CITY OF BUELLTON

CITY COUNCIL AGENDA
Regular Meeting of November 13, 2014 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 John Connolly

PLEDGE OF ALLEGIANCE

Council Member Ed Andrisek

ROLL CALL

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

REORDERING OF AGENDA

PUBLIC COMMENTS

Speaker Slip to be completed and turned in to the City Clerk prior to commencement of meeting. Any person may address the Council on any subject pertaining to City business, including all items on the agenda not listed as a Public Hearing, including the Consent Agenda and Closed Session. Limited to three (3) minutes per speaker. By law, no action may be taken at this meeting on matters raised during Public Comments not included on this agenda.

CONSENT CALENDAR (ACTION)

The following items are considered routine and non-controversial and 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 Any Council Member, the City Attorney, or the City Manager may request that an item be withdrawn from the Consent Agenda to allow for full discussion. Members of the Public may speak on Consent Agenda items during the Public Comment period.

1. Minutes of October 23, 2014 Regular City Council Meeting

2. List of Claims to be Approved/Ratified for Payment to Date for Fiscal Year 2014-15

3. Approval to Extend Library Lease
- *(Staff Contact: Public Works Director Rose Hess)*

4. Acceptance and Filing of Storm Water Management Program Annual Report
- *(Staff Contact: Public Works Director Rose Hess)*

PRESENTATIONS

5. Proclamation Honoring Santa Ynez Valley Cottage Hospital for 50 Years of Service to the Community

PUBLIC HEARINGS (POSSIBLE ACTION)

6. Resolution No. 14-21 - "A Resolution of the City Council of the City of Buellton, California, Approving a Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057) for the Village Townhomes Project Which Includes 155 Units on 9.3 Acres Located at the Northeast Corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-090-045 (Portion)"

- *(Staff Contact: City Manager Marc 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)

7. Ordinance No. 14-03 – "An Ordinance of the City Council of the City of Buellton, California, Adopting an Interim Urgency Zoning Ordinance Pursuant to California Government Code Section 65858 (a) Pertaining to the Placement of Offsite Community Identification Signs and Making Findings Declaring the Urgency Thereof"

- *(Staff Contact: City Manager Marc Bierdzinski)*

8. Discussion of Potential Water Conservation Rebates

- *(Staff Contact: Public Works Director Rose Hess)*

9. Discussion Regarding Creating a City Council Voting Record on City Website

- *(Staff Contact: City Manager Marc Bierdzinski)*

CITY MANAGER'S REPORT

ADJOURNMENT

The next meeting of the City Council will be held on Thursday, December 11, 2014 at 6:00 p.m.

City Manager Review: MPB
Council Agenda Item No.: 1

CITY OF BUELLTON

CITY COUNCIL MEETING MINUTES
Regular Meeting of October 23, 2014
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Mayor John Connolly called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Council Member Holly Sierra led the Pledge of Allegiance

ROLL CALL

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

Staff: City Manager Marc Bierdzinski, City Attorney Ralph Hanson, Finance Director Carolyn Galloway-Cooper, Public Works Director Rose Hess, Station Commander Lt. Shawn O'Grady, and City Clerk Linda Reid

REORDERING OF AGENDA

None

PUBLIC COMMENTS

Public Works Director Hess provided an update regarding the sidewalk improvements on East Highway 246.

Lew Adkins, Buellton, requested a full investigation of the Library fundraiser at Zaca Creek Golf Course.

Ron Anderson, President of the Buellton Chamber of Commerce, stated the Chamber of Commerce is not going to build a digital billboard in Buellton and that Buellton is a tourist destination due to good marketing by the Buellton Visitors Bureau.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau, provided event announcements for the record.

Peggy Brierton, Buellton, requested that the City Council agendize a moratorium regarding community identification signs.

CONSENT CALENDAR

1. Minutes of October 9, 2014 Regular City Council Meeting

2. List of Claims to be Approved and Ratified for Payment to Date for Fiscal Year 2014-15

3. Revenue and Expenditure Reports through September 30, 2014

4. Financial Report for First Quarter Ending September 30, 2014

5. Extension of Existing Contract with Metro Ventures Ltd. for Irma L. Tucker to Provide Professional Planning Services

Vice Mayor Elovitz requested that Agenda Item 4 be pulled from the Consent Calendar for discussion. Finance Director Galloway-Cooper addressed the first quarter revenues.

MOTION:
Motion by Council Member Andrisek, seconded by Council Member Sierra, approving Consent Calendar Items 1, 2, 3 and 5 as listed.

VOTE:
Motion passed by a roll call vote of 5-0, with Council Members Andrisek, Connolly, Dale, Elovitz, and Sierra voting yes.

MOTION:
Motion by Council Member Dale, seconded by Vice Mayor Elovitz, approving Consent Calendar Item 4 as listed.

VOTE:
Motion passed by a voice vote of 5-0, with Council Members Andrisek, Connolly, Dale, Elovitz, and Sierra voting yes.

PRESENTATIONS

None

PUBLIC HEARINGS

None

COUNCIL MEMBER COMMENTS

Council Member Sierra thanked the Buellton Chamber of Commerce for hosting the Chamber Mixer at the Santa Ynez Valley Botanic Garden.

Council Member Andrisek requested that staff inspect the new asphalt-concrete paving on East Highway 246.

COUNCIL ITEMS

Vice Mayor Elovitz requested that staff bring back the sign ordinance regarding community identification signs for review and discussion. The City Council agreed by consensus to agendize this issue.

Council Member Andrisek requested a City Council ethics policy regarding election candidate conduct. The City Council did not have a consensus to move this forward.

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

Council Member Sierra announced that she attended the Santa Barbara County Association of Governments (SBCAG) meeting and provided an oral report regarding the meeting.

Council Member Sierra stated she attended the Chamber of Commerce Board meeting and provided an oral report regarding the meeting.

Council Member Sierra announced that she attended a meeting of the Central Coast Collaborative on Homelessness and provided an oral report regarding the meeting.

Council Member Dale announced that she attended the Library Board of Directors meeting and provided an oral report for the record.

Council Member Andrisek announced that the Central Coast Water Authority (CCWA) Board Meeting scheduled for today was cancelled and the next board meeting is scheduled for January 2015.

BUSINESS ITEMS

6. Consideration of Two Temporary Use Permits for Amplified Music at Figueroa Mountain Brewing Company

RECOMMENDATION:
That the City Council consider approval of two Temporary Use Permits to allow the use of amplified sound by Figueroa Mountain Brewing Company on Saturday, October 25, 2014, from 11:30 a.m. to 4:00 p.m., and November 29, 2014, from 1 p.m. to 9:00 p.m.

STAFF REPORT:
City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:
Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce and Visitors Bureau, spoke in support of the two Temporary Use Permits at Figueroa Mountain Brewing Company.

Jaime Dietenhofer, owner of Figueroa Mountain Brewing Company, stated the outdoor music on November 29 will stop at 6:00 p.m.

The City Council discussed how Figueroa Mountain Brewing Company has put Buellton on the map and thanked them for their efforts to hold great events and by being conscious about not creating a noise nuisance in the community.

DOCUMENTS:
Staff report with attachments as listed in the staff report.

MOTION:
Motion by Council Member Dale, seconded by Vice Mayor Elovitz, approving two Temporary Use Permits to allow the use of amplified sound by Figueroa Mountain Brewing Company on Saturday, October 25, 2014, from 11:30 a.m. to 4:00 p.m., and November 29, 2014, from 1 p.m. to 9:00 p.m.

VOTE:
Motion passed by a roll call vote of 5-0, with Council Members Andrisek, Connolly, Dale, Elovitz, and Sierra voting yes.

7. Discussion Regarding Implementation of Economic Development Strategies by Kosmont Companies

RECOMMENDATION:
That the City Council direct staff to prepare a budget and time line for preparation of an Avenue of Flags Specific Plan/Development Opportunity Reserve (DOR) and draft a letter to property owners along Industrial Way describing the business improvement district (BID) concept and the benefits to the owners for participation.

STAFF REPORT:
City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:
Ken Hira and Joe Dieguez, representing Kosmont Companies made a presentation regarding the Economic Development Implementation Plan.

Mark Preston, Buellton, stated he does not want to see more drive-thru restaurants or any dollar stores in Buellton.

Ron Anderson, Anderson Real Estate, discussed current development prospects on the Avenue of Flags.

Keith Hinchcliffe, Buellton, requested the Council move forward with developing the Avenue of Flags.

The City Council discussed the following issues:

- Development Opportunity Reserve
- Pros and cons of possible incentives on the Avenue of Flags
- Pursuing a business improvement district on Industrial Way
- Timeline for implementation of the project
- Bringing the budget and timeline back for discussion in January or February 2015

DOCUMENTS:
Staff report with attachment as listed in the staff report.

DIRECTION:
The City Council agreed by consensus to direct staff to prepare a budget and time line for preparation of an Avenue of Flags Specific Plan/Development Opportunity Reserve (DOR) and draft a letter to property owners along Industrial Way describing the business improvement district (BID) concept and the benefits to the owners for participation.

8. Award of Contract for Software Implementation Services

RECOMMENDATION:
That the City Council approves the contract with Tyler Technologies for software implementation services.

STAFF REPORT:
Finance Director Galloway-Cooper presented the staff report.

DISCUSSION:
The City Council discussed the following issues:

- Annual maintenance cost of the contract
- Examples of how the new software program will benefit the City

DOCUMENTS:
Staff report with attachment as listed in the staff report.

MOTION:
Motion by Council Member Dale, seconded by Vice Mayor Elovitz, approving the contract with Tyler Technologies for software implementation services.

VOTE:
Motion passed by a roll call vote of 5-0, with Council Members Andrisek, Connolly, Dale, Elovitz, and Sierra voting yes.

CITY MANAGER'S REPORT

City Manager Bierdzinski provided an informational report for the record.

ADJOURNMENT

Mayor Connolly adjourned the regular meeting at 7:40 p.m. The next regular meeting of the City Council will be held on Thursday, November 13, 2014 at 6:00 p.m.

_____
John Connolly
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 **November 13, 2014** Council Meeting.

Listed below is a brief summary of the attached claims:

EXHIBIT A		$	359,655.88
EXHIBIT B		$	55,795.08
PAYROLL			
Council	10/24/14	$	2,290.31
Staff	10/31/14	$	40,213.91
Other Pay	10/31/14	$	1,718.71
TOTAL AMOUNT OF CLAIMS:		**$**	**459,673.89**

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

CW

Obligat'n	Description	Vendor/ Line	Name/ Description	Stage	Amount
A001-000-2306-000 - Long-Term Care Deduction					
	23155 10/16/14 - 10/31/14 M. Bierdzi	90	CalPERS LONG-TERM CARE PROGRAM		
		1		Paid	84.25
A001-000-2306-000 - Long-Term Care Deduction			*** Account total ***		84.25
A001-202-2003-000 - SYVTBID Payable					
	23212 8/14 SYVTBID Fees Collected	101	CITY OF SOLVANG		
		1		Paid	24,168.00
A001-202-2003-000 - SYVTBID Payable			*** Account total ***		24,168.00
A001-216-2825-000 - Developer Deposit					
	23147 9/14-Design Rvw Hampton Inn- #	848	RAVATT, ALBRECHT & ASSOC, INC.		
		1		Paid	760.00
	23148 9/14-Design Rvw Village Twnhms	848	RAVATT, ALBRECHT & ASSOC, INC.		
		1		Paid	1,060.00
	23149 9/14 Design Rvw Village Sr Apt	848	RAVATT, ALBRECHT & ASSOC, INC.		
		1		Paid	1,026.44
	23198 9/14 - Crossroad Ctr @ Village	326	MNS ENGINEERS, INC.		
		1		Paid	1,500.00
	23199 9/14 - Buellton Apts #122	326	MNS ENGINEERS, INC.		
		1		Paid	1,625.00
	23200 9/14 - Park @ Village #127	326	MNS ENGINEERS, INC.		
		1		Paid	250.00
	23201 9/14 - Hampton Inn #129	326	MNS ENGINEERS, INC.		
		1		Paid	750.00
	23202 9/14 - Flying Flgs Expansn #1	326	MNS ENGINEERS, INC.		
		1		Paid	2,250.00
	23203 9/14 - Village LLA - #128	326	MNS ENGINEERS, INC.		
		1		Paid	1,730.15
A001-216-2825-000 - Developer Deposit			*** Account total ***		10,951.59
A001-401-5101-000 - Medical Benefit					
	23211 9/14 FSA Fees	782	WAGE WORKS		
		1		Paid	8.08
A001-401-5101-000 - Medical Benefit			*** Account total ***		8.08
A001-401-5402-000 - Travel & Training					
	23151 10/24/14 LOCC Div Mtg/Dinner	97	CHANNEL COUNTIES DIVISIONV- LO		
		1		Paid	60.00
A001-401-5402-000 - Travel & Training			*** Account total ***		60.00
A001-401-6301-000 - Miscellaneous					
	23208 Thru 10/17/14 - L. Reid	193	FIRST NATIONAL BANK OF OMAHA		
		2		Paid	15.35
A001-401-6301-000 - Miscellaneous			*** Account total ***		15.35
A001-403-5101-000 - Medical Benefit					
	23211 9/14 FSA Fees	782	WAGE WORKS		
		2		Paid	8.08
A001-403-5101-000 - Medical Benefit			*** Account total ***		8.08

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A001-403-5301-000 - Office Supplies				
23208 Thru 10/17/14 - L. Reid	193	FIRST NATIONAL BANK OF OMAHA		
	1		Paid	177.82
A001-403-5301-000 - Office Supplies		*** Account total ***		177.82
A001-403-5304-000 - Code Updates				
23143 10/14 Supplement - Muni Code	391	QUALITY CODE PUBLISHING, LLC		
	1		Paid	1,702.00
A001-403-5304-000 - Code Updates		*** Account total ***		1,702.00
A001-410-5301-000 - Office Supplies				
23134 10/7/14 Supplies #7001447804	469	STAPLES CONTRACT & COMMERCIAL,		
	1		Paid	173.05
23135 10/14 - Copies Used - CH/Kal	118	COASTAL COPY, LP		
	1		Paid	327.06
23136 10/14 - Copies Used - Linda	118	COASTAL COPY, LP		
	1		Paid	17.28
A001-410-5301-000 - Office Supplies		*** Account total ***		517.39
A001-410-5305-000 - Equipment Rental				
23133 10/14 CH Copier Lease	713	COASTAL COPY, LP		
	1		Paid	484.92
A001-410-5305-000 - Equipment Rental		*** Account total ***		484.92
A001-410-5603-000 - Computer Maintenance &Software				
23152 9/14 Server Migration	655	COAST NETWORX, INC.		
	1		Paid	3,182.50
23209 Thru 10/17/14 - M. Bierdzinski	193	FIRST NATIONAL BANK OF OMAHA		
	1		Paid	100.00
A001-410-5603-000 - Computer Maintenance &Software		*** Account total ***		3,282.50
A001-410-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	1		Paid	1,007.96
A001-410-5703-000 - Utilities - Electric		*** Account total ***		1,007.96
A001-410-5805-000 - Visitors Bureau				
23213 8/14 TOT Tax Allocation	121	COC/BBA/VISITORS INFORMATION		
	1		Paid	43,738.98
A001-410-5805-000 - Visitors Bureau		*** Account total ***		43,738.98
A001-410-6017-000 - Emergency Operations				
23139 9/14 Stelite Phone Svcs	706	SATCOM GLOBAL, INC.		
	1		Paid	49.63
A001-410-6017-000 - Emergency Operations		*** Account total ***		49.63
A001-410-6301-000 - Miscellaneous				
23153 9/14 Credit Card Process Fee	529	TRANSFIRST HEALTH & GOVERNMENT		
	1		Paid	547.72
A001-410-6301-000 - Miscellaneous		*** Account total ***		547.72

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A001-420-5101-000 - Medical Benefit				
23211 9/14 FSA Fees	782	WAGE WORKS		
	3		Paid	16.15
A001-420-5101-000 - Medical Benefit		*** Account total ***		16.15
A001-420-5301-000 - Office Supplies				
23207 Thru 10/17/14 - C. Cooper	193	FIRST NATIONAL BANK OF OMAHA		
	1		Paid	21.59
A001-420-5301-000 - Office Supplies		*** Account total ***		21.59
A001-420-5402-000 - Travel & Training				
23207 Thru 10/17/14 - C. Cooper	193	FIRST NATIONAL BANK OF OMAHA		
	2		Paid	350.00
A001-420-5402-000 - Travel & Training		*** Account total ***		350.00
A001-501-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	2		Paid	398.88
A001-501-5703-000 - Utilities - Electric		*** Account total ***		398.88
A001-501-6201-000 - Contract Services				
23130 9/14 - Overtime Charges	450	SB CO SHERIFF'S DEPARTMENT		
	1		Paid	583.60
A001-501-6201-000 - Contract Services		*** Account total ***		583.60
A001-510-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	3		Paid	432.62
A001-510-5703-000 - Utilities - Electric		*** Account total ***		432.62
A001-510-6201-000 - Contract Services				
23137 FY 14/15 Library Services	294	LOMPOC PUBLIC LIBRARY		
	1		Paid	91,641.00
A001-510-6201-000 - Contract Services		*** Account total ***		91,641.00
A001-511-5101-000 - Medical Benefit				
23211 9/14 FSA Fees	782	WAGE WORKS		
	4		Paid	16.15
A001-511-5101-000 - Medical Benefit		*** Account total ***		16.15
A001-511-5506-000 - Fuel-Vehicles				
23214 Thru 10/17/14 - P. Smith	193	FIRST NATIONAL BANK OF OMAHA		
	2		Paid	50.01
A001-511-5506-000 - Fuel-Vehicles		*** Account total ***		50.01
A001-511-5509-000 - Maintenance/Repair				
23206 Thru 10/17/14 - K. Abello	193	FIRST NATIONAL BANK OF OMAHA		
	3		Paid	129.57
23210 Thru 10/17/14 - B. Knecht	193	FIRST NATIONAL BANK OF OMAHA		
	3		Paid	152.61
A001-511-5509-000 - Maintenance/Repair		*** Account total ***		282.18

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A001-511-5801-000 - Buellton Recreation Program					
23144	10/10/14 - DJ for Valley Dance	745	PEDRO DE LA CRUZ dba		
		1		Paid	150.00
23156	9/20/14 - 10/15/14 Yoga Class	11343	MARIANNE MADSEN		
		1		Paid	288.00
23157	9/20/14 - 10/15/14 Tai Chi Rel	11476	STEPHEN F. DUNLAP		
		1		Paid	273.00
23158	9/18/14 - 10/15/14 Flamenco	11336	LAURA GARCIA dba		
		1		Paid	115.50
23159	9/18/14 - 10/15/14 - Nxt Lvl S	11188	EDWIN PORTILLO		
		1		Paid	220.50
23160	9/20/14 - 10/17/14 Cycle Train	11105	ADRIENNE WALTER		
		1		Paid	108.00
23161	9/20/14 - 10/17/14 Pilates/Zum	11170	DONELLE MARTIN		
		1		Paid	400.00
23162	9/18/14 - 10/15/14 Kundalini Y	11300	KAREN PALMER		
		1		Paid	49.00
23164	9/18/14 - 10/15/14 Gymnastics	11236	GARY GENE JOHNSON dba		
		1		Paid	372.22
23165	9/17/14 - 10/15/14 Junior Chef	11146	CELI RIBET		
		1		Paid	297.50
23166	9/18/14 - 10/15/14 Zumba/Kick	11244	HERMILA SANCHEZ		
		1		Paid	171.50
23167	9/18/14 - 10/15/14 Ballet/Tap	11464	SAMANTHA DEMANGATE		
		1		Paid	199.50
23182	10/8/14 - Futsal League Offici	11338	LUIS SANCHEZ		
		1		Paid	36.00
23183	10/8/14 - Futsal	11108	ALFONSO TERRAZO		
		1		Paid	36.00
23184	9/19/14 - 10/17/14 Futsal Leag	11296	JUAN VELAZQUEZ		
		1		Paid	52.00
23210	Thru 10/17/14 - B. Knecht	193	FIRST NATIONAL BANK OF OMAHA		
		1		Paid	316.22
23214	Thru 10/17/14 - P. Smith	193	FIRST NATIONAL BANK OF OMAHA		
		1		Paid	2,432.86
A001-511-5801-000 - Buellton Recreation Program			*** Account total ***		5,517.80
A001-511-5801-001 - Recreation Program 50/50					
23144	10/10/14 - DJ for Valley Dance	745	PEDRO DE LA CRUZ dba		
		2		Paid	150.00
A001-511-5801-001 - Recreation Program 50/50			*** Account total ***		150.00
A001-511-5802-000 - Buellton Rec Program Trips					
23163	10/14 - Petty Cash Reimb - Rec	372	PETTY CASH		
		1		Paid	30.00
23206	Thru 10/17/14 - K. Abello	193	FIRST NATIONAL BANK OF OMAHA		
		1		Paid	1,040.68
23210	Thru 10/17/14 - B. Knecht	193	FIRST NATIONAL BANK OF OMAHA		
		2		Paid	1,539.10
A001-511-5802-000 - Buellton Rec Program Trips			*** Account total ***		2,609.78

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A001-511-6201-000 - Contract Services				
23168 10/14 Rec Ctr - Gym Janitorial	395	JOSE RAFAEL RUIZ dba		
	1		Paid	1,975.00
23206 Thru 10/17/14 - K. Abello	193	FIRST NATIONAL BANK OF OMAHA		
	2		Paid	57.47
A001-511-6201-000 - Contract Services		*** Account total ***		2,032.47
A001-550-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	4		Paid	4,598.14
A001-550-5703-000 - Utilities - Electric		*** Account total ***		4,598.14
A001-551-6201-000 - Contract Services				
23189 9/14 - Storm Wtr Mgmt Plan	326	MNS ENGINEERS, INC.		
	1		Paid	13,780.00
A001-551-6201-000 - Contract Services		*** Account total ***		13,780.00
A001-552-5501-000 - Operational Supplies				
23146 9/14 Misc Maint/Repair Items	826	GENUINE PARTS COMPANY - NAPA		
	1		Paid	9.02
A001-552-5501-000 - Operational Supplies		*** Account total ***		9.02
A001-552-5509-002 - Maintenance/Repair-Oak Park				
23175 10/14 Message Center - Oak Par	844	BELSON OUTDOORS, INC.		
	1		Paid	883.40
A001-552-5509-002 - Maintenance/Repair-Oak Park		*** Account total ***		883.40
A001-552-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	10		Paid	70.86
A001-552-5703-000 - Utilities - Electric		*** Account total ***		70.86
A001-552-6201-000 - Contract Services				
23172 10/14 Park Restrooms/Fountians	395	JOSE RAFAEL RUIZ dba		
	1		Paid	1,650.00
23177 10/14 Landscape Maintenance	781	VALLEY CREST LANDSCAPE MAINT.		
	2		Paid	2,720.00
	3		Paid	1,277.00
23178 10/14 Irrigation Technician	781	VALLEY CREST LANDSCAPE MAINT.		
	1		Paid	880.00
A001-552-6201-000 - Contract Services		*** Account total ***		6,527.00
A001-556-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	8		Paid	609.41
A001-556-5703-000 - Utilities - Electric		*** Account total ***		609.41
A001-556-6201-000 - Contract Services				
23177 10/14 Landscape Maintenance	781	VALLEY CREST LANDSCAPE MAINT.		
	1		Paid	4,675.00
A001-556-6201-000 - Contract Services		*** Account total ***		4,675.00

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A001-557-6101-000 - Development Permit Processing				
23197 9/14 - Small Permits	326	MNS ENGINEERS, INC.		
	1		Paid	1,125.00
A001-557-6101-000 - Development Permit Processing		*** Account total ***		1,125.00
A001-557-6201-000 - Contract Services				
23186 9/14 - City Eng/Public Works	326	MNS ENGINEERS, INC.		
	1		Paid	2,725.00
A001-557-6201-000 - Contract Services		*** Account total ***		2,725.00
A001-558-5101-000 - Medical Benefit				
23211 9/14 FSA Fees	782	WAGE WORKS		
	5		Paid	12.92
A001-558-5101-000 - Medical Benefit		*** Account total ***		12.92
A001-558-5401-000 - Membership & Publications				
23205 Thru 10/17/14 - R. Hess	193	FIRST NATIONAL BANK OF OMAHA		
	1		Paid	116.00
A001-558-5401-000 - Membership & Publications		*** Account total ***		116.00
A001-558-5501-000 - Operational Supplies				
23145 9/14 Misc Maint/Repair Items	801	O'REILLY AUTOMOTIVE STORES, IN		
	1		Paid	45.18
23205 Thru 10/17/14 - R. Hess	193	FIRST NATIONAL BANK OF OMAHA		
	2		Paid	40.09
A001-558-5501-000 - Operational Supplies		*** Account total ***		85.27
A001-558-5503-000 - Tools				
23140 10/14 - Sign Removal	342	NIELSEN BUILDING MATERIALS,INC		
	1		Paid	46.63
23141 10/14 - Sign Removal	342	NIELSEN BUILDING MATERIALS,INC		
	1		Paid	19.61
23145 9/14 Misc Maint/Repair Items	801	O'REILLY AUTOMOTIVE STORES, IN		
	2		Paid	29.14
A001-558-5503-000 - Tools		*** Account total ***		95.38
A001-558-5507-000 - Maintenance - Vehicles				
23146 9/14 Misc Maint/Repair Items	826	GENUINE PARTS COMPANY - NAPA		
	2		Paid	33.98
23180 10/14 - Throttle Sensor Rpr-Fu	350	OLIVERA'S REPAIR, INC		
	1		Paid	33.34
A001-558-5507-000 - Maintenance - Vehicles		*** Account total ***		67.32
A001-558-5701-000 - Telephone				
23154 10/14 PW/CM Cell Phone Chgs	556	VERIZON WIRELESS		
	1		Paid	477.01
A001-558-5701-000 - Telephone		*** Account total ***		477.01
A001-558-6201-000 - Contract Services				
23132 9/14 Mat & Towel Service	28	ARAMARK UNIFORM SERVICES		
	2	Surplus	Paid	329.52

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A001-558-6201-000 - Contract Services				*** Continued ***		
	23169	10/14 Rodent Control/Post Offi	669	HYDREX PEST CONTROL		
			1		Paid	105.00
	23192	9/14 - Ave of Flags/Oak Vly Tr	326	MNS ENGINEERS, INC.		
			1		Paid	710.00
A001-558-6201-000 - Contract Services				*** Account total ***		1,144.52
A001-558-6503-000 - Vehicles						
	23145	9/14 Misc Maint/Repair Items	801	O'REILLY AUTOMOTIVE STORES, IN		
			3		Paid	159.85
	23171	9/14 - Tool Box for Joe G's Tr	849	BUENA TOOL CO.		
			1		Paid	743.85
A001-558-6503-000 - Vehicles				*** Account total ***		903.70
A001-565-5002-000 - Planning Commission Salaries						
	23124	10/14 Planning Commission Mtgs	119	CRAIG ADAMS		
			1		Paid	100.00
	23125	10/14 Planning Commission Mtgs	242	JASON L. FUSSEL		
			1		Paid	100.00
	23126	10/14 Planning Commission Mtgs	303	ART MERCADO		
			1		Paid	100.00
	23127	10/14 Planning Commission Mtgs	199	FOSTER D. REIF		
			1		Paid	100.00
	23128	10/14 Planning Commission Mtgs	787	LISA FIGUEROA		
			1		Paid	100.00
A001-565-5002-000 - Planning Commission Salaries				*** Account total ***		500.00
A001-565-5101-000 - Medical Benefit						
	23211	9/14 FSA Fees	782	WAGE WORKS		
			6		Paid	24.24
A001-565-5101-000 - Medical Benefit				*** Account total ***		24.24
A001-565-5306-000 - Advertising - Legal						
	23138	10/14 - Legal Notice - Plng	285	SANTA MARIA TIMES dba		
			1		Paid	294.18
A001-565-5306-000 - Advertising - Legal				*** Account total ***		294.18
A001-565-5703-000 - Utilities - Electric						
	23131	9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
			5		Paid	223.49
A001-565-5703-000 - Utilities - Electric				*** Account total ***		223.49
A001-565-6201-000 - Contract Services						
	23142	9/14 - FY 14/15 Econ Dev Svcs	812	KOSMONT & ASSOCIATES, INC. dba		
			1		Paid	1,468.08
	23150	9/14 - Phone Conference	848	RAVATT, ALBRECHT & ASSOC, INC.		
			1		Paid	7.19
A001-565-6201-000 - Contract Services				*** Account total ***		1,475.27
A001-565-6202-000 - Contract Services-Engineering						
	23191	9/14 - City/Misc. Planning Sup	326	MNS ENGINEERS, INC.		
			1		Paid	500.00
A001-565-6202-000 - Contract Services-Engineering				*** Account total ***		500.00

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A005-701-5101-000 - Medical Benefit					
	23211 9/14 FSA Fees	782	WAGE WORKS		
		7		Paid	9.69
A005-701-5101-000 - Medical Benefit			*** Account total ***		9.69
A005-701-5402-000 - Travel & Training					
	23205 Thru 10/17/14 - R. Hess	193	FIRST NATIONAL BANK OF OMAHA		
		3		Paid	64.26
A005-701-5402-000 - Travel & Training			*** Account total ***		64.26
A005-701-5501-000 - Operational Supplies					
	23146 9/14 Misc Maint/Repair Items	826	GENUINE PARTS COMPANY - NAPA		
		3		Paid	39.07
A005-701-5501-000 - Operational Supplies			*** Account total ***		39.07
A005-701-5507-000 - Maintenance - Vehicles					
	23180 10/14 - Throttle Sensor Rpr-Fu	350	OLIVERA'S REPAIR, INC		
		2		Paid	33.33
A005-701-5507-000 - Maintenance - Vehicles			*** Account total ***		33.33
A005-701-5509-000 - Maintenance / Repair					
	23145 9/14 Misc Maint/Repair Items	801	O'REILLY AUTOMOTIVE STORES, IN		
		4		Paid	56.40
	23146 9/14 Misc Maint/Repair Items	826	GENUINE PARTS COMPANY - NAPA		
		4		Paid	235.50
	23179 10/14 - Reliance Motor Repair	369	PERRY'S ELECTRIC MOTORS & CONT		
		1		Paid	694.33
A005-701-5509-000 - Maintenance / Repair			*** Account total ***		986.23
A005-701-5703-000 - Utilities - Electric					
	23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
		6		Paid	9,658.64
A005-701-5703-000 - Utilities - Electric			*** Account total ***		9,658.64
A005-701-6201-000 - Contract Services					
	23132 9/14 Mat & Towel Service	28	ARAMARK UNIFORM SERVICES		
		1	MAT & TOWEL SVCS	Paid	82.38
	23176 9/14 Sludge Disposal Services	598	ENGEL & GRAY, INC.		
		1		Paid	7,415.34
	23181 9/14 Regulatory Compliance Srv	677	WALLACE GROUP		
		1		Paid	9,710.24
A005-701-6201-000 - Contract Services			*** Account total ***		17,207.96
A005-701-6202-000 - Contract Services-Engineering					
	23188 9/14 - City/Sewer Network	326	MNS ENGINEERS, INC.		
		1		Paid	840.00
A005-701-6202-000 - Contract Services-Engineering			*** Account total ***		840.00
A020-601-5101-000 - Medical Benefit					
	23211 9/14 FSA Fees	782	WAGE WORKS		
		8		Paid	9.69
A020-601-5101-000 - Medical Benefit			*** Account total ***		9.69

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A020-601-5402-000 - Travel & Training				
23205 Thru 10/17/14 - R. Hess	193	FIRST NATIONAL BANK OF OMAHA		
	4		Paid	973.87
A020-601-5402-000 - Travel & Training		*** Account total ***		973.87
A020-601-5501-000 - Operational Supplies				
23146 9/14 Misc Maint/Repair Items	826	GENUINE PARTS COMPANY - NAPA		
	5		Paid	8.63
A020-601-5501-000 - Operational Supplies		*** Account total ***		8.63
A020-601-5507-000 - Maintenance - Vehicles				
23180 10/14 - Throttle Sensor Rpr-Fu	350	OLIVERA'S REPAIR, INC		
	3		Paid	33.33
A020-601-5507-000 - Maintenance - Vehicles		*** Account total ***		33.33
A020-601-5509-000 - Maintenance / Repair				
23146 9/14 Misc Maint/Repair Items	826	GENUINE PARTS COMPANY - NAPA		
	6		Paid	167.86
A020-601-5509-000 - Maintenance / Repair		*** Account total ***		167.86
A020-601-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	7		Paid	15,738.71
A020-601-5703-000 - Utilities - Electric		*** Account total ***		15,738.71
A020-601-6011-000 - Regulatory Compliance				
23173 10/14 Risk Mgmt Plan - McMurra	823	SB COUNTY EHS / CUPA		
	1		Paid	291.00
23174 10/14 Risk Mgmt Plan - Hwy 246	823	SB COUNTY EHS / CUPA		
	1		Paid	630.50
A020-601-6011-000 - Regulatory Compliance		*** Account total ***		921.50
A020-601-6202-000 - Contract Services-Engineering				
23190 9/14 - City/Update Water	326	MNS ENGINEERS, INC.		
	1		Paid	2,340.00
23195 9/14 - Water Model	326	MNS ENGINEERS, INC.		
	1		Paid	7,447.50
23196 9/14 - Backflow Prevention Pro	326	MNS ENGINEERS, INC.		
	1		Paid	9,100.00
A020-601-6202-000 - Contract Services-Engineering		*** Account total ***		18,887.50
A027-559-6212-000 - Lompoc- Wine Country Express				
23129 11/14 Transit Svcs	107	CITY OF LOMPOC		
	1		Paid	1,666.66
A027-559-6212-000 - Lompoc- Wine Country Express		*** Account total ***		1,666.66
A029-557-6201-000 - Contract Services				
23187 9/14 - City/Transportation Pla	326	MNS ENGINEERS, INC.		
	1		Paid	5,740.00
A029-557-6201-000 - Contract Services		*** Account total ***		5,740.00

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A051-566-5703-000 - Utilities - Electric				
23131 9/8/14 - 10/6/14 Invoice Alloc	352	P G & E		
	9		Paid	203.95
A051-566-5703-000 - Utilities - Electric		*** Account total ***		203.95
A051-566-6204-000 - Contract Services-Legal Fees				
23185 9/14 - Oversight Board Mtg	850	CASSO & SPARKS, LLP		
	1		Paid	1,852.20
A051-566-6204-000 - Contract Services-Legal Fees		*** Account total ***		1,852.20
A092-302-6507-000 - Improvements				
23193 9/14 - 13/14 Road Maint Projec	326	MNS ENGINEERS, INC.		
	1		Paid	30,965.00
A092-302-6507-000 - Improvements		*** Account total ***		30,965.00
A092-603-6201-000 - Contract Services				
23194 9/14 - Various Water Studies	326	MNS ENGINEERS, INC.		
	1		Paid	1,725.00
A092-603-6201-000 - Contract Services		*** Account total ***		1,725.00
A092-603-6507-000 - Improvements				
23170 10/14 - RMP Emergency Kits	543	USA BLUEBOOK		
	1		Paid	5,146.97
23204 10/14 - RMP Equipment	413	SUSAN CAMPBELL dba		
	1		Paid	14,947.20
A092-603-6507-000 - Improvements		*** Account total ***		20,094.17
* Report total *		*** Total ***		359,655.88

EXHIBIT B

Payments via Electronic Fund Transfer (EFT):

Payroll Taxes-10/15 Staff	10/20/14	10,600.52
UI/ETT 3rd Qtr Payment	10/27/14	553.57
Payroll Taxes - Council	10/27/14	117.59
Check Order Charge	10/30/14	323.30
Use Tax 3rd Qtr Payment	10/31/14	127.00
Rabobank 10/14 Svc Chgs	10/31/14	187.20
Payroll Taxes-10/31 Staff	11/3/14	10,706.99
Payroll Taxes-10/31 Other	11/3/14	379.68
10/14 FSA - Staff/Council	11/3/14	1,527.74
Nov Medical Premium	11/4/14	16,702.26
Oct DCP Contributions	11/4/14	14,083.81
Nov Life Ins Premiums	11/4/14	485.42
Total		$ 55,795.08

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:	Rose Hess, Public Works Director
Meeting Date:	November 13, 2014
Subject:	Approval to Extend Library Lease

BACKGROUND

The City of Buellton currently leases the facility to the City of Lompoc for the Buellton Branch Library. The lease agreement was originally entered into on November 9, 2009 for a five (5) year term, expiring November 8, 2014.

The City is coordinating the new lease agreement terms with the Library and City of Lompoc staff regarding various maintenance assignments. Once completed, the terms still need to be reviewed and approved by the Library Board of Trustees.

Since the negotiations are still not complete and the meeting date for the Board of Trustees is at the end of November, timing is an issue for the expiring lease. To address this, the City of Lompoc has submitted a letter request to extend the existing lease month-to-month.

FISCAL IMPACT

There will be no fiscal impact to the extension of the lease month-to-month.

RECOMMENDATION

Staff recommends that Council approve the extension of the existing Lease Agreement with the City of Lompoc for the Buellton Branch Library on a month-to-month basis until a new Lease can be approved.

ATTACHMENT

Attachment 1 - Request for extension from the City of Lompoc dated 11-3-14

CITY OF
LOMPOC

November 3, 2014

Mr. Marc Bierdzinski, City Manager
City of Buellton
107 West Highway 246
Buellton, CA 93427

Subject: Buellton Branch Library Lease Agreement

Dear Mr. ~~Bierdzinski~~ Marc:

On November 9, 2009, the City of Buellton and the City of Lompoc entered into a five (5) year Lease Agreement for the lease of the property known as the Buellton Branch Library. The term of this lease ends November 8, 2014. The City of Lompoc is requesting the City of Buellton extend the existing Library lease on a month-to-month basis until such a time as both parties have agreed upon terms for a new five year lease.

Sincerely,

Patrick Wiemiller
City Administrator

cc: Lompoc City Council
Jessica Cadiente, Lompoc Library Director

CITY HALL, 100 CIVIC CENTER PLAZA, P.O. BOX 8001, LOMPOC, CA 93438-8001
PHONE (805) 736-1261 FAX: (805) 736-5347

CITY OF BUELLTON

City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 4

To:	The Honorable Mayor and City Council
From:	Rose Hess, Public Works Director
Meeting Date:	November 13, 2014
Subject:	Acceptance and Filing of Storm Water Management Program Annual Report

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BACKGROUND

As part of the City's Storm Water Management Program and required by the Regional Water Quality Control Board (RWQCB), the City completes Annual Reports to demonstrate activities throughout the year that achieves permit compliance. During this first permit year, the Annual Report consists of on-line reporting for compliance.

Attached is a copy of the on-line forms submitted and subsequently approved and accepted by the RWQCB.

There were no violations or substantial issues noted. The City continues to partner with other local agencies to make a concerted effort towards the overall water quality goals for our region.

A copy of the Storm Water Management Program Annual Report is located on the City's website.

FISCAL IMPACT

Acceptance and Filing of the Annual Report will have no fiscal impact on the City.

RECOMMENDATION

Staff recommends that Council accept and file the Annual Report.

City of Buellton

PROCLAMATION HONORING
SANTA YNEZ VALLEY COTTAGE HOSPITAL FOR 50 YEARS OF SERVICE TO THE COMMUNITY

WHEREAS, Santa Ynez Valley Cottage Hospital, located at 2050 Viborg Road, Solvang, in the County of Santa Barbara, opened its doors on November 9, 1964 (known then as Santa Ynez Valley Hospital) to provide acute-care services to the residents and visitors of the County and became affiliated with Cottage Health System in April 1995; and

WHEREAS, Santa Ynez Valley Cottage Hospital today provides 24-hour emergency services, outpatient surgical services, inpatient care, comprehensive imaging (including MRI, CT, digital mammography, ultrasound, X-ray), laboratory, cardiopulmonary rehabilitation, a physician's specialty clinic and offers free health education classes; and

WHEREAS, Santa Ynez Valley Cottage Hospital has received many awards during the past five decades and in 2014 was named by the National Rural Health Association as one of the top 20 rural hospitals in the nation for patient satisfaction; and

WHEREAS, the Santa Ynez Valley Cottage Hospital has been in continuous service for fifty years to the community.

NOW, THEREFORE, I, John Connolly, Mayor of the City of Buellton, on behalf of the Buellton City Council, hereby congratulate and celebrate the 50th Anniversary of **SANTA YNEZ VALLEY COTTAGE HOSPITAL.**

APPROVED AND PRESENTED this 13th day of November 2014.

Mayor

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: Planning Commission
By: Angela Perez, Assistant Planner

Meeting Date: November 13, 2014

Subject: Resolution No. 14-21 – "A Resolution of the City Council of the City of Buellton, California, Approving a Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057) for the Village Townhomes Project Which Includes 155 Units on 9.3 Acres Located at the Northeast Corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-090-045 (Portion)"

BACKGROUND

Capital Pacific Development Group, Inc., applicant has filed an application for a Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057) to develop a townhome development with 155 units. This is one of the two residential projects on the Village Specific Plan site (March 2013 version of Specific Plan provided under separate cover). The project site is a 9.3 acre site located at the northeast corner of Highway 246 and McMurray Road (APN 137-090-045) (portion) (Attachment 1-Vicinity Map). The property is planned and zoned for General Commercial-Specific Plan (CR-SP) development. The project consists of the following applications:

- **Final Development Plan (14-FDP-03):** Proposal for a 155 unit townhome development consisting of 25 buildings. The buildings are two or three stories. The size of the townhomes vary with the smallest consisting of two bedrooms (1,192 square feet) to the largest consisting of four bedrooms (1,954 square feet).
- **Tentative Tract Map (TTM 31057):** Proposal for a nine-lot tentative tract map for airspace condominium purposes for the development of 155 residential townhomes/condominiums.

The complete set of project plans is provided as Attachment 2 (linked from website). 3D color renderings are included in Attachment 2. Full size plans have been provided to the City Council.

The Final Development Plan is for the approval of building envelopes, site and floor plans and architectural renderings for 155 townhomes. This includes 13 two story buildings and 12 three story buildings. The two story buildings are located along the east

and north property lines, while the three story buildings are located toward the center of the project site. The two story buildings are below the 35 foot height limit. The highest point on the three story buildings is slightly higher than 35 feet. The highest point on the three story buildings is either 37 feet or 38.5 feet, depending on the building type. A development plan modification is required to allow a portion of the building to be over the height limit. The Planning Commission has recommended that this determination be made.

The proposed tentative tract map proposes 9 lots for airspace condominium purposes. There will be a blanket reciprocal access, landscape maintenance, public utility, water, sewer, and drainage easement over the entire property, except for interior spaces.

The townhomes development will have access to McMurray Road from Valley Vineyard Circle, the proposed public loop road on the Village Specific Plan site. Valley Vineyard Circle is to be built as part of the overall Village Specific Plan project and must be in place prior to occupancy of this project. There are eleven new private roads proposed within the development. The proposed street names are noted on the plans. The Sheriff's Department has reviewed the street names. Some of them are not acceptable because they are duplicates of road names within Santa Barbara County. Monterey Lane, El Dorado Lane, Amador Drive, and St. George Court are not acceptable. In addition, the plans show Deming Way and Amador Drive (which is not an acceptable road name) on roads that turn 90 degrees. When the road turns 90 degree, a new road name is required. A condition of approval has been included that requires that the unacceptable road names and the road names for the roads that turn 90 degrees be changed. The Sheriff's Department has approved Covelo Lane, Elkton Lane, Chalone Drive, Dos Rios Court, Oakville Drive, and Sertoma Way. These are in addition to the approved road names on the plans. They should replace the unacceptable road names that are currently on the plans.

In addition to the townhomes, a central plaza with fountain, community garden, bike racks, pedestrian paths, and small gathering spaces are proposed. The pedestrian paths are along the north, south, and east property lines. The path along the east connects to the path along the Village Senior Apartments property with access to the park property.

The proposed development is subject to the requirements of the Village Specific Plan as amended by the City Council on March 28, 2013. The Village Specific Plan requires that residential projects meet the Planned Residential Development standards.

Development Standard	**Planned Residential Development (PRD) Zone Requirements and Village Specific Plan**	**Proposed Project**
Minimum Lot Size	None required	9.3 acres
Front Setback	Determined by Development Plan (PRD)	Varies, 2 feet to 20 feet
Side Setback	10 feet (Along Valley Vineyard Circle-Specific Plan), Determined by Development Plan (PRD)	10 feet along Valley Vineyard Circle Other side setbacks vary between 2 feet and 15 feet

Rear Setback	30 feet on east property line (Specific Plan), Determined by Development Plan (PRD)	30 feet on east, north, and south property lines
Floor Area	No maximum	N/A
Site Coverage	30% of net site area for dwellings, 50% of net site area for all buildings	38.1% (Dwellings) 38.1% (All Buildings)
Height Limit	35 feet	38.5 feet
Landscaping	Landscape buffer alongside and rear setbacks	Consistent
Open Space	40% of gross site area	27.1% (Townhomes Only) 40.2% (Townhomes, Senior Apartments, and Park Combined)
Parking	Townhomes: 2 spaces per unit Visitor Parking: 1 space per 5 units Total Required: 341 spaces	400 spaces (310 garage spaces and 90 visitor spaces)
Density	6-25 units per acre	16.7 units per acre

Architecture

The architecture of the project is considered Agrarian per the Community Design Guidelines. The buildings include vertical board and batten siding, stucco veneer, standing seam metal accents, awnings, exposed rafter tails, wide porches, multiple roof planes and composition asphalt shingles on the roof. Color and material boards will be provided at the City Council meeting. The city's architectural review consultant, Ravatt Albrecht & Associates, provided comments that were incorporated into the plans. Many of the comments included providing architectural details as suggested in the Community Design Guidelines. The details have been added to the plans. Attachment 3 is a memo with landscape comments. Attachment 4 is a memo with architectural comments. Regarding landscaping, the recommendation is for the Senior Apartments project and the Townhomes Project to collaborate and consider complementary landscaping along the south property line. This has been included as a condition of approval based on direction from the Planning Commission.

The story poles were installed 30 days before the public hearing. Photos of the story poles are included as Attachment 5.

Signage

Two monument signs are proposed at the main entrance on Valley Vineyard Circle (details include in Attachment 2). They consist of a fitted sandstone wall, laser cut letters and down lighting. The sandstone wall is 3.5 feet high. The sign is placed in the wall and is slightly higher than 3.5 feet. The signs meet the Zoning Ordinance regulations for monument signs and will be required to be 5 feet away from the right-of-way.

Affordable Housing/Density

The Village Specific Plan allows for residential development with 6 to 25 units per acre. This Project provides townhomes at 16.7 units per acre. The Village Specific Plan requires 20% affordable housing for any residential development.

The developers of this project and the adjoining Village Senior Apartments project have proposed that the affordable requirements of the Village Specific Plan be satisfied through the Village Senior Apartments project (50 units). The Village Townhomes project proposes 155 townhomes. A total of 205 residential units are therefore proposed on the Village Specific Plan site. Based on a 20% affordable requirement, a total of 41 affordable units would be required. The Village Senior Apartments would meet the affordable requirement for the entire Village Specific Plan site. The townhome project would not provide any affordable units.

In order to document the requested proposal as noted above, the Village Senior Apartments project would be required to enter into the City's standard affordable housing agreement. A condition has been included for the Village Townhomes that the senior housing project takes care of their affordable requirement if certain conditions are met. If not, the townhome project would be required to pay the City's affordable housing fee or provide affordable townhome units.

Open Space

The PRD development standards require 40% of gross site area for open space. The proposed project provides 27.1% of open space area. The applicant has requested that the City Council consider combining the open space of the townhomes, senior apartments, and the park. This provides an overall total amount of open space of 40.2%. The City Council should determine if this is consistent with the PRD open space standard and make the required finding. The Planning Commission has recommended that this determination be made.

Site Coverage

The PRD development standards require a maximum of 30% site coverage for dwellings and 50% site coverage for all buildings. The plans show 38.1% site coverage. A development plan modification is required because all the proposed structures are dwellings. There are no other structures proposed, so the total site coverage is 38.1%, which is below the 50% maximum. The Planning Commission has recommended that this determination be made.

Parking

Pursuant to the Village Specific Plan parking standards, the project is required to provide 341 parking spaces. 400 spaces are provided. Each townhome has a two car garage and 90 visitor spaces are provided. The visitor spaces are spread throughout the site.

Setback Along East Property Line

As required in the Village Specific Plan, there is a 30 foot setback along the east property line. This project also has 30 foot setbacks along the north and south property lines. A pedestrian path and landscaping are within the 30 foot setbacks. Two benches are proposed at the northeast corner of the project, within the 30 foot setback.

An eight foot high split face masonry wall is proposed on the east property line as required in the Specific Plan. A condition of approval has been included that allows the masonry wall to be built prior to the issuance of certificate of occupancy for any building along the east property line, instead of the wall being built as part of the first phase of construction. The reason for this is because the applicant is working with PG&E in order to get approval to install some infrastructure necessary for the future undergrounding of the utility poles. The infrastructure will be located underneath the wall.

Undergrounding of Existing Utility Poles

All new utility lines to serve this project will be placed underground. The current Specific Plan does not require the developer to underground the existing utility poles along the eastern property line. The undergrounding of the existing utility poles was discussed by the City Council on July 10, 2014. The Council directed staff to investigate the undergrounding of the lines with PG&E. The Council did not require the developer to participate in the undergrounding costs.

Emergency Access

An emergency access point at Glennora Way has been included as a condition of approval. The access will have grass pavers with concrete tracks and a sliding emergency gate as approved by the Fire Department. There is also an emergency access from McMurray Road. It will have the same pavers and gate as the Glennora Way emergency access. An emergency access easement over the roads in the development is also required that goes from Glennora to Valley Vineyard Circle.

Noise Mitigation

One of the mitigation measures from the Oak Springs Village EIR that has been included as a condition for this project is regarding reducing noise for residential buildings along McMurray Road. It requires that indoor noise levels are below 45 dBA CNEL, and where practicable, outdoor living area noise levels are below 60 dBA CNEL. Besides, setbacks from McMurray Road, one of the suggestions is to use vegetated berms at the property line, with solid core doors and double-paned glass windows on the side of the residential units facing McMurray Road.

Structural improvements, such as double paned windows, solid core doors, and sealing of air gaps in exterior building penetrations will be used in the necessary buildings to decrease the indoor noise levels.

The applicant would like to ensure a nice streetscape along McMurray Road and a walkable community. The applicant feels that keeping the building orientation of exterior space facing McMurray Road is a vital aspect that will promote neighbor interaction with pedestrians and create a unique streetscape along McMurray Road. He feels that placing a project behind dirt berms, block walls or glass panels destroys the interactive and walkable concept. If there are no options that allow a nice streetscape and decrease the noise level in outdoor living areas, the applicant proposes including disclosures in sales contracts that the noise level may exceed 60 dBA CNEL. This has been included as a condition of approval based on Planning Commission direction.

Goals and Objectives

The following are the goals and objectives of the Village Specific Plan as it relates to the residential development. Comments in italics are those of staff.

1. To plan for land uses that will enhance the City of Buellton by accommodating the needs of the community, expanding the tax base, and providing jobs and housing.

   The proposed project provides townhomes in a range of sizes.

2. To provide a mix of uses that will not only relate to each other but also to adjacent land uses and depend on each other harmonious and synergistic manner.

   The project incorporates a designated pathway to the future park site and senior apartments that are proposed to the south of this site.

3. To create a site plan that provides a logical layout and integration of the various uses in order to avoid land use conflicts, to facilitate ease of interaction between uses, and to accommodate the competing needs of the pedestrian and vehicular traffic.

   Separate pathways for vehicles and pedestrians have been provided to the extent possible. Pedestrian walkways are clearly delineated by textured pavement.

4. To establish uniform standards for development on the site to ensure that future development occurs in a manner that is representative of good planning and is cohesive with the site.

   The project meets the standards of the Village Specific Plan and the Community Design Guidelines subject to development plan modifications.

5. To propose measures which minimize any negative impacts that may result from development of the site.

   Conditions of approval try to address any negative impacts associated with the project.

6. To enhance and support the City's long-range transportation goals.

   Bicycle racks are provided and information regarding alternative transportation is included in the conditions.

7. To provide a mixture of housing types that support the urgent need for more affordable housing options for the diversifying population of the City of Buellton. *This project provides townhomes in a range of sizes.*

8. To cultivate quality architecture and landscape design that enhances the rural community environment.

   The site architecture is Agrarian and 24 inch box trees are being required.

9. To establish a well-connected pedestrian-oriented development that provides opportunities to access the prominently placed park and commercial village with safe and convenient paths from the residential neighborhoods in the plan area and surrounding areas.

   Pedestrian paths lead directly to the senior apartments and proposed park to the south of the site.

10. To ensure that buildings are well designed and complement the quality and character of architecture as described in the City of Buellton's Community Design Guidelines.

    The site architecture is Agrarian.

11. To create a unique inviting commercial village that acts as a draw both locally and regionally with a hotel use, while complementing and not competing with the existing uses in downtown Buellton off of Avenue of Flags.

    N/A

12. To design the plan area to fit efficiently into the site and create a smooth transition to the Thumbelina neighborhood along the eastern edge.

    An 8-foot wall is proposed to separate this project from the Thumbelina neighborhood. There will be landscaping in the 30 foot setback area along the east property line. The townhomes are designed so that the tallest three story buildings are towards the middle of the Specific Plan site. The buildings along the east and north property lines are only two stories.

Planning Commission Public Hearing

The Planning Commission public hearing was held on October 2, 2014. Eight members of the public spoke during the public hearing. Four people voiced their support for the project. Several commended the developer for meeting with residents, discussing the project, and addressing issues. One person recommended that there be less three story buildings and one person had suggestions for dark sky friendly lighting. Two people stated that they do not support the project. The reasons for the lack of support include density, noise, traffic, and trash.

The Planning Commission discussed the amount of open space and if the proposal can be determined to meet the requirement. The Planning Commission determined, based on the request of the applicant, that the 40% requirement could be met by combining the Village Townhomes, Village Senior Apartments, and the Village Park. The reason they determined this was appropriate is because it appears that this was the intent of the Village Specific Plan. There are references to the park as open space in the Specific Plan. In addition, a similar approach was taken for the affordable housing requirement. The affordable housing will only be provided on one property, but it meets the required amount for both projects.

The Planning Commission adopted Resolution No. 14-09 (Attachment 6), which recommends that the City Council approve the Final Development Plan and Tentative Tract Map. The Planning Commission recommends that the development plan modifications for the height, open space, and site coverage be approved. The Planning Commission recommends the following additional conditions that are included within City Council Resolution No. 14-21:

1. The installation of the block wall shall be allowed at a later time during construction.
2. The landscaping at the south property line shall be complimentary with the adjacent landscaping.
3. The landscaping along the east property line shall be designed to allow privacy for the single family homes to the east.
4. Sales contracts shall contain disclosures that the exterior noise levels may exceed 60 dBA CNEL.

ENVIRONMENTAL REVIEW

The Project is adequately addressed in the prior environmental documents for the Village Specific Plan and the Oak Springs Village Specific Plan (previous name of the Specific Plan). Prior environmental documents include the Final Environmental Impact Report (EIR) for the Oak Springs Village Specific Plan, and an Addendum to the Final EIR for Oak Springs Village. The previous environmental documents have been provided to the City Council under separate cover. No further environmental review is required in accordance with the California Environmental Quality Act. All mitigation measures from the prior documents have been made conditions of approval.

RECOMMENDATION

That the City Council consider the adoption of Resolution No. 14-21 - "A Resolution of the City Council of the City of Buellton, California, Approving a Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057) for the Village Townhomes Project Which Includes 155 Units on 9.3 Acres Located at the Northeast Corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-090-045 (Portion)".

The following items are development plan modifications that the City Council must make findings for in order to recommend approval of this project as it is presented and requested by the applicant and recommended by the Planning Commission (the findings are included in City Council Resolution No. 14-21):

- A modification to allow the maximum building height to be 38.5 feet.
- A modification to allow the site coverage for dwellings to be 38.1% instead of 30%.
- A modification to allow the combined amount of open space for the Village Townhomes, Senior Apartments, and the park (40.2% total) to be consistent with the PRD open space standard.

ATTACHMENTS

Resolution No. 14-21
Attachment 1 – Vicinity Map
Attachment 2 – Project Plans (linked from website)
Attachment 3 – Memo from PleinAire Design Group, dated July 17, 2014
Attachment 4 – Memo from Ravatt Albrecht & Associates, dated August 19, 2014
Attachment 5 – Photos of Story Poles
Attachment 6 – Planning Commission Resolution No. 14-09

RESOLUTION NO. 14-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (14-FDP-03) AND TENTATIVE TRACT MAP (TTM 31057) FOR THE VILLAGE TOWNHOMES PROJECT WHICH INCLUDES 155 UNITS ON 9.3 ACRES LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-090-045 (PORTION)

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

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Oak Springs Village Properties LLC, property owner, and Gavin Moores, Capital Pacific Development Group Inc, agent, hereinafter referred to as "Applicant", requesting approval to develop the Village Townhomes, a 155 unit townhome development located at the northeast corner of Highway 246 and McMurray Road (APN 137-090-045) (portion). The subject property is currently zoned CR-SP (General Commercial-Specific Plan).

SECTION 2: The proposed Project consists of:

A. Final Development Plan (14-FDP-03): Approval of 155 townhomes, landscaping and 400 parking spaces (each townhome has a garage which accommodates 2 parking spaces and there are 90 visitor parking spaces) on a 9.3 acre project site. The subject property is planned and zoned for General Commercial-Specific Plan (CR-SP).

- A modification to the height limit is required because the highest point on the three story buildings is approximately 38.5 feet, which is over the maximum height limit of 35 feet.
- A modification to the site coverage is required because the requirement is for 30% site coverage for dwellings. The plans show that there is 38.1% site coverage.
- A modification for the open space standard is required to determine that the total amount of open space for the Village Townhomes, Senior Apartments, and the park (40.2% total) is consistent with the PRD open space standard.

B. Tentative Tract Map (TTM 31057): Approval of a nine-lot tentative tract map for airspace condominium purposes for the development of 155 residential townhomes/condominiums.

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. <u>Record</u>. Prior to rendering a decision on the Project, the City Council considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on October 2, 2014 ("PC Public Hearing").

2. All oral, written and visual materials presented in conjunction with that certain PC Public Hearing.

3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on November 13, 2014 ("CC Public Hearing").

4. All oral, written and visual materials presented in conjunction with that certain CC Public Hearing.

5. The following informational documents, which by reference, are incorporated herein:

   a. The project file for 14-FDP-03 and TTM 31057 and the set of project plans dated September 10, 2014.
   b. The staff reports dated October 2, 2014 and November 13, 2014.
   c. The Village Specific Plan.
   d. The Final EIR and Addendum for the project site.

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

1. A notice of PC Public Hearing was published in a newspaper of general circulation on September 18, 2014 (the "PC Public Notice"), a minimum of 10 days in advance of the PC Public Hearing conducted on October 2, 2014.

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 September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.

3. The PC Public Notice was posted in three public locations on September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.

4. A notice of CC Public Hearing was published in a newspaper of general circulation on October 30, 2014 (the "CC Public Notice"), a minimum of 10 days in advance of the CC Public Hearing conducted on November 13, 2014.

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 30, 2014, a minimum of 10 days in advance of the CC Public Hearing.

6. The CC Public Notice was posted in three public locations on October 30, 2014, a minimum of 10 days in advance of the CC Public Hearing.

C. <u>Environmental Review</u>.

1. On July 24, 2003, the City Council conducted a public hearing with respect to the Final EIR for the Oak Springs Village Specific Plan and at the conclusion thereof, adopted their Resolution No. 03-15 thereby adopting: (1) a Statement of Facts and Findings, (2) a Statement of Overriding Considerations, and (3) a Mitigation Monitoring Program for the Oak Springs Village Specific Plan and certified that the Final EIR was complete and adequate, and had been completed in compliance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City of Buellton Environmental Guidelines. The Oak Springs Village Specific Plan was revised by Ordinance No. 06-05 on May 25, 2006. An Addendum Environmental Impact Report to the Final EIR for Oak Springs Village was approved for the revised Specific Plan (the Final EIR and Addendum are collectively referred to as the FEIR). Prior to the adoption of this Resolution, the City Council has been provided for its review, full, true and correct copies of the FEIR for the Oak Springs Village Specific Plan, including all of the above-reference documents.

2. Based upon the substantial evidence contained in the whole record, including any written and oral staff reports presented to the City Council with respect to the Project, as well as a review of the FEIR for the Oak Springs Village Specific Plan in relation to the Project, the City Council of the City of Buellton does hereby find, determine, and declare that:

    a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

    b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,

    c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable

diligence at the time the previous FEIR was certified as complete, shows any of the following:

1. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;

2. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;

3. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,

4. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

3. Based upon the forgoing, the City Council exercises its judgment and finds that no further environmental review is required per CEQA in that this Project is adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan. All applicable mitigation measures from the prior environmental documents have been made conditions of approval.

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

1. <u>Final Development Plan</u>.

a. <u>Findings</u>:

i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the Village Specific Plan requirements allow multi-family development with a maximum density of 25 units per acre and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site.

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 prior environmental documents have been made conditions of approval and would mitigate any impacts.

iii. That streets and highways are adequate and properly designed pursuant to the requirements of the City's Public Works Director. The Fire Department has approved the circulation system from a Fire Department perspective.

iv. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the Project. The Fire Department has provided conditions of approval to address their concerns. The Sheriff's Department has no concerns with the Project.

v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for general commercial-specific plan land uses and the Village Specific Plan is approved for the site. The project conforms to the requirements of the Village Specific Plan as to site design and layout and would not conflict with the surrounding area and land uses pursuant to these conditions, including setbacks and height requirements.

vi. That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code, the General Plan, and the Village Specific Plan. With imposition of the conditions of approval, the project complies with the General Plan, Title 19 (Zoning), and the Village Specific Plan.

vii. That the project will not conflict with any easements required for public access through, or use of, a portion of the property as none exist on this property.

viii. That the proposed development is in conformance with the Agrarian architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

2. <u>Tentative Tract Map</u>.

a. <u>Findings:</u>

i. The proposed subdivision, including its design and improvements, is consistent with Buellton's General Plan and the Village Specific Plan pursuant to the Public Works Director.

ii. The site is physically suitable for the type of development proposed as the site is planned and zoned for residential development per the Village Specific Plan.

iii. The site is physically suitable for the proposed density of development as the residential development meets the standards of the Village Specific Plan.

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.

v. The design of the subdivision or the proposed improvements will not likely cause serious public health problems as no public health issues have been identified on the property.

vi. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision; or that substantially equivalent alternate easements are provided.

vii. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

viii. Proposed street names, as modified by Condition of Approval Number 102, are consistent with the types of names used elsewhere in the community and, where applicable, are logical extensions of those existing in the area of the subdivision.

ix. The proposed subdivision is consistent with all applicable provisions of this title, and the Buellton zoning ordinance,

including but not limited to minimum lot area requirements, any other applicable provisions of this code, and the Subdivision Map Act.

3. <u>Height Limit Modification</u>.

a. <u>Findings</u>:

i. The increased height 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 increased height would not be incompatible with the neighborhood because the buildings located closest to the existing neighborhood are below the height limit of 35 feet. The buildings that exceed the height limit are located further away from the existing neighborhood.

ii. The increased height conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

4. <u>Site Coverage Modification</u>.

a. <u>Findings</u>:

i. The increased site coverage for the dwelling units 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 increased site coverage for the dwelling units would not be incompatible with the neighborhood because the density of the project is still below the maximum and there is open space available near the project. The maximum site coverage for dwellings is 30%. The proposed site coverage is 38.1%, which is below the maximum site coverage (for all buildings) of 50%.

ii. The increased site coverage conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

5. <u>Open Space Modification</u>.

a. <u>Findings</u>:

i. The proposed amount of open space on the project site is 27.1%. The total amount of open space for the Village Townhomes, Village Senior Townhomes, and the park is 40.2%, which meets the PRD standard of 40%. The open space modification 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 open space modification would not be incompatible with the neighborhood because open space is provided in other locations on the Specific Plan site.

ii. The open space determination conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

<u>SECTION 4</u>: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the City Council approves the Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057).

PASSED, APPROVED and ADOPTED this 13th day of November 2014.

_____
John Connolly
Mayor

ATTEST:

_____
Linda Reid
City Clerk

I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution No. 14-21 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 13th day of November 2014 by the following vote of the Council:

AYES: 0

NOES: 0

ABSENT: 0

ABSTAIN: 0

_____

Linda Reid
City Clerk

CONDITIONS OF APPROVAL

VILLAGE TOWNHOMES
FINAL DEVELOPMENT PLAN (14-FDP-03)
and
TENTATIVE TRACT MAP (TTM 31057)

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. The Project Description is as follows: A request by Oak Springs Village Properties, LLC, property owner, and Gavin Moores, Capital Pacific Development Group Inc., agent (the "Applicant") for Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057) for the Village Townhomes project, a 155-unit townhome development located on a 9.3 acre site (the "Project"). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-090-045 (portion) (the "Property"). The Project plans that are included in this approval are dated September 10, 2014. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.

2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.

3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.

4. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

a. **"Applicant"** means Oak Springs Village Properties, LLC, property owner, and Gavin Moores, Capital Pacific Development Group Inc., agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.

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 Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.

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 special district.

g. **"Mitigation Measures"** means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.

h. **"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.

i. **"Project"** means and includes all of the actions described in the Project description above.

j. **"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.

k. **"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.

l. **"Property"** means the land and improvements identified in the Project Description.

m. **"Property Owner"** means Oak Springs Village Properties, LLC, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.

n. **"Zoning Clearance"** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.

5. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.

6. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.

7. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

8. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.

9. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of the Mitigation Monitoring and Reporting Program for the Mitigation Measures as well as the general conditions of approval set forth herein. The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.

10. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.

11. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.

12. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City

13. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the those fee schedules adopted by the City and then in effect at the time such fees become payable.

14. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. ENVIRONMENTAL MITIGATION MEASURES

Aesthetics

15. **AES-1(a) Lighting/Compatibility.** Prior to development of each development phase, proposed lighting shall be indicated on site plans that demonstrate that spillover of lighting would not affect residential areas located east of the site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used. The design, scale, and character of the Specific Plan residential building architecture shall be generally compatible with the scale of existing residential uses east of the site.

16. **AES-1(b) Entrance Monuments.** Site entrance monuments shall not be visually prominent and shall be consistent with the natural rural character of the area.

17. **AES-1(e) Wall and Fence Articulation.** Long expanses of walls (including sound walls) or fences should be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets should be provided. Walls and fences should be designed in a style, materials and color to complement adjacent buildings.

18. **AES-1(f) Clear Excess Debris.** The future developers of the Specific Plan components shall clear the site of all excess construction debris when completed with individual development phases.

Agricultural Resources

19. **AG-2(b) Previously Unidentified Hazardous Materials**. In the event that hazardous waste and/or materials are encountered during construction, the following actions shall be taken by the future developers of the Specific Plan components or authorized agents 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 Fire Department; and (4) the 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.

Air Quality

20. **AQ-1(a) Energy Saving Services Information.** The following energy-conserving techniques shall be incorporated unless the applicant and/or future developers of the Specific Plan components demonstrate their infeasibility to the satisfaction of Planning Department staff:

- Installation of heat transfer modules in furnaces;
- Use of light colored water-based paint and roofing materials;
- Use of natural lighting;
- Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
- Installation of energy efficient lighting;
- Use of landscaping to shade buildings and parking lots;
- Installation of sidewalks and bike paths;
- Installation of covered bus stops to encourage use of mass transportation

21. **AQ-1(b) Alternative Transportation Information.** The future developers of the Specific Plan components shall provide, as part of the sale of each housing and commercial unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also include information on purchasing less polluting or alternatively fueled vehicles, which is available from SBCAPCD.

22. **AQ-3(a) Dust Generation.** If the construction site is graded and left undeveloped for over four weeks, the applicant and/or future developers of the Specific Plan components shall employ the following methods immediately to inhibit dust generation:

- Seeding and watering to revegetate graded areas; and/or
- Spreading of soil binders; and/or
- Other soil stabilization methods deemed appropriate by the Planning Department

23. **AQ-3(b) Watering.** Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily water applications (once in late morning and once at the end of the workday). Increased watering shall be performed whenever wind speeds exceed 15 mph.

24. **AQ-3(c) Disturbed Area.** The amount of disturbed area shall be minimized and on-site vehicle speeds shall be reduced to 15 mph or less.

25. **AQ-3(d) Gravel Pads.** Gravel pads shall be installed at all access points to minimize tracking of mud onto public roads.

26. **AQ-3(e) Volatile Organic Compounds (VOC).** Low VOC asphalt and low VOC architectural coating will be used whenever feasible.

27. **AQ-3(f) Soil Stockpiling.** If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material to or from the site shall cover the soil with tarps from the point of origin to the point of disposition.

28. **AQ-3(g) Land Clearing.** After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.

29. **AQ-3(h) Monitoring of Dust Control Program.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

30. **AQ-3(i) Construction Equipment Requirements.** In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:

- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
- The engine size must be the minimum practical size;
- The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
- Construction equipment must be maintained in tune per manufacturer's specifications;
- Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
- Catalytic converters shall be installed, if feasible;
- Diesel catalytic converters shall be installed, if available;
- Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Diesel particulate emissions shall be reduced using EPA or California-certified and/or verified control technologies like particulate traps.

31. **AQ-4(a) Bicycle and Pedestrian Paths**. The project shall incorporate pedestrian and bicycle paths on-site that link to existing bicycle routes and walkways offsite. The purpose would be to provide alternative access to existing bus stops.

32. **AQ-4(b) Distribution of Alternative Transportation Information.** The applicant shall provide an on-site bulletin board specifically for the posting of bus schedules and notices of availability for car-pooling and/or shall distribute such information to property owners upon occupancy.

Noise

33. **N–1(a) Construction Equipment.** All stationary construction equipment shall be located at least 300 feet from occupied on- and off-site residences and the adjacent hotel structure west of the site unless noise reducing engine housing enclosures or noise screens are provided by the contractor. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited.

34. **N–1(b) Sound Wall Construction.** The proposed 8-foot-high sound wall along the eastern site boundary shall be installed during the first phase of development (Split Face).

35. **N-3(a) Acceptable Noise Levels.** Residential structures that border the western boundary of the site (i.e., within 99 feet of the centerline of McMurray Road) shall provide attenuation of indoor noise levels to below 45 dBA CNEL, and where practicable, outdoor living area noise levels to below 60 dBA CNEL. This can be accomplished using one or more of the following methods or as recommended in a noise study to be prepared by an acoustical engineer:

- A structural setback of at least 99 feet from the centerline of McMurray Road;
- Use vegetated berms at the property line, with the structural setback at least 55 feet from the McMurray Road centerline;
- Use vegetated berms at the property line, with solid core doors and double-paned glass windows on the side of the residential units facing McMurray Road.

36. **N-3(b) Exterior Areas.** Exterior usable areas for residential units that border the western site boundary (i.e., units located within 99 feet of the McMurray Road centerline) shall be located within an interior courtyard.

37. **N-5(c) Disclosure of Nuisance**. Upon the transfer of residential property on the site, the transferor shall deliver to the prospective transferee a written disclosure statement which shall make prospective home buyers aware that although potential impacts or conflicts between commercial and residential uses (e.g.,

noise) may be lessened by proper maintenance, some level of incompatibility between the two uses would remain.

Transportation and Circulation

38. **T-2(a) Internal Access Improvements.** The internal loop of the site road shall be posted "no parking" on one side of the road to reduce the potential for conflict between through vehicles and parked vehicles. As a means to improve site access and enhance on-site circulation, the internal circulation roads should be striped and signed in a manner consistent with the Manual on Uniform Traffic Control Devices.

39. **T-2(b) Driveway Alignment.** The McMurray Road driveways should be aligned opposite the existing driveways to reduce potential conflicts. Aligning the Specific Plan site driveways with the existing opposing driveways would create an attractive draw away from Highway 246, which would reduce impacts at the Highway 246 access.

C. ENGINEERING CONDITIONS – DEVELOPMENT PLAN

PRIOR TO GRADING PERMIT ISSUANCE:

40. **Grading Utility 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.

41. **Frontage Improvement Plans.** Plans for the full street width frontage 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.

42. **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.

43. **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; draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times.

44. **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. In addition, the report shall discuss the required storm water management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references.

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

    Storm water management shall be incorporated in the improvement plans (low impact development). 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.

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

46. **Storm Drain Connections.** Plans need to include the disconnected impervious areas and areas for water quality treatment. Direct storm drain connections as shown on the preliminary plans will not be allowed.

47. **Fire Department Review of 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.

48. **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.

49. **Final Plans.** 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.

50. **Grading, Utility, and Monumentation Bond.** A faithful performance and labor/material bond for each: grading, utilities, and monumentation (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year and until receipt of As-built Record Drawings and Surveyor's certificate and all fees paid.

PRIOR TO BUILDING PERMIT ISSUANCE:

51. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.

52. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.

53. **Industrial Waste Permit.** The applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.

54. **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.

PRIOR TO OCCUPANCY CLEARANCE:

55. **As-Built Record Drawings.** 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."

56. **Tract 31052/Public Improvements.** Prior to issuance of occupancy clearance for the first building, all public improvements associated with Tract 31052 needed to support the project pursuant to the Village Specific Plan shall be constructed and accepted by the City Engineer.

GENERAL CONDITIONS:

57. **Public Improvement Standards.** Unless superseded by Caltrans all public improvements shall be designed and constructed in conformance with The City of Buellton Standards, and when applicable, the Santa Barbara County Standards.

58. **Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.

59. **Utilities.** All other utilities shall be shown on the plans.

60. **Trail Easement.** An easement shall be dedicated and recorded for public access and trails for the trails along the south, east, and north sides of the property line as shown on the preliminary plans. Developer shall construct and provide ongoing maintenance of these facilities as part of the HOA's regular site maintenance requirements.

61. **Emergency Access Easement.** All emergency access routes through the development to Glennora Way shall be designed to comply with Fire Department guidelines for structural and access requirements. Emergency Access easement shall be shown on the development plans and Condominium Map and provide for appropriate dedication.

D. ENGINEERING CONDITIONS – TENTATIVE TRACT MAP

PRIOR TO GRADING PERMIT ISSUANCE:

62. **Utility Easement Dedications.** 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.

63. **Grading, Utility, and Monumentation Bond.** A faithful performance and labor/material bond for each: grading, utilities, and monumentation (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year and until receipt of As-built Record Drawings and Surveyor's certificate and all fees paid.

64. **Easements.** Any public or private easements required for drainage, access, trails, etc. shall be described and shown on the Map.

65. **Hazard Determination.** Any geotechnical hazard or other hazard determinations shall be shown on the map.

66. **Grading and Utility 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.

67. **Improvement Plan Details.** 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.

68. **Other Permits.** The applicant shall acquire additional permits from other affected agencies (Caltrans, Fish & Game, etc.) prior to grading permit issuance if applicable.

69. **Development Plan Conditions.** All conditions with the development plan shall apply.

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

PRIOR TO BUILDING PERMIT ISSUANCE:

71. **Final Map.** 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:

72. **Final Map Processing.** 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.

73. **Codes, Covenants and Restrictions.** Codes, Covenants and Restrictions (CC&Rs) for the project shall be submitted for review to the City Attorney and approved by the City Council prior to acceptance of the Final Map. The CC&Rs shall include provisions to ensure the fulfillment and ongoing maintenance plans outlined in the Storm water Control Plan and maintenance of the public trails. The City Engineer, City Attorney and the City Council may require additional restrictions within the CC&Rs as deemed appropriate.

74. **Final Map Recordation.** The Final Map and all applicable private and public easements must be recorded with the County Recorder.

75. **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:

76. **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.

E. PLANNING CONDITIONS

77. **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.

78. **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 anytime.

(2) Vehicle Repair. No disassembly, repair or any other work shall be performed on any vehicle, machine, motor, appliance or other similar device shall be allowed on any portion of the Property except or unless such work and device is wholly removed from public view.

(3) Exterior Storage. No storage of any goods, materials or equipment shall be permitted on the Property except within the confines of fully enclosed buildings.

b. Prohibited Activities. No person owning, leasing, occupying or having charge or possession of the Property, or any portion thereof, shall maintain or use the premises in such a manner that any of the following conditions are found to exist:

(1) Fire and Explosion Hazards. Storage and transportation of flammable or explosive materials, as defined by the County of Santa Barbara Fire Department, which are provided without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices, standard in the industry.

(2) Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances, affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(3) Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, or humidity, heat or cold that is produced and is perceptible without instruments by the average person at the Property line.

(4) Liquid and Sold 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.

79. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.

80. **Building Standards.** All building construction shall be designed and performed in accordance with the currently adopted California Building Code, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.

81. **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.

82. **Construction Noise Reduction.** Prior to issuance of building permit, the Developer shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition. Stationery noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor. Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.

83. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction is completed and all improvements and landscaping associated with the Project are installed in accordance with the plans approved and the conditions specified herein. Exceptions to this requirement may be granted subject to: (i) approval of the City Engineer and Planning Director; (ii) assurance that

unfinished items will be completed within a reasonable period of time (including, but not limited to, the posting of appropriate performance security to assure such completion); (iii) essential infrastructure necessary to serve the entire Project is fully installed; and (iv) public safety and convenience is appropriately protected.

84. **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.

85. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.

86. **Project Inspections.** Upon completion of construction and prior to occupancy or use, the Planning Director shall conduct a Project Inspection prior to and as a condition precedent to obtaining Final Building Inspection Clearance. Compliance with all conditions of approval is a pre-requisite to obtaining the Final Building Inspection Clearance.

87. **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 required as part of the building permit plans, and open areas visible from public rights-of-way shall be landscaped and irrigated.

88. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than three (3) months 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 prerequisite to granting Final Building Inspection Clearance. A formal written request for such inspection shall be accompanied by a certification from the Project landscape architect as to the Project's conformity with the approved plans and specifications, together with a twelve (12) month warranty on all landscaping materials.

89. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the first 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.

90. **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.

91. **Approval.** Approval of 14-FDP-03 and TTM 31057 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.

92. **Development Time Frame.** Building construction must be started not later than five years after approval of the Final Development Plan, 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 or its successor have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.

93. **Parking.** A total of 341 parking spaces are required for the Project. This includes two covered spaces for each of the townhomes (310 spaces) and one visitor space for each five units (31 guest spaces). 400 parking spaces are proposed.

94. **Signage.** The monument signs as shown in the landscape plans dated July 31, 2014, are approved. Any additional signage will require approval by the Planning Director.

95. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project with a design style of Agrarian.

96. **Masonry Wall.** An eight foot high split face masonry wall is required along the east property line. It shall be installed prior to the issuance of a certificate of occupancy for any of the buildings along the east property line.

97. **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. Decorative lighting is required.

98. **Village Specific Plan.** The project is subject to the standards and requirements of the Village Specific Plan.

99. **Trees.** All trees shall be 24-inch box trees.

100. **Damaged Landscaping.** Any landscaping damaged on adjoining properties shall be replaced on a one to one ratio, except that oak trees shall be replaced on a 3 to 1 ratio.

101. **Pedestrian Paths.** The public pedestrian paths along the east property line, north property line, and south property line are required to be installed. Textured pavement shall be used for the paths.

102. **Road Names.** The following road names are not acceptable because they are duplicates of road names within Santa Barbara County: Monterey Lane, El Dorado Lane, Amador Drive, and St. George Court. Deming Way and Amador Drive are proposed on roads that turn ninety degrees. The same road name cannot continue when a road turns ninety degrees. Therefore, two new road names are required. The following road names are approved by the Sheriff's Department and shall replace unacceptable road names: Covelo Lane, Elkton Lane, Chalone Drive, Dos Rios Court, Oakville Drive, and Sertoma Way.

103. **Covenants, Codes and Restrictions (CC&Rs).** CC&Rs for the Project shall be submitted for review to the Planning Director, City Engineer, and City Attorney and shall include the following:.
   - The developer is required to disclose to all future tenants the presence of the active horse ranch just to the north of the Village Specific Plan site.

104. **Emergency Access.** The emergency access points at the end of Glennora Way and on McMurray Road shall have grass pavers with concrete tracks and an emergency access gate as approved by the Fire Department. An emergency access easement shall be provided over the new roads.

105. **Complimentary Landscaping.** The Applicant shall coordinate the design of the landscape along the south property line so that it complements the landscaping on the adjoining property.

106. **Privacy on East Property Line.** The landscaping along the east property line shall be designed to be dense and fast growing. It shall ensure privacy to the single family homes to the east.

107. **Exterior Noise Disclosure.** The developer shall include a disclosure in sales contracts that the exterior noise levels may exceed 60 dBA CNEL for the townhomes within 99 feet of the centerline of McMurray Road.

108. **Number of Units.** The number of units in the project description on the Tentative Tract Map and the Development Plans shall be revised to 155 units.

F. AFFORDABLE HOUSING

109. **Affordable Housing.** Prior to issuance of the building permits for the market rate townhomes (all 155 townhomes), one of the following three options shall be in place: (1) building permits have been issued for the affordable senior housing project on the Village Specific Plan site; or (2) an affordable housing fee deposit has been posted as a cash deposit or surety (to be released to the developer when building permits are issued for the affordable senior project or released to the City in 5 years, whichever occurs first): or (3) provide the affordable units in the townhome development.

G. FIRE DEPARTMENT CONDITIONS

110. **Fire Protection Certificate.** Fire Protection Certificates will be required.

111. **Road Names.** Road names shall be required for this project.

- Road names shall be approved by the Santa Barbara County Sheriff Emergency Communication Manager/911 Coordinator.

112. **Structure Height.** Any structure that exceeds 30 feet in height shall meet the CFC Section D105 requirements.

- **D105.1** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater.
- **D105.2** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

- **D105.3** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. This side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
- **D105.4** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

113. **Access.** Access plans shall be approved by the Fire Department prior to any work being undertaken.
- Private roadway shall have a minimum width of 26 feet.
- Surface shall be paved.
- 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.

114. **Street Signs.** Street signs shall be installed.
- Private road signs shall be blue with white letters.
- County road signs shall be brown with white letters.
- Reference Santa Barbara County Engineering Design Standards, Standard Details 6-060.

115. **Temporary Addresses.** Temporary address posting is required during construction.

116. **Fire Hydrants.** New fire hydrants shall be installed. The number is to be determined.

- The Fire Department shall have on file a set of approved fire hydrant plans prior to any work being started.
- Fire Hydrants shall be located per Fire Department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure.
- Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
- A set of approved fire hydrant plans, stamped and dated by the Fire Department shall be kept at the job site and available on request.
- Water systems shall be installed exactly as the approved fire hydrant plans dictate. No changes or modifications to these plans shall take place without prior Fire Department approval.
- No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a Fire Department representative.

117. **Fire Lanes.** 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.

118. **Portable Fire Extinguishers**. Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.

119. **Fire Sprinklers.** An automatic fire sprinkler system shall be installed.

- Fire sprinkler plans shall be approved by the Fire Department prior to installation.
- A set of approved plans, stamped and dated by the Fire Department shall be kept at the job site and available upon request.
- The Fire Department shall determine the location of any Fire Department connection (FDC) that may be required.
- FDC shall be labeled per NFPA 13.
- Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
- No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.

120. **Alarm Systems.** An automatic fire or emergency alarm system shall be installed.

- Fire alarm system shall meet Santa Barbara County Fire Department requirements.
- Automatic fire or emergency alarm system plans shall be approved by the fire department.
- Alarm panel locations and annunciator graphics shall be approved by the Fire Department prior to installation.

121. **Recorded Addresses.** Recorded addressing for the buildings and suites is required by the fire department. Contact the City of Buellton Planning Department to apply for addresses.

122. **Address Numbers.** Address numbers shall be a minimum height of four inches for residential suites.

- Address numbers shall be a minimum height of 6 inches for buildings.
- Address number locations shall be approved by the Fire Department.
- Address numbers shall be a color contrasting to the background color.
- The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
- The numbers shall be visible from the access road when traveling in either direction.

123. **Gates.** Access way entrance gates shall conform to Fire Department requirements.

124. **Gate Locking System.** When access ways are gated, a Fire Department approved locking system shall be installed. Reference Santa Barbara County Development Standard #7.

125. **Fees.** The applicant will be required to pay development impact fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development. Development impact fees are collected at the current rate at time of payment.
Estimated fees:

- Mitigation Fee at $.10 per square foot for structures with fire sprinklers.
- Mitigation Fee at $.20 per square foot for structures without fire sprinklers

126. **Occupancy Clearance.** Final occupancy clearance inspection will not be scheduled unless fees have been paid.

127. **Condition 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 at the time of change. The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.

128. **Non-Compliance.** Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

H. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS

129. **Geology Report.** A Geology Report prepared and signed by a California licensed geologist will be required.

130. **Soils Report.** A soils report to include an assessment and conclusion of the potential for liquefaction will be required. At a minimum, one boring to a depth of fifty feet will be required.

131. **Townhomes.** The plans do not appear to meet the definition of a townhome as defined in the California Residential Code. Clarify the use, occupancy and applicable code (CRC or CBC) of the structures and site plans which reflects the same.

132. **Egress Plan.** A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building.

Show occupant load, number of exits required, and number of exits provided at each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components.

133. **Fire Areas.** Provide a complete, independent plan which graphically delineates all fire areas, fire walls, fire barriers, horizontal fire-resistive assemblies, and/or fire partitions on the plans. Label all fire-resistive corridors, shafts, incidental use areas, etc. Cite code sections indicating reasons assemblies are rated. If fire-rated assemblies have been provided where not required by code or which exceed code minimum requirements, please indicate this on the plans. Delineate egress paths and indicate occupant/egress path loading to required egress routes. Cross-reference tag all fire resistive assemblies to their respective construction details on the plans. Verify consistency between fire-resistive characteristics shown on this plan and the relative required fire-resistive characteristics shown on mechanical, electrical, and structural plans.

134. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots. Please ensure the building design professional coordinates with civil on site accessibility design.

135. **Accessibility Requirements.** Projects that are privately funded may be subject to the accessibility requirements of California Building Code Chapter 11A of the current code in effect on the date of permit application.

136. **California Green Code.** Incorporate compliance with the applicable California Green Code in the plans, to include commissioning. Incorporate compliance with the requirements of the Energy Code in effect at the time of submittal.

137. **Flood Conditions.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.

138. **Plans.** Plans will need to be signed and sealed by a California licensed architect or engineer and designed in compliance with the codes in effect at the time of building permit application submittal.

I. FINANCE DEPARTMENT CONDITIONS

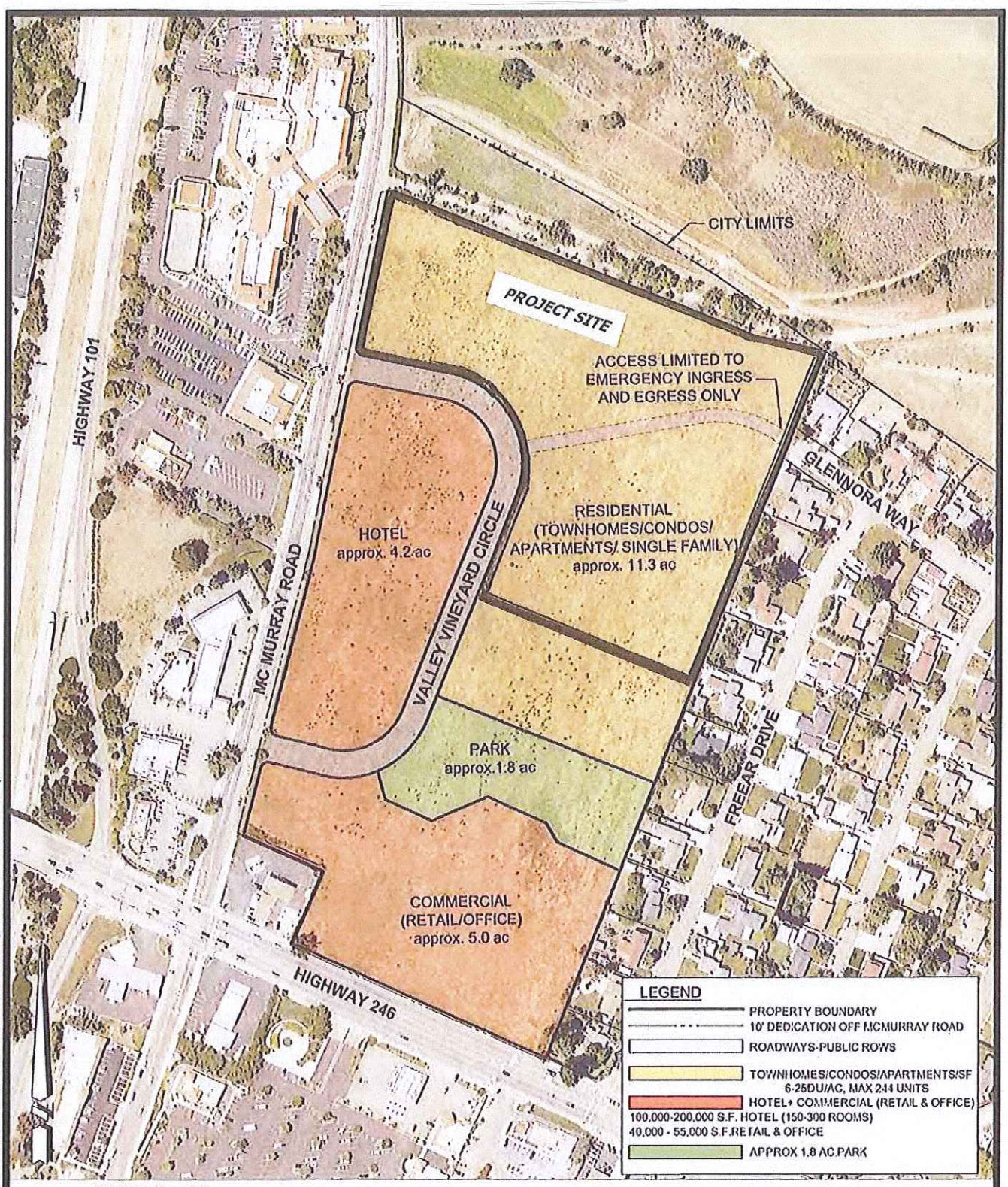
139. **Outstanding Fees.** The applicant shall pay all fees including, but not limited to, outstanding balances for processing by the City Engineer, Planning Department, Building Department, traffic mitigation fees, water connection fees, sewer fees, school fees, Fire Department mitigation fees and any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

140. **Impact Fees.** The project applicant shall pay the water, sewer, park, and traffic impact fees in accordance with City requirements.

Property Owner Signature	Date
Project Applicant/Agent/Representative Signature	Date

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

ATTACHMENT 1



SCALE: 1" = 250'

0 250 500

eda

FIGURE 5: LAND USE
THE VILLAGE SPECIFIC PLAN
BUELLTON, CA
JANUARY 2013

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City of Buellton Design Review

Distribution:

City	*Ravatt Albrecht*	*PleinAire DG*	*Applicant*	*Other*	
☐ M. Bierdzinski	☒ G. Ravatt	☒ K Small	☐	☐	☒ 1st Review
☐ I. Tucker	☐	☐ M Quintero	☐	☐	☐ 2nd Review
☐ A. Perez		☐	☐		☐ 3rd Review
☐ R. Hess			☐		☐ Final Review
					☐ File No.

VIA: ☒ Email ☐ Fax ☐ U.S. Mail ☐ Delivery

PROJECT: Oak Springs Village

LANDSCAPE ARCHITECT: PleinAire Design Group
2615 Skyway Drive Suite B
Santa Maria, CA 93455-1414

DATE: 07/17/14

CITY FILE NO:

REVIEWER: Kevin Small

General Comments:

The design has one central open space. This might be better utilized as a recreation area. The turf spec is for a light traffic area

SITE DESIGN:

	N/A	Complete	Complete w/ Corrections	Incomplete
1. Landscape area	1 ☐	1 ☐	1 ☒	1 ☐
2. Adjacencies	2 ☐	2 ☐	2 ☐	2 ☒
3. Existing Trees	3 ☐	3 ☐	3 ☒	3 ☐
4. Slopes	4 ☐	4 ☐	4 ☐	4 ☐
5. Habitats	5 ☐	5 ☐	5 ☐	5 ☐
6. Site Features	6 ☐	6 ☐	6 ☐	6 ☐

Remarks:

1. Total landscape area site % is not noted on plan
2. Design does not address visual impacts to residential area on east side
3. Notes indicate existing oak trees but no comments regarding construction impacts or required protection
6. There is no indication of design intent for site furnishings such s bike racks, benches, trash….

IRRIGATION:

	N/A	Complete	Complete w/ Corrections	Incomplete
1. Cons. Statement	1 ☐	1 ☐	1 ☐	1 ☒
2. Estimated use	2 ☐	2 ☐	2 ☐	2 ☒
3. Irrigation type	3 ☐	3 ☐	3 ☐	3 ☒
4.	4 ☐	4 ☐	4 ☐	4 ☐
5.	5 ☐	5 ☐	5 ☐	5 ☐
6.	6 ☐	6 ☐	6 ☐	6 ☐
7.	7 ☐	7 ☐	7 ☐	7 ☐
8.	8 ☐	8 ☐	8 ☐	8 ☐

Remarks:
The plans do not indicate any water conservation statement, water use, or compliance to AB 1881

PLANTING:

	N/A	Complete	Complete w/ Corrections	Incomplete
1. Plant coverage	1 ☐	1 ☒	1 ☐	1 ☐
2. Street Trees	2 ☐	2 ☐	2 ☒	2 ☐
3. Replacement trees	3 ☒	3 ☐	3 ☐	3 ☐
4. Tree sizes	4 ☐	4 ☒	4 ☐	4 ☐
5. Shrub sizes	5 ☐	5 ☐	5 ☒	5 ☐
6. Turf percentage	6 ☐	6 ☐	6 ☐	6 ☒
7. Screening	7 ☐	7 ☐	7 ☐	7 ☒
8. Oak Tree protection	8 ☐	8 ☐	8 ☒	8 ☐
9. Master Tree list	9 ☐	9 ☐	9 ☒	9 ☐
10.	10 ☐	10 ☐	10 ☐	10 ☐
11.	11 ☐	11 ☐	11 ☐	11 ☐
12.	12 ☐	12 ☐	12 ☐	12 ☐
13.	13 ☐	13 ☐	13 ☐	13 ☐

Remarks:
1. A typical area enlargement would be helpful to indicate density of planting
2. Plans should indicate what trees are intended for street trees.
2. Fruit trees may be a litter problem when adjacent to walkways
5. Some shrubs are indicated to be 1 gal.
6. If the "central meadow" is to be a recreation outdoor space a different turf variety would be more appropriate.
7. Plans should address visual impacts on east side
8. It is unclear if Oak tree protection is necessary.
9. Not all trees listed are on the master tree list.

City of Buellton Design Review

Distribution:

City	*Ravatt Albrecht*	*PleinAire DG*	*Applicant*	*Other*	
☐ M. Biredzinzki	☒ G. Ravatt	☐ K Small	☐	☐	☐ 1st Review
☐ I. Tucker	☐	☐ M Quintero	☐	☐	☒ 2nd Review
☐ A. Perez		☐	☐		☐ 3rd Review
☐ R. Hess			☐		☐ Final Review
					☐ File No.

VIA: ☐ Email ☐ Fax ☐ U.S. Mail ☐ Delivery

PROJECT: Village Townhomes

ARCHITECT: Ravatt Albrecht & Associates Inc
Po Box 528, Santa Maria, Ca 93456
(805) 928-5002

DATE: 08/19/14

CITY FILE NO:

REVIEWER: Greg Ravatt AIA

General Comments:

SITE DESIGN:

	N/A	Complete	Complete w/ Corrections	Incomplete
1. Site Planning	1 ☐	1 ☒	1 ☐	1 ☐
2. Adjacencies	2 ☐	2 ☒	2 ☐	2 ☐
3. Massing	3 ☐	3 ☐	3 ☐	3 ☐
4 Perimeter	4 ☐	4 ☐	4 ☐	4 ☐
Walls/Fence	5 ☐	5 ☐	5 ☐	5 ☒
5. Solar Orientation	6 ☐	6 ☒	6 ☐	6 ☐
6.		☐	☐	☐

Remarks:

1. The Site Plan is generally laid out efficiently with 2 story buildings along the perimeter next to the existing adjacent neighborhoods and to the public street at Murray. Three story plans are located in the interior and adjacent to the future senior apartments to the south. Guest parking is distributed evenly and in useful locations. Comment complete
2. 30 ft setbacks along the property lines also aid in the transition from adjacent neighborhoods. Comment complete
3. Grading cuts and fills are accomplished by retaining walls on three sides of the project. Plan vertical pad elevations vary by no more than 2 to 3 ft. retaining walls are up to 10 ft in height and should be reviewed for finish. A site section should be developed to review the retaining wall design in the north-east corner of the site. No site section provided (assume similar to section 'A' but walls have been redesigned to be two tiered with planter. I can find no finish notes or details. Also not shown on landscape plans. Please address planting 2 ft planter and wall finish.
4. Consider solar orientation on the 2 story Plan 6 units on the north property line. Private yards and living areas only have north lighting. Generally day areas should have south, east or west light for part of the day. Comment suggestion only – comment complete

BUILDING DESIGN:

	N/A	Complete	Complete w/ Corrections	Incomplete
1. Design Style	1 ☐	1 ☒	1 ☐	1 ☐
2. Color Schemes	2 ☐	2 ☒	2 ☐	2 ☐
3. Detailing	3 ☐	3 ☐	3 ☐	3 ☒
4.	4 ☐	4 ☐	4 ☐	4 ☐
5.	5 ☐	5 ☐	5 ☐	5 ☐
6.	6 ☐	6 ☐	6 ☐	6 ☐
7.	7 ☐	7 ☐	7 ☐	7 ☐
8.	8 ☐	8 ☐	8 ☐	8 ☐

Remarks:

1. Design Style was reviewed was "Agrarian". Comment closed
2. Design proposed is generally compliant with the design standards and is an example of well designed exteriors. Colors schemes work well and the massing is generally addressed with roof changes, pop-outs, porches. However porches are "recommended" by the design standards to be "large, deep, and orientated to the street" Porch areas are not dimensioned but appear to be only about 4ft in depth. Appreciate the 6x6 posts! Porches appear to be 6 ft or more in depth. Please show dimensions to clarify intent – comment closed with addition of dimensions
3. Roofs appear to follow the guidelines with multiple roof planes. Comment closed
4. Deep overhangs, heavy wood beams, exposed timber rafter tails are recommended by the design guidelines. Design intent is not clear on the plans. Details appreciated but do not fully illustrate conformance with the design guidelines. Deep overhangs, heavy wood beams, exposed timber rafter tails are recommended by the design guidelines. Beams are shown at porches but the overall majority of roofs are only 16" in depth, do not have heavy beams or exposed rafter tails. Maybe add additional beam brackets at gable ends? Increase overhang or add 4x or 6x rafter tail?
5. Two chimneys are shown on the plan 6 and 7. Design guidelines recommend chimneys, cupolas, dormers, or weather vanes. It appears that more elements may be needed to meet the guidelines. Please review. Comment remains design guidelines recommend additional elements. Plan 36A removed two chimneys and replaced with two small dormers. Other plans show no change
6. Stone masonry is recommended by the design guidelines and should be considered on buildings facing public views. Comment Closed
7. Details should be provided to show compliance with the design guidelines. Typically details would include porch details, roof overhangs, window and door trim, pop-out trim, and chimney details. Details appreciated but miss some important details such as balconies, plant on beams at pop-outs, and chimneys.
8. Building elevations are missing for plan 5 but were reviewed as being a variation on plan 6. Comment Closed
9. The project has predominantly 2 story plan 6A's and 3 story plan 7A's. Variation is provided by plan orientation. More attention is warranted on the color schemes for the plan 6A's due to the number of units repeated. Consider more than one color scheme. Also provide variation in detail on units that face public views with additional changes of materials, addition of materials such as stone-work , masonry, or unique detailing. Comment Closed – Recommend keyed site plan showing color scheme variations. This would demonstrate the level of variation

PLANNING COMMISSION RESOLUTION NO. 14-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A FINAL DEVELOPMENT PLAN (14-FDP-03) AND TENTATIVE TRACT MAP (TTM 31057) FOR THE VILLAGE TOWNHOMES PROJECT WHICH INCLUDES 155 UNITS ON 9.3 ACRES LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-090-045 (PORTION), AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Oak Springs Village Properties LLC, property owner, and Gavin Moores, Capital Pacific Development Group Inc, agent, hereinafter referred to as "Applicant", requesting approval to develop the Village Townhomes, a 155 unit townhome development located at the northeast corner of Highway 246 and McMurray Road (APN 137-090-045) (portion). The subject property is currently zoned CR-SP (General Commercial-Specific Plan).

SECTION 2: The proposed Project consists of:

A. Final Development Plan (14-FDP-03): Approval of 155 townhomes, landscaping and 402 parking spaces (each townhome has a garage which accommodates 2 parking spaces and there are 90 visitor parking spaces) on a 9.3 acre project site. The subject property is planned and zoned for General Commercial-Specific Plan (CR-SP).

- A modification to the height limit is required because the highest point on the three story buildings is approximately 38.5 feet, which is over the maximum height limit of 35 feet.
- A modification to the site coverage is required because the requirement is for 30% site coverage for dwellings. The plans show that there is 38.1% site coverage.
- A modification for the open space standard is required to determine that the total amount of open space for the Village Townhomes, Senior Apartments, and the park (40.2% total) is consistent with the PRD open space standard.

B. Tentative Tract Map (TTM 31057): Approval of a nine-lot tentative tract map for airspace condominium purposes for the development of 155 residential townhomes/condominiums.

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. <u>Record</u>. Prior to rendering a decision on 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 October 2, 2014 ("PC Public Hearing").

2. All oral, written and visual materials presented in conjunction with that certain PC Public Hearing.

3. The following informational documents, which by reference, are incorporated herein:

   a. The project file for 14-FDP-03 and TTM 31057 and the set of project plans dated September 10, 2014.
   b. The staff report dated October 2, 2014.
   c. The Village Specific Plan.
   d. The Final EIR and Addendum for the project site.

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

1. A notice of PC Public Hearing was published in a newspaper of general circulation on September 18, 2014 (the "PC Public Notice"), a minimum of 10 days in advance of the PC Public Hearing conducted on October 2, 2014.

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 September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.

3. The PC Public Notice was posted in three public locations on September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.

C. <u>Environmental Review</u>.

1. On July 24, 2003, the City Council conducted a public hearing with respect to the Final EIR for the Oak Springs Village Specific Plan and at the conclusion thereof, adopted their Resolution No. 03-15 thereby adopting: (1) a Statement of Facts and Findings, (2) a Statement of Overriding Considerations, and (3) a Mitigation Monitoring Program for the Oak Springs Village Specific Plan and certified that the Final EIR was complete and adequate, and had been completed in compliance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City of Buellton Environmental Guidelines. The Oak Springs Village Specific Plan was revised by Ordinance No. 06-05 on May

25, 2006. An Addendum Environmental Impact Report to the Final EIR for Oak Springs Village was approved for the revised Specific Plan (the Final EIR and Addendum are collectively referred to as the FEIR). Prior to the adoption of this Resolution, the Planning Commission has been provided for its review, full, true and correct copies of the FEIR for the Oak Springs Village Specific Plan, including all of the above-reference documents.

2. Based upon the substantial evidence contained in the whole record, including any written and/ oral staff reports presented to the Planning Commission with respect to the Project, as well as a review of the FEIR for the Oak Springs Village Specific Plan in relation to the Project, the Planning Commission of the City of Buellton does hereby find, determine, and declare that:

    a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

    b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,

    c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:

        1. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;

        2. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;

        3. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,

        4. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

3. Based upon the forgoing, the Planning Commission exercises its judgment and finds that no further environmental review is required per CEQA in that this Project is adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan. All applicable mitigation measures from the prior environmental documents have been made conditions of approval.

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

1. <u>Final Development Plan</u>.

a. <u>Findings</u>:

i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the Village Specific Plan requirements allow multi-family development with a maximum density of 25 units per acre and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site.

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 prior environmental documents have been made conditions of approval and would mitigate any impacts.

i. That streets and highways are adequate and properly designed pursuant to the requirements of the City's Public Works Director. The Fire Department has approved the circulation system from a Fire Department perspective.

ii. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the Project. The Fire Department has provided conditions of approval to address their concerns. The Sheriff's Department has no concerns with the Project.

v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for general commercial-specific plan land uses and the Village Specific Plan is approved for the site. The project conforms to the requirements of the Village Specific Plan as to site design and layout and would not conflict with the surrounding area and land uses pursuant to these conditions, including setbacks and height requirements.

vi. That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code, the General Plan, and the Village Specific Plan. With imposition of the conditions of approval, the project complies with the General Plan, Title 19 (Zoning), and the Village Specific Plan.

vii. That the project will not conflict with any easements required for public access through, or use of, a portion of the property as none exist on this property.

viii. That the proposed development is in conformance with the Agrarian architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

2. <u>Tentative Tract Map</u>.

a. <u>Findings:</u>

i. The proposed subdivision, including its design and improvements, is consistent with Buellton's General Plan and the Village Specific Plan pursuant to the Public Works Director.

ii. The site is physically suitable for the type of development proposed as the site is planned and zoned for residential development per the Village Specific Plan.

iii. The site is physically suitable for the proposed density of development as the residential development meets the standards of the Village Specific Plan.

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.

v. The design of the subdivision or the proposed improvements will not likely cause serious public health problems as no public health issues have been identified on the property.

vi. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision; or that substantially equivalent alternate easements are provided.

vii. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

viii. Proposed street names, as modified by Condition of Approval Number 102, are consistent with the types of names used elsewhere in the community and, where applicable, are logical extensions of those existing in the area of the subdivision.

ix. The proposed subdivision is consistent with all applicable provisions of this title, and the Buellton zoning ordinance, including but not limited to minimum lot area requirements, any other applicable provisions of this code, and the Subdivision Map Act.

3. <u>Height Limit Modification</u>.

a. <u>Findings</u>:

i. The increased height 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 increased height would not be incompatible with the neighborhood because the buildings located closest to the existing neighborhood are below the height limit of 35 feet. The buildings that exceed the height limit are located further away from the existing neighborhood.

ii. The increased height conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

4. <u>Site Coverage Modification</u>.

a. <u>Findings</u>:

i. The increased site coverage for the dwelling units 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 increased site coverage for the dwelling units would not be incompatible with the neighborhood because the density of the project is still below the maximum and there is open space available near the project. The maximum site coverage for dwellings is 30%. The proposed site coverage is 38.1%, which is below the maximum site coverage (for all buildings) of 50%.

ii. The increased site coverage conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

5. <u>Open Space Modification</u>.

a. <u>Findings</u>:

i. The proposed amount of open space on the project site is 27.1%. The total amount of open space for the Village Townhomes, Village Senior Townhomes, and the park is 40.2%, which meets the PRD standard of 40%. The open space modification 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 open space modification would not be incompatible with the neighborhood because open space is provided in other locations on the Specific Plan site.

ii. The open space determination conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

SECTION 4: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Planning Commission hereby recommends that the City Council approve the Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057), with the following modifications:

1. The installation of the block wall shall be allowed at a later time during construction (modify condition 96).
2. The landscaping at the south property line shall be complimentary with the adjacent landscaping (new condition 105).
3. The landscaping along the east property line shall be designed to allow privacy for the single family homes to the east (new condition 106).
4. Sales contracts shall contain disclosures that the exterior noise levels may exceed 60 dBA CNEL (new condition 107).
5. The number of units shall be revised on plans to 155 units (new condition 108).
6. The numbers in the affordable housing condition shall be modified to reflect 155 townhomes (new condition 109).

PASSED, APPROVED and ADOPTED this 2nd day of October 2014.

Craig Adams
Chair

ATTEST:

Clare Barcelona
Planning Commission Secretary

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. 14-09 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 2nd day of October 2014, by the following vote, to wit.

AYES:	(3)	Commissioners Jason Fussel, Foster Reif and Chairman Craig Adams
NOES:	(0)	
ABSENT:	(2)	Commissioner Art Mercado and Vice Chair Lisa Figueroa
NOT VOTING:	(0)	

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of October, 2014.

Clare Barcelona

Clare Barcelona
Planning Commission Secretary

CONDITIONS OF APPROVAL

VILLAGE TOWNHOMES
FINAL DEVELOPMENT PLAN (14-FDP-03)
and
TENTATIVE TRACT MAP (TTM 31057)

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. The Project Description is as follows: A request by Oak Springs Village Properties, LLC, property owner, and Gavin Moores, Capital Pacific Development Group Inc., agent (the "Applicant") for Final Development Plan (14-FDP-03) and Tentative Tract Map (TTM 31057) for the Village Townhomes project, a 155-unit townhome development located on a 9.3 acre site (the "Project"). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-090-045 (portion) (the "Property"). The Project plans that are included in this approval are dated September 10, 2014. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.

2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.

3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.

4. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

a. **"Applicant"** means Oak Springs Village Properties, LLC, property owner, and Gavin Moores, Capital Pacific Development Group Inc., agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.

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 Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.

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 special district.

g. **"Mitigation Measures"** means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.

h. **"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.

i. **"Project"** means and includes all of the actions described in the Project description above.

j. **"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.

k. **"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.

l. **"Property"** means the land and improvements identified in the Project Description.

m. **"Property Owner"** means Oak Springs Village Properties, LLC, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.

n. **"Zoning Clearance"** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.

5. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.

6. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.

7. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

8. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.

9. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of the Mitigation Monitoring and Reporting Program for the Mitigation Measures as well as the general conditions of approval set forth herein. The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.

10. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.

11. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.

12. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City

13. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the those fee schedules adopted by the City and then in effect at the time such fees become payable.

14. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. ENVIRONMENTAL MITIGATION MEASURES

Aesthetics

15. **AES-1(a) Lighting/Compatibility.** Prior to development of each development phase, proposed lighting shall be indicated on site plans that demonstrate that spillover of lighting would not affect residential areas located east of the site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used. The design, scale, and character of the Specific Plan residential building architecture shall be generally compatible with the scale of existing residential uses east of the site.

16. **AES-1(b) Entrance Monuments.** Site entrance monuments shall not be visually prominent and shall be consistent with the natural rural character of the area.

17. **AES-1(e) Wall and Fence Articulation.** Long expanses of walls (including sound walls) or fences should be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets should be provided. Walls and fences should be designed in a style, materials and color to complement adjacent buildings.

18. **AES-1(f) Clear Excess Debris.** The future developers of the Specific Plan components shall clear the site of all excess construction debris when completed with individual development phases.

Agricultural Resources

19. **AG-2(b) Previously Unidentified Hazardous Materials**. In the event that hazardous waste and/or materials are encountered during construction, the following actions shall be taken by the future developers of the Specific Plan components or authorized agents 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 Fire Department; and (4) the 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.

Air Quality

20. **AQ-1(a) Energy Saving Services Information.** The following energy-conserving techniques shall be incorporated unless the applicant and/or future developers of the Specific Plan components demonstrate their infeasibility to the satisfaction of Planning Department staff:

- Installation of heat transfer modules in furnaces;
- Use of light colored water-based paint and roofing materials;
- Use of natural lighting;
- Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
- Installation of energy efficient lighting;
- Use of landscaping to shade buildings and parking lots;
- Installation of sidewalks and bikepaths;
- Installation of covered bus stops to encourage use of mass transportation

21. **AQ-1(b) Alternative Transportation Information.** The future developers of the Specific Plan components shall provide, as part of the sale of each housing and commercial unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also include information on purchasing less polluting or alternatively fueled vehicles, which is available from SBCAPCD.

22. **AQ-3(a) Dust Generation.** If the construction site is graded and left undeveloped for over four weeks, the applicant and/or future developers of the Specific Plan components shall employ the following methods immediately to inhibit dust generation:

- Seeding and watering to revegetate graded areas; and/or
- Spreading of soil binders; and/or
- Other soil stabilization methods deemed appropriate by the Planning Department

23. **AQ-3(b) Watering.** Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily water applications (once in late morning and once at the end of the workday). Increased watering shall be performed whenever wind speeds exceed 15 mph.

24. **AQ-3(c) Disturbed Area.** The amount of disturbed area shall be minimized and on-site vehicle speeds shall be reduced to 15 mph or less.

25. **AQ-3(d) Gravel Pads.** Gravel pads shall be installed at all access points to minimize tracking of mud onto public roads.

26. **AQ-3(e) Volatile Organic Compounds (VOC).** Low VOC asphalt and low VOC architectural coating will be used whenever feasible.

27. **AQ-3(f) Soil Stockpiling.** If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material to or from the site shall cover the soil with tarps from the point of origin to the point of disposition.

28. **AQ-3(g) Land Clearing.** After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.

29. **AQ-3(h) Monitoring of Dust Control Program.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

30. **AQ-3(i) Construction Equipment Requirements.** In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:

- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
- The engine size must be the minimum practical size;
- The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
- Construction equipment must be maintained in tune per manufacturer's specifications;
- Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
- Catalytic converters shall be installed, if feasible;
- Diesel catalytic converters shall be installed, if available;
- Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Diesel particulate emissions shall be reduced using EPA or California-certified and/or verified control technologies like particulate traps.

31. **AQ-4(a) Bicycle and Pedestrian Paths**. The project shall incorporate pedestrian and bicycle paths on-site that link to existing bicycle routes and walkways offsite. The purpose would be to provide alternative access to existing bus stops.

32. **AQ-4(b) Distribution of Alternative Transportation Information.** The applicant shall provide an on-site bulletin board specifically for the posting of bus schedules and notices of availability for car-pooling and/or shall distribute such information to property owners upon occupancy.

Noise

33. **N–1(a) Construction Equipment.** All stationary construction equipment shall be located at least 300 feet from occupied on- and off-site residences and the adjacent hotel structure west of the site unless noise reducing engine housing enclosures or noise screens are provided by the contractor. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited.

34. **N–1(b) Sound Wall Construction.** The proposed 8-foot-high sound wall along the eastern site boundary shall be installed during the first phase of development (Split Face).

35. **N-3(a) Acceptable Noise Levels.** Residential structures that border the western boundary of the site (i.e., within 99 feet of the centerline of McMurray Road) shall provide attenuation of indoor noise levels to below 45 dBA CNEL, and where practicable, outdoor living area noise levels to below 60 dBA CNEL. This can be accomplished using one or more of the following methods or as recommended in a noise study to be prepared by an acoustical engineer:

- A structural setback of at least 99 feet from the centerline of McMurray Road;
- Use vegetated berms at the property line, with the structural setback at least 55 feet from the McMurray Road centerline;
- Use vegetated berms at the property line, with solid core doors and double-paned glass windows on the side of the residential units facing McMurray Road.

36. **N-3(b) Exterior Areas.** Exterior usable areas for residential units that border the western site boundary (i.e., units located within 99 feet of the McMurray Road centerline) shall be located within an interior courtyard.

37. **N-5(c) Disclosure of Nuisance**. Upon the transfer of residential property on the site, the transferor shall deliver to the prospective transferee a written disclosure statement which shall make prospective home buyers aware that although potential impacts or conflicts between commercial and residential uses (e.g.,

noise) may be lessened by proper maintenance, some level of incompatibility between the two uses would remain.

Transportation and Circulation

38. **T-2(a) Internal Access Improvements.** The internal loop of the site road shall be posted "no parking" on one side of the road to reduce the potential for conflict between through vehicles and parked vehicles. As a means to improve site access and enhance on-site circulation, the internal circulation roads should be striped and signed in a manner consistent with the Manual on Uniform Traffic Control Devices.

39. **T-2(b) Driveway Alignment.** The McMurray Road driveways should be aligned opposite the existing driveways to reduce potential conflicts. Aligning the Specific Plan site driveways with the existing opposing driveways would create an attractive draw away from Highway 246, which would reduce impacts at the Highway 246 access.

C. ENGINEERING CONDITIONS – DEVELOPMENT PLAN

PRIOR TO GRADING PERMIT ISSUANCE:

40. **Grading Utility 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.

41. **Frontage Improvement Plans.** Plans for the full street width frontage 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.

42. **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.

43. **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; draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times.

44. **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. 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.

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

    Stormwater management shall be incorporated in the improvement plans (low impact development). 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.

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

46. **Storm Drain Connections.** Plans need to include the disconnected impervious areas and areas for water quality treatment. Direct storm drain connections as shown on the preliminary plans will not be allowed.

47. **Fire Department Review of 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.

48. **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.

49. **Final Plans.** 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.

50. **Grading, Utility, and Monumentation Bond.** A faithful performance and labor/material bond for each: grading, utilities, and monumentation (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year and until receipt of As-built Record Drawings and Surveyor's certificate and all fees paid.

PRIOR TO BUILDING PERMIT ISSUANCE:

51. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.

52. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.

53. **Industrial Waste Permit.** The applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.

54. **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.

PRIOR TO OCCUPANCY CLEARANCE:

55. **As-Built Record Drawings.** 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."

56. **Tract 31052/Public Improvements.** Prior to issuance of occupancy clearance for the first building, all public improvements associated with Tract 31052 needed to support the project pursuant to the Village Specific Plan shall be constructed and accepted by the City Engineer.

GENERAL CONDITIONS:

57. **Public Improvement Standards.** 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.

58. **Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.

59. **Utilities.** All other utilities shall be shown on the plans.

60. **Trail Easement.** An easement shall be dedicated and recorded for public access and trails for the trails along the south, east, and north sides of the property line as shown on the preliminary plans. Developer shall construct and provide ongoing maintenance of these facilities as part of the HOA's regular site maintenance requirements.

61. **Emergency Access Easement.** All emergency access routes through the development to Glennora Way shall be designed to comply with Fire Department guidelines for structural and access requirements. Emergency Access easement shall be shown on the development plans and Condominium Map and provide for appropriate dedication.

D. ENGINEERING CONDITIONS – TENTATIVE TRACT MAP

PRIOR TO GRADING PERMIT ISSUANCE:

62. **Utility Easement Dedications.** 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.

63. **Grading, Utility, and Monumentation Bond.** A faithful performance and labor/material bond for each: grading, utilities, and monumentation (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year and until receipt of As-built Record Drawings and Surveyor's certificate and all fees paid.

64. **Easements.** Any public or private easements required for drainage, access, trails, etc shall be described and shown on the Map.

65. **Hazard Determination.** Any geotechnical hazard or other hazard determinations shall be shown on the map.

66. **Grading and Utility 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.

67. **Improvement Plan Details.** 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.

68. **Other Permits.** The applicant shall acquire additional permits from other affected agencies (Caltrans, Fish & Game, etc.) prior to grading permit issuance if applicable.

69. **Development Plan Conditions.** All conditions with the development plan shall apply.

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

PRIOR TO BUILDING PERMIT ISSUANCE:

71. **Final Map.** 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:

72. **Final Map Processing.** 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.

73. **Codes, Covenants and Restrictions.** Codes, Covenants and Restrictions (CC&Rs) for the project shall be submitted for review to the City Attorney and

approved by the City Council prior to acceptance of the Final Map. The CC&Rs shall include provisions to ensure the fulfillment and ongoing maintenance plans outlined in the Stormwater Control Plan and maintenance of the public trails. The City Engineer, City Attorney and the City Council may require additional restrictions within the CC&Rs as deemed appropriate.

74. **Final Map Recordation.** The Final Map and all applicable private and public easements must be recorded with the County Recorder.

75. **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:

76. **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.

E. PLANNING CONDITIONS

77. **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.

78. **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 anytime.

(2) Vehicle Repair. No disassembly, repair or any other work shall be performed on any vehicle, machine, motor, appliance or other similar device shall be allowed on any portion of the Property except or unless such work and device is wholly removed from public view.

(3) Exterior Storage. No storage of any goods, materials or equipment shall be permitted on the Property except within the confines of fully enclosed buildings.

b. Prohibited Activities. No person owning, leasing, occupying or having charge or possession of the Property, or any portion thereof, shall maintain or use the premises in such a manner that any of the following conditions are found to exist:

(1) Fire and Explosion Hazards. Storage and transportation of flammable or explosive materials, as defined by the County of Santa Barbara Fire Department, which are provided without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices, standard in the industry.

(2) Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage

results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances, affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(3) Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, or humidity, heat or cold that is produced and is perceptible without instruments by the average person at the Property line.

(4) Liquid and Sold 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.

79. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.

80. **Building Standards.** All building construction shall be designed and performed in accordance with the currently adopted California Building Code, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.

81. **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.

82. **Construction Noise Reduction.** Prior to issuance of building permit, the Developer shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition. Stationery noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor. Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.

83. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction is completed and all improvements and landscaping associated with the Project are installed in accordance with the plans approved and the conditions specified herein. Exceptions to this requirement may be granted subject to: (i) approval of the City Engineer and Planning Director; (ii) assurance that unfinished items will be completed within a reasonable period of time (including,

but not limited to, the posting of appropriate performance security to assure such completion); (iii) essential infrastructure necessary to serve the entire Project is fully installed; and (iv) public safety and convenience is appropriately protected.

84. **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.

85. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.

86. **Project Inspections.** Upon completion of construction and prior to occupancy or use, the Planning Director shall conduct a Project Inspection prior to and as a condition precedent to obtaining Final Building Inspection Clearance. Compliance with all conditions of approval is a pre-requisite to obtaining the Final Building Inspection Clearance.

87. **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 required as part of the building permit plans, and open areas visible from public rights-of-way shall be landscaped and irrigated.

88. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than three (3) months 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 prerequisite to granting Final Building Inspection Clearance. A formal written request for such inspection shall be accompanied by a certification from the Project landscape architect as to the Project's conformity with the approved plans and specifications, together with a twelve (12) month warranty on all landscaping materials.

89. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the first 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.

90. **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.

91. **Approval.** Approval of 14-FDP-03 and TTM 31057 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.

92. **Development Time Frame.** Building construction must be started not later than five years after approval of the Final Development Plan, 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 or its successor have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.

93. **Parking.** A total of 344 parking spaces are required for the Project. This includes two covered spaces for each of the townhomes (312 spaces) and one visitor space for each five units (32 guest spaces). 402 parking spaces are proposed.

94. **Signage.** The monument signs as shown in the landscape plans dated July 31, 2014, are approved. Any additional signage will require approval by the Planning Director.

95. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project with a design style of Agrarian.

96. **Masonry Wall.** An eight foot high split face masonry wall is required along the east property line. It shall be installed prior to the issuance of a certificate of occupancy for any of the buildings along the east property line.

97. **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. Decorative lighting is required.

98. **Village Specific Plan.** The project is subject to the standards and requirements of the Village Specific Plan.

99. **Trees.** All trees shall be 24-inch box trees.

100. **Damaged Landscaping.** Any landscaping damaged on adjoining properties shall be replaced on a one to one ratio, except that oak trees shall be replaced on a 3 to 1 ratio.

101. **Pedestrian Paths.** The public pedestrian paths along the east property line, north property line, and south property line are required to be installed. Textured pavement shall be used for the paths.

102. **Road Names.** The following road names are not acceptable because they are duplicates of road names within Santa Barbara County: Monterey Lane, El Dorado Lane, Amador Drive, and St. George Court. Deming Way and Amador Drive are proposed on roads that turn ninety degrees. The same road name cannot continue when a road turns ninety degrees. Therefore, two new road names are required. The following road names are approved by the Sheriff's Department and shall replace unacceptable road names: Covelo Lane, Elkton Lane, Chalone Drive, Dos Rios Court, Oakville Drive, and Sertoma Way.

103. **Covenants, Codes and Restrictions (CC&Rs).** CC&Rs for the Project shall be submitted for review to the Planning Director, City Engineer, and City Attorney and shall include the following:.
    - The developer is required to disclose to all future tenants the presence of the active horse ranch just to the north of the Village Specific Plan site.

104. **Emergency Access.** The emergency access points at the end of Glennora Way and on McMurray Road shall have grass pavers with concrete tracks and an emergency access gate as approved by the Fire Department. An emergency access easement shall be provided over the new roads.

105. **Complimentary Landscaping.** The Applicant shall coordinate the design of the landscape along the south property line so that it complements the landscaping on the adjoining property.

106. **Privacy on East Property Line.** The landscaping along the east property line shall be designed to be dense and fast growing. It shall ensure privacy to the single family homes to the east.

107. **Exterior Noise Disclosure.** The developer shall include a disclosure in sales contracts that the exterior noise levels may exceed 60 dBA CNEL for the townhomes within 99 feet of the centerline of McMurray Road.

108. **Number of Units.** The number of units in the project description on the Tentative Tract Map and the Development Plans shall be revised to 155 units.

F. AFFORDABLE HOUSING

109. **Affordable Housing.** Prior to issuance of the building permits for the market rate townhomes (all 155 townhomes), one of the following three options shall be in place: (1) building permits have been issued for the affordable senior housing project on the Village Specific Plan site; or (2) an affordable housing fee deposit has been posted as a cash deposit or surety (to be released to the developer when building permits are issued for the affordable senior project or released to the City in 5 years, whichever occurs first): or (3) provide the affordable units in the townhome development.

G. FIRE DEPARTMENT CONDITIONS

110. **Fire Protection Certificate.** Fire Protection Certificates will be required.

111. **Road Names.** Road names shall be required for this project.

- Road names shall be approved by the Santa Barbara County Sheriff Emergency Communication Manager/911 Coordinator.

112. **Structure Height.** Any structure that exceeds 30 feet in height shall meet the CFC Section D105 requirements.

- **D105.1** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater.
- **D105.2** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
- **D105.3** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. This side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

- **D105.4** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

113. **Access.** Access plans shall be approved by the Fire Department prior to any work being undertaken.
- Private roadway shall have a minimum width of 26 feet.
- Surface shall be paved.
- 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.

114. **Street Signs.** Street signs shall be installed.
- Private road signs shall be blue with white letters.
- County road signs shall be brown with white letters.
- Reference Santa Barbara County Engineering Design Standards, Standard Details 6-060.

115. **Temporary Addresses.** Temporary address posting is required during construction.

116. **Fire Hydrants.** New fire hydrants shall be installed. The number is to be determined.

- The Fire Department shall have on file a set of approved fire hydrant plans prior to any work being started.
- Fire Hydrants shall be located per Fire Department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure.
- Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
- A set of approved fire hydrant plans, stamped and dated by the Fire Department shall be kept at the job site and available on request.
- Water systems shall be installed exactly as the approved fire hydrant plans dictate. No changes or modifications to these plans shall take place without prior Fire Department approval.
- No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a Fire Department representative.

117. **Fire Lanes.** 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.

118. **Portable Fire Extinguishers**. Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.

119. **Fire Sprinklers.** An automatic fire sprinkler system shall be installed.

- Fire sprinkler plans shall be approved by the Fire Department prior to installation.
- A set of approved plans, stamped and dated by the Fire Department shall be kept at the job site and available upon request.
- The Fire Department shall determine the location of any Fire Department connection (FDC) that may be required.
- FDC shall be labeled per NFPA 13.
- Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
- No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.

120. **Alarm Systems.** An automatic fire or emergency alarm system shall be installed.

- Fire alarm system shall meet Santa Barbara County Fire Department requirements.
- Automatic fire or emergency alarm system plans shall be approved by the fire department.
- Alarm panel locations and annunciator graphics shall be approved by the Fire Department prior to installation.

121. **Recorded Addresses.** Recorded addressing for the buildings and suites is required by the fire department. Contact the City of Buellton Planning Department to apply for addresses.

122. **Address Numbers.** Address numbers shall be a minimum height of four inches for residential suites.

- Address numbers shall be a minimum height of 6 inches for buildings.
- Address number locations shall be approved by the Fire Department.
- Address numbers shall be a color contrasting to the background color.
- The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
- The numbers shall be visible from the access road when traveling in either direction.

123. **Gates.** Access way entrance gates shall conform to Fire Department requirements.

124. **Gate Locking System.** When access ways are gated, a Fire Department approved locking system shall be installed. Reference Santa Barbara County Development Standard #7.

125. **Fees.** The applicant will be required to pay development impact fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be

computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development. Development impact fees are collected at the current rate at time of payment.
Estimated fees:

- Mitigation Fee at $.10 per square foot for structures with fire sprinklers.
- Mitigation Fee at $.20 per square foot for structures without fire sprinklers

126. **Occupancy Clearance.** Final occupancy clearance inspection will not be scheduled unless fees have been paid.

127. **Condition 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 at the time of change. The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.

128. **Non-Compliance.** Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

H. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS

129. **Geology Report.** A Geology Report prepared and signed by a California licensed geologist will be required.

130. **Soils Report.** A soils report to include an assessment and conclusion of the potential for liquefaction will be required. At a minimum, one boring to a depth of fifty feet will be required.

131. **Townhomes.** The plans do not appear to meet the definition of a townhome as defined in the California Residential Code. Clarify the use, occupancy and applicable code (CRC or CBC) of the structures and site plans which reflects the same.

132. **Egress Plan.** A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components.

133. **Fire Areas.** Provide a complete, independent plan which graphically delineates all fire areas, fire walls, fire barriers, horizontal fire-resistive assemblies, and/or fire partitions on the plans. Label all fire-resistive corridors, shafts, incidental use areas, etc. Cite code sections indicating reasons assemblies are rated. If fire-rated assemblies have been provided where not required by code or which exceed code minimum requirements, please indicate this on the plans. Delineate egress paths and indicate occupant/egress path loading to required egress routes. Cross-reference tag all fire resistive assemblies to their respective construction details on the plans. Verify consistency between fire-resistive characteristics shown on this plan and the relative required fire-resistive characteristics shown on mechanical, electrical, and structural plans.

134. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots. Please ensure the building design professional coordinates with civil on site accessibility design.

135. **Accessibility Requirements.** Projects that are privately funded may be subject to the accessibility requirements of California Building Code Chapter 11A of the current code in effect on the date of permit application.

136. **California Green Code.** Incorporate compliance with the applicable California Green Code in the plans, to include commissioning. Incorporate compliance with the requirements of the Energy Code in effect at the time of submittal.

137. **Flood Conditions.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.

138. **Plans.** Plans will need to be signed and sealed by a California licensed architect or engineer and designed in compliance with the codes in effect at the time of building permit application submittal.

I. FINANCE DEPARTMENT CONDITIONS

139. **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.

140. **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.: 7

To: The Honorable Mayor and City Council

From: Marc P. Bierdzinski, City Manager

Meeting Date: November 13, 2014

Subject: Ordinance No. 14-03 – "An Ordinance of the City Council of the City of Buellton, California, Adopting an Interim Urgency Zoning Ordinance Pursuant to California Government Code Section 65858(a) Pertaining to the Placement of Offsite Community Identification Signs and Making Findings Declaring the Urgency Thereof"

BACKGROUND

The City Council agreed by consensus to direct staff to bring back zoning ordinance sub-section 19.04.170.E.6.d (Community Identification Signs) for possible amendment or deletion. This would occur through our standard zoning ordinance amendment process of review by the Planning Commission and approval by the City Council.

Since the review process for the ordinance would take 2-3 months to make it through to the City Council, the City Council also directed staff to place interim zoning regulations into place prohibiting processing of a Community Identification Sign until such time as sub-section 19.04.170.E.6.d is amended or deleted.

Attached Ordinance No. 14-03 establishes this zoning prohibition on Community Identification Signs for 45 days, or until December 29, 2014. However, staff plans to extend this 45-day period at a public hearing to be held at your December 11, 2014, City Council meeting.

FISCAL IMPACTS

No fiscal impacts would occur.

RECOMMENDATION

That the City Council consider adoption, by a 4/5 vote, of Ordinance No. 14-03 - "An Ordinance of the City Council of the City of Buellton, California, Adopting an Interim Urgency Zoning Ordinance Pursuant to California Government Code Section 65858(a) Pertaining to the Placement of Offsite Community Identification Signs and Making Findings Declaring the Urgency Thereof"

ATTACHMENT

Ordinance No. 14-03

ORDINANCE NO. 14-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, ADOPTING AN INTERIM URGENCY ZONING ORDINANCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 (a) PERTAINING TO THE PLACEMENT OF OFF-SITE COMMUNITY IDENTIFICATION SIGNS AND MAKING FINDINGS DECLARING THE URGENCY THEREOF

WHEREAS, the City Council of the City of Buellton recently amended the Buellton Municipal Code to add a new sub-section 19.04.170.E.6.d to permit the placement and maintenance of an off-site, freeway oriented, community identification sign (the "Freeway Community Identification Sign"). The purpose of the Freeway Community Identification Sign was to permit the Buellton Chamber of Commerce/Visitors Bureau to promote tourism in Buellton, together with some limited commercial advertisement designed to offset the cost and maintenance of the Freeway Community Identification Sign; and

WHEREAS, following the adoption of sub-section 19.04.170.E.6.d, an application was submitted for a Freeway Community Identification Sign together with a request to consider the addition of electronic message board as part of the Freeway Community Identification Sign. Although the application for the Freeway Community Identification Sign was subsequently withdrawn, the City Council has been concerned that the allowance of an Freeway Community Identification Sign does not fully reflect the goals of the Council to preserve the community identity and visual quality of Buellton, and has directed the Planning Department of the City of Buellton to conduct and complete a study of possible amendment options to the Freeway Community Identification Sign, including the possible elimination of sub-section 19.04.170.E.6.d; and

WHEREAS, pending the completion of the Freeway Community Identification Sign analysis, it is foreseeable that further application will be submitted which may not conform to the ultimate goals of the amendments to the Freeway Community Identification Sign and would contradict the specific purpose of the Freeway Community Identification Sign study; and

WHEREAS, this Council continues to be concerned about the maintenance of the visual quality of the community, including the 101 Freeway corridor in Buellton. Accordingly, to protect the integrity of the ultimate amended Freeway Community Identification Sign, this Council finds that it is necessary to establish interim zoning policies to allow the City staff the time necessary to complete the study and formulate the amendments to the Freeway Community Identification Sign regulations; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUELLTON DOES ORDAIN AS FOLLOWS:

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

SECTION 2: The City Council specifically finds as follows:

a. The Planning Department of the City of Buellton is presently developing amendments to the Freeway Community Identification Sign regulations for consideration by the Planning Commission and City Council. The ultimate goal thereof is to provide a range of balanced options to consider for an amended Freeway Community Identification Sign, including the possible elimination of any such Freeway Community Identification Sign; and

b. Pending the completion of said amendments, it is foreseeable that further applications for a Freeway Community Identification Sign may be received which may contradict the ultimate goals and objectives of the amended Freeway Community Identification Sign; and

c. Pending the completion of the study of the Freeway Community Identification Sign, and implementation of the amendments produced from such study, there is a current and immediate threat to public health, safety or welfare and the approval of any entitlement for a Freeway Community Identification Sign would result in that threat to public health, safety or welfare of persons and properties within the City of Buellton.

SECTION 3: Pending the completion of the amendments to the Freeway Community Identification Sign regulations, the Planning Department shall not accept, consider, process, or review any application for a Freeway Community Identification Sign.

SECTION 4: This Ordinance is an urgency Ordinance enacted pursuant to California Government Code section 65858 (a). The term of this urgency Ordinance shall be for forty-five (45) days from the date of adoption and shall expire, and be of no further force or effect, on December 29, 2014, unless and until extended in accordance with California Government Code section 65858 by action of the City Council.

SECTION 5: This Ordinance shall be adopted by four-fifths (4/5th) vote of the City Council and shall become effective immediately upon such vote.

SECTION 6: At least 10 days before this Ordinance expires, the City Council shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of this Ordinance.

SECTION 7: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Buellton hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

<u>SECTION 8</u>: The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with California law.

PASSED, APPROVED AND ADOPTED this 13th day of November, 2014.

_____
John Connolly
Mayor

ATTEST:

_____
Linda Reid
City Clerk

CITY OF BUELLTON

City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 8

To: The Honorable Mayor and City Council

From: Rose Hess, Public Works Director

Meeting Date: November 13, 2014

Subject: Discussion of Potential Water Conservation Rebates

BACKGROUND

Council has requested staff to provide options for providing water conservation rebates for the community. Currently the City does not offer any water conservation rebate programs, which generally come in the form of Landscape Rebates or Fixture-type Rebates. Various types of rebates are available to residential and commercial customers, depending on the programs offered by each agency.

Landscape Rebates: examples include "Cash for grass" and Irrigation smart controller rebates.

Residential Rebates: examples include clothes washer high efficiency, low flush toilets, pool covers, and similar landscape rebates including mulch.

Commercial Rebates: examples include pool covers, fixtures incentives for CII – Commercial/Industrial/Institutional customers, and similar landscape rebates including mulch.

The following table shows the various local agencies throughout Santa Barbara County and who offer which types of water conservation rebate programs:

Agency	Landscape Rebate	Residential Rebate	Commercial Rebate	Funding Source
Carpinteria Valley Water District	x	x	x	grant/local
City of Lompoc	x	x	x	grant/local
City of Santa Barbara	x	x	x	grant/local
City of Solvang	x	x		grant/local
Golden State Water (Orcutt)	x	x	x	local
Goleta Water District	x			local
Vandenberg Village CSD	x	x	x	grant/local

The important thing to note is the funding source of these programs. Most of these agencies use a combination of Grant Funds and Local Funds (either General Fund or Water Enterprise Funds).

Rebate programs also are staff-time intensive, with the need to document all materials and outreach, as well as pre-application audits, site visits, post installation audits and reporting requirements. The more varied of programs offered, the more staffing requirements are necessary.

The City has researched grant opportunities for the past several years, but program requirements were too extensive for the City. However, in early 2014, the City of Buellton, in addition to several other water agencies/cities, has partnered with the County Water Agency to apply for a US Bureau of Reclamation Grant - WaterSMART: Water and Energy Efficiency Grant. The objective for the WaterSMART grant is to "increase water management flexibility, making our water supply more resilient and thereby helping to prepare for the impacts of climate change". The grant will be used for a Water Wise Landscape Rebate program. The grant period is for two years beginning on October 1, 2014. Each of the cities will develop their own landscape rebate programs pertinent to their agency. However, the WaterSMART grant has certain requirements for the maximum amount of each rebate.

The City of Buellton is proposing a "Cash for Grass" residential rebate program because it is the simplest of the rebate programs to implement. The City has not had any similar programs in the past, so this would be a good start to work out the necessary details. Generally, the program would consist of: An eligible applicant would receive $1.00 per square foot for replacing a lawn with water efficient plants, gravel, or synthetic turf. The maximum amount of the rebate is $750 for eligible residential properties. The grant will fund 50% of the rebates. Rebates will require sales receipts, invoices, and before and after photos/inspections to verify project completion. Applicants must be a current water customer in good standing for the past 12 months and must have living landscape that is not water wise. Dead grass or low water use landscapes are not eligible. Staff is still currently preparing the application and requirements form. It is anticipated to be available for release by Thanksgiving.

If the City doesn't use its portion of the grant money, then another City will be allowed to use it. If the program becomes successful, Council will need to discuss the potential to appropriate additional funds.

FISCAL IMPACT

The City has committed a maximum of $5,000 per year for the rebates and $1,230 per year in staff time as represented in the grant. The 14/15 FY Budget, Water Fund includes $5,000 to provide the local match to for the rebate.

RECOMMENDATION

That the City Council discuss the water conservation grant opportunities.

CITY OF BUELLTON

City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 9

To:	The Honorable Mayor and City Council
From:	Marc P. Bierdzinski, City Manager
Meeting Date:	November 13, 2014
Subject:	Discussion Regarding Creating a City Council Voting Record on City Website

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BACKGROUND

The City Council agreed by consensus to discuss whether or not to create a separate City Council voting record in addition to the official City Council minutes. Both would contain the same information, but only the City Council minutes would be the official record of action by the City Council.

Staff is not in support of creating a duplicate voting record for the following reasons:

- The official record of a City Council meeting is the minutes of the meeting. The minutes are reviewed by the City Clerk, City Attorney, and City Manager and then reviewed and approved by the City Council. Therefore, the minutes are the official and accurate record of the meeting. The minutes are available on the website and are searchable.
- The City Council and the public should not rely on an unofficial spreadsheet of City Council actions. Any additional voting documents are unofficial and would not be a reliable document to use. A separate document also does not have the quality control that is built into the official minutes. For instance, if an error is made transferring data to an unofficial document then a conflict exists between the official and unofficial record. If someone just uses the unofficial document then they are relying on incorrect information. Two documents with the same information should not be created and could lead to discrepancies.
- Adding an unapproved voting record does not add to transparency. In fact, just the opposite claim could be made as a result of any confusion as to the official records of the City and this Council. Again, the official minutes are the approved record of the meeting and are readily accessible.
- The City has a small staff and we are very efficient at what we do. However, creating two voting records is a duplication of effort and frankly, staff has many other tasks that need to be accomplished each week.
- There is also a question of how much and what type of information is provided on the duplicate record. If it mimics the minutes then staff does not see the point of having two records, one official and one unofficial.

The public can easily create their own voting records in whatever format they desire based on the approved minutes. The approved minutes from a meeting are available at the following City Council meeting.

Other cities were polled and they only provide the official minutes as the voting record of the City. They do not provide duplicate records for the reasons noted above.

Staff would suggest that the minutes could be changed to more clearly show the voting record. The minutes on actions currently read as follows:

Motion passed by a roll call vote of 5-0, with Council Members Andrisek, Connolly, Dale, Elovitz, and Sierra voting yes.

The minutes could be changed to read as follows:

Motion passed by a roll call vote of 5-0:
Andrisek – Yes
Connolly – Yes
Dale – Yes
Elovitz – Yes
Sierra – Yes

FISCAL IMPACTS

If a duplicate voting record were implemented, additional staff time would be necessary to create a duplicate record of City Council actions. And the duplicate record would not have the quality control of the official minutes.

RECOMMENDATION

That the City Council direct staff not to create duplicate voting records of City Council actions and to modify the existing minutes to more clearly show the voting record.