Materials Coordinator shall be notified. Work shall not recommence until such time as the find is evaluated and appropriate measures are implemented as necessary to the satisfaction of the California Department of Toxic Substances Control.
- 23. **Asbestos Sampling and Supervision.** Prior to demolition of structures constructed prior to 1978, areas of the structures to be demolished shall be sampled as part of an asbestos survey in compliance with the National Emission Standards for Hazardous Air Pollutants ("NESHAP"). If asbestos is found in any building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials ("ACMs") shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws. Regardless of whether asbestos is identified in any building, prior to demolition of existing structures the APCD shall be notified and an APCD Notification of Demolition and Renovation Checklist shall be submitted to both APCD and the Planning Director.
- 24. **Lead-Based Paint Management.** If during demolition of structures constructed prior to 1978 paint is separated from the building material (e.g. chemically or physically), the paint waste will be evaluated independently from the building material by a qualified

hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control ("DTSC"), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements.

Drainage

25. **HWQ-3(b) Pervious Paving Material.** This project shall develop plans/practices for minimizing runoff rates and volumes of stormwater on-site to allow percolation to the underlying aquifer. Some methods that may be used to facilitate groundwater recharge and reduce surface water runoff may include, but are not limited to, the use of pervious paving material within parking lots and other paved areas to facilitate rainwater percolation.
26. **HWQ-4(a) Storm Water Quality Measures.** Best Management Practices (BMPs) shall be implemented to the project design in addition to construction activities. Water quality control devices shall be installed to intercept water flowing off of proposed parking lots and roadway surfaces for urban infill projects. Whenever feasible, the preferred approach to treating surface runoff will be the use of vegetated drainage swales. The chosen method for treating runoff will be a proven and documented pollution prevention technology that removes oil and sediment from stormwater runoff, and retains the contaminants for safe and easy removal. The chosen device shall possess design features to prevent resuspension of previously collected contaminants and materials, and contain a built-in diversion structure to divert intense runoff events and prevent scouring of the previously collected sediments. The filter devices shall be sized to capture all dry weather surface runoff and accommodate storm events as specified in the City's SWMP. The storm water quality system must be reviewed and approved by the City and Regional Water Quality Control Board (if applicable).
27. **HWQ-4(b) Stormwater BMP/LID Maintenance Plan.** All stormwater BMP/LID devices in new development shall be required to be cleaned and maintained in accordance with the manufacturer's maintenance specifications. The timing shall be at least twice per year: just prior to the onset of the rainy season (i.e., November 1st) and immediately after the end of the rainy season (i.e., May 1st). The maintenance plan must be submitted and approved by the City Engineer. Annual reporting documenting compliance shall be submitted to the City Engineer.

Greenhouse Gas (GHG) Emissions

28. **GHG Reduction Measures.** The project shall reduce operational greenhouse gas emissions through implementation of one or more of the following measures:
 - a. Prior to permit issuance, the applicant shall develop a GHG Reduction Plan that would reduce annual greenhouse gas emissions from the project

by a minimum of 355 MT CO₂E 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 limited to, the following components:

- Alternative fuel vehicles
- Energy conservation policies
- Energy efficient equipment, appliances, heating and cooling
- Energy efficient lighting
- Green building and roofs
- Water conservation and recycling
- Renewable energy production
- Off-site vehicle trip reduction
- Carbon sequestration;

Or

- b. If the greenhouse gas emissions cannot be reduced through compliance with a project GHG Reduction Plan, the project shall purchase carbon offsets to reduce GHG emissions below threshold levels. Purchased carbon offsets shall be approved by City staff prior to permit approval.

Noise

29. **N-1 Noise Reducing Building Construction Techniques.** Prior to issuance of the building permits, the property owner/project developer shall submit plans and specifications to the City Planning Department that include the following noise reduction measures:

- a. All on-site residential structures facing U.S. Highway 101 shall include windows and exterior doors that have a minimum STC rating of 29 STC or higher. Exterior doors shall be solid core and be installed with weather stripping.
- b. All on-site residential structures facing U.S. Highway 101 shall include exterior wall assemblies with a STC rating of 45 or higher. This can be accomplished using standard wall assemblies using 2 by 4 inch studs, batt insulation in the wall cavities, and a double-layer of half-inch drywall on each side, or using staggered 2 by 4 inch studs with 2 by 6 inch top and bottom plates and a single layer of half inch drywall on each side. Other methods of achieving STC 45 in exterior wall assemblies can be found at:

http://inspectapedia.com/bestpractices/sound_control3.htm

<http://www.stcratings.com/assemblies.html>

http://www.sae.edu/reference_material/pages/STC%20Chart.htm

- c. All onsite residential structures facing U.S. Highway 101 shall be provided with forced-air mechanical ventilation, as required by the Uniform Building Code, to adequately ventilate the interior space of the units when windows are closed to control noise.

30. **N-1(a) Notification of Temporary Construction Noise.** The applicant shall provide all residential property owners within 2,800 feet of proposed construction on the project site with a construction activity schedule and construction routes at least one week in advance of construction activities. Any alterations or additions shall require one week advanced notification.
31. **N-1(b). Construction Noise Attenuation Techniques.** Stationary construction equipment shall be shielded to the satisfaction of the Buellton Planning Department. For all construction activity on the project site, noise attenuation techniques shall be employed as needed to ensure that noise at nearby sensitive receptors remains within levels allowed by city noise standards. At a minimum, such techniques shall include:
- a. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
 - b. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
 - c. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters if within 300 feet of any sensitive receptor.

C. PLANNING CONDITIONS

32. **Conditional Use Permit/Tentative Tract Map.** Approval of the Conditional Use Permit (Case No. 12-CUP-01) and the Tentative Tract Map (Case No. TTM 31056) (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all 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.
33. **Development Time Frame.** Building construction must be started not later than five years after approval of the Conditional Use Permit, or if a Permit is issued within the five year period, construction must be diligently pursued thereafter, or this approval will be revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project. Start of 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 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.

34. **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, the 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. Final architectural elevations shall be reviewed by the Planning Commission as part of the zoning clearance process.
35. **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:
 - (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 any time.
 - (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 or as approved in the Final Development Plan.
 - 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 provided for, 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.
36. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
37. **Building Codes.** 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.
38. **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.
39. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction in the Phase is completed and all improvements and landscaping associated with the Phase 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. This condition only applies to the buildings, not to the public improvements associated with the tentative tract map.
40. **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.

41. **Community Design Guidelines/Architecture.** The Project shall be in conformance with the Community Design Guidelines. The design details and color of the Agrarian style architecture shown on the project plans shall be installed and maintained.
42. **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.
43. **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 submitted as part of the building plans. 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.
44. **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.
45. **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.
46. **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.
47. **Parking.** A total of no more than 233 parking spaces are required onsite. If the project is phased, the first phase shall be per the City's standard, with parking for subsequent phases adjusted using actual parking data submitted by the applicant. The Planning Commission will review the parking data and approve any adjustments. Assisted Living employee parking shall be part of the required 1:1 parking ratio.
48. **CC&Rs.** Any CC&Rs developed for the project shall be reviewed by the City to ensure that there are no conflicts with the City's Municipal Code.
49. **Reciprocal Access, Drainage, and Parking.** A reciprocal parking, drainage, and access easement shall be recorded as part of, or concurrently with by separate document, the tract map.

50. **Bus Stop.** The project layout and design should incorporate a bus stop with turn-around route along Jonata Park Road for possible future service. The bus stop should be designed with a shelter and bench. The turn-around route should be designed to allow for a bus to safely turn around without having to make a u-turn.
51. **Signage.** The monument sign shown on the site plan is approved. A Zoning Clearance from the Planning Department is required for any other signage.
52. **County Permits.** All site work located outside of the City Limits shall require the appropriate permits from the County of Santa Barbara. The County building permit and City grading permit cannot be issued until such time as proof is provided that the off-site County permits have been issued. If the County does not issue the off-site permits, the revised project with all facilities located within the City Limits will have to be reviewed by the Planning Commission.
53. **Project Phasing.** Each of the Parcels will obtain separate building permits and will be constructed at their own rate of development.
54. **Agreement for Off-Site Improvements.** Prior to issuance of any certificate of occupancy, an Agreement shall be recorded for both properties that acknowledge that the drainage basin, access, and parking are required for this Project and cannot be removed.
55. **Walking Paths.** All walking paths shall be made of concrete. The walking path along the frontage of Jonata Park Road shall have connections to the sidewalk to the north and south of the site. The walking path to the east of the fire lane shall have a connection to the walking path along the fire lane.
56. **Windows.** The windows shall be recessed.
57. **Bike Racks.** Bike racks shall be added to the design.

D. ENGINEERING/CONDITIONAL USE PERMIT CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

58. **Grading and Utilities 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.
59. **Plan Requirements.** Plans for the improvements 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.

60. **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.
61. **Erosion Control Plans.** 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.
62. **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. Off-site drainage flows shall be address for flows anticipated from the upper watershed, as well as discharge from the project site. In addition, the report shall discuss the required stormwater management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references.
63. **Drainage Plan.** The drainage plan shall identify potential pollutants of concern and demonstrates that post-construction BMPs projects will reduce to the Maximum Extent Practicable the projects potential to add pollutants to storm water or to affect the flow rate or velocity of stormwater runoff after construction is completed. It shall also demonstrate that the post-construction BMPs incorporated into the project will prevent it from significantly degrading receiving water quality, or, causing or contributing to an exceedance of receiving water quality objectives.
64. **State of California Regional Water Quality Control Board Requirements.** Development shall be undertaken in accordance with conditions and requirements of the State of California Regional Water Quality Control Board (RWQCB). 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. Notice of Intent (NOI) must be filed electronically and applicant shall obtain their NPDES permit with the RWQCB and comply with all required reporting and monitoring requirements of the permit.

Stormwater management plan shall be submitted and low impact development (LID) incorporated in the improvement plans. Pre and post development hydrology shall be

consistent, considering flow volume and discharge. Design measures that minimize storm water run-off shall be incorporated. When possible, grading and drainage shall be designed so that the Effective Impervious Area is minimized. Examples include curb openings integration to enable run-off direction towards landscaped areas and impervious surfaces for infiltration. The plan shall provide information that proves the adequacy of BMPs selected, BMP location proposed, and sizing/configuration of BMPs. The report shall provide the detailed volume and velocity calculations so that the final improvements shall mimic the drainage patterns and discharge rate of the pre-development conditions.

The applicant shall submit a detailed plan that includes a combination of source control and structural treatment BMPs that at a minimum will:

- Control the post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion;
- Conserve natural areas; Minimize pollutants of concern from urban runoff through implementation of source control BMPs;
- Remove pollutants of concern from urban runoff through implementation of site design, source control, and structural treatment BMPs implemented close to pollutant sources and prior to discharging into receiving waters;
- Minimize directly connected impervious areas;
- Protect slopes and channels from eroding;
- Include storm drain stenciling and signage;
- Include properly designed outdoor material and trash storage areas;
- Ensure that post-development runoff does not contain pollutant loads that have not been reduced to the maximum extent practicable.

65. **Maintenance/Water Quality Control Plan.** A maintenance/water quality control plan shall be submitted and 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, for City review and approval. The mechanism must ensure ongoing long-term maintenance of these BMPs, all to the satisfaction of the City Engineer.
66. **Improvement Plans.** 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.
67. **Right-of-Way Improvements.** Driveway, sidewalk and any other improvements made within the public right-of-way shall be shown on a separate sheet. These improvements shall utilize City of Buellton standard details and provide for ADA access.

68. **Mylars.** Upon approval of the final plans, the 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.
69. **Faithful Performance and Labor/Material Bond.** 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 and all fees paid.
70. **Grading.** 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.
71. **Off-Site Retention Basin.** Grading Permit for the off-site retention basin must be obtained from the County of Santa Barbara prior to issuance of the City's Grading Permit. Should the location of the retention basin change, plans and description should be submitted for planning review and approval prior to issuance of grading permits. Hydrology/Hydraulic study and stormwater management plan shall be modified accordingly.
72. **Caltraus Approval.** Sign-off by Caltrans must be obtained prior to issuance of the City's Grading permit to address their drainage issue concerns as noted in their February 4, 2013 letter.
73. **Other Permits.** The applicant shall acquire additional permits as applicable from other agencies (Caltrans, Fish & Game, etc.).

PRIOR TO BUILDING PERMIT ISSUANCE:

74. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
75. **Rough Grading Certification.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
76. **Industrial Waste Discharge Permit.** The applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.
77. **Final Map.** A Final Map shall be submitted by the applicant to the City Engineer for review and approval. All conditions pertaining to the final map shall apply.

PRIOR TO OCCUPANCY CLEARANCE:

78. **Improvement Plans.** The applicant shall complete all required improvements to the satisfaction of the City Engineer. The applicant shall furnish the 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."
79. **Water and Sewer Fees.** The 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. In the event that the water use or sewer discharge amount increases beyond original estimates used to pay these fees, the applicant shall be required to pay the additional fees.
80. **Tract Map.** Tract Map must be approved prior to occupancy.
81. **Easements.** Any required utility easements shall be offered for dedication as part of the Tract Map and shall be supplemented with a separate Grant of Easement document for recordation.
82. **Maps and Easements.** All maps and easements shall be recorded prior to issuance of Certificate of Occupancy.
83. **Map Conditions.** All map conditions shall apply.

GENERAL CONDITIONS:

84. **Public Improvements.** Unless superceded 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.
85. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
86. **Transit Vehicle Accommodations.** Driveway, entrances and drop-off/pick-up stops on-site shall accommodate transit vehicles.
87. **Landscape Plans.** The applicant shall submit, for review and approval, landscaping plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides; all to the satisfaction of the Planning Director.
88. **New Utility Services.** All new utility services and existing telephone lines shall be placed underground and completed prior to any paving required for the project. No new utility poles shall be installed. All utility plans shall be coordinated with the respective utility companies and shall be submitted for review and approval by the City Engineer. All undergrounding shall be completed prior to any paving required for the project.

89. **Public Improvements along Development Frontage.** Public improvements, including road and shoulders (with adequate width to accommodate future bicycle lanes), curb/gutter and sidewalk shall be provided along development frontage. The final design of the public improvements shall be approved by the City Engineer.
90. **Infrastructure.** Water, sewer and other infrastructure shall be extended as necessary to provide service to the development. This shall be done at the expense of the developer.
91. **Grease Traps.** Kitchen shall include appropriately sized grease traps. Facility shall be subject to the City's Fats, Oils and Grease (FOG) program.
92. **Post Construction Requirements.** Applicant shall be made aware that the RWQCB has adopted new Post Construction Requirements (PCR), which the City is required to implement. Should the project be approved after March 6, 2014, this project must incorporate those PCRs.
93. **Construction Hours.** Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Weekend construction shall require special approval from the City Engineer and be limited to the hours of 9:00 a.m. to 4:00 p.m.
94. **Dust and Erosion Control.** Applicant shall enforce dust control as well as erosion control at all times. Site shall be maintained after mass grading to ensure that dust and dirt are contained until development progresses. Exposed areas shall be stabilized to prevent wind and water erosion as approved by the City Engineer.

E. ENGINEERING/SUBDIVISION MAP CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

95. **Easement Dedication.** The applicant shall offer for dedication any utility easements required to accommodate the proposed water and sewer lines. Public Dedications shall be supplemented with Grant of Easement Deeds to the City of Buellton.
96. **Faithful Performance and Labor/Material Bond.** 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 and until receipt of As-built Record Drawings and all fees paid.
97. **Drainage/Access Easements.** Any public or private easements required for drainage or access shall be described and shown on the Map.
98. **Hazard Determinations.** Any geotechnical hazard or other hazard determinations shall be shown on the map.

99. **Grading and Utilities 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.
100. **Improvement Plan Requirements.** 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.
101. **Other Permits.** The applicant shall acquire additional permits from other affected agencies (Caltrans, Fish & Game, etc.) prior to grading permit issuance.
102. **Conditional Use Permit Conditions.** All conditions with the Conditional Use Permit shall apply.
103. **Regional Water Quality Control Board Regulations.** Compliance with all Regional Water Quality Control Board regulations shall apply, including but not limited to stormwater management plans and water quality control plans.

PRIOR TO BUILDING PERMIT ISSUANCE:

104. **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:

105. **Final Map Conformance/Fees.** 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.
106. **Final Map Recordation.** The Final Map and all applicable private and public easements must be recorded with the County Recorder.
107. **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:

108. **Phase I Environmental Site Assessment.** 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.

F. FIRE DEPARTMENT CONDITIONS

General Notice

109. **Certificates.** Fire Protection Certificates will be required.
110. **Hazardous Materials.** Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU, (805) 686-8170.

Prior to Issuance of Conditional Use Permit the Following Conditions Shall be Met:

111. **Access Ways.** All access ways (public and private, road and driveways) shall be installed, made serviceable and maintained for the life of the project.
- Access shall be as shown on plans dated March 22, 2012.
 - Access to this project shall conform to Santa Barbara County Fire Department Development Standard #1.
 - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.
 - Dead-end access exceeding 150 feet shall terminate with a fire department approved turnaround.
 - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

112. **Fire Lane Signs.** Signs indicating "Fire Lane – No Stopping" shall be placed every 150 feet as required by the fire department. Refer to current adopted California Fire Code.
113. **Fire Lane.** The new fire lane on the west side of the Memory Building and the Assisted Living Building, shall be one-way traffic with a minimum 16 foot width with a 10 foot by 50 foot turnout by the West Wing of the Assisted Living Building for ladder truck access.
114. **Roof Access.** Permanent roof access ladders shall be provided for the 3-story building. Design and location shall be approved by fire department prior to construction.
115. **Fire Hydrants.** New fire hydrant(s) shall be installed. Fire hydrant(s) shall be located per fire department specifications. Flow rate to be determined by fire department. Plans shall be approved by the fire department prior to installation.

Prior to Occupancy Clearance the Following Conditions shall be Met:

116. **Fire Sprinklers.** An interior automatic fire sprinkler system shall be installed. Plans shall be approved by the fire department prior to installation. Fire sprinkler system plans shall require Fire Protection Engineer certification.
117. **Alarms.** An automatic fire or emergency alarm system shall be installed. Plans shall be approved by the fire department prior to installation. Alarm system plans shall require a Fire Protection Engineer certification.
118. **Fire Extinguishers.** Portable fire extinguishers are required. Plans shall be approved by the fire department prior to installation.
119. **Recorded Addresses.** Recorded addressing is required.
120. **Address Numbers.** Building address numbers shall be posted as required by the fire department.
121. **Knox Box.** Knox Box entry system(s) shall be installed. Plans shall be approved by the fire department prior to installation.
122. **Development Impact Fees.** Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems

123. **Changes.** These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect the time of change.

G. COUNTY OF SANTA BARBARA BUILDING DIVISION

124. **Soils/Geology Report.** A soils/geology report is required. The soils report should include conclusions for liquefaction.
125. **State Licensing.** State licensing information is required.
126. **County Flood Control.** County Flood Control approval is required.
127. **Off-Site Improvements.** Santa Barbara County Planning and Development Zoning Approval is required for the off-site improvements.
128. **Accessibility.** Accessible parking is required in all parking lots. All ground floor dwelling units are required to be on an accessible route and adaptable. Coordinate this with the civil drawings. Provide a site accessibility plan detailing access throughout the site and to the right-of-way.
129. **Grading Plan Requirements.** A Grading Permit from Santa Barbara County is required for the off-site improvements. The Grading Plan shall include, but not be limited to, the following:
 - A site plan with a vicinity map.
 - Include all parcels involved, project name, owner name, addresses and north arrow on the plan.
 - The plan scale should be no smaller than 1"=40'-0".
 - Provide a signed and stamped copy of an engineered Hydrology Study taking into consideration the entire watershed/tributary area, crop types/agricultural activity, runoff coefficient, the Q event (25, 50, 100 year) to design the drainage basin.
 - Provide two signed and stamped copies of a Geology Report with all appropriate recommendations.
 - Provide a full narrative copy of a Stormwater Pollution Prevention Plan (SWPPP), with Waste Discharge Identification Number.
 - Provide a comprehensive erosion and sediment control plan indication location and implementation of all appropriate Best Management Practices in the SWPPP.
 - Provide a comprehensive grading plan.
 - Provide a copy of the Project Improvement Plans.
 - Engineer basin design, size/capacity, depth, details and dimensions of drainage structures metering/outlet orifice size and overland escape.
 - Provide basin floor and top of berm elevations with outlet flow line/max water level elevations, etc.
 - Is there a slurry cutoff wall in the berm? Address potential factors that have the potential to cause failure of basin. How will this be prevented so inundation of buildings does not occur due to seismic event, rodent excavation through berm, etc.
 - Provide all existing contours and extend them 20' beyond project boundaries.
 - Provide all proposed contours.
 - Provide finished grade at all building corners.
 - Provide a minimum 5% slope for 10' from all buildings.

- Ensure finished grade is a least 8” below finish floor elevation or 6” below weep screed
- Provide a comprehensive drainage plan. The drainage plan shall include the following:
 - Size of all curb inlets/drop inlets, storm drains, area drains, etc.
 - Indicate all downspout locations and ensure they are piped at a minimum 10’ from the building or extended to rip-rapped outlet.
 - Provide all flow line’s top of curb, finished surface and flow line for all hardscapes.
- Include emergency access per the Santa Barbara County Fire Department standards.
- Provide cross sections North/South, East/West through all buildings, basin, structural cross sections for interior, access roads, top of walls that are retaining a slope.
- Flood Control, Santa Barbara County Fire Department, Project Clean Water, and all City of Buellton Departments and Utilities applicable to this Project will require review and approval of these plans with appropriate signature blocks on the plans.

130. **California Green Code.** Incorporate California Green Code compliance on the plans.

H. FINANCE DEPARTMENT CONDITIONS

131. **Outstanding Fees.** The 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.

132. **Impact Fees.** The project applicant shall pay the water, sewer, park, 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

RESOLUTION NO. 13-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, ADOPTING A STATEMENT OF FACTS AND FINDINGS; ESTABLISHING A MITIGATION MONITORING PROGRAM; AND CERTIFYING A FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (12-EIR-01) FOR THE MERITAGE SENIOR LIVING PROJECT, WHICH INCLUDES A SKILLED NURSING FACILITY (24 ROOMS), A MEMORY BUILDING (40 UNITS), 91 ASSISTED LIVING UNITS, AND 92 INDEPENDENT LIVING UNITS ON 18.2 ACRES, LOCATED ON JONATA PARK ROAD (ASSESSOR PARCEL NUMBERS 099-400-064, 099-400-065 AND 099-400-069 (OFFSITE PORTION)) AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Mark Edwards, Agent, and Norman Williams, Buellton Oaks, L.P., Property Owner, have filed an application requesting approval of the Meritage Senior Living Project, described above in the title of this Resolution (the “Project”); and

WHEREAS, an Initial Study was prepared and completed for the Project in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the Environmental Guidelines of the City of Buellton and based on these documents made the determination that the proposed Project may have a significant impact on the environment and that a Subsequent Environmental Impact Report (“SEIR”) to the Final EIR for the City of Buellton General Plan Land Use Element and Circulation Element Update (State Clearinghouse #2005011097) was required to be prepared based upon the standards described in CEQA and the State CEQA Guidelines; and

WHEREAS, on April 26, 2012, a Notice of Preparation for the SEIR was sent to all organizations and individuals requesting notice and those public agencies listed on the Distribution List attached to the Notice of Preparation. The Notice of Preparation describes the Project, its location, and its anticipated impacts sufficiently to permit a meaningful response. The Notice was available for public review from April 26, 2012, through May 28, 2012, and solicited comments regarding the scope and content of the SEIR and any environmental information germane to the Project. In response to the Notice of Preparation for the Project, eight (8) comment letters were received from public agencies and individuals (i.e., the Native American Heritage Commission, State Department of Transportation, Ron Dale, Santa Barbara County Air Pollution Control District, Santa Barbara County Planning and Development Department, Santa Barbara County Fire Department, State Department of Fish and Game and the Santa Barbara Local Agency Formation Commission). The primary areas of environmental concern from the commenting agencies include: (1) protection and preservation of Native American cultural resources; (2) hydraulics, (3) landscape maintenance; (4) traffic; (5) air quality impacts; (6) agricultural impacts; (7) visual resources and night lighting impacts; and (8) impacts to biological resources. A copy of the Notice of Preparation, together with comments received, has been made a part of the Draft SEIR and Final SEIR. These documents are on file with the Planning Department of the City of Buellton and available for public inspection.

WHEREAS, the Draft SEIR was prepared for the Project, dated December, 2012. A Notice of Completion (“NOC”) of the Draft SEIR was prepared and filed with the Santa Barbara County Clerk’s Office, and copies of the NOC and Draft EIR were distributed to applicable public agencies as shown on the list attached to the NOC. Additionally, the Draft EIR was distributed to responsible and interested state agencies through the State Clearinghouse; State Clearinghouse No. 2012041088.

WHEREAS, the Draft SEIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The public review period lasted from December 20, 2012, to February 4, 2013. Copies of the Draft SEIR were made available for public review at the City of Buellton Planning Department and the Buellton public library.

WHEREAS, during the public review period, comments were received on the Draft SEIR from the public as well as affected agencies. The actual written comments are included in the Final SEIR. In accordance with CEQA Guidelines, Section 15088, the City evaluated the comments on environmental issues received from persons and entities which reviewed the Draft SEIR and has prepared a written response to each. The responses of the City are also set forth in the Final SEIR. A full, true and correct copy of the Final SEIR is incorporated herein by this reference. In addition, the Final SEIR is on file with the Planning Department of the City of Buellton and available for public inspection.

WHEREAS, a notice of intent to certify a Final Subsequent Environmental Impact Report (the “SEIR”) was posted in three public places in the City of Buellton and published in a newspaper of general circulation and distributed to responsible public agencies on August 1, 2013, a minimum of 20 days prior to taking action on the Project.

WHEREAS, on August 15, 2013 the Planning Commission conducted a duly noticed public hearing on the scope of the Project, and the information contained in the Final SEIR, and, at the conclusion thereof, having considered all public testimony, both written and oral, received in conjunction with those public hearings, adopted their Resolution No. 13-09 recommending that the City Council adopt the statement of findings and facts, establish a mitigation monitoring program and certify the Final SEIR for the Project.

WHEREAS, on October 24, 2013, the City Council of the City of Buellton conducted a duly noticed public hearing regarding the Final EIR and the Project.

WHEREAS, all legal prerequisites prior to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUELLTON DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

SECTION 1: The City Council hereby finds that the facts, findings and conclusions set forth above are true and correct.

SECTION 2: Based upon the substantial evidence on the record, including the oral and written comments received during the above-referenced processes, the oral and written staff reports submitted in conjunction with the Final SEIR and the Project, and its Final SEIR, the City

Council hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects identified in the Final SEIR. The City Council’s determination as to the environmental effects pertinent to this finding are more completely described in the Statement of Facts and Findings attached hereto, marked as Exhibit “A,” and incorporated herein by this reference. The Final SEIR is incorporated herein by reference.

SECTION 3: The City Council hereby finds, approves and adopts the Statement of Facts and Findings for the Project, as well as establishes and adopts the Mitigation Monitoring Program for the Project, all of which are attached hereto, marked as Exhibit "A," and incorporated herein by this reference as if fully set forth.

SECTION 4: Based on the facts and findings set forth above in this Resolution, the City Council finds that it has reviewed and considered all such information and that the findings herein reflect the independent judgment and analysis of the City Council, and certifies that the Final SEIR for the Project is complete and adequate and has been completed in compliance with the requirements of CEQA, the State CEQA Guidelines and the City of Buellton Environmental Guidelines.

SECTION 5: The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 24th day of October 2013.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk

EXHIBIT A

CEQA FINDINGS

MERITAGE SENIOR LIVING PROJECT CONDITIONAL USE PERMIT (12-CUP-01) AND TENTATIVE TRACT MAP (TTM 31056)

A. Certification of the Final Subsequent Environmental Impact Report (FSEIR)

The City Council makes the following findings with respect to the June 2013, Final Subsequent Environmental Impact Report for Meritage Senior Living Project:

1. The City Council of the City of Buellton has previously reviewed, considered, and certified the September 29, 2005, Final Environmental Impact Report (FEIR) for the City of Buellton Land Use Element and Circulation Element Updates.
2. The City Council has reviewed and considered the June 2013, Final Subsequent Environmental Impact Report for the Meritage Senior Living Project.
3. The June 2013, Final Subsequent Environmental Impact Report for the Meritage Senior Living Project has been completed in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and further that the criteria for preparing a Subsequent Environmental Impact Report pursuant to Section 15163 of the CEQA Guidelines has been met.
4. The June 2013, Final Subsequent Environmental Impact Report for the Meritage Senior Living Project and all related public comments and responses have been presented to the City Council.
5. All information was considered by the City Council before the City Council acted on the project.
6. The June 2013, Final Subsequent Environmental Impact Report for the Meritage Senior Living Project reflects the independent judgment of the City, acting as the lead agency for the project.
7. All feasible mitigation measures for the proposed project have been imposed from the mitigation measures adopted as part of the September 29, 2005, Final Environmental Impact Report, as revised in the June 2013 Final Subsequent Environmental Impact Report . Each of the mitigation measures to be imposed on development under the Meritage Senior Living Project is reasonably related to and proportional to the incremental impacts and burdens created by the proposed project.

B. Findings that certain project and cumulative impacts are mitigated to a level of insignificance by project redesign or the incorporation of mitigation measures. Pursuant to CEQA Guidelines Section 15091, the City Council finds that the following changes and alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR:

1. Aesthetics/Visual Resources

- a. Certain aesthetic impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. All mitigation measures from the September 29, 2005, FEIR would be required. In addition, mitigation measure AES-2 from the June 2013, FSEIR would reduce potential impacts due to glare to a less than significant level.

2. Air Quality

- a. Certain air quality impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Mitigation measures AQ-3(a) through (c) from the September 29, 2005, FEIR would reduce operational and construction related emissions associated with the Meritage Senior Living Project to a level of insignificance.

3. Biological Resources

- a. Certain biological impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. All mitigation measures from the September 29, 2005, FEIR would reduce all identified biological impacts of the Meritage Senior Living Project to a level of insignificance.

4. Cultural and Historic Resources

- a. Previously unidentified, subsurface cultural resources may be unearthed during the Meritage Senior Living Project construction activities. Mitigation measure CR-2 from the June 2013, FSEIR would reduce the impacts to a level of insignificance.

5. Geology/Soils

- a. The Meritage Senior Living Project would result in potentially unstable soil conditions from expansive, compressible/collapsible, and/or erosive soils and slope instability. Mitigation measure G-2 from the June 2013, FSEIR would reduce the impact to a level of insignificance.

6. Greenhouse Gas Emissions

- a. The Meritage Senior Living Project would generate short-term as well as long-term GHG emissions. The Project would exceed the 1,100 MT CO₂E/year threshold, and would incrementally contribute to climate change. Mitigation measure GHG-1 from the June 2013, FSEIR would reduce the impact to a level of insignificance.

7. Hydrology and Water Quality

- a. Certain hydrology and water quality impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. All mitigation measures from the September 29, 2005, FEIR would reduce those certain hydrology and water quality impacts of the Meritage Senior Living Project to a level of insignificance.

8. Land Use, Agriculture and Housing

- a. Certain land use, agriculture, and housing impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Mitigation measures LU-1 (a) and (b) from the September 29, 2005 would be required. In addition, mitigation measures AG-2(a) and AG-2(b) from the June 2013 FSEIR would reduce those certain agricultural impacts of the Meritage Senior Living Project to a level of insignificance.

9. Noise

- a. Certain noise impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Mitigation measures N-1(a) and (b) from the September 29, 2005, FEIR would be required. In addition, mitigation measures N-1(a) and (b) from the June 2013 FSEIR would reduce temporary construction noise impacts of the Meritage Senior Living Project to a level of insignificance.

10. Safety

- a. Safety impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Mitigation measures S-1(b), and S-3(a) and (b) from the September 29, 2005, FEIR, along with implementation of the revised Safety Element Policies, would reduce safety impacts of the Meritage Senior Living Project to a level of insignificance.

C. Findings that certain project and cumulative impacts are found to be less than significant and no mitigation measures are required.

1. Aesthetics, Community Design and Visual Resources

- a. The Meritage Senior Living Project would introduce new development along a viewing corridor and alter public views in the Buellton area. Because existing General Plan policies and the Community Design Guidelines would provide sufficient mitigation at the program level, this is considered a Class III, less than significant impact.
- b. The Meritage Senior Living Project would alter the visual character of the project site. Because existing General Plan policies and the Community Design Guidelines would provide sufficient mitigation at the program level, this is considered a Class III, less than significant impact.

2. Agricultural Resources

- a. The Meritage Senior Living Project would convert portions of the site from grazing and farming land to non-agricultural uses. Based on the Land Evaluation and Site Assessment model, conversion of the project site is not considered significant, and the site is zoned for commercial uses with an AHOZ designation under the City's General Plan; therefore, conversion of the site would be a Class III, less than significant impact.

3. Air Quality

- a. The Meritage Senior Living Project construction would generate temporary increases in localized air pollutant emissions. With implementation of standard dust and emissions control measures required by the SBCAPCD, impacts would be Class III, less than significant.
- b. Sensitive receptors on the Meritage Senior Living Project site would be exposed to hazardous air pollutants from heavy vehicle traffic on U.S. Highway 101. However, the proposed senior care residential units closest to U.S. Highway 101 would not be exposed to air pollutants that exceed applicable health risk significance thresholds and impacts would be Class III, less than significant.
- c. The Meritage Senior Living Project would be consistent with the SBCAPCD's 2010 Clean Air Plan and adopted regional, State, and federal air quality plans. This impact would be Class III, less than significant.

4. Biological Resources

- a. Certain biological impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Because existing and proposed General Plan policies would provide sufficient

mitigation at the program level, this is considered a Class III, less than significant impact.

5. Cultural and Historic Resources

- a. Certain cultural and historic impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Because existing and proposed General Plan policies, including those in the revised Open Space and Conservation Elements, would provide sufficient mitigation at the program level, this is considered a Class III, less than significant impact.

6. Geologic Hazards

- a. Certain geologic hazard impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Because existing and proposed General Plan policies would provide sufficient mitigation at the program level, this is considered a Class III, less than significant impact.

7. Geology/Soils

- a. The Meritage Senior Living Project site is located in an area of high earthquake risk and is subject to moderate ground shaking, which has the potential to cause fill material to settle, destabilize slopes, and cause physical damage to structures, property, utilities, road access, and humans. Compliance with the Uniform Building Code, General Plan policies and California Building Code allows this to be considered a Class III, less than significant impact.

8. Hydrology and Water Quality

- a. There is a potential for short-term water quality and drainage impacts with the Meritage Senior Living Project. Because National Pollutant Discharge Elimination System permit requirements, City Stormwater Management Plan Best Management Practices and the requirement for the retention basin would provide sufficient mitigation at the program level, this is considered a Class III, less than significant impact.

9. Land Use/Policy Consistency

- a. The proposed Meritage Senior Living Project would be consistent with Land Use, Zoning Ordinance and the General Plan. This is considered a Class III, less than significant impact.

10. Noise

- a. Certain noise impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. Because existing and proposed General Plan policies, including those in the Noise Element, would provide sufficient mitigation at the program level, this is considered a Class III, less than significant impact.

11. Public Services and Infrastructure

- a. Fire protection and emergency medical service impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. With the payment of required development fees, this is considered a Class III, less than significant, impact.
- b. Police protection impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. This is considered a Class III, less than significant, impact.
- c. No students are generated by this project. Therefore, the impact is a Class III, less than significant, impact on existing schools.
- d. Library impacts associated with the Meritage Senior Living Project are similar to those identified in the September 29, 2005, FEIR. The impacts are Class III, less than significant, impacts related to demand for libraries.
- e. Solid waste impacts associated with the Meritage Senior Living Project would be similar to those identified in the September 29, 2005, FEIR. Existing landfills have adequate capacity to accommodate projected increases in solid waste generation. Therefore, the increase in waste generated by new development is considered a Class III, less than significant, impact.
- f. Water supply impacts associated with the Meritage Senior Living Project would be similar to those identified in the September 29, 2005, FEIR. The projected water use can be accommodated by the water supply system and would result in a Class III, less than significant, impact.
- g. Wastewater impacts associated with the Meritage Senior Living Project would be similar to those identified in the September 29, 2005, FEIR. However, build-out flows would still exceed the capacity of the City's wastewater treatment plant. In addition, the increase in wastewater would require improvements to the City's wastewater conveyance system. With payment of required development impact fees, however, the wastewater treatment facilities can be expanded to accommodate this growth and is therefore considered a Class III, less than significant, impact.

12. Transportation and Circulation

- a. Certain traffic impacts associated with the Meritage Senior Living Project would be similar to those identified in the September 29, 2005, FEIR. With implementation of the policies and programs of the 2005 Circulation Element, this would be a Class III, less than significant, impact.

D. Alternatives

Alternatives were included in the September 29, 2005, FEIR. Four additional alternatives were developed as part of this Subsequent Environmental Impact Report. The alternatives evaluated in the June 2013, FSEIR include the CEQA-required New No Project/No Development Alternative (Alternative 1), AHOZ Development Alternative (Alternative 2), a Typical Commercial Project Alternative (Alternative 3), and a Reconfigured Project Alternative (Alternative 4). The following is a summary of these alternatives that were included in the June 2013, FSEIR.

Alternative 1 (New No Project/No Development)

The "no project" alternative is required by CEQA to be evaluated as an alternative to the project. This alternative assumes that no new development occurs on the Project site. Overall, impacts would be substantially less than for the proposed project. However, this alternative would not fulfill the basic objective of providing a new senior care facility.

Alternative 2 (AHOZ Development)

This alternative assumes that the site would be developed with residential units under the Affordable Housing Overlay Zone. This would result in a maximum of 330 residential units. This alternative would result in increased impacts for two of the eleven issue areas, including greenhouse gas emissions and recreational facilities. These issues relate to increased operational emissions and use of recreational facilities due to more long-term residents. Therefore, this alternative would not be considered environmentally superior to the proposed project.

Alternative 3 (Typical Commercial Project)

This alternative assumes that the site would be developed with a 290,000 square foot commercial retail project. This alternative would result in decreased impacts for one of the twelve issue areas. This issue relates to the proximity of residential uses to agricultural uses. It is decreased because there are no residential uses proposed. This alternative would result in increased impacts for three of the twelve issue areas, including transportation and circulation, air quality and noise. These issues relate to increased vehicle generation, increased operational criteria pollutant emissions, increased roadway noise and increased impacts to intersections as a result of increased commercial development. Therefore, this alternative would not be considered environmentally superior to the proposed project.

Alternative 4 (Reconfigured Project)

This alternative is similar to the Meritage Senior Living Project. It assumes the reconfiguration of the proposed development onto the southernmost parcels and the reconfiguration of the drainage basin and other off-site improvements onto the project site and within the City limits. This alternative would result in similar impacts. It would not have any increased impacts and would also not have any decreased impacts. Therefore, this alternative would not be considered environmentally superior to the proposed project.

RESOLUTION NO. 13-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (12-CUP-01) AND TENTATIVE TRACT MAP (TTM 31056) FOR THE MERITAGE SENIOR LIVING PROJECT, WHICH INCLUDES A SKILLED NURSING FACILITY (24 ROOMS), A MEMORY BUILDING (40 UNITS), 91 ASSISTED LIVING UNITS, AND 92 INDEPENDENT LIVING UNITS ON 18.2 ACRES, LOCATED ON JONATA PARK ROAD (ASSESSOR PARCEL NUMBERS 099-400-064, 099-400-065 AND 099-400-069 (OFFSITE PORTION)) AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Norman Williams, Buellton Oaks, L.P., property owner, and Mark Edwards, agent (“Applicant”), for a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) to allow the development of a senior assisted and independent living project on property located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (Offsite Portion)). The senior project includes a Skilled Nursing Facility (24 Rooms), a Memory Building (40 Units), 91 Assisted Living Units, and 92 Independent Living Units on 18.2 Acres, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)) (the “Project”).

SECTION 2: The proposed Project consists of two land use applications:

Conditional Use Permit (Case No. 12-CUP-01): Approval of a skilled nursing facility (24 rooms), memory building (40 units), assisted living units (91), independent living units (92 units), 242 parking spaces, landscaping and walking paths. Also includes a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service. A reduction in a portion of the rear setback from ten feet to zero feet is also included as shown on the site plan. A drainage basin, a portion of a roadway, and 23 of the parking spaces are located outside the city limits and would require approval from the County of Santa Barbara.

Tentative Tract Map (TTM 31056): Approval of a Tentative Tract Map for the creation of 6 parcels on an 18.2 acre parcel. The proposed parcels are 2.8 acres (Lot 1 - Vacant), 2.8 acres (Lot 2 - Vacant), 2.1 acres (Lot 3 – Skilled Nursing Facility), 5.4 acres (Lot 4 – Memory Building, Assisted Living), 3.3 acres (Lot 5 – Independent Living, Community Center), and 1.9 acres (Lot 6 – Independent Living).

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 any aspect of 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 Planning Commission on August 15, 2013 (“Planning Commission Public Hearing”).
2. All oral, written and visual materials presented in conjunction with the Planning Commission Public Hearing.
3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on October 24, 2013 (“City Council Public Hearing”).
4. All oral, written and visual materials presented in conjunction with the City Council Public Hearing.
5. The following informational documents which, by this reference, are incorporated herein.
 - a. The Project file for 12-CUP-01 and TTM 31056 and the set of Project plans dated March 22, 2012.
 - b. City Council staff report of October 24, 2013.
 - c. The Final Subsequent Environmental Impact Report (SEIR) for the Project.
 - d. Planning Commission Resolution Nos. 13-09 and 13-10.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance and Government Code Section 65091 have been lawfully satisfied:

1. A notice of Planning Commission public hearing was published in a newspaper on August 1, 2013 (the “PC Public Notice”), a minimum of ten (10) days in advance of the PC Public Hearing conducted on August 15, 2013.
2. The PC Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on August 1, 2013, a minimum of ten (10) days in advance of the PC Public Hearing.
3. The PC Public Notice was posted in three public locations on August 1, 2013, a minimum of ten (10) days in advance of the Public Hearing.
4. A notice of City Council Public Hearing was published in a newspaper of general circulation on October 10, 2013 (the “CC Public Notice”), a minimum of 10 days in advance of the Public Hearing conducted on October 24, 2013.

5. The CC 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 October 11, 2013, a minimum of 10 days in advance of the Public Hearing.
6. The CC Public Notice was posted in three public locations on October 11, 2013, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Clearance.

A Subsequent Environmental Impact Report (SEIR) was prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the CEQA Guidelines of the City of Buellton.

By separate Resolution (No. 13-15), the City Council has adopted the Statement of Facts and Findings and the Reporting/Mitigation Monitoring Program for the Project and certified as complete, the Final SEIR prepared for the Project. Mitigation measures from the Final SEIR have been made conditions of approval.

The Final SEIR and all such related environmental documents are located in and in the custody of the City of Buellton Planning Department and are available on the City’s website.

D. Use Determination. The City Council hereby determines, as recommended by the Planning Commission, that the Project meets the definition of “Medical Services – Hospitals and Extended Care” use, and therefore would be permissible in the General Commercial (CR) zone. As described in Section 19.12.020 of the Buellton Municipal Code, this land use is defined as follows:

- “Medical services — hospitals and extended care (land use)” means hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include accessory retail pharmacies, and emergency heliports. Also includes residential establishments providing nursing and health related care as a principal use with in-patient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in “residential care.”

E. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments and outside Agencies, (iii) testimony and comments received in connection with the public hearing and (iv) adoption of the conditions of approval set forth hereof, the City Council does hereby declare as follows:

1. Conditional Use Permit (12-CUP-01).

a. Findings:

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed because the size of the site and its location are appropriate for this type of use. The Zoning Ordinance does not have requirements for lot size or site coverage. However, the site is adequate for the development and is accessible by a public street.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and mitigation measures from the Final SEIR and prior environmental documents have been made conditions of approval and would mitigate any impacts to a level of insignificance.
- iii. That streets and highways are adequate and properly designed per the requirements of the City's Public Works Director with conditions imposed herein. Traffic and circulation impacts are negligible with this type of low impact use.
- 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 approved the plans and provided conditions of approval. 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 is zoned for general commercial- land uses and the City Council has determined that this Project meets the definition of a Medical Services-Hospitals and Extended Care use. The project conforms to the requirements of the Zoning Ordinance as to site design and

layout and would not conflict with the surrounding area and land uses pursuant to the conditions of approval imposed on the project.

- 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 the General Plan and the Zoning Ordinance.
- vii. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
- viii. That the proposed development is in conformance with the Community Design Guidelines. The architectural style is Agrarian.

2. Rear Yard Setback Reduction.

a. Findings:

- i. The reduced setback(s) will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas. The reduction of a portion of the rear setback would not be incompatible with the neighborhood because there is no development to the rear of the property and the property is zoned for agricultural uses.
- ii. The reduced setback(s) conform with other applicable provisions of this title and with the general plan.
- iii. The reduced setback(s) will not conflict with any easements required for public access through, or the public use of, a portion of the property. There are no easements in the area where the rear setback is reduced.

3. Tentative Tract Map (TTM 31056).

a. Findings:

- i. The proposed subdivision, including its design and improvements, is consistent with Buellton's General Plan pursuant to the Public Works Director with the conditions of approval herein.

- ii. The site is physically suitable for the type of development proposed as the site is planned and zoned for commercial development and the City Council has determined that the project falls into the commercial category.
- iii. The site is physically suitable for the proposed density of development as the commercial development meets the standards of the 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 none exist on the property based on the findings in the Final SEIR and the mitigation measures imposed herein.
- 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. No public easements exist.
- 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. 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. There are no new street names.
- 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 Section 3 and subject to the attached conditions of approval, the City Council hereby approves the Conditional Use Permit (12-CUP-01), Tentative Tract Map (TTM 31056) and the reduction in a portion of the rear setback as shown on the site plan dated March 22, 2012.

PASSED, APPROVED, AND ADOPTED this 24th day of October 2013.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk

**CONDITIONS OF APPROVAL
MERITAGE SENIOR LIVING PROJECT**

**CONDITIONAL USE PERMIT (12-CUP-01)
TENTATIVE TRACT MAP (TTM 31056)**

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description contained in the application received January 5, 2012, and conditions of approval set forth below. The Project Description is as follows: A request by Norman Williams, Buellton Oaks, L.P., property owner, and Mark Edwards, agent (the “Applicant”) for a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) to develop the Meritage Senior Living Project which consists of a 24-bed skilled nursing facility, a 40-unit memory building, 91 assisted living units, 92 independent living units, parking, landscaping, and an offsite drainage basin. Also proposed are a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service (the “Project”). The Project is located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (Offsite Portion)) (the “Property”). The project plans that are included in this approval include the site plan, floor plans, elevation plans, preliminary grading/drainage/utility plan, preliminary landscape plan, and tentative tract map dated March 22, 2012. 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. The following are the approvals:

- **Conditional Use Permit (Case No. 12-CUP-01):** A Conditional Use Permit (12-CUP-01) for the development of a skilled nursing facility (24 rooms), memory building (40 units), assisted living units (91), independent living units (92 units), 242 parking spaces, landscaping and walking paths. Also includes a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service. A drainage basin, a portion of a roadway, and 23 of the parking spaces are located outside the city limits and would require approval from the County of Santa Barbara.
- **Tentative Tract Map (TTM 31056):** A Tentative Tract Map (TTM 31056) for the creation of 6 parcels on an 18.2 acre parcel. The proposed parcels are 2.8 acres (Lot 1 - Vacant), 2.8 acres (Lot 2 - Vacant), 2.1 acres (Lot 3 – Skilled Nursing Facility), 5.4 acres (Lot 4 – Memory Building, Assisted Living), 3.3 acres (Lot 5 – Independent Living, Community Center), and 1.9 acres (Lot 6 – Independent Living)

2. **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 Norman Williams, Buellton Oaks L.P., property owner, and Mark Edwards, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project.
 - 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. **“Final Building Inspection Clearance”** means acknowledgement by the Building and Safety Division of the County that construction of the Project has been completed in full compliance with plans and specifications approved by the Building and Safety Division of the County. Such acknowledgement is typically evidenced by signature of appropriate Building and Safety Division staff on the building permit inspection form.
 - f. **“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 a special district.
 - g. **“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.
 - h. **“Project”** means and includes all of the actions described in the Project Description above.
 - i. **“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.
 - j. **“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.
 - k. **“Property”** means the land and improvements identified in the Project Description.

8. **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.
9. **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.
10. **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
11. **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 fee schedules adopted by the City and then in effect at the time such fees become payable.
12. **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

Aesthetics

13. **AES-2 Exterior Building Materials.** New structures shall utilize non-reflective exterior materials to prevent glare, as feasible.

Air Quality

14. **AQ-3(a) 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:

- 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.
 - Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
 - 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.
 - 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.
 - The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.
 - Prior to land use 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.
15. **AQ-3(b) Application of Standard CBACT.** Best available control technology for construction equipment (CBACT) shall be applied to the piece of construction equipment estimated to cause the highest level of combustion emissions during any proposed construction, based on APCD standards. CBACT technology may include the following: fuel injection timing retard of 2 degrees; installation of high pressure injectors; coating of internal combustion surfaces (cylinder head, pistons, and valves); and/or use of reformulated diesel fuel.
16. **AQ-3(c) Standard Ozone Precursor Controls.** At all times, ozone precursor emissions shall be controlled not only through the routine maintenance of all construction equipment, but construction activities shall also be required to utilize new technologies to control ozone precursor emissions including:
- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
 - The engine size of construction equipment shall be the minimum practical size.

- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Agricultural Resources

17. **AG-2(a) Agricultural Buffer.** A 200-foot buffer between the senior center facilities and active agricultural uses on adjacent parcels shall be incorporated into the project site plans of the proposed project. The agricultural buffer shall be required to be incorporated into the applicable off-site agricultural parcel by easement.
18. **AG-2(b) Agricultural Buffer Monitoring.** As a component of monitoring AG-2(a), the project applicant shall provide photo documentation to City planning staff on an annual basis documenting adherence to the 200-foot buffer between the senior center facilities and active agricultural uses on the adjacent property.

Cultural and Historic Resources

19. **CR-2 Halt Work Order for Archaeological Resources.** If archaeological resources are exposed during construction of the proposed project, pursuant to the Land Use or Circulation Elements, all earth disturbing work within 100 feet of the find must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A representative should monitor any mitigation excavation associated with Native American materials.

Geology/Soils

20. **G-2 Reduction of Soil Stability Hazards.** Grading and construction of the proposed project shall incorporate all of the recommendations included in the Preliminary Geotechnical Investigation prepared by Pacific Material Laboratory, dated June 6, 2012. These recommendations are summarized below and include, but are not limited to, the following requirements designed to minimize impacts related to soil stability hazards.
 - a. Grading
 - Soils found to be expansive will be excavated and wasted in landscape portions of the project.

- The footings of the proposed structures shall be supported completely by a uniform thickness of non-expansive soil. The structure shall not be supported over a cut/fill transition unless the foundation is engineered to account for the transition.
 - Beneath the proposed structures and for a minimum distance of 5 feet beyond the exterior perimeters, the loose topsoil and compressible surface soils shall be removed and observed by a representative of Pacific Materials Laboratory.
- b. Foundations
- All continuous exterior footing for one-story portions of the structure which rest upon compacted fill soils shall extend a minimum of 18 inches and all continuous interior one-story footing shall extend a minimum distance of 12 inches below compacted ground surface.
 - All footings shall contain a minimum of two No. 4 horizontal rebar placed one in the base and one in the stem of the footing.
- c. Resistance to Lateral Loads
- An allowable friction coefficient of 0.35 shall be used.
 - The passive pressures of 350 pcf of footing shall be used.
 - A triangular distribution shall be used.
 - The frictional resistance and the passive pressure may be combined without reduction.
 - The resistance may be increased by one-third for wind or seismic loading.
- e. Retaining Walls
- The cantilevered retaining walls (site walls and garden walls) shall be designed assuming an active soil pressure equivalent to a fluid (E.F.P.) whose weight is 35 pcf for level backfill conditions and 52 pcd for backfill slopes, which are constructed at an angle of up to 27 degrees.
 - Restrained and partially restrained retaining walls or cantilevered retaining walls which form a portion of the foundation system of the structure shall be designed assuming an at-rest soil pressure equivalent to a fluid (E.F.P.) whose weight is 60 pcf for level backfill conditions and 73 pcf for backfill slopes, which are constructed at an angle of up to 27 degrees.
- f. Pavement
- Beneath the proposed parking areas, the top loose surface soils shall be removed, moistened or dried to at or near the optimum moisture content and compacted.
 - R-values shall be performed once the subgrade elevations have been established. The parking lot shall be designed based on an estimated R-value of 35.
 - Maintenance to reduce the potential for deterioration of paved areas shall include surface treatment approximately six months to one year after construction and approximately three years or less from the first treatment.
- g. Adjacent Loads

- The effect of adjacent loads shall be calculated using the published Formulas for Stresses in Semi-infinite Elastic Foundations or the Boussinesq figures and equations.
- h. Settlement
- The project shall achieve angular distortions of approximately 1/480.

The required provisions from the Preliminary Geotechnical Investigation shall be reflected on grading and foundation plans and reviewed by the City Engineer to very compliance as required.

21. **G-4(a) Grading and Erosion Control Plan.** A grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared and implemented by the applicants for development projects, prior to issuance of Grading Permits. It must include one or more of the following erosion reduction methods, as determined by the City Engineer:

- a. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Santa Ynez River, Zaca Creek and Thumbelina Creek during grading and construction activities.
- b. Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by the Planning Department, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c. After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the Planning Department and Air Pollution Control District. These methods may include importing of topsoil is to be imported and spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. As a minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodable soils.
- d. Where necessary, site preparation shall include the removal of all or a portion of the expansive soils at the building sites and replacement with compacted fill.
- e. Where necessary, construction on transitional lots shall include overexcavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.
- f. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.

- g. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to land use clearance for grading.
- h. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- i. Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.
- j. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
- k. Cut and fill benches shall be constructed at regular intervals.
- l. Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
- m. The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a Planning Department Building and Safety approved erosion control plan is in place and all measures therein are in effect.

The applicant shall post a bond with the County and hire a Planning Department-approved geologist or soils engineer prior to land use clearance for grading, and to ensure that erosion is controlled and mitigation measures are properly implemented.

Hazardous Materials

- 22. **S-1(b) Previously Unidentified Hazardous Materials.** In the event that hazardous waste and/or materials, including chemical odors or stained soils, are encountered during construction of future development sites, the following actions shall be taken by the applicant or authorized agent thereof: (1) all work in the vicinity of the suspected contaminant will be halted; (2) all persons shall be removed from the area; (3) the site shall be secured under the direction of the County Fire Department; and (4) the City of Buellton Hazardous Waste/Materials Coordinator shall be notified. Work shall not recommence until such time as the find is evaluated and appropriate measures are implemented as necessary to the satisfaction of the California Department of Toxic Substances Control.
- 23. **Asbestos Sampling and Supervision.** Prior to demolition of structures constructed prior to 1978, areas of the structures to be demolished shall be sampled as part of an asbestos survey in compliance with the National Emission Standards for Hazardous Air Pollutants (“NESHAP”). If asbestos is found in any building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (“ACMs”) shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws. Regardless of whether asbestos is identified in any building, prior to demolition of existing structures the APCD shall be notified and an APCD Notification of Demolition and Renovation Checklist shall be submitted to both APCD and the Planning Director.
- 24. **Lead-Based Paint Management.** If during demolition of structures constructed prior to 1978 paint is separated from the building material (e.g. chemically or physically), the paint waste will be evaluated independently from the building material by a qualified

hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed in accordance with local, state and federal regulations. According to the Department of Toxic Substances Control (“DTSC”), if paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements.

Drainage

25. **HWQ-3(b) Pervious Paving Material.** This project shall develop plans/practices for minimizing runoff rates and volumes of stormwater on-site to allow percolation to the underlying aquifer. Some methods that may be used to facilitate groundwater recharge and reduce surface water runoff may include, but are not limited to, the use of pervious paving material within parking lots and other paved areas to facilitate rainwater percolation.
26. **HWQ-4(a) Storm Water Quality Measures.** Best Management Practices (BMPs) shall be implemented to the project design in addition to construction activities. Water quality control devices shall be installed to intercept water flowing off of proposed parking lots and roadway surfaces for urban infill projects. Whenever feasible, the preferred approach to treating surface runoff will be the use of vegetated drainage swales. The chosen method for treating runoff will be a proven and documented pollution prevention technology that removes oil and sediment from stormwater runoff, and retains the contaminants for safe and easy removal. The chosen device shall possess design features to prevent resuspension of previously collected contaminants and materials, and contain a built-in diversion structure to divert intense runoff events and prevent scouring of the previously collected sediments. The filter devices shall be sized to capture all dry weather surface runoff and accommodate storm events as specified in the City’s SWMP. The storm water quality system must be reviewed and approved by the City and Regional Water Quality Control Board (if applicable).
27. **HWQ-4(b) Stormwater BMP/LID Maintenance Plan.** All stormwater BMP/LID devices in new development shall be required to be cleaned and maintained in accordance with the manufacturer’s maintenance specifications. The timing shall be at least twice per year: just prior to the onset of the rainy season (i.e., November 1st) and immediately after the end of the rainy season (i.e., May 1st). The maintenance plan must be submitted and approved by the City Engineer. Annual reporting documenting compliance shall be submitted to the City Engineer.

Greenhouse Gas (GHG) Emissions

28. **GHG Reduction Measures.** The project shall reduce operational greenhouse gas emissions through implementation of one or more of the following measures:
 - a. Prior to permit issuance, the applicant shall develop a GHG Reduction Plan that would reduce annual greenhouse gas emissions from the project

by a minimum of 355 MT CO₂E 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 limited to, the following components:

- Alternative fuel vehicles
- Energy conservation policies
- Energy efficient equipment, appliances, heating and cooling
- Energy efficient lighting
- Green building and roofs
- Water conservation and recycling
- Renewable energy production
- Off-site vehicle trip reduction
- Carbon sequestration;

Or

- b. If the greenhouse gas emissions cannot be reduced through compliance with a project GHG Reduction Plan, the project shall purchase carbon offsets to reduce GHG emissions below threshold levels. Purchased carbon offsets shall be approved by City staff prior to permit approval.

Noise

29. **N-1 Noise Reducing Building Construction Techniques.** Prior to issuance of the building permits, the property owner/project developer shall submit plans and specifications to the City Planning Department that include the following noise reduction measures:

- a. All on-site residential structures facing U.S. Highway 101 shall include windows and exterior doors that have a minimum STC rating of 29 STC or higher. Exterior doors shall be solid core and be installed with weather stripping.
- b. All on-site residential structures facing U.S. Highway 101 shall include exterior wall assemblies with a STC rating of 45 or higher. This can be accomplished using standard wall assemblies using 2 by 4 inch studs, batt insulation in the wall cavities, and a double-layer of half-inch drywall on each side, or using staggered 2 by 4 inch studs with 2 by 6 inch top and bottom plates and a single layer of half inch drywall on each side. Other methods of achieving STC 45 in exterior wall assemblies can be found at:

http://inspectapedia.com/bestpractices/sound_control3.htm

<http://www.stcratings.com/assemblies.html>

http://www.sae.edu/reference_material/pages/STC%20Chart.htm

- c. All onsite residential structures facing U.S. Highway 101 shall be provided with forced-air mechanical ventilation, as required by the Uniform Building Code, to adequately ventilate the interior space of the units when windows are closed to control noise.

30. **N-1(a) Notification of Temporary Construction Noise.** The applicant shall provide all residential property owners within 2,800 feet of proposed construction on the project site with a construction activity schedule and construction routes at least one week in advance of construction activities. Any alterations or additions shall require one week advanced notification.
31. **N-1(b). Construction Noise Attenuation Techniques.** Stationary construction equipment shall be shielded to the satisfaction of the Buellton Planning Department. For all construction activity on the project site, noise attenuation techniques shall be employed as needed to ensure that noise at nearby sensitive receptors remains within levels allowed by city noise standards. At a minimum, such techniques shall include:
- a. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
 - b. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
 - c. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters if within 300 feet of any sensitive receptor.

C. PLANNING CONDITIONS

32. **Conditional Use Permit/Tentative Tract Map.** Approval of the Conditional Use Permit (Case No. 12-CUP-01) and the Tentative Tract Map (Case No. TTM 31056) (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all 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.
33. **Development Time Frame.** Building construction must be started not later than five years after approval of the Conditional Use Permit, or if a Permit is issued within the five year period, construction must be diligently pursued thereafter, or this approval will be revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project. Start of 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 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.

34. **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, the 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. Final architectural elevations shall be reviewed by the Planning Commission as part of the zoning clearance process.
35. **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:
 - (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 any time.
 - (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 or as approved in the Final Development Plan.
 - 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 provided for, 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.
36. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
37. **Building Codes.** 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.
38. **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.
39. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction in the Phase is completed and all improvements and landscaping associated with the Phase 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. This condition only applies to the buildings, not to the public improvements associated with the tentative tract map.
40. **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.

41. **Community Design Guidelines/Architecture.** The Project shall be in conformance with the Community Design Guidelines. The design details and color of the Agrarian style architecture shown on the project plans shall be installed and maintained.
42. **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.
43. **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 submitted as part of the building plans. 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.
44. **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.
45. **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.
46. **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.
47. **Parking.** A total of no more than 233 parking spaces are required onsite. If the project is phased, the first phase shall be per the City's standard, with parking for subsequent phases adjusted using actual parking data submitted by the applicant. The Planning Commission will review the parking data and approve any adjustments. Assisted Living employee parking shall be part of the required 1:1 parking ratio.
48. **CC&Rs.** Any CC&Rs developed for the project shall be reviewed by the City to ensure that there are no conflicts with the City's Municipal Code.
49. **Reciprocal Access, Drainage, and Parking.** A reciprocal parking, drainage, and access easement shall be recorded as part of, or concurrently with by separate document, the tract map.

50. **Bus Stop.** The project layout and design should incorporate a bus stop with turn-around route along Jonata Park Road for possible future service. The bus stop should be designed with a shelter and bench. The turn-around route should be designed to allow for a bus to safely turn around without having to make a u-turn.
51. **Signage.** The monument sign shown on the site plan is approved. A Zoning Clearance from the Planning Department is required for any other signage.
52. **County Permits.** All site work located outside of the City Limits shall require the appropriate permits from the County of Santa Barbara. The County building permit and City grading permit cannot be issued until such time as proof is provided that the off-site County permits have been issued. If the County does not issue the off-site permits, the revised project with all facilities located within the City Limits will have to be reviewed by the Planning Commission.
53. **Project Phasing.** Each of the Parcels will obtain separate building permits and will be constructed at their own rate of development.
54. **Agreement for Off-Site Improvements.** Prior to issuance of any certificate of occupancy, an Agreement shall be recorded for both properties that acknowledge that the drainage basin, access, and parking are required for this Project and cannot be removed.
55. **Walking Paths.** All walking paths shall be made of concrete. The walking path along the frontage of Jonata Park Road shall have connections to the sidewalk to the north and south of the site. The walking path to the east of the fire lane shall have a connection to the walking path along the fire lane.
56. **Windows.** The windows shall be recessed.
57. **Bike Racks.** Bike racks shall be added to the design.

D. ENGINEERING/CONDITIONAL USE PERMIT CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

58. **Grading and Utilities 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.
59. **Plan Requirements.** Plans for the improvements 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.

60. **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.
61. **Erosion Control Plans.** 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.
62. **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. Off-site drainage flows shall be address for flows anticipated from the upper watershed, as well as discharge from the project site. In addition, the report shall discuss the required stormwater management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references.
63. **Drainage Plan.** The drainage plan shall identify potential pollutants of concern and demonstrates that post-construction BMPs projects will reduce to the Maximum Extent Practicable the projects potential to add pollutants to storm water or to affect the flow rate or velocity of stormwater runoff after construction is completed. It shall also demonstrate that the post-construction BMPs incorporated into the project will prevent it from significantly degrading receiving water quality, or, causing or contributing to an exceedance of receiving water quality objectives.
64. **State of California Regional Water Quality Control Board Requirements.** Development shall be undertaken in accordance with conditions and requirements of the State of California Regional Water Quality Control Board (RWQCB). 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. Notice of Intent (NOI) must be filed electronically and applicant shall obtain their NPDES permit with the RWQCB and comply with all required reporting and monitoring requirements of the permit.

Stormwater management plan shall be submitted and low impact development (LID) incorporated in the improvement plans. Pre and post development hydrology shall be

consistent, considering flow volume and discharge. Design measures that minimize storm water run-off shall be incorporated. When possible, grading and drainage shall be designed so that the Effective Impervious Area is minimized. Examples include curb openings integration to enable run-off direction towards landscaped areas and impervious surfaces for infiltration. The plan shall provide information that proves the adequacy of BMPs selected, BMP location proposed, and sizing/configuration of BMPs. The report shall provide the detailed volume and velocity calculations so that the final improvements shall mimic the drainage patterns and discharge rate of the pre-development conditions.

The applicant shall submit a detailed plan that includes a combination of source control and structural treatment BMPs that at a minimum will:

- Control the post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion;
- Conserve natural areas; Minimize pollutants of concern from urban runoff through implementation of source control BMPs;
- Remove pollutants of concern from urban runoff through implementation of site design, source control, and structural treatment BMPs implemented close to pollutant sources and prior to discharging into receiving waters;
- Minimize directly connected impervious areas;
- Protect slopes and channels from eroding;
- Include storm drain stenciling and signage;
- Include properly designed outdoor material and trash storage areas;
- Ensure that post-development runoff does not contain pollutant loads that have not been reduced to the maximum extent practicable.

65. **Maintenance/Water Quality Control Plan.** A maintenance/water quality control plan shall be submitted and 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, for City review and approval. The mechanism must ensure ongoing long-term maintenance of these BMPs, all to the satisfaction of the City Engineer.

66. **Improvement Plans.** 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.

67. **Right-of-Way Improvements.** Driveway, sidewalk and any other improvements made within the public right-of-way shall be shown on a separate sheet. These improvements shall utilize City of Buellton standard details and provide for ADA access.

68. **Mylars.** Upon approval of the final plans, the 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.
69. **Faithful Performance and Labor/Material Bond.** 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 and all fees paid.
70. **Grading.** 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.
71. **Off-Site Retention Basin.** Grading Permit for the off-site retention basin must be obtained from the County of Santa Barbara prior to issuance of the City's Grading Permit. Should the location of the retention basin change, plans and description should be submitted for planning review and approval prior to issuance of grading permits. Hydrology/Hydraulic study and stormwater management plan shall be modified accordingly.
72. **Caltrans Approval.** Sign-off by Caltrans must be obtained prior to issuance of the City's Grading permit to address their drainage issue concerns as noted in their February 4, 2013 letter.
73. **Other Permits.** The applicant shall acquire additional permits as applicable from other agencies (Caltrans, Fish & Game, etc.).

PRIOR TO BUILDING PERMIT ISSUANCE:

74. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
75. **Rough Grading Certification.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
76. **Industrial Waste Discharge Permit.** The applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.
77. **Final Map.** A Final Map shall be submitted by the applicant to the City Engineer for review and approval. All conditions pertaining to the final map shall apply.

PRIOR TO OCCUPANCY CLEARANCE:

78. **Improvement Plans.** The applicant shall complete all required improvements to the satisfaction of the City Engineer. The applicant shall furnish the 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."
79. **Water and Sewer Fees.** The 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. In the event that the water use or sewer discharge amount increases beyond original estimates used to pay these fees, the applicant shall be required to pay the additional fees.
80. **Tract Map.** Tract Map must be approved prior to occupancy.
81. **Easements.** Any required utility easements shall be offered for dedication as part of the Tract Map and shall be supplemented with a separate Grant of Easement document for recordation.
82. **Maps and Easements.** All maps and easements shall be recorded prior to issuance of Certificate of Occupancy.
83. **Map Conditions.** All map conditions shall apply.

GENERAL CONDITIONS:

84. **Public Improvements.** 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.
85. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
86. **Transit Vehicle Accommodations.** Driveway, entrances and drop-off/pick-up stops on-site shall accommodate transit vehicles.
87. **Landscape Plans.** The applicant shall submit, for review and approval, landscaping plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides; all to the satisfaction of the Planning Director.
88. **New Utility Services.** All new utility services and existing telephone lines shall be placed underground and completed prior to any paving required for the project. No new utility poles shall be installed. All utility plans shall be coordinated with the respective utility companies and shall be submitted for review and approval by the City Engineer. All undergrounding shall be completed prior to any paving required for the project.

89. **Public Improvements along Development Frontage.** Public improvements, including road and shoulders (with adequate width to accommodate future bicycle lanes), curb/gutter and sidewalk shall be provided along development frontage. The final design of the public improvements shall be approved by the City Engineer.
90. **Infrastructure.** Water, sewer and other infrastructure shall be extended as necessary to provide service to the development. This shall be done at the expense of the developer.
91. **Grease Traps.** Kitchen shall include appropriately sized grease traps. Facility shall be subject to the City's Fats, Oils and Grease (FOG) program.
92. **Post Construction Requirements.** Applicant shall be made aware that the RWQCB has adopted new Post Construction Requirements (PCR), which the City is required to implement. Should the project be approved after March 6, 2014, this project must incorporate those PCRs.
93. **Construction Hours.** Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Weekend construction shall require special approval from the City Engineer and be limited to the hours of 9:00 a.m. to 4:00 p.m.
94. **Dust and Erosion Control.** Applicant shall enforce dust control as well as erosion control at all times. Site shall be maintained after mass grading to ensure that dust and dirt are contained until development progresses. Exposed areas shall be stabilized to prevent wind and water erosion as approved by the City Engineer.

E. ENGINEERING/SUBDIVISION MAP CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

95. **Easement Dedication.** The applicant shall offer for dedication any utility easements required to accommodate the proposed water and sewer lines. Public Dedications shall be supplemented with Grant of Easement Deeds to the City of Buellton.
96. **Faithful Performance and Labor/Material Bond.** 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 and until receipt of As-built Record Drawings and all fees paid.
97. **Drainage/Access Easements.** Any public or private easements required for drainage or access shall be described and shown on the Map.
98. **Hazard Determinations.** Any geotechnical hazard or other hazard determinations shall be shown on the map.

99. **Grading and Utilities 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.
100. **Improvement Plan Requirements.** 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.
101. **Other Permits.** The applicant shall acquire additional permits from other affected agencies (Caltrans, Fish & Game, etc.) prior to grading permit issuance.
102. **Conditional Use Permit Conditions.** All conditions with the Conditional Use Permit shall apply.
103. **Regional Water Quality Control Board Regulations.** Compliance with all Regional Water Quality Control Board regulations shall apply, including but not limited to stormwater management plans and water quality control plans.

PRIOR TO BUILDING PERMIT ISSUANCE:

104. **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:

105. **Final Map Conformance/Fees.** 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.
106. **Final Map Recordation.** The Final Map and all applicable private and public easements must be recorded with the County Recorder.
107. **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:

108. **Phase I Environmental Site Assessment.** 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.

F. FIRE DEPARTMENT CONDITIONS

General Notice

109. **Certificates.** Fire Protection Certificates will be required.
110. **Hazardous Materials.** Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU, (805) 686-8170.

Prior to Issuance of Conditional Use Permit the Following Conditions Shall be Met:

111. **Access Ways.** All access ways (public and private, road and driveways) shall be installed, made serviceable and maintained for the life of the project.
- Access shall be as shown on plans dated March 22, 2012.
 - Access to this project shall conform to Santa Barbara County Fire Department Development Standard #1.
 - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.
 - Dead-end access exceeding 150 feet shall terminate with a fire department approved turnaround.
 - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

112. **Fire Lane Signs.** Signs indicating “Fire Lane – No Stopping” shall be placed every 150 feet as required by the fire department. Refer to current adopted California Fire Code.
113. **Fire Lane.** The new fire lane on the west side of the Memory Building and the Assisted Living Building, shall be one-way traffic with a minimum 16 foot width with a 10 foot by 50 foot turnout by the West Wing of the Assisted Living Building for ladder truck access.
114. **Roof Access.** Permanent roof access ladders shall be provided for the 3-story building. Design and location shall be approved by fire department prior to construction.
115. **Fire Hydrants.** New fire hydrant(s) shall be installed. Fire hydrant(s) shall be located per fire department specifications. Flow rate to be determined by fire department. Plans shall be approved by the fire department prior to installation.

Prior to Occupancy Clearance the Following Conditions shall be Met:

116. **Fire Sprinklers.** An interior automatic fire sprinkler system shall be installed. Plans shall be approved by the fire department prior to installation. Fire sprinkler system plans shall require Fire Protection Engineer certification.
117. **Alarms.** An automatic fire or emergency alarm system shall be installed. Plans shall be approved by the fire department prior to installation. Alarm system plans shall require a Fire Protection Engineer certification.
118. **Fire Extinguishers.** Portable fire extinguishers are required. Plans shall be approved by the fire department prior to installation.
119. **Recorded Addresses.** Recorded addressing is required.
120. **Address Numbers.** Building address numbers shall be posted as required by the fire department.
121. **Knox Box.** Knox Box entry system(s) shall be installed. Plans shall be approved by the fire department prior to installation.
122. **Development Impact Fees.** Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems

123. **Changes.** These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect the time of change.

G. COUNTY OF SANTA BARBARA BUILDING DIVISION

124. **Soils/Geology Report.** A soils/geology report is required. The soils report should include conclusions for liquefaction.
125. **State Licensing.** State licensing information is required.
126. **County Flood Control.** County Flood Control approval is required.
127. **Off-Site Improvements.** Santa Barbara County Planning and Development Zoning Approval is required for the off-site improvements.
128. **Accessibility.** Accessible parking is required in all parking lots. All ground floor dwelling units are required to be on an accessible route and adaptable. Coordinate this with the civil drawings. Provide a site accessibility plan detailing access throughout the site and to the right-of-way.
129. **Grading Plan Requirements.** A Grading Permit from Santa Barbara County is required for the off-site improvements. The Grading Plan shall include, but not be limited to, the following:
- A site plan with a vicinity map.
 - Include all parcels involved, project name, owner name, addresses and north arrow on the plan.
 - The plan scale should be no smaller than 1"=40'-0".
 - Provide a signed and stamped copy of an engineered Hydrology Study taking into consideration the entire watershed/tributary area, crop types/agricultural activity, runoff coefficient, the Q event (25, 50, 100 year) to design the drainage basin.
 - Provide two signed and stamped copies of a Geology Report with all appropriate recommendations.
 - Provide a full narrative copy of a Stormwater Pollution Prevention Plan (SWPPP), with Waste Discharge Identification Number.
 - Provide a comprehensive erosion and sediment control plan indication location and implementation of all appropriate Best Management Practices in the SWPPP.
 - Provide a comprehensive grading plan.
 - Provide a copy of the Project Improvement Plans.
 - Engineer basin design, size/capacity, depth, details and dimensions of drainage structures metering/outlet orifice size and overland escape.
 - Provide basin floor and top of berm elevations with outlet flow line/max water level elevations, etc.
 - Is there a slurry cutoff wall in the berm? Address potential factors that have the potential to cause failure of basin. How will this be prevented so inundation of buildings does not occur due to seismic event, rodent excavation through berm, etc.
 - Provide all existing contours and extend them 20' beyond project boundaries.
 - Provide all proposed contours.
 - Provide finished grade at all building corners.
 - Provide a minimum 5% slope for 10' from all buildings.

- Ensure finished grade is a least 8” below finish floor elevation or 6” below weep screed
- Provide a comprehensive drainage plan. The drainage plan shall include the following:
 - Size of all curb inlets/drop inlets, storm drains, area drains, etc.
 - Indicate all downspout locations and ensure they are piped at a minimum 10’ from the building or extended to rip-rapped outlet.
 - Provide all flow line’s top of curb, finished surface and flow line for all hardscapes.
- Include emergency access per the Santa Barbara County Fire Department standards.
- Provide cross sections North/South, East/West through all buildings, basin, structural cross sections for interior, access roads, top of walls that are retaining a slope.
- Flood Control, Santa Barbara County Fire Department, Project Clean Water, and all City of Buellton Departments and Utilities applicable to this Project will require review and approval of these plans with appropriate signature blocks on the plans.

130. **California Green Code.** Incorporate California Green Code compliance on the plans.

H. FINANCE DEPARTMENT CONDITIONS

131. **Outstanding Fees.** The 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.

132. **Impact Fees.** The project applicant shall pay the water, sewer, park, 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

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 6

To: The Honorable Mayor and City Council

From: John Herrera, Interim Finance Director

Meeting Date: October 24, 2013

Subject: Quarterly Treasurer’s Report – June 30, 2013

BACKGROUND

Chapter 2.20 of the Buellton Municipal Code requires the Office of the City Treasurer, carried out by the Finance Director, to “perform such duties as are prescribed by Sections 41000 through 41007 of the California Government Code and by any other provisions of law applicable to deposit, investment, and safe-keeping of public funds of the City”.

The City Treasurer invests idle funds in allowable investments as shown in the City’s current Investment Policy (Attachment 1) that was adopted in January 2013. Most of the City’s idle funds have historically been invested at the State’s Local Agency Investment Fund (“LAIF”). The remainder are in securities and bank deposits as shown below.

This Treasurer’s Report is for June 30, 2013, and the Fiscal Year 2012/13. All future Treasurer’s Reports will be presented on a quarterly basis, starting with the quarter ending September 30, 2013, and every quarter going forward.

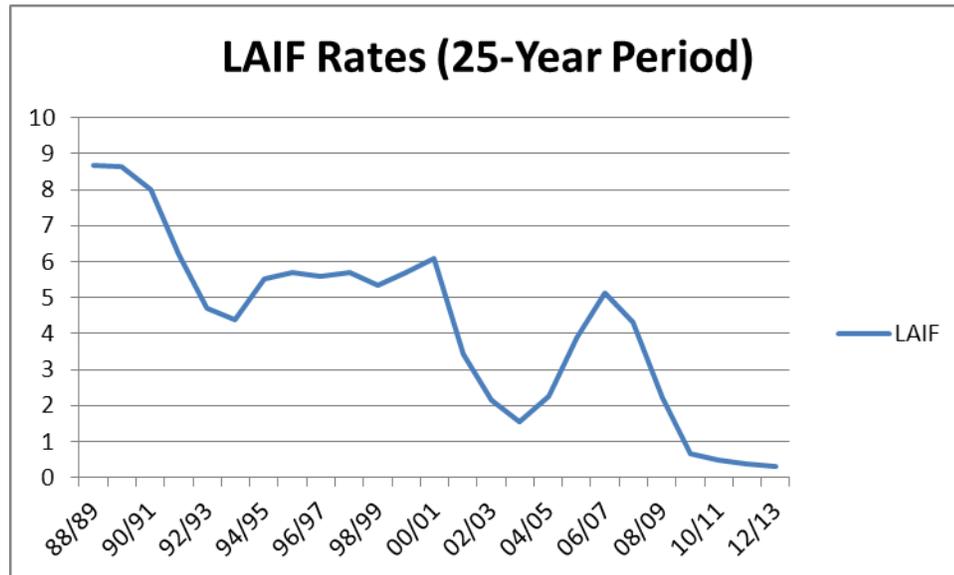
FISCAL IMPACT

There is no fiscal impact; this report is intended to show the City Council the financial performance of the City’s investment portfolio of idle funds for Fiscal Year 2012/13.

Bottom Line: The City of Buellton earned an average annual return on idle cash of 0.71%.

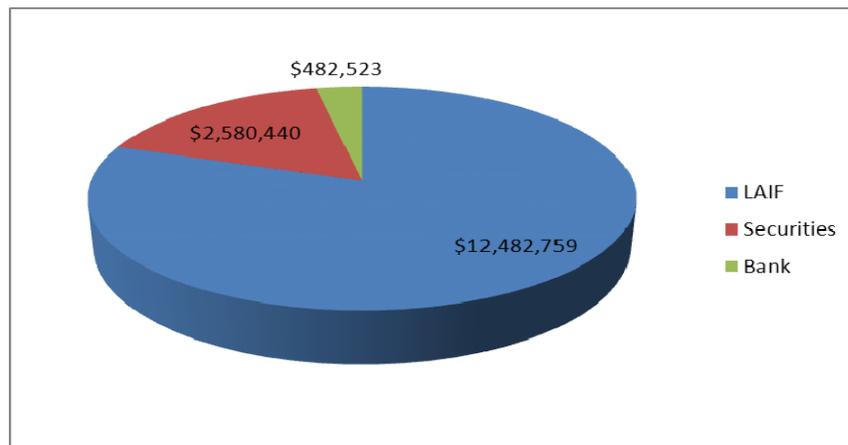
Due to the Federal Reserve Bank’s (“Fed”) quantitative easing and expanding the money supply, interest rates and investment yields continue to remain historically low (near zero). The nomination and likely confirmation of Janet Yellen as Chair of the Federal Reserve Bank will likely result in continued low interest rates for the next couple years, unless of course, inflation becomes a problem, then the Fed will likely have to raise interest rates, bringing up the yields on City investments, including the LAIF rate.

LAIF earned just 0.25% for the quarter ending June 30, 2013, and 0.307% for the Fiscal Year 2012/13. The 6-month US Treasury bill earned just 0.13% for the Fiscal Year 2012/13. *Just five years ago, LAIF was paying 4.325%, over 14 times the current LAIF rate.* Below is a 25-year history of LAIF earnings rates to provide a perspective on where interest rates have been.



As you can see above, in Fiscal Year 1988/89, a City was earning almost 9% annually, with a continual drop to under 2% in Fiscal Year 2003/04, then another spike to over 5% in Fiscal Year 2006/07, then another slide to the 0.307% in the Fiscal Year 2012/13.

The City of Buellton has 80% of its idle funds in the State's Local Agency Investment Fund ("LAIF"), 17% in securities (money market funds, certificates of deposits), and the remaining 3% in demand deposits at Rabobank.



As of June 30, 2013, the City of Buellton held \$15,545,722 in its cash and investments portfolio, with \$6,169,316 “restricted” as part of the pending Redevelopment lawsuit.

The annual interest revenue earned on cash and investments for Fiscal Year 2012/13 was \$113,951, broken down by fund as follows:

Description	Actual	Budget
001 General Fund	\$ 90,971	\$ 50,000
005 Sewer Fund	\$ 5,792	\$ 5,000
020 Water Fund	\$ 5,611	\$ 4,000
023 Housing Fees	\$ 6,778	\$ 500
024 Traffic Mitigation Fund	\$ 43	\$ -
025 Gas Tax Fund	\$ 2,630	\$ 2,000
027 Local Transportation Fund	\$ 154	\$ 200
031 Measure A	\$ 793	\$ 450
052 Successor Agency Debt Svc Fund	\$ 18	\$ -
053 Successor Agency Low Cost Hsg	\$ 1,161	\$ -
072 Landscape Maintenance Fund	\$ -	\$ 250
Total Revenue	\$ 113,951	\$ 62,400

As stated above, the \$113,951 interest earnings represent an annual yield of 0.71%, which is more than double the investment return on LAIF earnings rate and over five times the benchmark 6-month US Treasury earnings rate. The reason for the higher earnings rate is due to the \$2.6 million invested in money market funds, earning up to 1.8% annually on some CD's – *a good investment decision by the City.*

RECOMMENDATION

That the City Council receive and file the first Treasurer's Report for quarter and year ending June 30, 2013.

ATTACHMENTS

Attachment 1 – Investment Policy
Attachment 2 – June 30, 2013 Bank Reconciliation

CITY OF BUELLTON

STATEMENT OF INVESTMENT POLICY

PURPOSE

This Statement is intended to provide guidelines for the prudent investment of the City's temporary idle cash, and outline the policies for maximizing the efficiency of the City's cash management system. The ultimate goal is to enhance the economic status of the City while protecting its pooled cash.

OBJECTIVE

The City's cash management system is designed to accurately monitor and forecast expenditures and revenues, thus enabling the City to invest funds to the fullest extent possible. The City attempts to obtain the highest yield obtainable as long as investments meet the criteria established for safety and liquidity. Yield shall become a consideration only after the basic requirements of safety and liquidity have been met.

POLICY

The City of Buellton operates its temporary pooled idle cash investments under the Prudent Man Rule (Government Code Section 53600.3).^{*} This affords the City a broad spectrum of investment opportunities as long as the investment is deemed prudent and permissible under applicable law including Government Code Section 53600 et seq.

^{*}The Prudent Man Rule states, in essence, that in investing or managing property for the benefit of another, a trustee shall exercise the judgment and care, under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency.

Investments may be made in the following media:

- Securities of the United States Government, or its agencies
- Certificate of Deposit (or time deposits) placed with commercial banks and/or savings and loan companies
- Negotiable Certificates of Deposit
- Commercial Paper
- Money Market funds rated "AAAm" or AAAM-G" or better by Standard & Poor's Corporation
- Local Agency Investment Fund (State Pool) Demand and Deposits
- Repurchase Agreements (Repos)

Criteria for selecting investments and the order of priority are:

1. Safety: The safety and risk associated with an investment refers to the potential loss of principal, interest or a combination of these amounts. The City only operates in those investments that are considered very safe.
2. Liquidity: This refers to the ability to “cash in” at any moment in time with a minimal chance of losing some portion of principal or interest. Liquidity is an important investment quality especially when the need for unexpected funds occurs.
3. Yield: Yield is the potential dollar earnings an investment can provide, and sometimes is described as the rate of return.

SAFEKEEPING

Securities purchased from brokers/dealers will be held in third party safekeeping by the trust department of Valley Oaks National Bank or other designated third party trust, in the name of the City of Buellton.

INVESTMENT OBJECTIVE

The cash management system of the City of Buellton is designed to accurately monitor and forecast expenditures and revenues, thus insuring the investment of monies to the fullest extent possible. Attempts are made to obtain the highest interest yields possible as long as investments meet the criteria required for safety and liquidity.

MONTHLY REPORTS

The City Finance Director, as the investment officer, is to submit monthly reports to the local governing body to demonstrate that sufficient cash flow liquidity is available to meet the succeeding month's estimated expenditures. In addition, a monthly report of investments with a maturity greater than one year from the date of purchase will be submitted to the local governing body.

CITY CONSTRAINTS

Buellton strives to maintain the level of investment of all idle funds, as near 100 percent as possible, through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the City Finance Director. The basic premise underlying the City's investment philosophy is, and will continue to be, to insure that money is always safe and available when needed.

DEPOSITORIES

The Finance Director will establish selection criteria for pre-approval of institutions with which to do business. To qualify for selection, an institution must have an office in California. A written listing of approved institutions will be maintained by the Investment Officer.

BROKER/DEALERS:

To provide for the optimum yield in the investment of the City's funds, the City's investment procedures shall be designed to encourage competitive bidding on transactions from approved brokers/dealers. In order to be approved by the City, the dealer must be a primary dealer reporting to the New York Federal Reserve, unless a comprehensive credit and capitalization analysis reveals that the firm is adequately financed to conduct public business; the dealer must be experienced in institutional trading practices and familiar with the California Government Code as related to investments; and other criteria as may be established in the investment procedures.

The Finance Director will periodically conduct a credit analysis of each financial institution and securities broker/dealer to determine the financial condition of such agency and reduce the risk of default.

LIMIT ON TERM TO MATURITY

The City Finance Director or his/her representative is not to invest any City monies in investments allowed under this policy which have a term remaining to maturity in excess of five years from the date of investment, unless the City Council has granted express authority to make such investment. The City Finance Director must request authority from the legislative body, three months prior to the date of investment.

SAFEKEEPING AND CUSTODY:

To protect against potential fraud and embezzlement, the assets of the City shall be secured through third-party custody and safekeeping procedures. The Finance Director shall be bonded to protect the public against possible embezzlement and malfeasance. Safekeeping procedures shall be reviewed annually by the independent auditor and any irregularities noted should be reported promptly to the City Manager and the City Council.

PERFORMANCE EVALUATION AND OPERATIONS AUDIT:

The monthly investment reports submitted to the City Council shall contain sufficient information to permit an independent organization to evaluate the performance of the investment program.

ETHICS:

All persons authorized to place or approve investments shall report annually on Form 721 of the Fair Political Practices Commission all required economic interests for that year.

ANNUAL REVIEW

This Statement of Investment Policy is to be submitted to the City Council annually for review and approval. It is to continue to serve as the basis for the responsibilities and action taken by the City Finance Director relative to the investment of the City's idle funds.

ATTACHMENT 2

CITY OF BUELLTON
BANK RECONCILIATION Jun 30,2013
With Adjustment

		CASH
001	General Fund	3,750,881.87
001	General Fund	6,169,315.86
005	Sewer Fund	1,890,387.41
020	Water Fund	2,005,630.36
023	Housing Fees	441,298.37
024	Traffic Mitigarion Fund	55.16
025	Gas Tax Fund	818,679.73
027	Local Transportation Fund	10,573.85
029	Transportation Planning	(25,427.50)
031	Measure A	395,507.08
051	Successor Agency	60,048.95
052	Successor Agency	(112,595.67)
053	Successor Agency	734.76
075	Trust & Agency Fund	140,632.26
		<u>\$ 15,545,722.49</u>

Per Daily Worksheet as of Jun 30,2013

Cash in Bank - Rabobank		482,378.54
ACH Batch 44 (post 6/30 dept 07/01)		144.23
First Empre Securities	2,250,757.28	
Rabobank	203,710.66	
Morgan Stanley	125,972.40	
Total Investments	<u>2,580,440.34</u>	
LAIF		12,482,759.25
		<u>\$15,545,722.36</u>
Variance		0.13

CITY OF BUELLTON
Successor Agency Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 7

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, City Manager

Meeting Date: October 24, 2013

Subject: Resolution No. SA 13-02 – “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring the Socio-Economic Mitigation Program (SEMP) Loan to the Housing Authority of Santa Barbara County”

BACKGROUND

The Successor Agency of the former Buellton Redevelopment Agency (RDA) has a \$200,000 SEMP loan to the Santa Barbara Community Housing Corporation for the Centrals Gardens Apartments. The loan was issued on September 16, 1998. The funds for this loan came from the former RDA. Therefore, the loan needs to be transferred to the Housing Authority of Santa Barbara County (HASBC).

The loan came due earlier this year and the City Council on April 11, 2013, took an action to defer repayment of the loan for 5 years. However, after this action was taken, prior staff determined that the loan originated from the RDA and therefore, the City Council had no authority to take any action on the loan. The proper course of action is to have the Successor Agency transfer the loan to the HASBC.

The HASBC has agreed to administer this loan and will honor the commitment made by the City Council to defer repayment of the loan for 5 years.

FISCAL IMPACT

No fiscal impact to the City.

RECOMMENDATION

That the Successor Agency consider the adoption of Resolution No. SA 13-02 - “A Resolution of the Successor Agency of the Former Buellton Redevelopment Agency, Transferring the Socio-Economic Mitigation Program (SEMP) Loan to the Housing Authority of Santa Barbara County”

ATTACHMENT

Resolution No. SA 13-02

RESOLUTION NO. SA 13-02

A RESOLUTION OF THE SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY, TRANSFERRING THE SOCIO-ECONOMIC MITIGATION PROGRAM (SEMP) LOAN TO THE HOUSING AUTHORITY OF SANTA BARBARA COUNTY

I. THE SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY DOES HEREBY FIND AND DETERMINE AS FOLLOWS:

A. The Housing Authority of Santa Barbara County (HASBC) has assumed ownership of low income housing assets and administration of related programs.

II. NOW, THEREFORE, THE SUCCESSOR AGENCY OF THE FORMER BUELLTON REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

A. Authorize the HASBC to assume ownership and servicing of the \$200,000 SEMP loan entered into by the former Buellton RDA and Santa Barbara Community Housing Corporation on September 16, 1998, for the Central Gardens Apartments.

B. Authorizes the City Attorney to formalize documents for approval by the City Manager, to allow said transfer of the \$200,000 loan from the responsibility of the City of Buellton to the HASBC.

C. Authorizes the Finance Director to account for and remove the \$200,000 loan from the City's financial statements for transfer to the HASBC.

D. The Successor Agency Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 24th day of October 2013.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk