



# CITY OF BUELLTON

## PLANNING COMMISSION AGENDA

**Regular Meeting of February 5, 2015 – 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 Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.*

### **CALL TO ORDER**

Chair Lisa Figueroa

### **PLEDGE OF ALLEGIANCE**

Commissioner Dunstan

### **ROLL CALL**

Commissioners Brian Dunstan, Joe Padilla, Art Mercado, Vice Chair Foster Reif and  
Chair Lisa Figueroa

### **REORDERING OF AGENDA**

### **PRESENTATIONS**

None

### **APPROVAL OF MINUTES**

#### **1. Minutes of the regular Planning Commission meeting of January 15, 2015**

### **PUBLIC COMMENTS**

*Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.*

### **CONSENT CALENDAR**

None

### **CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

- 2. **Resolution No. 15-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (14-FDP-04) for the Tilton Engineering Project, Construction of a New 15,000 Square Foot Building Located at 890 McMurray Road, Assessor’s Parcel Number 137-500-016, and Making Findings in Support Thereof”**

❖ *(Staff Contact – Irma Tucker, Contract Planner)*

- 3. **Resolution No. 15-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-01) Which Removes a New Street from the Circulation Element Map, and Making Findings in Support Thereof”**

❖ *(Staff Contact – Rose Hess, Public Works Director)*

**OTHER BUSINESS**

- 4. **Discussion of Fast Food Restaurant Locational Restrictions**

- 5. **Discussion of Changes to Community ID Sign Regulations**

**WRITTEN COMMUNICATIONS**

**PLANNING COMMISSIONER COMMENTS**

**PLANNING DIRECTOR REPORT**

**ADJOURNMENT**

To the next regularly scheduled Planning Commission meeting of Thursday, February 19, 2015 at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

# **CITY OF BUELLTON**

## **PLANNING COMMISSION MEETING MINUTES**

**Regular Meeting of January 15, 2015 – 6:00 p.m.  
City Council Chambers, 140 West Highway 246  
Buellton, California**

### **CALL TO ORDER**

Vice Chair Figueroa called the meeting to order at 6:00 p.m.

### **PLEDGE OF ALLEGIANCE**

Commissioner Reif led the Pledge of Allegiance

### **OATH OF OFFICE**

- 1. Oath of Office for Newly Appointed Commission Members**
  - A. Art Mercado**
  - B. Brian Dunstan**
  - C. Joe Padilla**

City Manager Marc Bierdzinski issued the Oath of Office to newly appointed Commissioners Art Mercado, Brian Dunstan and Joe Padilla

### **ROLL CALL**

Present: Commissioners Brian Dunstan, Art Mercado, Joe Padilla, Foster Reif and Vice Chair Lisa Figueroa

Staff: City Manager Marc Bierdzinski  
Contract Planner Irma Tucker  
Staff Assistant/Planning Technician Clare Barcelona

### **REORDERING OF AGENDA**

The Agenda was reordered to allow the Planning Director report after item number 4.

### **ELECTION OF OFFICERS**

- 2. Election of Chair and Vice Chair**
  - Planning Commission Chairman

Motion by Commissioner Reif, seconded by Commissioner Padilla to nominate Vice Chair Figueroa to serve as Planning Commission Chairman for calendar year 2015.  
Motion passed with a 5-0 voice vote.

- Planning Commission Vice Chair

Motion by Commissioner Mercado and seconded by Commissioner Padilla to nominate Commissioner Reif to serve as Planning Commission Vice Chair for calendar year 2015.  
Motion passed with a 5-0 voice vote.

### **3. Appointments to Committees:**

The Planning Commission nominated the following Commissioners to the following Committees for 2015:

**A. Community Block Grant Committee (CDBG)**

Chair Lisa Figueroa

**B. Visioning Steering Committee**

Vice Chair Foster Reif

Commissioner Brian Dunstan

**C. Sustainability Committee**

Commissioner Joe Padilla

Vice Chair Foster Reif

**MOTION:**

Commissioner Padilla moved and Commissioner Mercado seconded the motion approving the appointments to committees A-C as listed above for 2015.

**VOTE:**

Motion passed by a voice vote of 5-0.

### **APPROVAL OF MINUTES**

#### **4. Minutes of the regular Planning Commission meeting of December 4, 2014**

**MOTION:**

Commissioner Mercado moved and Chair Figueroa seconded the motion to approve the Minutes of December 4, 2014.

**VOTE:**

Motion passed by 2-0 voice vote with abstention by Commissioners Dunstan, Padilla and Reif due to their absence from the meeting.

**PLANNING DIRECTOR REPORT**

City Manager Bierdzinski updated the Commission on recent City Council actions and the status of various projects.

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

- 5. **Resolution No. 15-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Adopt a Negative Declaration (14-ND-02) for the 2015-2023 Housing Element (14-GPA-01), and Making Findings in Support Thereof”**

**And**

**Resolution No. 15-02 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve the 2015-2023 Housing Element (14-GPA-01), and Making Findings in Support Thereof”**

**RECOMMENDATION:**

That the Planning Commission consider the adoption of Resolution No. 15-01 - “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Adopt a Negative Declaration (14-ND-02) for the 2015-2023 Housing Element (14-GPA-01), and Making Findings in Support Thereof”;

**And**

Resolution No. 15-02 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve the 2015-2023 Housing Element (14-GPA-01), and Making Findings in Support Thereof”, by title only and waive further reading.

**DOCUMENTS:**

Planning Department Staff Report with attachments (Draft Housing Element, Letter from State HCD, dated November 21, 2014, Draft Negative Declaration)

Resolution No. 15-01

Resolution No. 15-02

**STAFF REPORT:**

Contract Planner Irma Tucker presented the staff report and Mr. Bierdzinski updated the Commission on the update process

**SPEAKERS/DISCUSSION:**

Chair Figueroa opened the Public Hearing at 6:25 p.m. There being no speakers the Public Hearing was closed at 6:26 p.m.

**MOTION:**

Vice Chair Reif moved and Commissioner Mercado seconded the motion to adopt Resolution No. 15-01 by title only and waive further reading.

**VOTE:**

Motion passed with a 5-0 roll call vote.

**MOTION:**

Vice Chair Reif moved and Commissioner Padilla seconded the motion to adopt Resolution No. 15-02 by title only and waive further reading.

**VOTE:**

Motion passed with a 5-0 roll call vote.

**OTHER BUSINESS****6. Preliminary Review of Terravant Storage Annex, 14-FDP-05, Located at 80 Industrial Way**

Commissioner Padilla recused himself from the dais due to his employment with Terravant.

**RECOMMENDATION:**

That the Planning Commission provide direction to the applicant and staff on the proposed project plans.

**DOCUMENTS:**

Planning Department Staff Report with attachments (Vicinity Map, Floodway Map, Architectural Plans, Conceptual Landscape Plan, Civil Plan (Preliminary Grading), Landscape Architect Design Review Comments, Architectural Design Review Comments, Incomplete Letter Dated January 6, 2015)

**STAFF REPORT:**

Contract Planner Irma Tucker presented the staff report and answered questions from the Commission regarding:

- Number of employees in relation to proposed parking
- The addition of bicycle racks at the discretion of the Commission
- Parking for the trail access
- Building architecture

**SPEAKERS/DISCUSSION:**

Lew Eisaguirre, Applicant, introduced his team: Randy Pace and Val Milosevic. He stated the proposed building would minimize truck trips and traffic by eliminating the need for a storage facility currently being used in San Luis Obispo.

Randy Pace addressed the parking issue and architecture.

The Commission discussed the following:

- Adding design elements to make the project more consistent with the existing Terravant building
- Landscaping and replacements trees

The Commission thanked the Applicant and expressed support of the project.

**WRITTEN COMMUNICATIONS**

None

**PLANNING COMMISSIONER COMMENTS**

None

**ADJOURNMENT**

Chair Figueroa adjourned the meeting at 7:27 p.m. to the next regular scheduled meeting of the Planning Commission to be held February 5, 2015 at the City Council Chambers, 140 West Highway 246, Buellton.

\_\_\_\_\_  
Lisa Figueroa, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Clare Barcelona, Planning Commission Secretary

**An audio CD of this Planning Commission Meeting is not available.**

**CITY OF BUELLTON**  
Planning Commission Agenda Staff Report

Planning Director Review: \_\_\_\_\_  
Planning Commission Agenda Item No:     2    

To: The Honorable Chair and Commission Members

From: Irma Tucker, Contract City Planner

Date: February 5, 2015

Subject: Resolution No. 15-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (14-FDP-04) for the Tilton Engineering Project, Construction of a New 15,000 Square Foot Building on a 38,214 Square Foot Parcel Located at 890 McMurray Road, Assessor’s Parcel Number 137-500-016, and Making Findings in Support Thereof”

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**BACKGROUND**

**Owner:** Tilton Holdings, LLC  
**Applicant/Agent:** Steve Rarig, Rarig Construction  
**Zoning:** M (Industrial & Manufacturing)  
**APN:** 137-500-016

The project consists of a **Final Development Plan (14-FDP-04)** for the construction of a new 15,000 square foot building (“Project”) to accommodate the operations of Tilton Engineering, a manufacturer of racing car parts. The Project is located on a 38,214 square foot parcel at 890 McMurray Road, Assessor’s Parcel Number 137-500-016 (northeast corner of McMurray and Easy Street). (Vicinity Map – Attachment 1) The property is zoned Industrial & Manufacturing (M) and the architectural character for the area is Contemporary Ranch.

On November 18, 2014, the Planning Commission conducted a preliminary review of the plans for this project and provided direction to Staff and the Applicant regarding the project plans. Planning Commission and Staff comments have been addressed by the Applicant as described below, and a revised set of plans and related information that address the comments have been submitted by the Applicant.

**DISCUSSION**

***Project Features***

The proposed building consists of offices, production area, warehouse/storage, and employee lunchroom. The majority of the building is 30 feet 7 inches high with some architectural details reaching 32 feet 7 inches in height; the proposed building height is under the maximum height limit of 45 feet in the M zone.

Tilton products are primarily designed for racing use, and the company has been expanding its product line to include components for the high-performance street market as well. Operations in Buellton include sales, engineering, accounting, planning, machining, assembling, warehousing, and shipping. The Applicant states that no hazardous materials are used or stored at the facility, and there are no odors associated with the products and processes.

Tilton Engineering has been based in Buellton at the same location (25 Easy Street) since 1979; however, the company has outgrown its current facility. The proposed new building will be located on an adjacent parcel just west of the current facility. Existing buildings on the Project site consist of a former motel, which is proposed to be demolished as part of the Project. The site is generally flat, and is surrounded by primarily industrial uses to the north, east and south, with Highway 101 located on the west side of McMurray Road.

The following project plans are attached to the staff report:

- Architectural Plans (Attachment 2)
- Landscape Plan (Attachment 3)
- Civil Plans (Attachment 4)
- Color Rendering (Attachment 5)

A color and material board will be provided at the Planning Commission meeting.

The story poles were installed 30 days before the public hearing. Photos of the story poles are included as Attachment 6.

***Consistency with City Standards***

The proposed project conforms to the City’s M (Industrial & Manufacturing) zone standards as summarized in the following Tables 1 and 2 (reference Buellton Municipal Code sections 19.02.220, 19.04.120, and 19.04.142). The project is also in conformance with applicable policies of the Buellton General Plan.

**Table 1. Project Consistency With M Zoning District Standards**

Development Feature	City Requirement	Proposed Project	Project Consistency
Proposed Use(s)	Industrial	Manufacturing Operations	Consistent
Minimum Lot Area	No minimum	38,214 s.f.	Consistent
Front Setback	20 feet	90+/- feet	Consistent
Side Setback	10 ft. min. street side; otherwise none	Street side = 10 feet	Consistent
Rear Setback	No minimum for site	70 feet	Consistent
Landscaping	10% min. of lot area	13.6%	Consistent
- Side Property Line	- 5 ft. planted area	- West = 12 feet	- Consistent
- Rear Property Line	- 5 ft. planted area	- East = 5 ft. deco. gravel	- Plan. Mod.
- Front Property Line	- 10 ft. planted area	- 8 feet	- Consistent
		- 12 – 22 ft. variable	- Consistent
Site Coverage	50% maximum	39%	Consistent
Height Limits	45 feet	Predominant = 30 ft. 7 in. Arch. Features = 32 ft. 7 in.	Consistent

The proposed building footprint is an estimated 15,000± square feet, roughly 39% of the 38,214 square foot parcel area. The building footprint is in conformance with the Municipal Code, which allows for maximum site coverage of 50% in the M Zone.

The total proposed landscape area of 5,210 s.f. (13.6% of lot area) meets and exceeds the City’s minimum landscape requirement of 10% of lot area. Existing landscaping along the Easy Street frontage will remain. Existing street trees (non-native junipers) along McMurray Road will be removed to accommodate roadway widening and several existing elm trees (non-native) on-site will be removed at the location to be occupied by the future building. The trees will be replaced by 24” box trees as shown on the proposed landscape plan, which provides for tree species that are consistent with the City’s approved tree list.

Setbacks required in the M zone are 20 feet minimum at front yard; for the side yard, 10 feet minimum is required on street side, otherwise none. Rear yard setback is not required as the property is not adjacent to residential zoning. The proposed Project complies with the City’s setback requirements.

In the M Zone, Municipal code section 19.04.120 requires side and rear property lines to each be landscaped with a minimum 5 foot wide planted area, and the front property line shall have 10 foot wide planted area. The subject property is a corner lot, and the front property line is Easy Street. The proposed project is generally consistent with the planted area requirement, except along the eastern property line. The applicant has stated mechanical equipment, including HVAC units, will be placed in the eastern side yard and the revised plans show a 5 foot strip of decorative gravel in lieu of landscaping in this area. The proposed elimination of the 5 foot wide planted area and substitution with 5 foot wide strip of decorative gravel in the 13+foot wide eastern side yard would require a development plan modification in accordance with Municipal Code Section 19.08.120(G) which allows the Planning Commission to modify landscaping requirements when it finds that such modifications are justified. Staff is in support of this modification inasmuch as the decorative gravel: is an aesthetically acceptable hardscape alternative compatible with the surrounding industrial uses; would reduce impact on limited water resources; and would be only minimally visible from the surrounding area.

The parking requirement is determined by breaking down the building into its component uses as set forth in the following parking analysis table:

**TABLE 2. PARKING ANALYSIS BY BUILDING USE**

Use	Area (or Factor)	Parking Space Ratio	Parking Req'd	Parking Provided
Production Area	7,006 s.f.	1 per 500 s.f.	14	14
Warehouse/Storage	3,433 s.f. (2 Employees)	1 per 1,000 s.f., 1 per 4 employees	4 1	1
Office	3,312 s.f.	1 per 300 s.f.	11	11
<b>TOTAL</b>			<b>30</b>	<b>26</b>
Handicapped	Total number of spaces on site: 1 - 40	1 space per 40 total spaces on site	1	2
Loading Space	Industrial buildings with floor area of 10,000 to 24,999 s.f.	1 space	1 space 10 ft. X 30 ft.	1 space 10 ft. X 30 ft.

Municipal Code Sections 19.04. -140 and -142 require a total of 30 on-site parking spaces, as calculated in the above table; at a minimum, one (1) of the spaces shall be ADA accessible. The proposed parking plans provide a total of 26 spaces of which 2 are ADA accessible. The proposed elimination of 4 parking spaces required for warehouse space area would require a development plan modification in accordance with Municipal Code Section 19.08.120(G) which allows the Planning Commission to modify parking requirements when it finds that such modifications are justified. Staff is in support of this modification inasmuch as: the 4 spaces being eliminated are those that would otherwise be required for the project's storage/warehouse component, a use which does not generate a significant parking demand; adequate on-site parking is being provided for all component uses that are proposed; and overflow parking demand is not anticipated to be an impact on the surrounding area.

### ***Design***

The architectural character for the area is Contemporary Ranch per the City's Community Design Guidelines. The revised plans have incorporated functional cupolas and have introduced additional colors on the wall planes for visual diversity, in response to Design Review and Planning Commission comments.

Applicant states that MarBorg Industries (trash collection service provider for Buellton) has reviewed and approved the proposed plans for trash and recycling areas, and access thereto.

### ***Signage***

One wall sign with the Tilton logo in raised red letters offset from the wall is shown on the western building elevation. The proposed sign dimensions are 2 ft. 7 in. by 14 feet, with an area of 36 +/- feet. Per the Municipal Code, the site is allowed a minimum sign area of 60 square feet. Lighting will be provided by directional down light over the sign, installed in roof overhang above.

### ***Lighting***

The applicant has provided a schematic lighting plan which shows location of proposed exterior lighting and states that all lighting fixtures shall be cut-off, low glare design, and be hooded to direct light downward, preventing spill onto adjacent lots. The conditions of approval will require the submittal of specific light fixtures to be utilized, for review and approval by the Planning Department.

### ***Access and Public Improvements***

Project access will be from McMurray Road, with two driveway entrances at the southerly and northerly portions of the property. The revised plans show adequate departure site triangles at both driveway locations. A 10 foot roadway widening is shown along McMurray Road, and will require the removal of existing juniper trees planted along the existing street. A 10 foot wide landscape strip is proposed along the widened street frontage and new trees will be planted.

### ***Drainage and Hydrology***

The project is a Tier 4 type project under the City's Stormwater requirements. The applicant has submitted drainage calculations which conclude that the proposed subsurface drainage chambers are sized adequately to accommodate runoff resulting from the project.

***Planning Commission Comments***

The Planning Commission conceptually reviewed this project on November 18, 2014, and had several suggestions as to project design. The Planning Commission comments are noted below and staff has indicated how they have been addressed by the Applicant.

1. General favorable reaction to design. Requested that multiple, darker colors and accent colors be utilized on exterior walls. **Response:** The revised project plans reflect multiple, darker colors on exterior walls in contrast with lighter color roof.
2. Suggested that decorative rock (rather than plantings) with weed barrier be installed on eastern side yard area. **Response:** The revised project plans show a 5 foot wide strip of decorative gravel along a portion of the eastern property line; the conditions of approval will require installation of a weed barrier.
3. Suggested additional landscaping along McMurray street frontage in lieu of eastern property line landscaping. **Response:** The revised landscape plan shows additional trees along McMurray Road.
4. Bicycle racks would be at the discretion of the applicant; not required by City. **Response:** Bike racks are not proposed by the Applicant.

***Environmental***

The proposed Project is exempt from environmental review, as it meets the following criteria for a Categorical exemption under CEQA guidelines (Class 32 – Infill Development):

- It is proposed on a site of no more than five acres, surrounded by urban uses located within city limits and without any habitat value;
- Is consistent with the applicable general plan designation and applicable general plan policies and the applicable zoning designation and regulations;
- It would not result in significant traffic, noise, air quality or water quality impacts and can be adequately served by public services and utilities.

**RECOMMENDATION**

That the Planning Commission consider the adoption of Resolution No. 15-04 approving the Tilton Engineering project. Specifically, the recommendation is to adopt:

Resolution No. 15-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (14-FDP-04) for the Tilton Engineering Project, Construction of a New 15,000 Square Foot Building on a 38,214 Square Foot Parcel Located at 890 McMurray Road, Assessor’s Parcel Number 137-500-016, and Making Findings in Support Thereof”

**ATTACHMENTS**

Attachment 1 – Vicinity Map

Attachment 2 – Architectural Plans ([linked from City Website](#))

Attachment 3 – Landscape Plan ([linked from City website](#))

Attachment 4 – Civil Plans ([linked from City website](#))

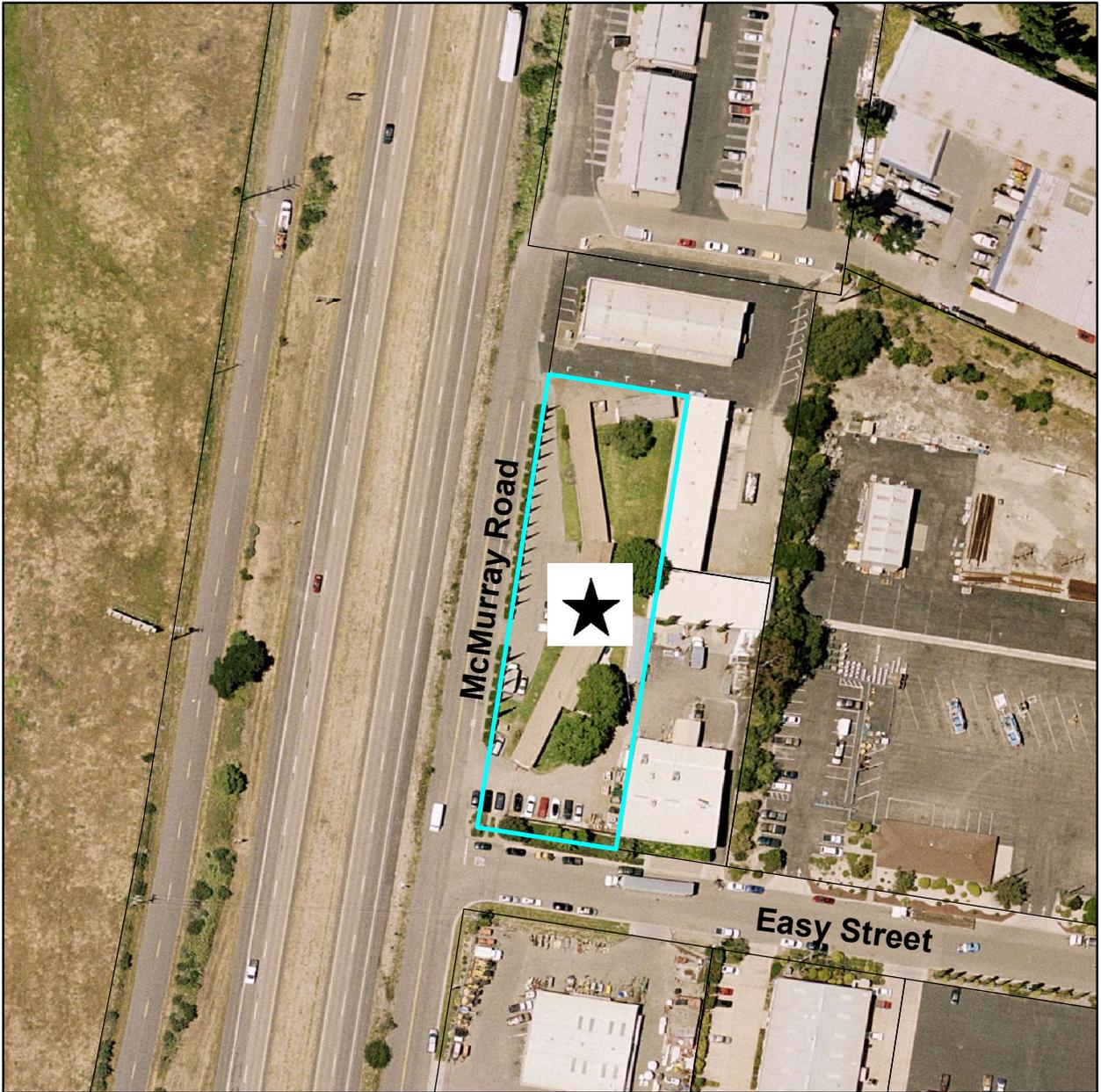
Attachment 5 – Color Rendering ([linked from City website](#))

Attachment 6 – Photos of Story Poles

Planning Commission Resolution 15-04 (approving project with conditions of approval)



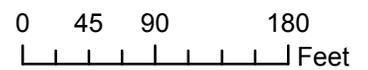
# Attachment 1 - Vicinity Map



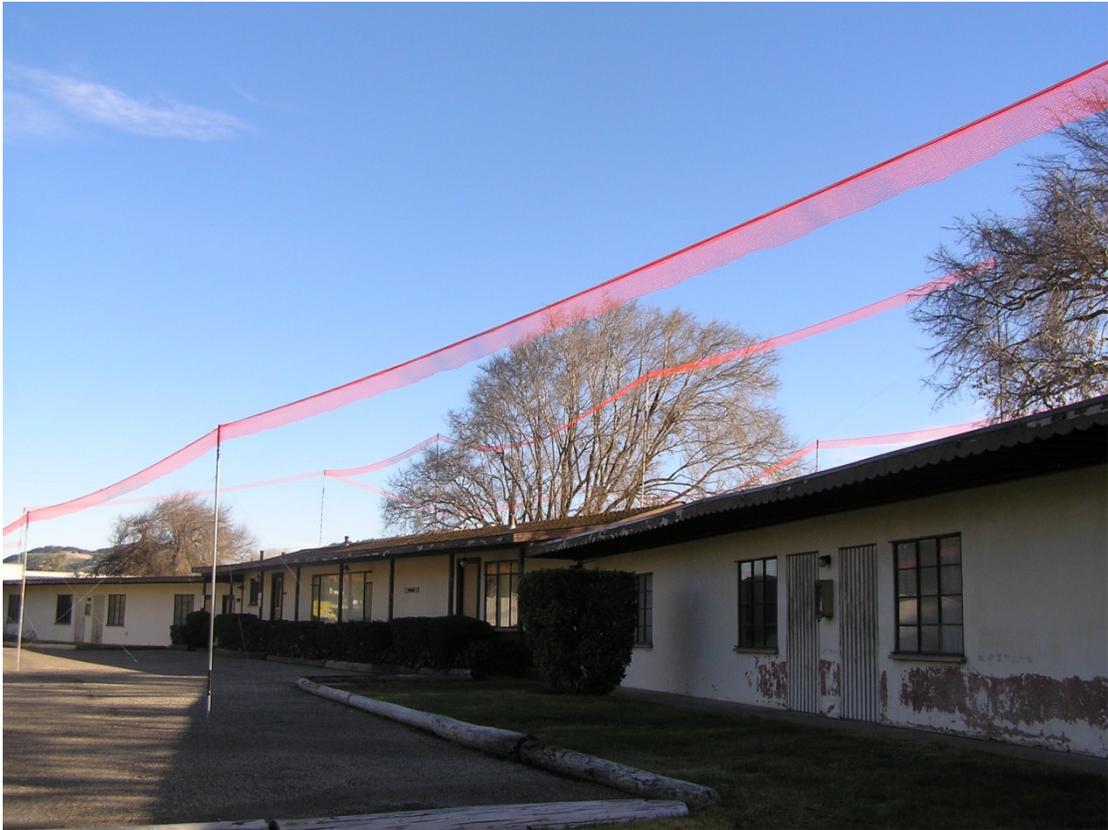
**Legend**

 City Parcels

 Project Location



## Attachment 6 – Photos of Story Poles



**PLANNING COMMISSION RESOLUTION NO. 15-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (14-FDP-04) FOR THE TILTON ENGINEERING PROJECT, CONSTRUCTION OF A NEW 15,000 SQUARE FOOT BUILDING ON A 38,214 SQUARE FOOT PARCEL LOCATED AT 890 MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-500-016, 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 Tilton Holdings, LLC, property owner, and Steve Rarig, Rarig Construction, agent, hereinafter referred to as "Applicant", requesting approval to construct a new 15,000 square foot building on 38,214 square foot parcel at 890 McMurray Road, at the northeast intersection with Easy Street, Assessor's Parcel Number 137-500-016 (the "Site"). The Site is located in the City's M (Industrial and Manufacturing) Zone and has a General Plan land use designation of Industrial. The architectural character for the area is Contemporary Ranch.

**SECTION 2:** The proposed Project consists of a **Final Development Plan (14-FDP-04)** application to construct a new building for Tilton Engineering, a manufacturer of racing car parts. The proposed building consists of offices, production area, warehouse/storage, and employee lunchroom. The proposed building footprint and total building area is 15,000 square feet. The majority of the building is 30 feet 7 inches high with some architectural details reaching 32 feet 7 inches in height; the proposed building height is under the maximum height limit of 45 feet in the M zone. The Project is generally consistent with City standards; the following items require a Development Plan Modification in accordance with Municipal Code Section 19.08.120(G) which allows the Planning Commission to modify code requirements when it finds that such modifications are justified.

- A modification to the required 5 foot wide planted area at the side property lines because the required landscape plantings along the eastern property line will be replaced by a 5 foot wide strip of decorative gravel with weed barrier.
- A modification to the parking requirement in order to allow the project to provide 26 parking spaces rather than the 30 spaces required by code.

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

- A. Record.** Prior to rendering a decision on 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 February 5, 2015 (“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-04, and the set of project plans dated December 31, 2014.
  - b. The staff report dated February 5, 2015.

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

1. A notice of PC Public Hearing was published in a newspaper of general circulation on January 22, 2015 (the “PC Public Notice”), a minimum of 10 days in advance of the PC Public Hearing conducted on February 5, 2015.
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 January 22, 2015, a minimum of 10 days in advance of the PC Public Hearing.
3. The PC Public Notice was posted in three public locations on January 22, 2015, a minimum of 10 days in advance of the PC Public Hearing.

**C. Environmental Review.** Pursuant to the California Environmental Quality Act (CEQA), The proposed Project is exempt from environmental review, as it meets the following criteria for a Categorical exemption under CEQA guidelines (Class 32 – Infill Development):

1. It is proposed on a site of no more than five acres, surrounded by urban uses located within city limits and without any habitat value;
2. It is consistent with the applicable general plan designation and applicable general plan policies and the applicable zoning designation and regulations;
3. It would not result in significant traffic, noise, air quality or water quality impacts and can be adequately served by public services and utilities.

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

## **1. Final Development Plan (14-FDP-04).**

### **a. Findings:**

- i.** That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the project site is appropriately designated for such uses under the City's General Plan, zoning is consistent, and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site.
- ii.** That adverse impacts are mitigated to the maximum extent feasible; the project is exempt from environmental review and no adverse impacts were identified.
- iii.** That streets and highways are adequate and properly designed pursuant to the requirements of the City Engineer and the traffic study. The Fire Department has approved the circulation system from a Fire Department perspective.
- iv.** That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the Project. The Fire Department has provided conditions of approval to address their concerns. The Sheriff's Department has no concerns with the Project.
- v.** That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for manufacturing and industrial uses, such as the proposed use. The proposed Project is expected to be compatible with nearby industrial land uses.
- vi.** That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the project complies with both the General Plan and Title 19 (Zoning).
- vii.** That the project will not conflict with any easements required for public access through, or use of, a portion of the property as none exist on this property.

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

**2. Development Plan Modification - Side Property Line Planted Area**

**a. Findings:**

- i. The substitution of a 5 foot wide strip of decorative gravel material (with weed barrier) for the required 5 foot strip of landscape plantings along the eastern side property line 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 decorative gravel is an aesthetically acceptable hardscape alternative compatible with the surrounding industrial uses. Decorative gravel is beneficial in that it does not impact limited water resources. Because mechanical equipment will be occupying the eastern side yard, landscape plantings would be difficult to maintain in this area.
- ii. The use of decorative gravel instead of landscape plantings would not be incompatible with the surrounding area because the use of decorative gravel at this location will be only minimally visible from the surrounding areas, which are predominantly industrial uses.
- iii. The side property line area conforms with other applicable provisions of Title 19 (Zoning), with the general plan and with the Community Design Guidelines.

**3. Development Plan Modification – Reduction of Parking Requirement**

**a. Findings:**

- i. The provision of 26 parking spaces in lieu of the 30 spaces otherwise required by code 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 building will house production and warehouse/storage uses. The 4 spaces being eliminated are those that would otherwise be required for the storage area, a use which does not generate a significant parking demand. All other uses on-site are adequately parked.

- ii. The elimination of 4 parking spaces would not be incompatible with the surrounding area because adequate on-site parking is being provided for the uses that are proposed, and overflow parking demand is not anticipated to be an impact on the surrounding area.
- iii. The proposed parking conforms with other applicable provisions of Title 19 (Zoning), with the general plan and with the Community Design Guidelines.

**SECTION 4:** Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Final Development Plan (14-FDP-04) subject to the attached conditions.

**PASSED, APPROVED and ADOPTED** this 5<sup>th</sup> day of February, 2015.

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Lisa Figueroa  
Chair

ATTEST:

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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. 15-04 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 5<sup>th</sup> day of February 2015, by the following vote, to wit.

AYES:        ( )

NOES:        ( )

ABSENT:     ( )

NOT VOTING: ( )

**IN WITNESS WHEREOF**, I have hereunto set my hand this 5<sup>th</sup> day of February 2015.

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Clare Barcelona  
Planning Commission Secretary

## CONDITIONS OF APPROVAL

### TILTON ENGINEERING PROJECT FINAL DEVELOPMENT PLAN 14-FDP-04

#### A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by Tilton Holdings, LLC, property owner, and Steve Rarig, Rarig Construction, agent, hereinafter referred to as “Applicant”, requesting approval to construct a new 15,000 square foot building on 38,214 square foot parcel at 890 McMurray Road, at the northeast intersection with Easy Street, Assessor’s Parcel Number 137-500-016 (the “Site”). The Site is located in the City’s M (Industrial and Manufacturing) Zone and has a General Plan land use designation of Industrial. The architectural character for the area is Contemporary Ranch. The Project plans that are included in this approval are dated December 31, 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 Tilton Holdings, LLC, property owner, and Steve Rarig, Rarig Construction, 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.
- i. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- j. **“Project”** means and includes all of the actions described in the Project description above.
- k. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.

- l. “Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.
  - m. “Property”** means the land and improvements identified in the Project Description.
  - n. “Property Owner”** means Tilton Holdings, 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.
  - p. “Zoning Clearance”** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.
5. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
6. **Indemnity.** 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, 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 ENGINEERING CONDITIONS*****PRIOR TO GRADING PERMIT ISSUANCE:***

15. **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.
16. **Improvement Plan Requirements.** Plans for the 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.
17. **Frontage Improvements.** Frontage improvements shall include road widening, curb and gutter, sidewalk and ADA ramps (as well as appurtenant items such as appropriate signing and striping). Design of these facilities shall include adequate public sidewalk with appropriate ADA width behind the shelter. Should additional public easement be required to accommodate these facilities, the property owner shall grant the appropriate easement to the City.
18. **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.
19. **Erosion Control Plan.** Erosion Control Plans shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at all times. This shall be in compliance with the Regional Water Quality Control Board requirements. NOI shall be filed. A SWPPP shall be developed for the project site; draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times.
20. **Hydrology.** 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.

21. **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.
  - i. Stormwater management shall be incorporated in the improvement plans (low impact development). This project is subject to Post Construction Requirements as outlined in the City's Stormwater Technical Guide for a Tier 4 project.
  - ii. 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 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.
22. **Detention.** Subsurface detention structures shall include appropriate access for regular maintenance and inspection.
23. **Fire Department Review.** Applicant shall submit improvement plans for concurrent review with the Santa Barbara County Fire Department and shall provide documentation of submittal along with grading and utility improvement plans to the City Engineer. A copy of the Fire Department approval shall be submitted prior to issuance of grading permit.
24. **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.
25. **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.
26. **Sureties.** A faithful performance and labor/material bond for the grading and utilities and also for the public improvements (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy

has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year after acceptance of improvements by the and until receipt of As-built Record Drawings.

***PRIOR TO BUILDING PERMIT ISSUANCE:***

27. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
28. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
29. **Industrial Waste Discharge Permit.** The applicant shall obtain an industrial waste discharge permit, as applicable, from the City Public Works Department prior to obtaining a building permit.
30. **Traffic Fees.** The applicant shall pay Traffic Mitigation Fees and other applicable fees prior to occupancy.

***PRIOR TO OCCUPANCY CLEARANCE:***

31. **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.
32. **Completion of Improvements.** 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."
33. **Roadway Dedication.** If any additional ROW is required to build full street width, Roadway dedication shall be made to the City. Applicant shall submit applicable grant deeds and exhibits for review and acceptance by the City. In addition, all off-site improvements shall be constructed and accepted by the City.
34. **Payment of Fees.** All fees and any unpaid balances from plan check or inspection and permits, shall be paid in full.

***GENERAL CONDITIONS:***

35. **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.
36. **Utility Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.

37. **Utility Locations.** All utilities shall be shown on the plans.

### C. PLANNING CONDITIONS

38. **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.
39. **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 Solid Wastes. Discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction over such activities.
- (5) Odors. Emissions of odorous gases or other odorous matter that are produced in nuisance quantities at the Property line.
- (6) Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectable without instrument by the average person at the Property line which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point.
- (7) Vibration. Ground vibration that is produced and is discernible without instruments to the average person at the Property line. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard.

- (8) Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.
- (9) Noise. Unless otherwise conditionally allowed, no person shall operate or cause to be operated any source of sound at or on the Property, or allow the creation of any noise on the Property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any receiving property to exceed the noise level limits set forth by the Buellton Municipal Code as adopted and amended.
40. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
41. **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.
42. **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.
43. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Equipment maintenance and servicing shall be confined to the same hours. Weekend construction and other exceptions shall require special approval from the Planning Director, in consultation with the City Engineer, and be limited to the hours of 9:00 a.m. to 4:00 p.m. Prior to issuance of building permit, the Developer shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition.

44. **APCD Permits.** Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boiler/large water heaters whose combined input rating exceeds 2.0 million BTUs per hour.
45. **Rule 360 Emissions Compliance.** Small boilers and water heating units (rated between 75,000 and 2.0 million BTU/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Please see [www.sbapcd.org/eng/boiler/rule360/rule\\_360.htm](http://www.sbapcd.org/eng/boiler/rule360/rule_360.htm) for more information and a list of certified boilers (note: any units fired on fuels other than natural gas must be certified by the SBAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
46. **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.
47. **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.
48. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
49. **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.
50. **Landscape and Irrigation Plans.** The final landscape and irrigation plans shall be in compliance with the City's Water Efficient Landscaping Ordinance and utilize species from the City's Approved Tree Planting List or to the satisfaction of the City Planning Director.

51. **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.
52. **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. All trees shall be at a minimum size of 24 inch box. A letter from the landscape architect shall be submitted verifying compliance with the plans. The landscape and irrigation surety, less the one year maintenance portion, can be released at this time.
53. **Decorative Gravel Installation.** A 5 foot strip of decorative gravel with weed barrier shall be installed along a portion of the eastern property line as shown on the plans. The decorative gravel area shall be maintained in a weed-free, aesthetically pleasing condition.
54. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than one year or until such time that all plant material has been completely established. The Planning Director shall inspect or cause to be inspected all landscaped areas after the one year maintenance period. If the landscaping is healthy and established, the one year maintenance portion of the surety may be released.
55. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.
56. **Approval.** Approval of 14-FDP-04 (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.
57. **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.
58. **Parking.** A total of 26 parking spaces and 1 loading space are indicated on the Final Development Plan, and must be provided for the Project as shown on the Plan. All parking spaces shall be striped in accordance with City of Buellton standards prior to issuance of the occupancy permit.
59. **Signage.** Signage must be in substantial conformance with what is indicated in the project plans dated December 31, 2014. Any deviation from this program will require a separate Zoning Clearance from the Buellton Planning Department.
60. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project plans submitted on December 31, 2014; color board submitted December 31, 2014; and rendering submitted January 16, 2015. The project is designed as Contemporary Ranch.
61. **Lighting.** All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies. All lighting shall be LED or inductive technology or other energy efficient type of lighting, consistent with what is indicated in the lighting specifications included with the project plans as submitted on December 31, 2014. Light fixture details shall be submitted with building plans, and shall be to the satisfaction of the Planning Department.
62. **Green Building Standards.** Green building features above the mandatory green building code requirements of the County of Santa Barbara shall be incorporated into the project where feasible.

**D. FIRE DEPARTMENT CONDITIONS**

The following Fire Department conditions are imposed with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions.

63. **Fire Protection Certificate.** Fire Protection Certificate(s) will be required.

64. **Section D105.** Any structure that exceeds **30** feet in height shall meet the CFC Section D105 requirements:
- a. **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 parapet walls, whichever is greater.
  - b. **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.
  - c. **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.
  - d. **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.
65. **Elevators.** If an elevator is installed for this project, the elevator car shall be able to accommodate a 24-inch by 84-inch ambulance stretcher in the horizontal, open position.
- a. Emergency medical services symbols shall be placed on both sides of the elevator car door frame.
  - b. The symbol shall be a minimum of 3 inches high.
66. **Access.** Access shall be as shown on plans dated November 17, 2014, received December 3, 2014.
- a. Surface shall be paved.
  - b. 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.
67. **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.
68. **Fire Extinguishers.** Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.

69. **Fire Sprinkler System.** An automatic fire sprinkler system shall be installed.
- a. Fire sprinkler plans shall be approved by the fire department prior to installation.
  - b. The fire department shall determine the location of any fire department connection (FDC) that may be required.
  - c. Fire Department Connection (FDC) shall be labeled per NFPA 13.
  - d. 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.
  - e. No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the fire department.
70. **Alarm System.** An automatic fire or emergency alarm system shall be installed.
- a. Fire alarm system shall meet Santa Barbara County Fire Department requirements.
  - b. Automatic fire or emergency alarm system plans shall be approved by the fire department.
  - c. Alarm panel locations and annunciator graphics shall be approved by fire department prior to installation.
71. **Address Numbers.** Address numbers shall be a minimum height of 12 inches for commercial.
- a. Unit/suite numbers shall be a minimum height of 4 inches.
  - b. Address number location(s) shall be approved by the fire department.
  - c. Address numbers shall be a color contrasting to the background color.
  - d. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
72. **Access Gates.** Access way entrance gates shall conform to fire department requirements.

- a. When access ways are gated, a fire department approved locking system shall be installed; reference Santa Barbara County Development Standard #7.\*
  - b. A Knox Box entry system shall be installed.\*
73. **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.
- Estimated fees:
- a. \$.75 per square foot for structures with fire sprinklers.
  - b. Development impact fees are collected at the current rate at time of payment.
  - c. Final occupancy clearance inspection will not be scheduled unless fees have been paid.
74. **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.

If you have any questions or require further information, please call Dwight Pepin, Captain, Fire Prevention Division, at 805-686-8178, or 805-681-5523

#### **E. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS**

The following information will be required at submittal of building permit application and plans.

75. **Geology Report.** A geology report prepared and signed by a California licensed geologist will be required.
76. **Soils Report.** A soils report to include an assessment and conclusion of the potential for liquefaction will be required. At a minimum, one boring to a depth of 50' will be required.

77. **Egress Plan.** A separate, detailed egress plan 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 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. It appears access to 2 exits from the building may be required, exits cannot pass through more hazardous areas or areas used for storage.
78. **Fire Area Plan.** Provide a complete, independent plan (if applicable) 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.
79. **Hazardous Materials Inventory.** Provide an inventory of hazardous materials and quantities allowed for the appropriate occupancy classification per the California Code Building. Show the locations of any hazardous materials and the quantities allowed as determined by the applicable California Building Code on the plans.
80. **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. Accessible parking in both lots will be required along with an accessible path of travel to entrances accessed from those parking areas.
81. **City Conditions.** Incorporate all City of Buellton discretionary conditions of approval and department condition letters into the plans.
82. **CA Green Code.** Incorporate compliance with the applicable CA Green Code in the plans, to include commissioning. Incorporate compliance with the requirements of the Energy code in effect at the time of submittal to include commissioning and day lit areas.
83. **Plumbing Fixtures.** Provide a plumbing fixture analysis.

- 84. **Flood Plain Conditions.** Incorporate any conditions of approval by the Flood Plain Administrator in the plans.
- 85. **Signed 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.

If you have any questions or require further information, please call Beth Brooke, Plans Examiner, County of Santa Barbara, at 805-934-6238 (phone), or 805-935-6258 (fax).

**F. FINANCE DEPARTMENT CONDITIONS**

- 87. **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.
- 88. **Impact Fees.** The project applicant shall pay the water, sewer, 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**  
Planning Commission Agenda Staff Report

Planning Director Review: \_\_\_\_\_  
Planning Commission Agenda Item No.: \_\_\_\_\_ 3

To: The Honorable Chair and Commission Members

From: Rose Hess, Public Works Director

Date: February 5, 2015

Subject: Resolution No. 15-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-01) Which Removes a New Street from the Circulation Element Map, and Making Findings in Support Thereof”

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**BACKGROUND**

The Circulation Element was updated in 2005. The existing Circulation Element Map-Figure C-1 (Attachment 1) shows a new street to the west of Industrial Way and east of the city’s wastewater treatment plant. The city currently has a thirty foot wide easement in this area. In the past this easement was used as the primary access to the wastewater treatment plant. A public road is not appropriate in this area because the area topography would require a substantial retaining wall to support the installation of a public road (Attachment 2 – Vicinity Map). Steep grade differentials restrict that access driveway from being developed as a full road. The existing 18-foot access width has been sufficient for trucks and emergency services. There is currently a non-exclusive easement for roadway, public and private utility purposes on Pamela Way, a private road. This has been the primary access for the wastewater treatment plant since the development of Pamela Way.

Because a public road will not be installed and the easement is no longer used for access to the wastewater treatment plant, it is recommended that the new street be removed from the Circulation Element Map (Attachment 3). Although the designation of “New Street” will be removed from the Circulation Element, the existing access and road easement will remain through the entrance of the Wastewater Treatment Plant. In addition, access easement for private road purposes remain to the lot south of the Wastewater Treatment Plant.

**ENVIRONMENTAL REVIEW**

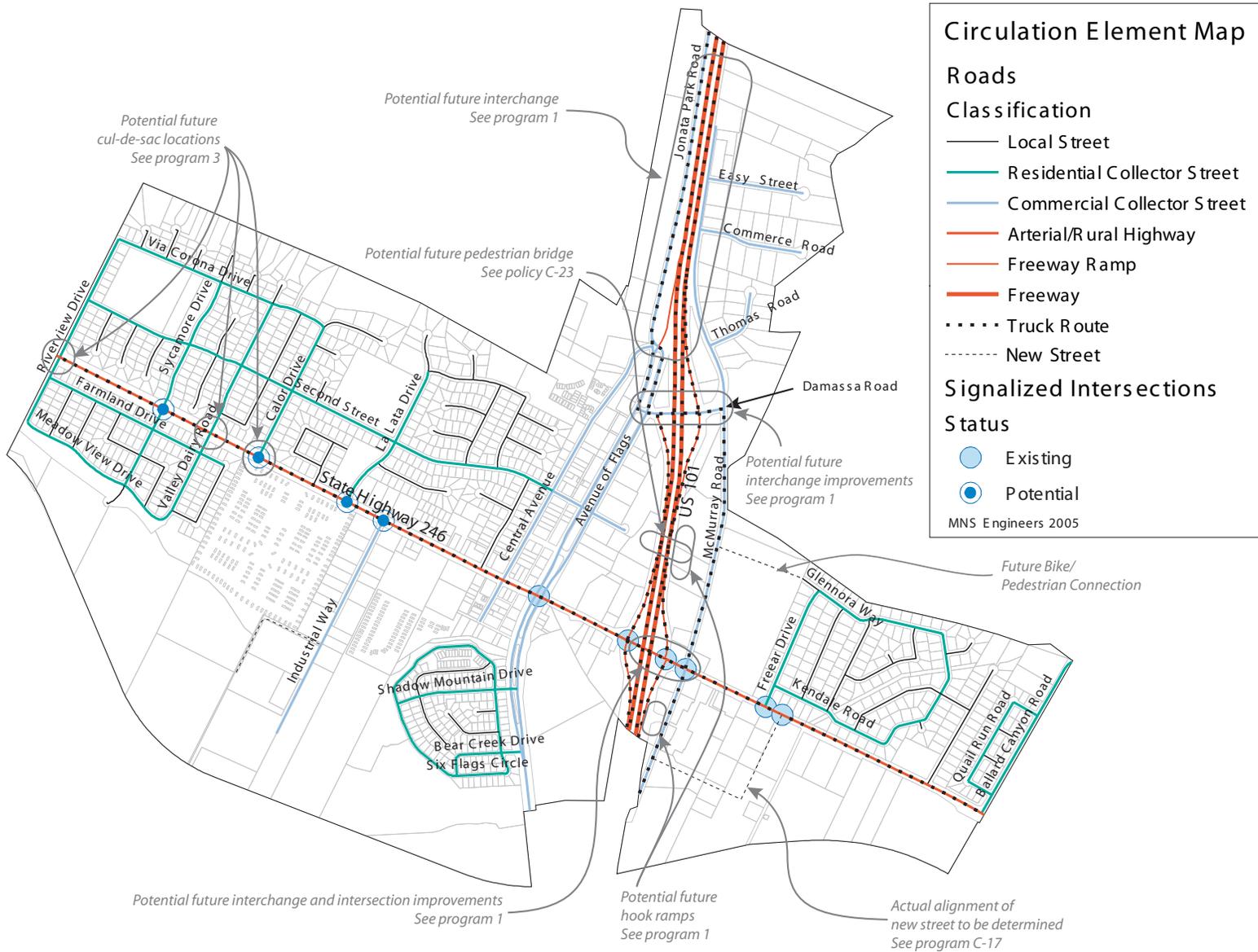
The proposed minor technical amendments to Figure C-1 of the Circulation Element are exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**RECOMMENDATION**

That the Planning Commission consider the adoption of Resolution No. 15-03, “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-01) Which Removes a New Street from the Circulation Element Map, and Making Findings in Support Thereof”.

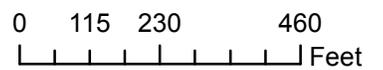
**ATTACHMENTS**

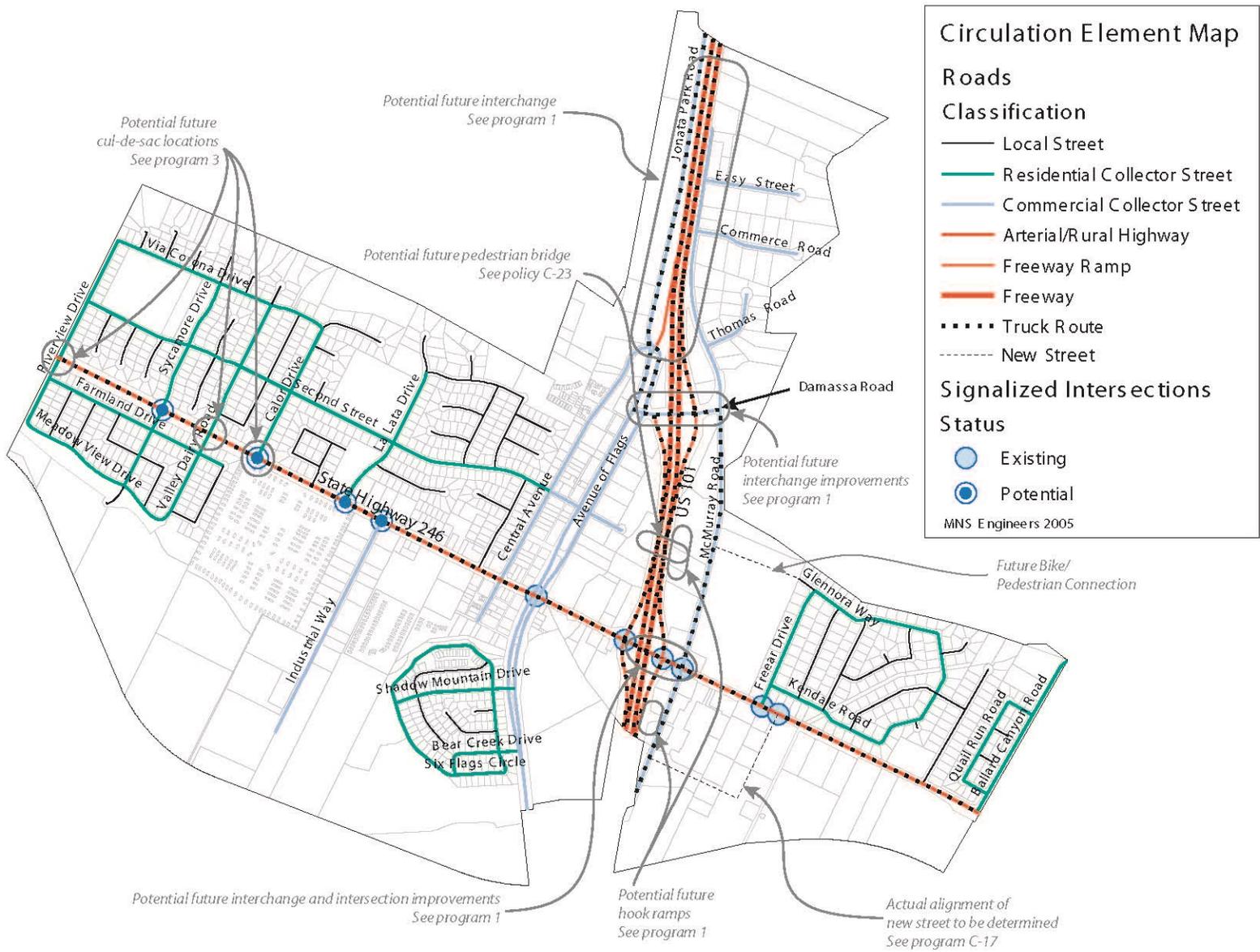
Attachment 1 – Existing Circulation Element Map  
Attachment 2 – Vicinity Map  
Attachment 3 – Revised Circulation Element Map  
Planning Commission Resolution No. 15-03





# Attachment 2 - Vicinity Map





Source: MNS Engineers, Inc. and City of Buellton., November, 2005

**Circulation Element Map**

Figure C-1  
 City of Buellton

## PLANNING COMMISSION RESOLUTION NO. 15-03

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CIRCULATION ELEMENT AMENDMENT (15-GPA-01) WHICH REMOVES A NEW STREET FROM THE CIRCULATION ELEMENT MAP, AND MAKING FINDINGS IN SUPPORT THEREOF

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

**SECTION 1:** California Government Code Section 65300 requires that each city and county adopt and periodically update a comprehensive general plan. The current Land Use and Circulation Elements were updated in 2005. The Conservation and Open Space, Parks and Recreation, Public Facilities and Services, and Safety Elements were updated in 2007. The Housing Element was updated in 2009 and an update is currently being processed by the city.

**SECTION 2:** The proposed project (the “Project”), for purposes of the California Environmental Quality Act of 1970, as amended (“CEQA”), consists of:

- **Technical Amendments to the Circulation Element of the General Plan, 15-GPA-01.** The Project includes technical amendments to Figure C-1 of the Circulation Element of the General Plan. A “new street” to the west of Industrial Way and to the east of the wastewater treatment plan will be removed. Circulation review has been completed and full road width of 30 feet will not be constructed as shown in Figure C-1. Steep grade differentials restrict that access driveway from being developed as a full road. The existing access width of 18 feet has been sufficient for trucks and emergency services. Although the designation of “New Street” will be removed from the Circulation Element, the existing access and road easement will remain through the entrance of the Wastewater Treatment Plant. In addition, an access easement for private road purposes remains to the lot south of the Wastewater Treatment Plant.

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

- A. Record.** Prior to rendering a decision on any aspect of the Project, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on February 5, 2015 (the “Public Hearing”).

2. All oral, written and visual materials presented by City staff and consultants in conjunction with the Public Hearing.
3. The following informational documents which, by this reference, are incorporated herein.
  - a. That certain written report submitted by City staff dated February 5, 2015 (the “Staff Report”).

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

1. A notice was published in a legal section of a newspaper of general circulation on January 22, 2015 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing conducted by the Planning Commission on February 5, 2015, and posted at three permanent and conspicuous locations within the City.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on January 22, 2015, a minimum of 10 days in advance of the Public Hearing.
3. The Public Notice was posted in three public locations on January 22, 2015, a minimum of 10 days in advance of the Public Hearing.

**C. Environmental Clearance.** The proposed minor technical amendments to Figure C-1 of the Circulation Element are exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

#### **SECTION 4:**

- A. Environmental Review.** The Planning Commission hereby determines that the proposed minor technical amendments to Figure C-1 of the Circulation Element of the General Plan are exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines.
- B. General Plan Amendment.** The Planning Commission hereby recommends that the City Council approve the minor technical amendments to Figure C-1 of the Circulation Element of the General Plan as shown on Exhibit A, attached hereto.

**PASSED AND ADOPTED** this 5<sup>th</sup> day of February 2015.

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Lisa Figueroa  
Chair

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Clare Barcelona  
Planning Commission Secretary

**STATE OF CALIFORNIA            )**  
**COUNTY OF SANTA BARBARA ) SS**

**CITY OF BUELLTON** )

I, Clare Barcelona, Secretary of the Planning Commission of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 15-03 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 5<sup>th</sup> day of February 2015, by the following vote, to wit.

AYES:

NOES:

ABSENT:

NOT VOTING:

**IN WITNESS WHEREOF**, I have hereunto set my hand this 5<sup>th</sup> day of February 2015.

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Clare Barcelona  
Planning Commission Secretary

**CITY OF BUELLTON**  
Planning Commission Agenda Staff Report

Planning Director Review: \_\_\_\_\_  
Planning Commission Agenda Item No: \_\_\_\_\_ 4

To: The Honorable Chair and Commission Members  
From: Marc P. Bierdzinski, City Manager  
Date: February 5, 2015  
Subject: Discussion of Fast Food Restaurant Locational Restrictions

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**BACKGROUND**

In late 2014, the City Council directed staff to investigate restricting the locations of fast food restaurants. A consensus of the City Council did not want fast food restaurants to start locating outside of the main Highway 246 corridor, and also restricting locations on Highway 246 itself. Preliminary direction was to limit the fast food restaurants to the area shown on Attachment 1.

In order to move forward with an ordinance amendment regarding this issue, staff needs input from the community and direction from the Planning Commission on two items: locational restrictions and a definition of a fast food restaurant.

**Locational Restrictions**

As noted above, Attachment 1 is the draft boundaries as identified by the City Council. Staff is seeking direction of whether to expand or contract the boundaries as shown.

**Definitions**

The most difficult aspect of this project will be defining what constitutes a fast food restaurant. Our economic consultant, Kosmont Companies, has indicated that the restaurant industry is ever changing and a definition of fast food in the past may now preclude a restaurant that you would not have considered fast food. For example, if you define fast food as a restaurant having a drive-through lane, then you will now preclude Panera Bread from locating in other areas of the City. Panera Bread now requires drive-through lanes in all of their restaurants whereas in the past they did not. Therefore, the definition developed needs to take into account a myriad of factors.

The following are a few fast food restaurant definitions from other cities and sources:

**Santa Maria**

*Restaurant, fast-food. "Fast-food restaurant" means a place that is primarily designed and used for the sale of prepared foods to be consumed off the premises.*

### Cotati

*Formula-Based Fast Food Restaurant. A national, regional, or local formula food service establishment that uses a Trademark, Logo, Service Mark or other mutually identifying name or symbol that is shared by 150 or more similar establishments within the United State, and which maintains a standardized array of merchandise, or standard service, décor, color scheme, business methods, architecture, layout, uniform apparel, signage or similar standardized feature; and is dedicated to food service where food is consumed on or off site and exhibits three or more of the following characteristics:*

1. *Food is pre-made and wrapped before customers place orders;*
2. *Food is served with disposable tableware for on-site food consumption;*
3. *Food is ordered from a wall menu at a service counter;*
4. *Food is consumed on the premises is ordered while customers are standing;*
5. *Payment is made by customers before food is consumed; and*
6. *The service counter is closer to an entry/exit than is the seating/dining area.*

### Seaside

#### *Definition of "Restaurant, Fast Food"*

*A retail business that sells ready-to-consume food products for on or off-premise consumption and whose design or operation includes three or more of the following characteristics:*

1. *Foods are usually served in paper, plastic or disposable containers;*
2. *Foods can be served directly to the consumer in a motor vehicle either by a carhop or by other means which eliminate the need for a customer to exit the motor vehicle;*
3. *The consumption of food within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed or encouraged;*
4. *The facilities for on-premises consumption of food are insufficient for the volume of food sold in the restaurant;*
5. *Table service is not provided; and/or*
6. *A restaurant that has as its principal business the sale of prepared and/or ready-to-eat food or beverage for consumption on or off the premises, and that is affiliated with three or more other restaurants with a similar name, trademark, trade name, trade style or type of food service, by commonality of ownership, control or contract arrangement, or which is advertised to give the appearance of affiliation.*

### Los Angeles

*Fast Food Restaurant. Any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers.*

### Solvang

*Restaurant, Formula: A restaurant devoted to the preparation and offering for sale of food and beverages for consumption either on or off the premises, which is required by contractual or other arrangements to offer any of the following: standardized menus, ingredients, food*

*preparation, decor, uniforms or similar standardized features, and where there are five (5) or more similar locations nationwide. Notwithstanding the foregoing, a full service restaurant, where there are less than twenty five (25) locations nationwide does not meet the definition of a formula restaurant and "uniforms" do not include Northern European ethnic garb.*

#### The Latest Illustrated Book of Development Definitions (2004)

*An establishment where food and/or beverages are sold in a form ready for consumption, where all or significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.*

#### Santa Barbara

*Fast Food Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.*

#### City of Arroyo Grande

*An establishment whose principal business is one that offers quick food service primarily for take out, which is accomplished through a limited menu of items already prepared and held for service, and that is characterized by high automobile accessibility, self service, short stays by customers and having late or long hours of operation (e.g., open six a.m. to eleven p.m. or outside of those hours).*

#### City of Alameda

*Businesses that offer quick food service which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.*

#### City of Glendale

*An establishment which is engaged primarily in the business of preparing food and purveying it on a self serve or semi-self serve basis, and with more than eight (8) seats. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.*

#### City of Irvine

*An establishment whose principal business is the sale of prepared, "take-out" or rapidly pre-prepared food served in disposable packaging directly to the customer, for consumption either within the restaurant or off the premises.*

#### City of Pacifica

*An eating establishment whose primary use is the quick selling of food in ready-to-consume individual servings. Such food is typically served over-the-counter in pre-*

*packaged disposable containers. Fast food restaurants have more than one seat per one hundred fifty (150') square feet gross leasable floor area.*

As you can see, the definitions run from simple to complex. One suggested way to proceed would be to craft a definition based on the best portions of several of the definitions.

Once direction is provided, staff will prepare an ordinance amendment amending Title 19 (Zoning) based on that direction.

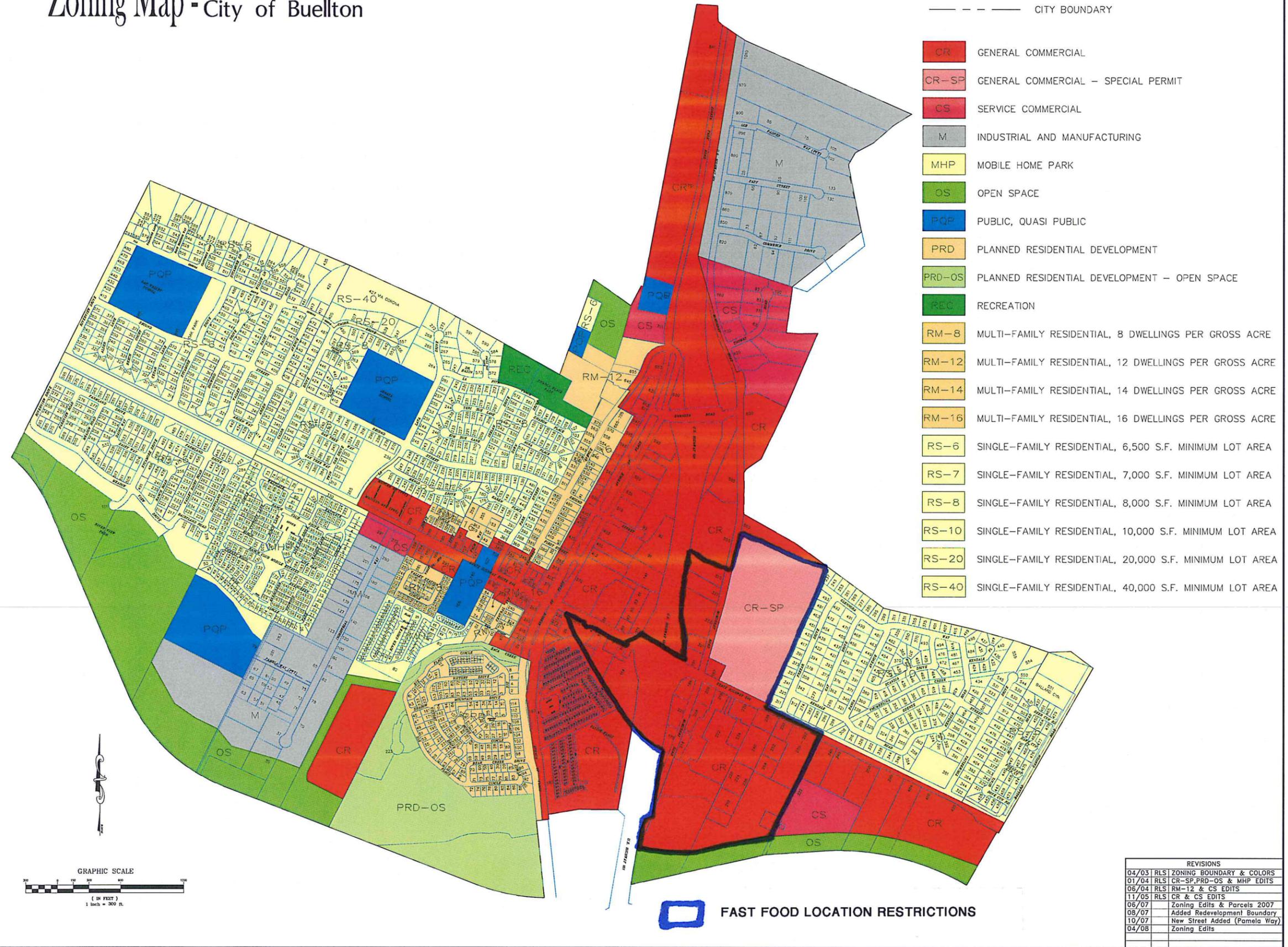
### **RECOMMENDATION**

That the Planning Commission receive public input and provide direction to staff on locational restrictions for fast food restaurants and the definition of a fast food restaurant.

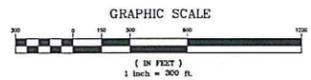
### **ATTACHMENTS**

Attachment 1 – Map of Proposed Fast Food Restaurant Locations

# Zoning Map - City of Buellton



- CITY BOUNDARY
- CR** GENERAL COMMERCIAL
- CR-SP** GENERAL COMMERCIAL - SPECIAL PERMIT
- CS** SERVICE COMMERCIAL
- M** INDUSTRIAL AND MANUFACTURING
- MHP** MOBILE HOME PARK
- OS** OPEN SPACE
- POP** PUBLIC, QUASI PUBLIC
- PRD** PLANNED RESIDENTIAL DEVELOPMENT
- PRD-OS** PLANNED RESIDENTIAL DEVELOPMENT - OPEN SPACE
- REC** RECREATION
- RM-8** MULTI-FAMILY RESIDENTIAL, 8 DWELLINGS PER GROSS ACRE
- RM-12** MULTI-FAMILY RESIDENTIAL, 12 DWELLINGS PER GROSS ACRE
- RM-14** MULTI-FAMILY RESIDENTIAL, 14 DWELLINGS PER GROSS ACRE
- RM-16** MULTI-FAMILY RESIDENTIAL, 16 DWELLINGS PER GROSS ACRE
- RS-6** SINGLE-FAMILY RESIDENTIAL, 6,500 S.F. MINIMUM LOT AREA
- RS-7** SINGLE-FAMILY RESIDENTIAL, 7,000 S.F. MINIMUM LOT AREA
- RS-8** SINGLE-FAMILY RESIDENTIAL, 8,000 S.F. MINIMUM LOT AREA
- RS-10** SINGLE-FAMILY RESIDENTIAL, 10,000 S.F. MINIMUM LOT AREA
- RS-20** SINGLE-FAMILY RESIDENTIAL, 20,000 S.F. MINIMUM LOT AREA
- RS-40** SINGLE-FAMILY RESIDENTIAL, 40,000 S.F. MINIMUM LOT AREA



**FAST FOOD LOCATION RESTRICTIONS**

REVISIONS			
04/03	RLS	ZONING BOUNDARY & COLORS	
01/04	RLS	CR-SP, PRD-OS & MHP EDITS	
05/04	RLS	RM-12 & CS EDITS	
11/05	RLS	CR & CS EDITS	
06/07		Zoning Edits & Parcels 2007	
08/07		Added Redevelopment Boundary	
10/07		New Street Added (Pamela Way)	
04/08		Zoning Edits	

**CITY OF BUELLTON**  
Planning Commission Agenda Staff Report

Planning Director Review: \_\_\_\_\_  
Planning Commission Agenda Item No: \_\_\_\_\_ 5

To: The Honorable Chair and Commission Members  
From: Marc P. Bierdzinski, City Manager  
Date: February 5, 2015  
Subject: Discussion of Community Identification Signs

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**BACKGROUND**

The regulations for Community Identification (ID) Signs were adopted by the City Council, with a recommendation from the Planning Commission, in 2013. The wording approved in 2013 is included as Attachment 1. The purpose of the regulations was to identify Buellton to travelling motorists.

After approval of these regulations, the Buellton Chamber of Commerce began processing the application for this sign. The Chamber of Commerce brought the idea of a digital, changeable copy Community ID Sign to the Planning Commission in late 2013. The Planning Commission at the time was open to consideration of digital technology. The current regulations are silent of the use of digital technology.

The official sign application was submitted by the Chamber of Commerce in the summer of 2014 and was a full digital sign with changing content every 6 to 7 seconds. The proposed sign generated much controversy as to its appearance and character. The Chamber of Commerce then withdrew the application.

In late 2014, the City Council enacted temporary zoning restrictions that prohibit the processing of a Community ID Sign. The City Council instructed to staff to review the current wording (Attachment 1) and work with the community and Planning Commission to modify the current regulations and bring forward an ordinance amending the Community ID Sign section.

The Planning Commission should take public testimony and then direct staff on the appropriate modifications to the ordinance. Based on previous public comments, the following are some of the main points for possible changes:

- Whether digital technology should be permitted, and if so, what parameters should be imposed? For example, would it be appropriate to allow 1/3 of the sign to be digital for community events as long as the copy is not changing every 6-7 seconds? The digital area could be used to promote monthly events in town, but could be changed remotely when the event is over.
- Should the provision allowing commercial businesses to advertise on the sign be removed? Allowing commercial advertising could open the door for other companies to request other

billboards within the City Limits. There are several court cases that may allow this to happen.

- The city currently prohibits billboards. The current wording for a community identification sign and the requirement that such a sign be built and maintained by either the Chamber or City highlight the distinction between a billboard and the community identification sign. However, as was noted during the prior hearing processes, by allowing two businesses to advertise on the community ID sign, it could be interpreted as the city effectively allowing a billboard. This raises potential issues under the First Amendment and the Equal Protection Clause.
- After further review by the City Attorney, allowing a billboard component (i.e. commercial advertising) to the community ID sign could weaken the City's ability to satisfy the applicable First Amendment test established by the courts for billboards and commercial speech. In addition, someone could make an argument that our sign code violates the equal protection clause on the ground that there is no rational basis for banning billboards while allowing advertising on the community ID sign. We highlight these issues as potential arguments in an area of the law that is constantly evolving. This is not a guarantee that there would be a lawsuit or that a lawsuit would have merit, but just a few factors to consider when reviewing the language of the ordinance.
- Is the size and scale of the sign appropriate?
- Should these regulations be deleted in their entirety? The justification for this route is if this sign is technically a billboard, does it open the doors for standard commercial billboards as noted previously.

The staff reports and minutes from the prior meetings are included as Attachment 2.

### **RECOMMENDATION**

That the Planning Commission receive public input and provide direction to staff on amendments to the Community ID Sign regulations.

### **ATTACHMENTS**

- Attachment 1 – Existing Ordinance – Community ID Signs
- Attachment 2 – Prior Staff Reports and Minutes

# **Attachment 1**

## **Current Community Identification Sign Regulations**

### *Section 19.07.170 Sign Title*

#### *Sub-Section E – Prohibited Signs*

#### *Sub-Section 6 – Off Premises Signs Permitted*

- d. A community identification sign that identifies Buellton to freeway travellers under the following conditions:
- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).
  - ii. The sign shall be located within one hundred (100) feet of Highway 101 and is only allowed in the CR and M zoning districts.
  - iii. The sign shall be a maximum of thirty-five (35) feet in height and the sign area shall be a maximum of one thousand two hundred (1,200) square feet.
  - iv. All lighting shall be directed downward.
  - v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses or community organizations may be listed on each face of the sign. Each business shall be limited to a maximum of one-third of the area of the sign.
  - vi. The sign shall be approved pursuant to the planning commission exemption process identified in Section 19.04.174(A)(2) of this title.
  - vii. The sign shall be for non-profit purposes and shall be sponsored by the city of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau.
  - viii. Businesses to be located on the sign shall be approved by the Buellton Chamber of Commerce/Visitor's Bureau upon a recommendation from the city's economic development task force.
  - ix. Maintenance of the sign shall be in accordance with Section 19.04.174(C) of this title.

## ATTACHMENT 2

### CITY OF BUELLTON Planning Commission Agenda Staff Report

Planning Director Review: MPB/CB  
Planning Commission Agenda Item No: 6

To: The Honorable Chair and Commission Members

From: Marc P. Bierdzinski, AICP, Planning Director

Date: January 3, 2013

Subject: Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

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#### BACKGROUND/DISCUSSION

The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted.

The proposed wording is contained in Exhibit A to Resolution No. 13-01. New wording is underlined and deleted wording is in strikeout. The wording that has been added sets more parameters for the community identification sign, including size and height. The current wording for these types of signs could allow signs that are larger and taller than what is being proposed.

In summary, the following changes are proposed:

- Only one community identification sign shall be permitted (existing vested billboards do not count against this total). *The current code allows two of these signs*
- The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts. *The current code does not specify location or zoning*

## ATTACHMENT 2

- The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet. *The current code does not contain height or size standards*
- All lighting shall be directed downward. *The current code does not contain standards to protect night skies*
- The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses may be listed on each face of the sign. *The current code does not permit businesses to be on the signs – this change is being proposed to promote economic development*
- The sign shall be approved pursuant to the zoning clearance process identified in Section 19.08.100 of this title. *The current code requires approval of the signs by the Planning Commission – since standards are now being established staff recommends that the sign can be approved by staff*
- The sign shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor’s Bureau. *The current code does not specify who can sponsor the sign*

The Chamber of Commerce has provided draft examples of what such a sign would look like from a size and height standpoint (Attachments A and B).

### ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### RECOMMENDATION

Staff recommends that the Planning Commission consider adoption of Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

### ATTACHMENTS

Attachment A – Possible Sign (view southbound)  
Attachment B – Possible Sign (view northbound)  
Resolution No. 13-01 with Exhibit A

**101 Southbound Facing Traffic**

*This image is for conversational demonstration only.*

A professional contractor will be employed by the Buellton Chamber of Commerce for implementation of this Community Identification Sign, and will provide official structural layouts once the permitting process is complete and construction plans can begin.

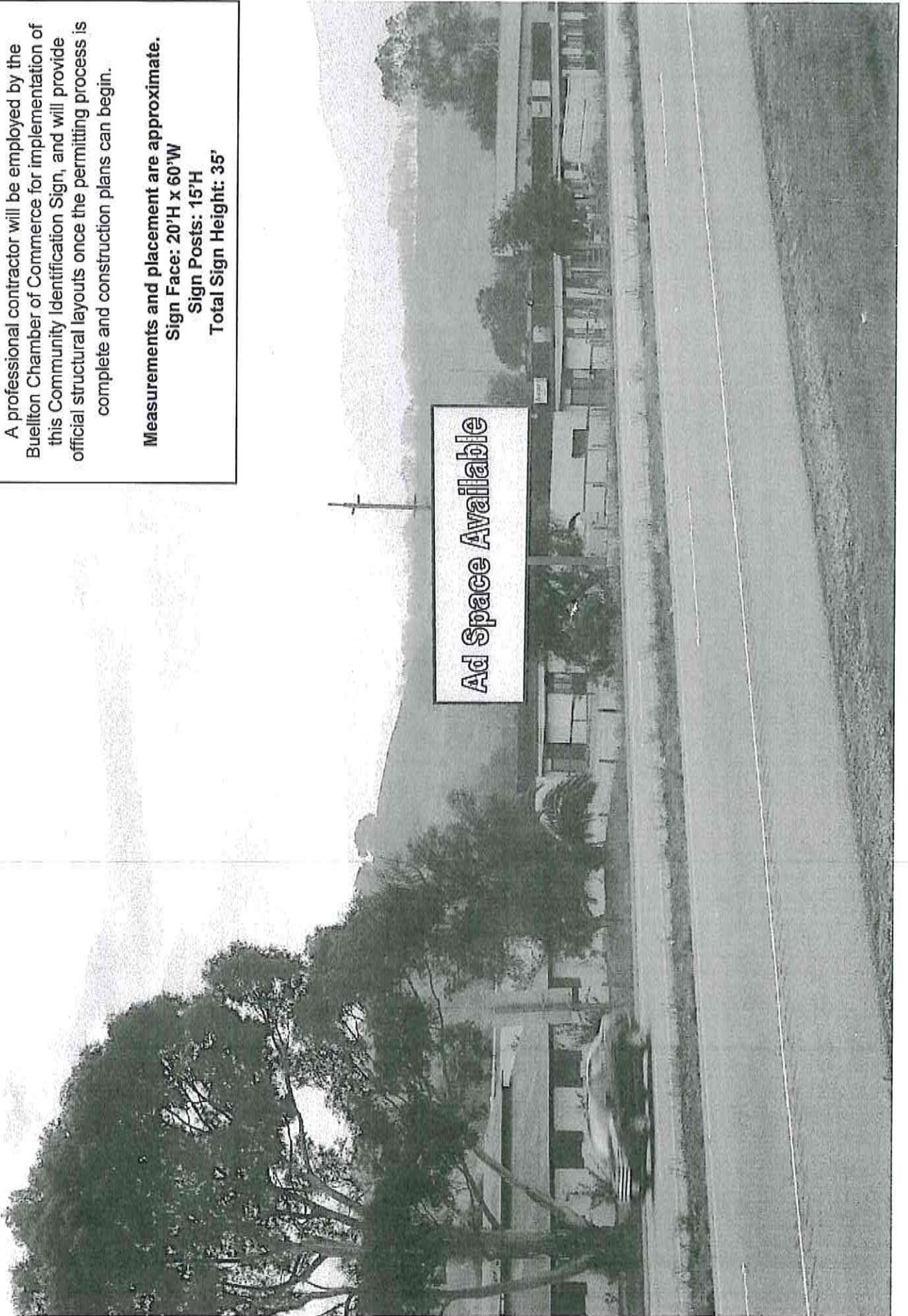
**Measurements and placement are approximate.**

**Sign Face: 20'H x 60'W**

**Sign Posts: 15'H**

**Total Sign Height: 35'**

**Attachment A**



**Attachment B**

**101 Northbound Facing Traffic**

*This image is for conversational demonstration only.*

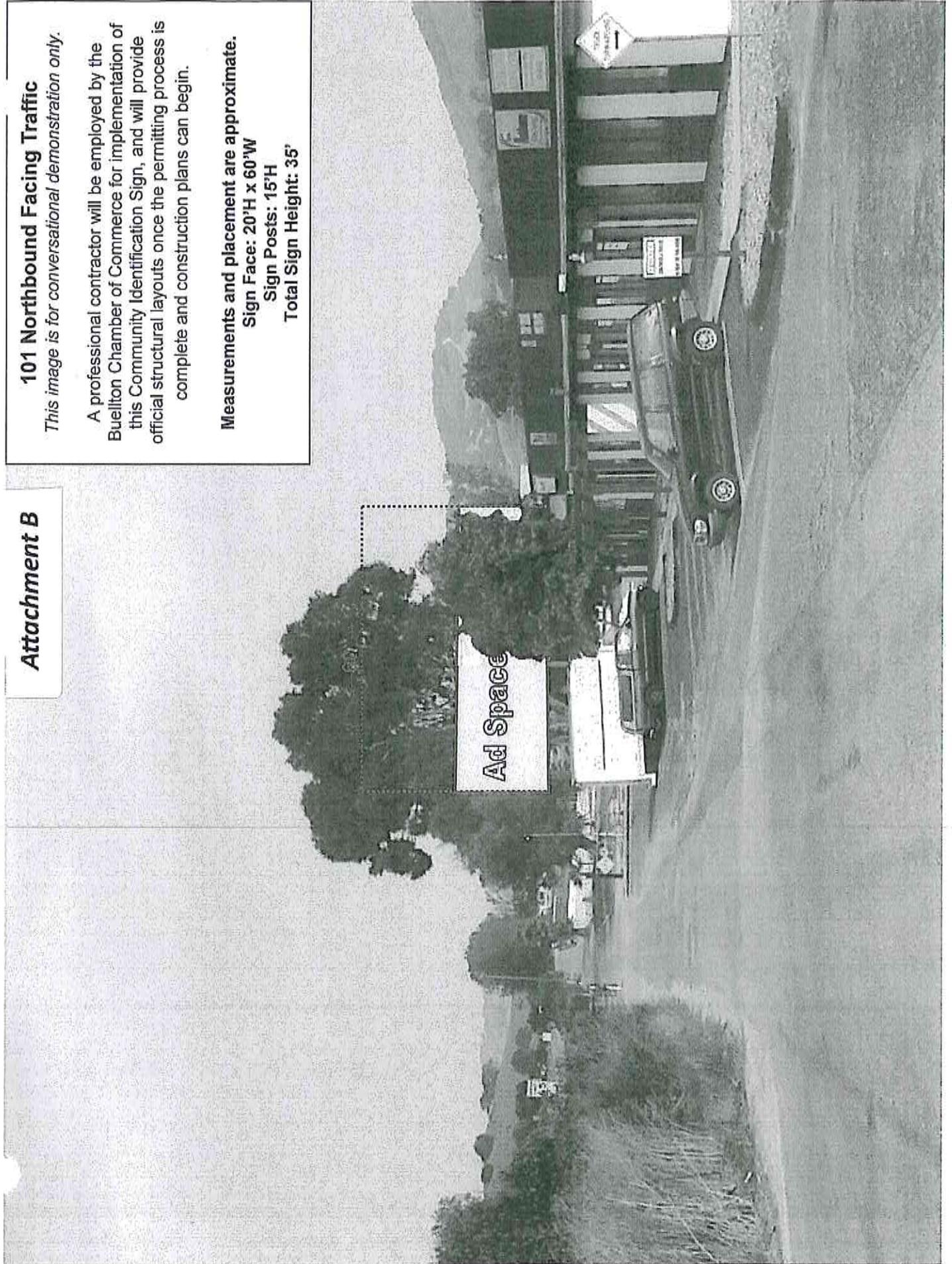
A professional contractor will be employed by the Buellton Chamber of Commerce for implementation of this Community Identification Sign, and will provide official structural layouts once the permitting process is complete and construction plans can begin.

**Measurements and placement are approximate.**

**Sign Face: 20'H x 60"W**

**Sign Posts: 15'H**

**Total Sign Height: 35'**



## ATTACHMENT 2

### Planning Commission Resolution No. 13-01

**A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof**

**SECTION 1:** The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted and noted in Exhibit A to this resolution.

**SECTION 2:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, 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 January 3, 2013 ("Public Hearing").
  2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearing.
  3. The following informational documents which, by this reference, are incorporated herein.
    - a. That staff report submitted by the Planning Department dated January 3, 2013 (the "Staff Report").
- B. **Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:
1. A notice was published in a newspaper on December 20, 2012 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
  2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on December 20, 2012, a minimum of 10 days before the Public Hearing.

## ATTACHMENT 2

- C. **Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- D. **Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the Planning Commission does hereby declare as follows:
1. **Zoning Ordinance Amendments.**
    - a. **Findings:**
      - i. The Amendment is in the interests of the general community welfare as it promotes economic development.
      - ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
      - iii. The Amendment is consistent with good zoning and planning practices.

**SECTION 3.** The Planning Commission hereby recommends that the City Council adopt an ordinance to amend Title 19 of the Buellton Municipal Code in accordance with the changes noted on Exhibit A to this resolution.

**SECTION 4.** The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

**PASSED, APPROVED, AND ADOPTED** this 3rd day of January 2013.

\_\_\_\_\_  
Jason Fussell, Chairman

Exhibit A – Draft Ordinance Wording

**ATTEST:**

\_\_\_\_\_  
Clare Barcelona, Planning Commission Secretary

ATTACHMENT 2

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 above and foregoing Resolution No. 13-01 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 3rd day of January 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of January 2013.

---

Clare Barcelona  
Planning Commission Secretary

# ATTACHMENT 2

## EXHIBIT A

### 19.04.170 Sign Title

#### E. Prohibited Signs

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

d. ~~A~~ Community identification signs that identify Buellton to freeway travellers under the following conditions: , provided that no more than two such signs may be allowed, the signs shall not identify individual businesses, and the signs shall be subject to the approval of an exemption by the Planning Commission (Section 19.04.174(A)(2)).

- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.
- iii. The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet.
- iv. All lighting shall be directed downward.
- v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses may be listed on each face of the sign.
- vi. The sign shall be approved pursuant to the zoning clearance process identified in Section 19.08.100 of this title.
- vii. The sign shall be for non-profit purposes and shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau. Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign.

**2. Committee Appointment – CDBG Committee**

Motion by Jason Fussel and seconded by Lisa Figueroa to nominate Craig Adams to continue service on the CDBG Committee  
Motion passed with a 4-0 voice vote.

**PRESENTATIONS**

**3. Presentation to outgoing Chairman, Jason Fussel**

Vice Chair Adams presented an engraved mug to outgoing Chairman Jason Fussel, commemorating his year of service as Planning Commission Chair.

**APPROVAL OF MINUTES**

**4. Minutes of the regular Planning Commission meeting of December 6, 2012**

**MOTION:**

Commissioner Reif moved and Commissioner Fussel seconded the motion to approve the Minutes of December 6, 2012 with a correction stating that Commissioner Reif led the Pledge of Allegiance.

**VOTE:**

Motion passed by 4-0 voice vote.

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

**5. 2013 Schedule of Planning Commission Meetings**

The Commission was presented a schedule of the 2013 Planning Commission meetings.

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

**6. Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.D, Community Identification Signs, and Making Findings in Support Thereof”**

**STAFF REPORT:**

Planning Director Bierdzinski presented the Staff Report.

**DOCUMENTS:**

Staff Report with attachments (Attachment A – Possible Sign (view southbound)

Attachment B – Possible Sign (view northbound)

Resolution No. 13-01 with Exhibit A

**DISCUSSION/SPEAKERS:**

The Commission discussed the economic value of such a sign and the status of the two existing billboards.

Vice Chair Adams opened the Public Hearing at 6:14 p.m.

Ron Anderson, President of the Buellton Chamber of Commerce addressed the Commission stating that this code revision would help promote economic development by drawing attention to Buellton and local businesses.

Peggy Brierton, 225 Teri Sue Lane, Buellton, suggested that only Buellton businesses be allowed to advertise on the sign and asked that the sign not have a “cluttered” look. She also stated that the final sign should be approved by the Planning Commission.

Vice Chair Adams closed the Public Hearing at 6:23 p.m.

The Commission discussed the following:

- Size of the proposed sign;
- Clarification of the percentage of space devoted to business advertisements;
- The status of the existing billboards

Kathy Vreeland, Executive Director of the Buellton of Commerce addressed the Commission to state that the Chamber currently supports the existing billboards and is responsible for the utilities and upkeep of these signs.

Vice Chair Adams re-opened the Public Hearing at 6:35 p.m.

Judi Stauffer, 1610 Cougar Ridge Road, Buellton, stated that she is not against signs but questioned why this item did not go before the Sign Committee. She went on to state that it might be helpful to have a comprehensive economic development plan in order to determine how a sign would best be utilized in order to advance the City’s economic development.

Staff suggested continuing the Public Hearing to the January 17, 2013 Planning Commission meeting and will meet with the Chamber of Commerce to discuss and address the Commission’s concerns.

Vice Chair Adams requested additional examples showing the sign perspective from the freeway.

**MOTION**

Commissioner Reif moved and Commissioner Fussel seconded the motion to continue the Public Hearing to the January 17, 2013 Planning Commission meeting.

**VOTE**

Motion passed with a 4-0 voice vote.

**OTHER BUSINESS****7. Preliminary Review of the Buellton Apartments – A Proposed 62 Unit AHOZ Project on the old “Zoo” Property.**

Planning Director Bierdzinski informed the Commission that this is a preliminary review of the proposed project and that the purpose of this meeting is to solicit input from the Planning Commission so as to include their comments in the incomplete letter prepared by Staff. He then briefly summarized the project.

Sid Goldstein, Project Agent, described the design aspects of the project.

David Goldstein, Architect, stated that the development will have two sections that are three stories in height and that he is available to work with Staff on any architectural issues.

Eldon Schiffman, Treasurer and CFO for the Chumash Tribe, informed the Commission of the city's need for affordable housing and economic development.

The Commission provided input regarding the following:

- Flood concerns;
- Identify the path material;
- Lighting should be night sky friendly and LED or induction;
- The size of the proposed lot;
- Number of replacement trees and protection of existing oak trees;
- Clarification of the open space areas;
- Pre-treatment of run-off water from downspouts before directing to gravel beds;
- The general look of the proposed project that could be made more attractive;
- Concerns regarding close proximity to the freeway and noise issues;
- Height concerns;
- Bicycle parking should be identified

Peggy Brierton, 225 Teri Sue Lane, Buellton, voiced concerns regarding excessive tree removal, asked if the project could contain any commercial components in order to add to the downtown area. She had concerns regarding the density, the proposed alleyway onto the Avenue of Flags, suggested making it a street instead of an alley and stated that Buellton needs quality development.

Kerry Moriarty, 597 Avenue of Flags, Buellton, stakeholder, developer, member of the Visioning Committee and owner of property on the Avenue of Flags, expressed

## ATTACHMENT 2

### CITY OF BUELLTON Planning Commission Agenda Staff Report

Planning Director Review: MPB  
Planning Commission Agenda Item No: 2

To: The Honorable Chair and Commission Members

From: Marc P. Bierdzinski, AICP, Planning Director

Date: January 17, 2013

Subject: Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

---

#### BACKGROUND/DISCUSSION

At the January 3, 2013, Planning Commission meeting, the public hearing on this item was left open by the Planning Commission with direction to staff to research some additional wording for the proposed ordinance. For your reference, the January 3, 2013, staff report is included as Attachment A.

The following are the changes to the ordinance:

- The approving body for these signs has been changed back to the Planning Commission.
- The businesses on the signs would be reviewed by the City’s Economic Development Task Force comprised of Chamber, staff, and City Council representatives. The task force would make recommendations to the Chamber.
- The “Welcome to Buellton” message and the two businesses would each comprise 1/3 of the sign.
- Maintenance of the sign is addressed through Section 19.04.174(C) of the sign code. This section of the code applies to all signage in the City and is worded as follows:
  - *All signs shall be maintained in a safe, legible condition, and shall not be in a state of disrepair. Sign face messages must be removed from an abandoned sign if a location has been out of business for six months or more; however, the sign structure may remain if property owner is actively pursuing a new tenant or buyer. “Disrepair” shall include, but*

*not be limited to, burned out lights, broken sign faces or sign structures, peeling paint, and weathered or discolored sign faces or structures.*

The Chamber of Commerce has provided revised draft examples of what such a sign would look like from a size and height standpoint from both directions on the freeway (Attachments B through E).

**ENVIRONMENTAL REVIEW**

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**RECOMMENDATION**

Staff recommends that the Planning Commission consider adoption of Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

**ATTACHMENTS**

- Attachment A – January 3, 2013, Staff Report
- Attachment B – Possible Sign (view southbound)
- Attachment C – Close up of southbound layout
- Attachment D – Possible Sign (view northbound)
- Attachment E – Close up of northbound layout
- Resolution No. 13-01 with Exhibit A



Attachment B

*Welcome to Buellton*

GATEWAY TO THE VALLEY

Attachment C

[www.VisitBuellton.com](http://www.VisitBuellton.com)

Wine and Chili Festival, March 17

Buellton Visitors Center (Exit Avenue of the Flags)

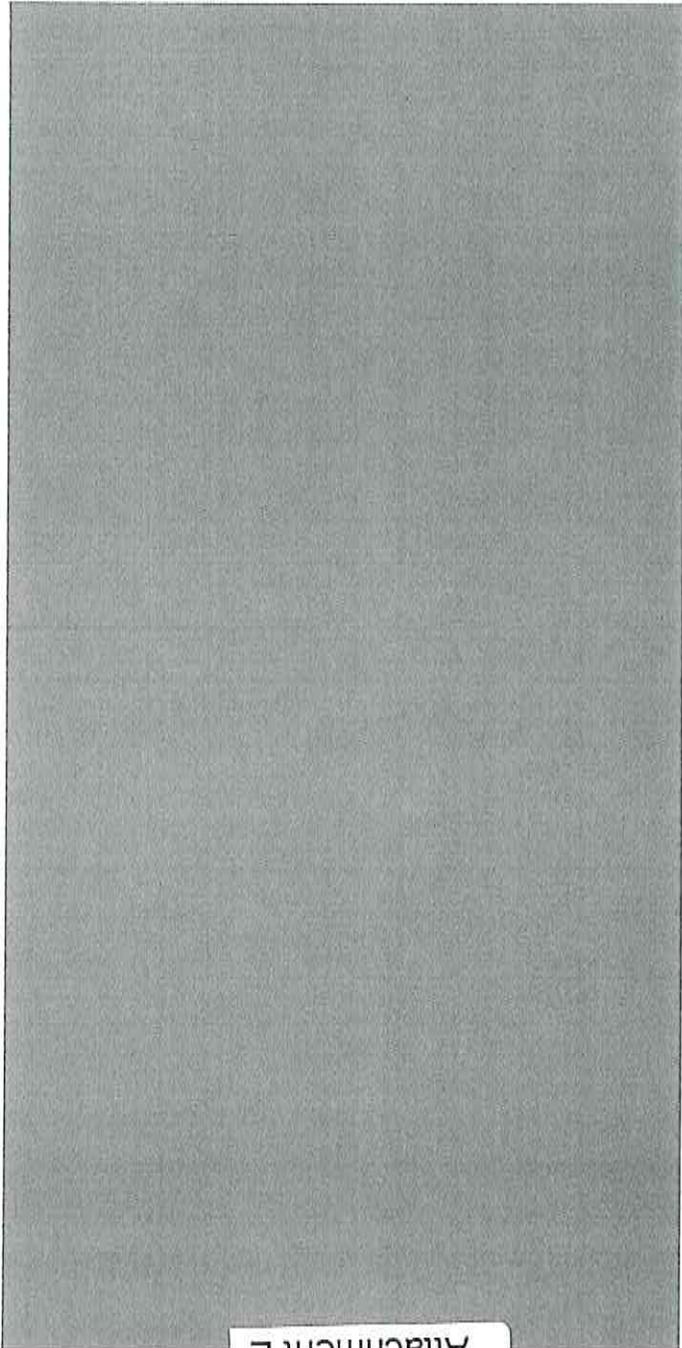


*Now Serving*  
BUELLTON

UPCOMING EVENTS  
Wine & Chili Festival  
March 17

*Plan your next trip at*

[WWW.VISITBUELLTON.COM](http://WWW.VISITBUELLTON.COM)



## ATTACHMENT 2

### Planning Commission Resolution No. 13-01

**A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof**

**SECTION 1:** The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted and noted in Exhibit A to this resolution.

**SECTION 2:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearings conducted by the Planning Commission on January 3, 2013, and January 17, 2013 (“Public Hearings”).
  2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearings.
  3. The following informational documents which, by this reference, are incorporated herein.
    - a. That staff report submitted by the Planning Department dated January 17, 2013 (the “Staff Report”).
- B. **Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:
1. A notice was published in a newspaper on December 20, 2012 (the “Public Notice”), a minimum of ten (10) days in advance of the January 3, 2013, Public Hearing.
  2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on December 20, 2012, a minimum of 10 days before the January 3, 2013, Public Hearing.

## ATTACHMENT 2

- C. **Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- D. **Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the Planning Commission does hereby declare as follows:
1. **Zoning Ordinance Amendments.**
- a. **Findings:**
- i. The Amendment is in the interests of the general community welfare as it promotes economic development.
- ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendment is consistent with good zoning and planning practices.

**SECTION 3.** The Planning Commission hereby recommends that the City Council adopt an ordinance to amend Title 19 of the Buellton Municipal Code in accordance with the changes noted on Exhibit A to this resolution.

**SECTION 4.** The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

**PASSED, APPROVED, AND ADOPTED** this 17th day of January 2013.

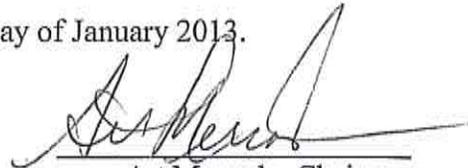
  
Art Mercado, Chairman

Exhibit A – Draft Ordinance Wording

**ATTEST:**

  
Clare Barcelona, Planning Commission Secretary

ATTACHMENT 2

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 above and foregoing Resolution No. 13-01 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 17<sup>th</sup> day of January 2013, by the following vote, to wit:

AYES: (3) Commissioner Figueroa, Vice Chair Adams & Chairman Mercado

NOES: (0)

ABSENT: (2) Commissioner Fussel, Commissioner Reif,

IN WITNESS WHEREOF, I have hereunto set my hand this 17<sup>th</sup> day of January 2013.

  
\_\_\_\_\_  
Clare Barcelona  
Planning Commission Secretary

# ATTACHMENT 2

## EXHIBIT A (Revised January 17, 2013)

### 19.04.170 Sign Title

#### E. Prohibited Signs

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

d. ~~A~~ Community identification signs that identifies Buellton to freeway travellers under the following conditions: , provided that no more than two such signs may be allowed, the signs shall not identify individual businesses, and the signs shall be subject to the approval of an exemption by the Planning Commission (Section 19.04.174(A)(2)).

- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.
- iii. The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet.
- iv. All lighting shall be directed downward.
- v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses may be listed on each face of the sign. Each business shall be limited to a maximum of 1/3 of the area of the sign.
- vi. The sign shall be approved pursuant to the Planning Commission Exemption process identified in Section 19.04.174(A)(2) of this title.
- vii. The sign shall be for non-profit purposes and shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau. Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign.
- viii. Businesses to be located on the sign shall be approved by the Buellton Chamber of Commerce/Visitor's Bureau upon a recommendation from the City's Economic Development Task Force.
- ix. Maintenance of the sign shall be in accordance with Section 19.04.174(C) of this Title.

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

- 2. **Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.D, Community Identification Signs, and Making Findings in Support Thereof”**

**STAFF REPORT:**

Planning Director Bierdzinski presented the Staff Report.

**DOCUMENTS:**

Staff Report with attachments (Attachment A – January 3, 2013, Staff Report, Attachment B – Possible Sign (view southbound), Attachment C – Close Up of Southbound Layout, Attachment D – Possible Sign (view northbound), and Attachment E – Close Up of Northbound Layout)  
Resolution No. 13-01 with Exhibit A

**DISCUSSION/SPEAKERS:**

The Public Hearing was left open on January 3, 2013.

There being no public comments, Chair Mercado closed the Public Hearing at 6:06 p.m.

**MOTION**

Commissioner Figueroa moved and Vice Chair Adams seconded the motion to adopt Resolution No. 13-01.

**VOTE**

Motion passed with a 3-0 roll call vote.

**NEW PUBLIC HEARINGS**

None

**OTHER BUSINESS**

None

**WRITTEN COMMUNICATIONS**

None

# ATTACHMENT 2

## CITY OF BUELLTON City Council Agenda Staff Report

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

To: The Honorable Mayor and City Council

From: Planning Commission  
By: Marc Bierdzinski, Planning Director

Meeting Date: February 28, 2013

Subject: Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Introduction and First Reading)

---

### **BACKGROUND**

The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted.

The proposed wording is contained in Ordinance No. 13-02. New wording is underlined and deleted wording is in strikeout. The wording that has been added sets more parameters for the community identification sign, including size and height. The current wording for these types of signs could allow signs that are larger and taller than what is being proposed.

In summary, the following changes are proposed:

- Only one community identification sign shall be permitted (existing vested billboards do not count against this total). *The current code allows two of these signs*
- The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts. *The current code does not specify location or zoning*

## ATTACHMENT 2

- The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet. *The current code does not contain height or size standards*
- All lighting shall be directed downward. *The current code does not contain standards to protect night skies*
- The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses may be listed on each face of the sign. The “Welcome to Buellton” message and the two businesses would each comprise 1/3 of the sign. *The current code does not permit businesses to be on the signs – this change is being proposed to promote economic development*
- The sign shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor’s Bureau. The businesses on the signs would be reviewed by the City’s Economic Development Task Force comprised of Chamber, staff, and City Council representatives. The task force would make recommendations to the Chamber. *The current code does not specify who can sponsor the sign*

These signs would still require review and approval by the Planning Commission. In addition, maintenance of the signs are addressed through existing Section 19.04.174(C) of the sign code. This section of the code applies to all signage in the City and is worded as follows:

*All signs shall be maintained in a safe, legible condition, and shall not be in a state of disrepair. Sign face messages must be removed from an abandoned sign if a location has been out of business for six months or more; however, the sign structure may remain if property owner is actively pursuing a new tenant or buyer. “Disrepair” shall include, but not be limited to, burned out lights, broken sign faces or sign structures, peeling paint, and weathered or discolored sign faces or structures.*

The Chamber of Commerce has provided draft examples of what such a sign would look like from a size and height standpoint from both directions on the freeway (Attachments 1 through 4).

At their January 17, 2013, public hearing, the Planning Commission adopted Resolution No. 13-01 (Attachment 5) which recommends that the City Council adopt the proposed Zoning Ordinance amendments.

### ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

# ATTACHMENT 2

## **FISCAL IMPACT**

No fiscal impacts are anticipated as a result of the proposed Zoning Ordinance Amendment.

## **RECOMMENDATION**

That the City Council consider the introduction and first reading of Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” by title only and waive further reading.

## **ATTACHMENTS**

- Ordinance No. 13-02
- Attachment 1 – Possible Sign (view southbound)
- Attachment 2 – Close up of southbound layout
- Attachment 3 – Possible Sign (view northbound)
- Attachment 4 – Close up of northbound layout
- Attachment 5 – Planning Commission Resolution No. 13-01

## ATTACHMENT 2

### ORDINANCE NO. 13-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, AMENDING TITLE 19 (ZONING) OF THE BUELLTON MUNICIPAL CODE (13-ZOA-01) RELATING TO SECTION 19.04.170.E.6.d, COMMUNITY IDENTIFICATION SIGNS AND MAKING FINDINGS IN SUPPORT THEREOF**

**SECTION 1:** The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted. The Planning Commission held public hearings on January 3, 2013, and January 17, 2013, and reviewed the suggested changes to this section and has recommended approval of the changes on a 3-0 vote as noted in Planning Commission Resolution No. 13-01.

**SECTION 2:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the City Council considered the following:
1. All public testimony, both written and oral, received in conjunction with the public hearings conducted by the Planning Commission on January 3, 2013, and January 17, 2013 (“Planning Commission Public Hearings”).
  2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearings.
  3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on February 28, 2013 (“City Council Public Hearing”).
  4. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.
  5. The following informational documents which, by this reference, are incorporated herein.

## ATTACHMENT 2

- a. That certain written report submitted to the City Council dated February 28, 2013 (the "Staff Report").
  - b. The report and recommendation of the Planning Commission approved on January 17, 2013, and set forth in Resolution No. 13-01.
- B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:
1. A notice was published in a legal section of a newspaper on February 14, 2013 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing conducted on February 28, 2013.
  2. The Public Notice was posted in three public locations on February 14, 2013, a minimum of 10 days in advance of the Public Hearing.
- C. Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- D. Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the City Council does hereby declare as follows:
- 1. Zoning Ordinance Amendments.**
    - a. **Findings:**
      - i. The Amendment is in the interests of the general community welfare as it promotes economic development.
      - ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
      - iii. The Amendment is consistent with good zoning and planning practices.

## ATTACHMENT 2

### SECTION 3:

THE CITY COUNCIL OF THE CITY OF BUELLTON DOES HEREBY ORDAIN AS FOLLOWS (ADDITIONS ARE UNDERLINED, DELETIONS ARE IN STRIKEOUT):

#### **19.04.170 Sign Title**

##### E. Prohibited Signs

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

d. ~~A~~ Community identification signs that identifies Buellton to freeway travellers under the following conditions: , provided that no more than two such signs may be allowed, the signs shall not identify individual businesses, and the signs shall be subject to the approval of an exemption by the Planning Commission (Section 19.04.174(A)(2)).

- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.
- iii. The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet.
- iv. All lighting shall be directed downward.
- v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses may be listed on each face of the sign. Each business shall be limited to a maximum of 1/3 of the area of the sign.
- vi. The sign shall be approved pursuant to the Planning Commission Exemption process identified in Section 19.04.174(A)(2) of this title.
- vii. The sign shall be for non-profit purposes and shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau. Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign.
- viii. Businesses to be located on the sign shall be approved by the Buellton Chamber of Commerce/Visitor's Bureau upon a recommendation from the City's Economic Development Task Force.
- ix. Maintenance of the sign shall be in accordance with Section 19.04.174(C) of this Title.

## ATTACHMENT 2

**SECTION 4:** If any section, subsection, subdivision, 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 hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

**SECTION 5:** The City Clerk: (i) shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law; (ii) is hereby authorized and directed to make typographical, grammatical and similar corrections in the final text of the Ordinance so long as such corrections do not constitute substantive changes in context; and (iii) cause the Buellton Municipal Code to be reprinted by deleting language contained within Section 3 of this Ordinance that is stricken and adding language that is underlined.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ of March 2013.

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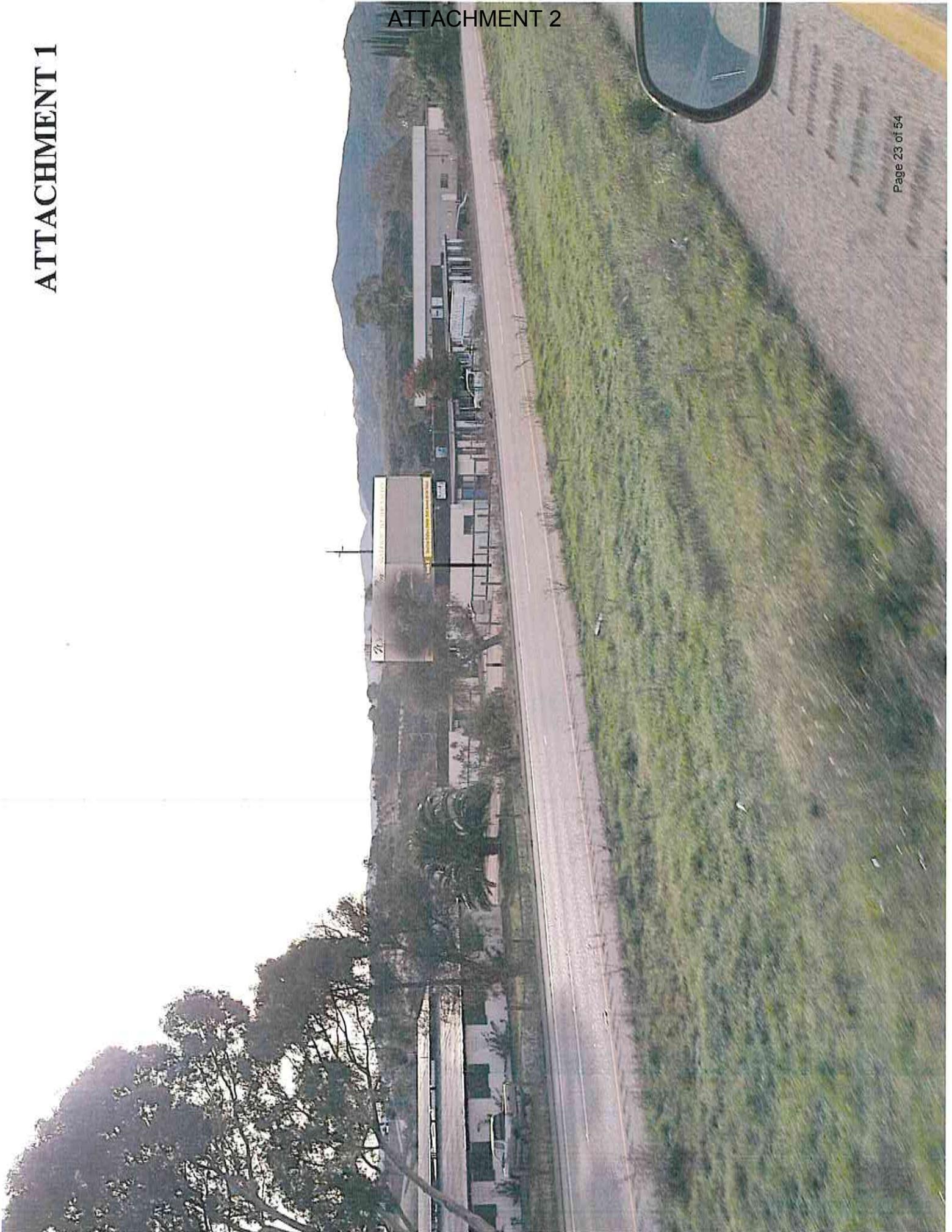
Judith Dale  
Mayor

**ATTEST:**

---

Linda Reid  
City Clerk

ATTACHMENT 1



*Welcome to Buellton*

ATTACHMENT 2  
GATEWAY TO THE VALLEY

ATTACHMENT 2

[www.VisitBuellton.com](http://www.VisitBuellton.com)

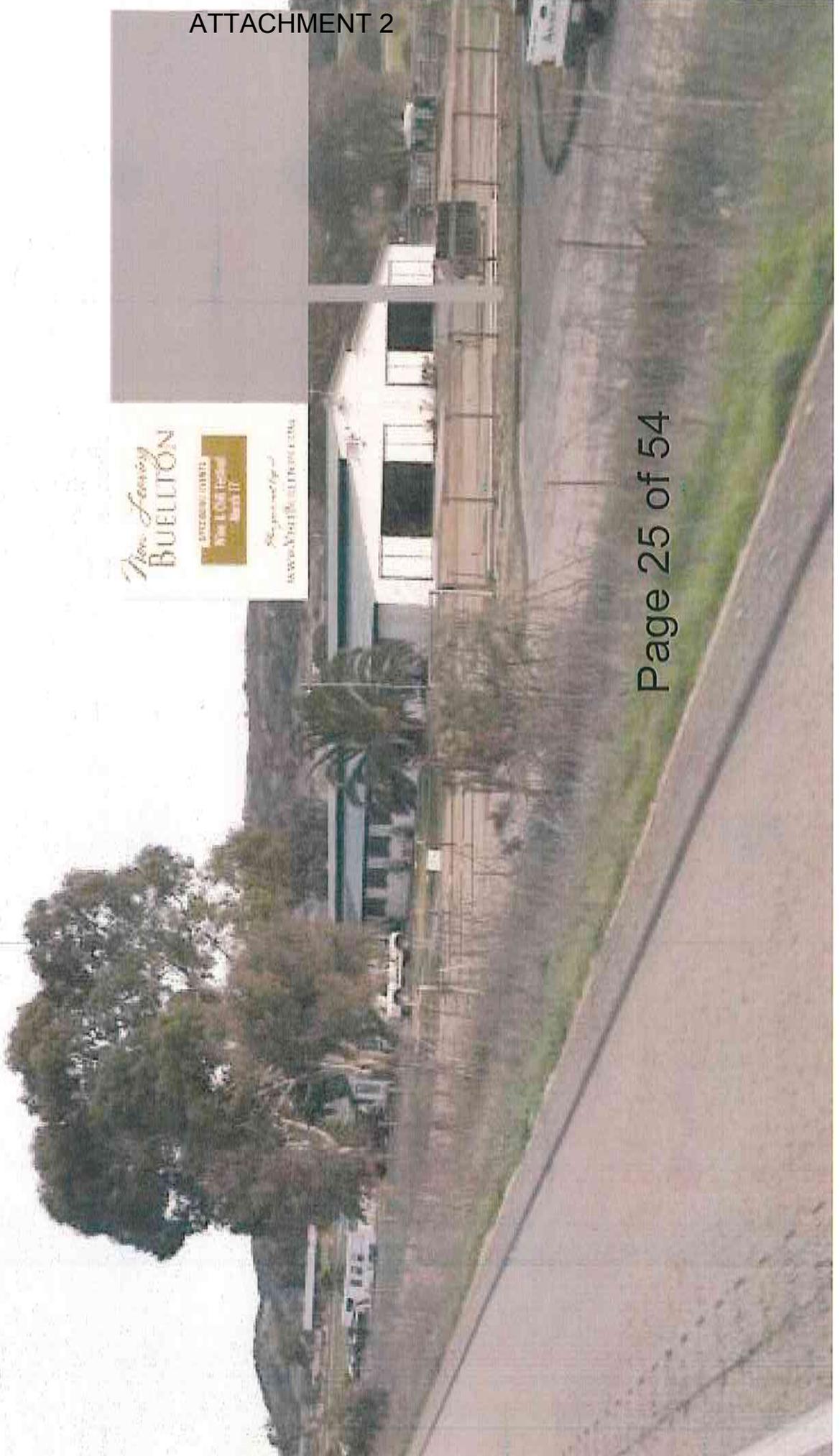
Wine and Chili Festival, March 17

Buellton Visitors Center (Exit Avenue of the Flags)

Page 24 of 54

# ATTACHMENT 3

ATTACHMENT 2



Page 25 of 54

*Now Leaving*  
**BUELLTON**

**UPCOMING EVENTS**

**Wine & Chili Festival  
March 17**

*Plan your next trip at*

**WWW.VISITBUELLTON.COM**

**ATTACHMENT 4**

**ATTACHMENT 2**

**MOTION:**

Motion by Council Member Sierra, seconded by Council Member Andrisek approving the consent calendar as listed.

**VOTE:**

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

**PRESENTATIONS**

None

**PUBLIC HEARINGS**

5. **Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Introduction and First Reading)**

**RECOMMENDATION:**

That the City Council consider the introduction and first reading of Ordinance No. 13-02.

**STAFF REPORT:**

Planning Director Bierdzinski presented the staff report.

**DOCUMENTS:**

Staff Report with attachments (Ordinance No. 13-02, photos of proposed signs, and Planning Commission Resolution No. 13-01)

**SPEAKERS/DISCUSSION:**

The City Council discussed the following issues:

- ❖ Reviewing process for the Community Identification Signs
- ❖ Sign sponsorship
- ❖ Ratio of businesses to community identification on the sign
- ❖ Having the Sign Committee review the sign
- ❖ Content to be reviewed by Economic Development Task Force with recommendations to the Chamber of Commerce
- ❖ Having the City Council review the content of the sign
- ❖ Taking out the last sentence in (Section 3, vii) of the ordinance as follows: “Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign”
- ❖ Adding style standards and/or a review process as part of the ordinance
- ❖ Having the sign reviewed by Council for final approval
- ❖ Having sign design standards drafted through an architectural board

Mayor Dale opened the Public Hearing at 6:26 p.m.

Ron Anderson, President of the Buellton Chamber of Commerce Board of Directors, expressed his support for the Community Identification Signs in order to promote business in Buellton.

## ATTACHMENT 2

Peggy Brierton, Buellton, stated the Community Identification Sign Ordinance should be considered separately from the sign's design.

Kathy Vreeland, Executive Director of the Buellton Chamber and Visitor's Bureau, expressed her support for the Community Identification Signs and stated the Chamber of Commerce will be sponsoring this sign. Ms. Vreeland stated the signs will help promote business in Buellton.

Judi Stauffer, Buellton, stated the Council is looking at changing the existing ordinance and she requested the Council consider all issues involved.

Steve Lykken, Buellton, questioned why the Council is discussing an appeal process at this time and provided his support for the sign.

There being no further public comment, Mayor Dale closed the Public Hearing at 6:49 p.m.

### **MOTION:**

Motion by Council Member Andrisek, seconded by Council Member Sierra, approving the introduction and first reading of Ordinance No. 13-02 – "An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof" by title only and waive further reading and deleting the following sentence in (Section 3, vii) "Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign" and that (Section 3, v) be modified to include community organizations.

### **VOTE:**

Motion passed by a roll call vote of 4-1, with Council Member Elovitz voting no.

### **COUNCIL MEMBER COMMENTS**

Council Member Sierra announced there is a new link on the City's website entitled "Doing Business in Buellton".

### **COUNCIL ITEMS**

Mayor Dale announced some upcoming events in Buellton.

### **WRITTEN COMMUNICATIONS**

None

### **COMMITTEE REPORTS**

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

## ATTACHMENT 2

### **CITY OF BUELLTON** City Council Agenda Staff Report

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

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, Planning Director

Meeting Date: March 14, 2013

Subject: Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Second Reading)

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#### **BACKGROUND**

At the public hearing of February 28, 2013, the City Council introduced and held the first reading of Ordinance No. 13-02, an ordinance amending Title 19 (Zoning) of the Buellton Municipal Code regarding community identification signs. Ordinance No. 13-02 is now ready for its second reading and adoption and includes the two changes asked for by the City Council:

- That community organizations be allowed on the sign
- That the sentence regarding only using the funds for installation and maintenance of the sign be stricken

#### **RECOMMENDATION**

Staff recommends that the City Council consider the adoption of Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof”

#### **ATTACHMENT**

Ordinance No. 13-02

## ATTACHMENT 2

### ORDINANCE NO. 13-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, AMENDING TITLE 19 (ZONING) OF THE BUELLTON MUNICIPAL CODE (13-ZOA-01) RELATING TO SECTION 19.04.170.E.6.d, COMMUNITY IDENTIFICATION SIGNS AND MAKING FINDINGS IN SUPPORT THEREOF**

**SECTION 1:** The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted. The Planning Commission held public hearings on January 3, 2013, and January 17, 2013, and reviewed the suggested changes to this section and has recommended approval of the changes on a 3-0 vote as noted in Planning Commission Resolution No. 13-01.

**SECTION 2:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the City Council considered the following:
1. All public testimony, both written and oral, received in conjunction with the public hearings conducted by the Planning Commission on January 3, 2013, and January 17, 2013 (“Planning Commission Public Hearings”).
  2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearings.
  3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on February 28, 2013 (“City Council Public Hearing”).
  4. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.
  5. The following informational documents which, by this reference, are incorporated herein.
    - a. That certain written report submitted to the City Council dated February 28, 2013 (the “Staff Report”).

- b. The report and recommendation of the Planning Commission approved on January 17, 2013, and set forth in Resolution No. 13-01.

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

1. A notice was published in a legal section of a newspaper on February 14, 2013 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing conducted on February 28, 2013.
2. The Public Notice was posted in three public locations on February 14, 2013, a minimum of 10 days in advance of the Public Hearing.

**C. Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

1. **Zoning Ordinance Amendments.**

a. **Findings:**

- i. The Amendment is in the interests of the general community welfare as it promotes economic development.
- ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendment is consistent with good zoning and planning practices.

**SECTION 3.**

THE CITY COUNCIL OF THE CITY OF BUELLTON DOES HEREBY ORDAIN AS FOLLOWS:

**19.04.170 Sign Title****E. Prohibited Signs**

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

d. A community identification sign that identifies Buellton to freeway travellers under the following conditions:

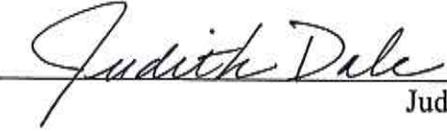
- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.
- iii. The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet.
- iv. All lighting shall be directed downward.
- v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses or community organizations may be listed on each face of the sign. Each business shall be limited to a maximum of 1/3 of the area of the sign.
- vi. The sign shall be approved pursuant to the Planning Commission Exemption process identified in Section 19.04.174(A)(2) of this title.
- vii. The sign shall be for non-profit purposes and shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau.
- viii. Businesses to be located on the sign shall be approved by the Buellton Chamber of Commerce/Visitor's Bureau upon a recommendation from the City's Economic Development Task Force.
- ix. Maintenance of the sign shall be in accordance with Section 19.04.174(C) of this Title.

**SECTION 4:** If any section, subsection, subdivision, 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 hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

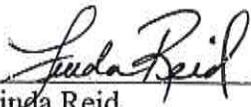
ATTACHMENT 2

**SECTION 5:** The City Clerk: (i) shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law; (ii) is hereby authorized and directed to make typographical, grammatical and similar corrections in the final text of the Ordinance so long as such corrections do not constitute substantive changes in context; and (iii) cause the Buellton Municipal Code to be reprinted by deleting language contained within Section 3 of this Ordinance that is stricken and adding language that is underlined.

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of March 2013.

  
\_\_\_\_\_  
Judith Dale  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Linda Reid  
City Clerk

ATTACHMENT 2

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I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Ordinance No. 13-02 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 14th day of March, 2013 by the following vote of the Council:

AYES:           5       Council Members Andrisek, Elovitz, Sierra, Vice Mayor Connolly, and Mayor Dale

NOES:           0

ABSENT:        0

ABSTAIN:       0

---

  
Linda Reid  
City Clerk

Dave King, Buellton, stated that when he was on the City Council, it was determined that the entire amount of increased tax revenue would go to the Visitor's Bureau.

**MOTION:**

Motion by Council Member Andrisek, seconded by Vice Mayor Connolly allocating the increased percentage of Transient Occupancy Tax (2%) to the Buellton Visitor's Bureau in the amount of 75% and to the economic development fund in the amount of 25% for two fiscal years.

**VOTE:**

Motion passed by a roll call vote of 3-2, with Council Member Elovitz and Mayor Dale voting no.

6. **Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Second Reading)**

**RECOMMENDATION:**

That the City Council consider the adoption of Ordinance No. 13-02.

**STAFF REPORT:**

Planning Director Bierdzinski presented the staff report.

**DOCUMENTS:**

Staff Report with attachment (Ordinance No. 13-02)

**SPEAKERS/DISCUSSION:**

Peggy Brierton, Buellton, stated the sign will be too large for the area and that it should advertise Buellton businesses only. Ms. Brierton suggested using story poles to designate the size and location of the sign prior to the sign's installation.

The City Council discussed the following issues:

- Confirming that the size and location of the sign would be reviewed by the Planning Commission and the Planning Director

**MOTION:**

Motion by Council Member Sierra, seconded by Council Member Andrisek approving and adopting Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” by title only and waive further reading.

**VOTE:**

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

# ATTACHMENT 2

## CITY OF BUELLTON Planning Commission Agenda Staff Report:

Planning Director Review: MPB  
Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members  
From: Marc Bierdzinski, Planning Director  
Date: September 5, 2013  
Subject: Review of Community Identification Sign

---

### **BACKGROUND**

The Planning Commission reviewed a zoning code amendment regarding community identification signs at their January 3 and 17, 2013, meetings, and made recommendations on the code amendment to the City Council. On March 14, 2013, the City Council adopted the code amendment. The following is the adopted wording regarding community identification signs:

*d. A community identification sign that identifies Buellton to freeway travellers under the following conditions:*

- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).*
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.*
- iii. The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet.*
- iv. All lighting shall be directed downward.*
- v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses or community organizations may be listed on each face of the sign. Each business shall be limited to a maximum of 1/3 of the area of the sign.*
- vi. The sign shall be approved pursuant to the Planning Commission Exemption process identified in Section 19.04.174(A)(2) of this title.*
- vii. The sign shall be for non-profit purposes and shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau.*
- viii. Businesses to be located on the sign shall be approved by the Buellton Chamber of Commerce/Visitor's Bureau upon a recommendation from the City's Economic Development Task Force.*
- ix. Maintenance of the sign shall be in accordance with Section 19.04.174(C) of this Title.*

## ATTACHMENT 2

The Chamber of Commerce/Visitor's Bureau is moving forward with the sign and is seeking initial Planning Commission comments. Their concept will be presented at the September 5, 2013, meeting. However, their powerpoint presentation showing their ideas for discussion will be provided under separate cover.

Once comments are provided by the Planning Commission, they will make their formal submittal to the Planning Commission for approval during a public hearing.

### **RECOMMENDATION**

That the Planning Commission review and comment on the conceptual design of the Community Identification Sign.

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

None

**OTHER BUSINESS****2. Review of Community Identification Signs**

Planning Director Marc Bierdzinski presented the staff report informing the Commission that the zoning code amendment regarding community identification signs was approved by the City Council in March 2013. He stated that the Buellton Chamber of Commerce is proposing a changeable digital billboard and is seeking input and direction from the Commission.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce presented a slide show with examples of the digital sign and the proposed location. She went on to state the benefits of this type of sign for emergency updates, informational events, public service announcements and road conditions as well as advertising for local businesses.

Jared Johnson, Yesco Electronics, addressed the Commission highlighting the advantages of a digital sign including the flexibility of the display, automatic dimmers to reduce glare, louvers to promote night sky friendly lighting, energy efficiency and stated that this type of sign does not flash.

Peggy Brierton, 225 Teri Sue Lane, Buellton, addressed the Commission asking how a sign of this type (digital) is considered compatible with a small town rural image.

Ron Anderson, President of the Buellton Chamber of Commerce answered that the Chamber is working on a design that will fit with Buellton's small town image. He stated that the Chamber is already getting calls from businesses regarding advertising.

The Commission discussed the following:

- Affordability of advertisements
- Interval frequency of changes (6-10 seconds)
- Height and location

- Sign clearance
- Maintenance

Mr. Bierdzinski suggested continuing the item and that the Commission and the Chamber do additional research on this type of sign including how smaller cities keep their small town atmosphere, obtain definitions on revolving/reflective signage and check on the timing of the display rotation with the Federal Highway Administration.

The Commission concurred.

Commission Reif stated that the existing ordinance does not address digital signage. Mr. Bierdzinski stated that conditions addressing the Commission's concerns can be added to the permit for the proposed sign.

### **3. Final Architectural Review of the Crossroads Village Center**

Chair Mercado and Commissioner Figueroa recused themselves from the Dais due to the proximity of their residences to the Project.

Planning Director Bierdzinski presented the staff report informing the Commission that this review was requested by the Planning Commission as a condition of approval to the Final Development Plan in June of 2013. The Applicant has provided additional architectural elements for the Commission to review.

Steve Rigor, Arris Studio Architects, addressed the Commission describing the changes to the project as requested by the Commission.

Peggy Brierton, 225 Teri Sue Lane, Buellton, had a question to the existence of a story board showing the proposed colors and was told that it is available for review in the Planning Department office. She went on to question the outdoor eating area at McDonalds and was told by Mr. Bierdzinski that will be reviewed in a separate submittal. Mr. Bierdzinski answered Ms. Brierton's questions regarding parking and trash receptacles.

The Commission discussed the revised elevations and thanked the Applicant for implementing the changes to the architecture that were suggested.

### **WRITTEN COMMUNICATIONS**

None

### **PLANNING COMMISSIONER COMMENTS**

None

## ATTACHMENT 2

### CITY OF BUELLTON Planning Commission Agenda Staff Report

Planning Director Review: MPB  
Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members  
From: Marc Bierdzinski, City Manager/Planning Director  
Date: November 7, 2013  
Subject: Review of Community Identification Sign - Digital

---

#### **BACKGROUND**

The Planning Commission reviewed a zoning code amendment regarding community identification signs at their January 3 and 17, 2013, meetings, and made recommendations on the code amendment to the City Council. On March 14, 2013, the City Council adopted the code amendment. The following is the adopted wording regarding community identification signs:

*d. A community identification sign that identifies Buellton to freeway travellers under the following conditions:*

- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).*
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.*
- iii. The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet.*
- iv. All lighting shall be directed downward.*
- v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses or community organizations may be listed on each face of the sign. Each business shall be limited to a maximum of 1/3 of the area of the sign.*
- vi. The sign shall be approved pursuant to the Planning Commission Exemption process identified in Section 19.04.174(A)(2) of this title.*
- vii. The sign shall be for non-profit purposes and shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau.*
- viii. Businesses to be located on the sign shall be approved by the Buellton Chamber of Commerce/Visitor's Bureau upon a recommendation from the City's Economic Development Task Force.*

## ATTACHMENT 2

ix. *Maintenance of the sign shall be in accordance with Section 19.04.174(C) of this Title.*

On September 5, 2013, the Planning Commission reviewed a proposal from the Chamber of Commerce regarding using digital technology for the Community Identification Sign. The Commission and the public thought the proposal had merit, but had some concerns about the revolving sign copy and whether a digital sign fits into the City's small town feel. The Commission continued the item to have the following additional information provided for consideration:

- Checking with other cities to see how they addressed digital billboards while keeping a small town feel
- The definition of a revolving/rotating sign
- The wording from the Federal Highway Administration on how often digital signs can transition

Staff has checked with other cities and digital signs with the following responses:

- Emeryville in the bay area does not permit electronic signs
- Shasta Lake in northern California adopted regulations allowing electronic readerboards with conditions. Commercial advertising is not permitted and the sign must be off between the hours of 10 p.m. and 6 am. The amount of time between messages is 4 seconds. The City determined that changing messages every 4 seconds does not constitute an animated or revolving type of sign. No complaints have been received
- A planner from Cupertino suggested restricting an illuminated sign on the basis of glare, or the added distraction resulting from a changing "slide show" format, whereby the sign cycles through multiple announcements. A recommended condition is that we prohibit white backgrounds or predominantly light backdrops as they can be blinding at night to drivers. You could also choose to restrict the placement such that it is predominantly oriented towards drivers on an exit ramp
- A former central coast planner working in San Clemente thinks such a sign would be way out of character with Buellton and the Central Coast. San Clemente High School installed a relatively small digital sign on a major arterial, in part to announce community events, and now it's widely regarded as an eyesore

The Planning Commission would need to make the determination that a sign that changes copy every 8 to 10 seconds is not an animated sign as long as the sign copy does not move or flash or otherwise meet the definition of an animated sign. That is what the City of Shasta Lake determined.

Attachment 1 is standards for digital signs. Attachment 2 is the FHA regulations regarding changeable message signs.

## ATTACHMENT 2

### **RECOMMENDATION**

That the Planning Commission review and comment on the use of digital technology for the Community Identification Sign.

### **ATTACHMENTS**

- Attachment 1 – Digital Billboard Operation Standards
- Attachment 2 – Guidance On Off Premise Changeable Message Signs

# ATTACHMENT 2

## Attachment 1

### Digital Billboard Operation Standards:

Digital Billboards will display only static advertising copy.

Transition: Transitions between each static message shall be accomplished in less than 1 second without animated effects.

Each display must have a light sensing device that will automatically adjust the display brightness as ambient light conditions change.

Accordance with Federal Hwy Administration of 4-10 seconds (Recommend 8 seconds)

Each display will operate within the industry standard, regulatory brightness criteria:

Recommended regulatory criteria:

Display will not increase lighting level by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance.

Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurements should be taken perpendicular to the face. Measurement distance criteria:

Nominal Distance to

Face Size measure from

12' x 24' 150'

10'6 x 36' 200'

14' x 48' 250'

20' x 60' 350'

(The industry recommended criteria follows the lighting standards established by the Illuminating Engineering Society of North America (IESNA). The Outdoor Advertising Association of America and member companies voluntarily adhere to the following standard.)



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Laws, Regs and Policy Guidance

Guidance On Off-Premise Changeable Message Signs

 U.S. Department of Transportation <b>Federal Highway Administration</b>	<h2 style="margin: 0;">Memorandum</h2>
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<b>Subject:</b>	<b>INFORMATION:</b> Guidance On Off-Premise Changeable Message Signs	<b>Date:</b>	September 25, 2007
	<b>ORIGINAL SIGNED BY:</b> Gloria M. Shepherd		
<b>From:</b>	Gloria M. Shepherd Associate Administrator for Planning, Environment, and Realty	<b>Reply to</b>	HEPR-20
<b>To:</b>	Division Administrators ATTN: Division Realty Professionals		

**Purpose**

The purpose of this memorandum is to provide guidance to Division Realty Professionals concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996, memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain the FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and the Division offices should provide a determination as to whether the State should allow off-premises changeable Electronic Variable Message Signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). The Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as, those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for the FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. **Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.**

This guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

**Background**

The HBA requires States to maintain *effective control* of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or

unzoned commercial or industrial areas. Signs displays and devices whose *size, lighting and spacing are consistent with customary use determined by agreement between the several States and the Secretary*, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, the Office of Real Estate Services issued a memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that the FHWA has "*always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual FSAs.*" It was expressly noted that "*in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and the FHWA to interpret the agreements with those changes in mind.*" The July 17, 1996, memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs "*regardless of the type of technology used*" are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the July 17, 1996, memorandum.

The policy espoused in the July 17, 1996, memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

#### **Discussion**

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.

This guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, the Divisions should consider all relevant information, including, but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. The Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by the Divisions to date, contain some or all of the following standards:

- Duration of Message
  - Duration of each display is generally between 4 and 10 seconds - 8 seconds is recommended.
- Transition Time
  - Transition between messages is generally between 1 and 4 seconds - 1-2 seconds is recommended.
- Brightness
  - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.

- Spacing
  - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.
- Locations
  - Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

Other standards that the States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

### **Conclusion**

This guidance is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, the Office of Realty Estate Services is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

For further information on guidance on *Off-Premise Changeable Message Signs*, you may contact the Office of Real Estate Services' "Point of Contact" serving your Division or the contact on this page.

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Report Waste, Fraud and Abuse  
U.S. DOT Home | USA.gov | WhiteHouse.gov

Federal Highway Administration | 1200 New Jersey Avenue, SE | Washington, DC 20590 | 202-366-4000

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

None

**OTHER BUSINESS****2. Review of Community Identification Signs**

Planning Director Marc Bierdzinski presented the staff report and explained this is a continued discussion on digital signs from their September meeting.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce addressed questions regarding message transition time, glare mitigation and background color. She stated that through her research she has received positive comments on digital billboards relating to public service announcements, special events and information for travelers. Digital billboards are attractive and beneficial to the community and that digital marketing is the latest in advertising.

Ron Anderson, President, Buellton Chamber of Commerce, stated that a sign of this type is a positive step forward for Buellton

Pete Robertson, Treasurer, Buellton Chamber of Commerce, addressed the issue of glare stating that the billboards have a built in dimming device and produce less light than fixed billboards.

The Commission discussed the following:

- Night restrictions to reduce glare
- Small town impacts
- Future of digital marketing
- Sign size

The Commission concurred that a digital billboard would be beneficial to the community and advised the Chamber of Commerce to move forward with a sign application package for the required public hearing.

**WRITTEN COMMUNICATIONS**

None

# APPLICATION WITHDRAWN



**PROJECT APPLIC**      **JULY 30, 2014**  
**CITY OF BUELLTON**  
**PLANNING DEPARTMENT**

PROJECT LOCATION 970 McMurray Rd  
(Address)

SITE ZONING INDUSTRIAL      SITE ASSESSOR'S PARCEL NO. 187-090-007

PROJECT DESCRIPTION Overall size 21x48' COMMUNITY IDENTIFICATION SIGN, double-sided

Lighted sign INCORPORATING A double hung 14x48' digital display. Maximum Overall Height of 40'.  
(Attach additional sheets if necessary)

### PERMITS AND APPROVAL REQUESTED

- ANNEXATION
- GENERAL PLAN AMENDMENT/REZONING
- SPECIFIC PLAN
- ZONING ORDINANCE TEXT AMENDMENT
- FINAL DEVELOPMENT PLAN
- PRELIMINARY DEVELOPMENT PLAN
- DEVELOPMENT PLAN MODIFICATION
- CONDITIONAL USE PERMIT
- MINOR USE PERMIT
- USE PERMIT MODIFICATION
- LOT LINE ADJUSTMENT
- SECONDARY DWELLING UNIT

- VARIANCE
- SUBDIVISION (TENTATIVE TRACT MAP)
- SUBDIVISION (TENTATIVE PARCEL MAP)
- CONDOMINIUM CONVERSION
- ZONING CLEARANCE
- CONCEPTUAL REVIEW
- LAND USE EXEMPTION
- SIGN APPROVAL
- TEMPORARY USE PERMIT/SPECIAL EVENTS
- APPEAL
- OTHER
- HOME OCCUPATION

**RECORDED**  
**JUL 09 2014**  
 CITY OF BUELLTON  
 Planning Department

*Withdrawn 7/30/14*

The City charges 100% of its costs of processing to the applicant. Prior to receiving any permits, applicant shall reimburse City for all processing costs. The City will review the application for completeness and will notify the applicant within 30 days of submittal of a complete or incomplete application.

AUTHORIZATION: I, Kathy Vreeland, HEREBY AUTHORIZE Ren Anderson, Buellton Chamber of Commerce TO ACT AS MY AGENT AND TO BIND ME IN ALL MATTERS CONCERNING THIS APPLICATION.

PROPERTY OWNER CONTACT INFORMATION  
 Name Rancho Jonata (Please Print)  
 Phone (805) 688-5606  
 Address Po Box 6  
Buellton, CA 93427  
 E-Mail JBUELL@YANCO.COM

James R. Buellton July 3, 2014  
 Property Owner Signature (Required)      Date

I DECLARE THAT I AM THE APPLICANT, OWNER, LESSEE, OR ATTORNEY OF THE OWNER, AGENT, OR PERSON WITH THE POWER OF ATTORNEY FROM THE OWNER OF THE ABOVE PROPERTY INVOLVED IN THIS APPLICATION, AND THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE.  
 THIS DECLARATION IS ALSO INTENDED TO APPLY TO ALL TRANSACTIONS WITH THE SANTA BARBARA COUNTY PLANNING AND DEVELOPMENT DEPARTMENT RELATED TO BUILDING PERMIT ISSUANCE.

AGENT CONTACT INFORMATION  
 Name Ren Anderson, Buellton Chamber of Commerce (Please Print)  
 Phone (805) 688-7827  
 Address Po Box 221 / 597 Ave. of Flags  
Unit 101 Buellton CA 93427  
 E-Mail Kathy@buelton.org

Ren Anderson 05/22/14  
 Applicant Signature      Date

Please see important information regarding Disability Access Laws on the back of this form.

OFFICIAL USE ONLY  
 Application Fee/ Deposit Received: \_\_\_\_\_  
 Payment Processing Agreement Recd: \_\_\_\_\_  
 C&D Application Received: \_\_\_\_\_

## ATTACHMENT 2

### Conditions of Use for Buellton Chamber of Commerce, Community Identification Sign.

- Digital sign shall display static messages only.
  - o Messages shall remain static for a minimum of six (6) seconds.
  - o Transition between messages shall be accomplished in .25 second or less.
- Digital sign shall not flash, or display video, or display animated images.
- Digital sign shall be equipped with a light sensor, and shall automatically adjust the luminance to maintain a level of luminance not to exceed 0.3 foot candles above ambient light when measured at a point perpendicular to the Digital sign face at a distance of 250'.



**Buellton**

**Chamber of Commerce**

Community Identification Sign

2014





**YESCO.**  
LOS ANGELES DIVISION  
1025 Redgrave Avenue, Long Beach, CA 90802  
Telephone: (562) 571-7000, Fax: (562) 571-0247  
www.yesco.com

**CLIENT INFORMATION**

**BUELLTON**  
CITYMAN AND THE VALLEY  
VISITORS BUREAU  
Address: BUELLTON CHAMBER OF  
COMMERCE  
WINDMILLWAY ROAD  
SANTA BARBARA, CA 93101  
Sales Exec: ARIEL JARVIS  
TEL: (805) 965-1000

**REVISIONS**

DATE	NOTED	BY	REVISIONS
06/28/13		AK	Revised from REX to LEVAN
06/28/13		AK	Revised from REX to LEVAN
06/28/13		AK	Revised from REX to LEVAN

**CUSTOMER APPROVAL**

ACCEPTED WITH NO CHANGES

NOTED

REVISIONS NOTED AND RE-COMMIT

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PRODUCTION APPROVAL**

Client Exec. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Production Mgr. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

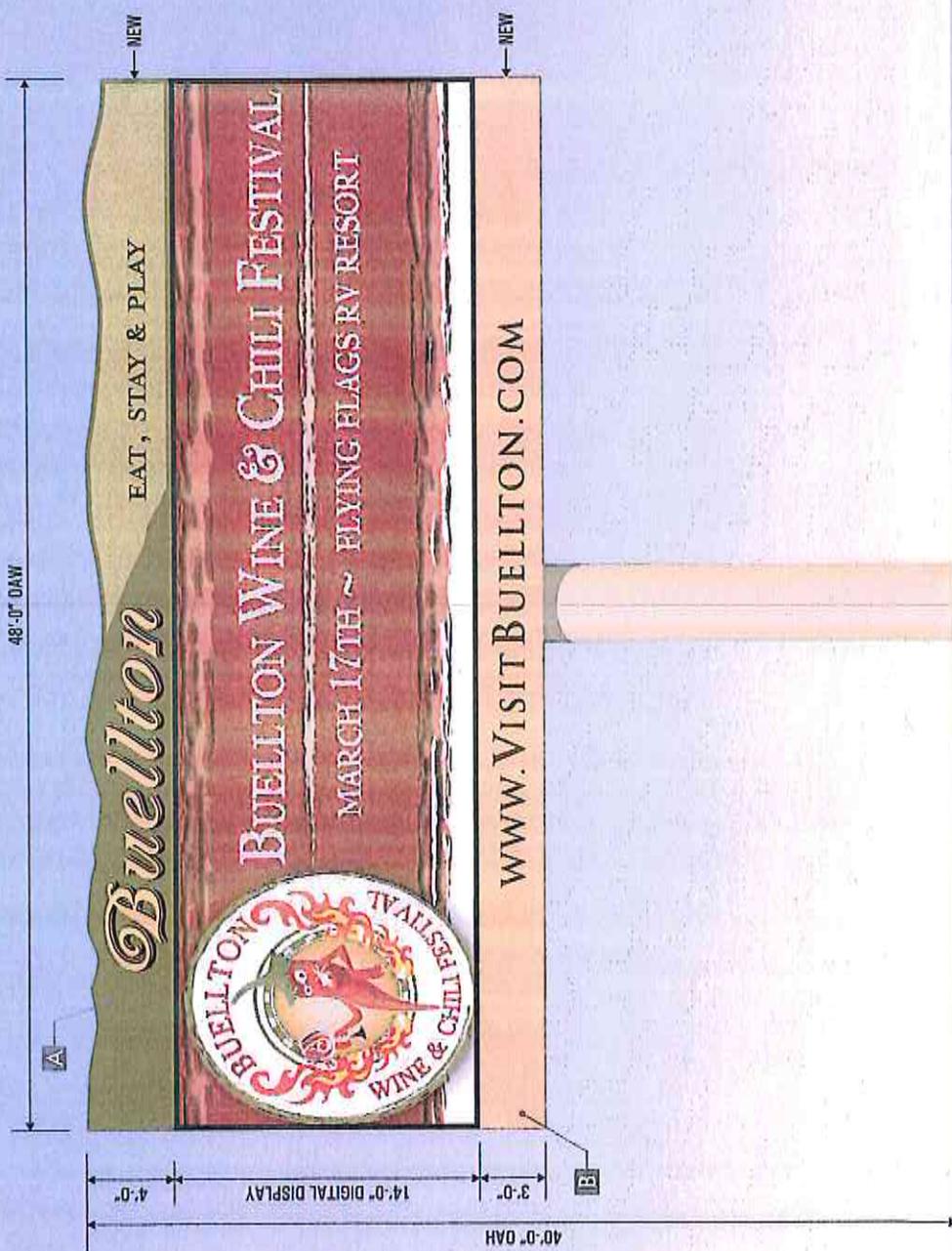
Design: **805231-3**

Sheet: **2 of 3**

This sign is intended to be installed in accordance with the requirements of Article 102 of the International Building Code and other applicable local codes. This includes proper permitting and labeling of the sign.

This drawing was prepared for a specific project and is not to be used for any other project without the written approval of YESCO. ANY REUSE OF THIS DRAWING WITHOUT THE WRITTEN APPROVAL OF YESCO, INC. IS STRICTLY PROHIBITED. YESCO, INC. IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THIS DRAWING.

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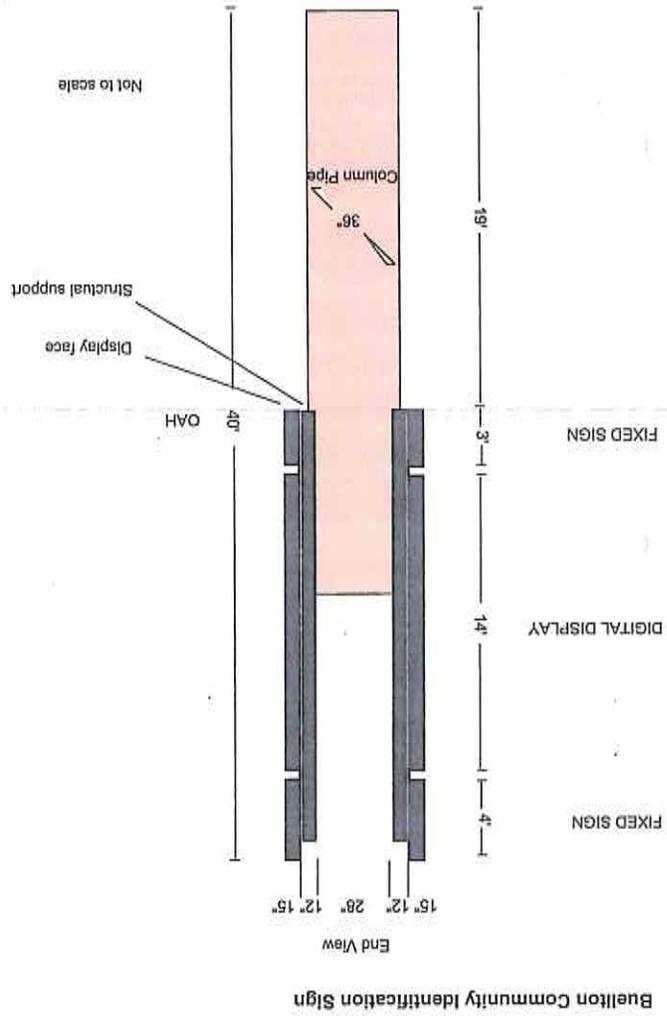


SOUTH FACE

SCALE: 1/2" = 1'-0"  
Total Sign Area: 1008 SF

NEW SINGLE FACE NON-ILLUMINATED I.D. SIGN PANELS (TOP & BOTTOM I.D.)  
QUANTITY: Four (4) Single Face Panels

# ATTACHMENT 2



# ATTACHMENT 2



**YESCO**  
LOS ANGELES DIVISION  
1122 Wilshire Boulevard, Suite 1900, Century City  
Tel: 310.200.1122 Fax: 310.200.1122  
www.yesco.com

**CLIENT INFORMATION**

**BUELLTON**  
GATEWAY TO THE VALLEY  
VISITORS BUREAU  
ADDRESS: SUITE 200 CHAMBER OF COMMERCE  
970 McHURNEY RD  
SANTA ANA, CA 92705

NO.	DATE	BY	REVISIONS
1	08/05/14	JERRY	REVISION FOR TOWER IDRAW
2	08/05/14	JERRY	REVISION SIGNIFICANCE
3	08/05/14	JERRY	REVISION SIGNIFICANCE

**CUSTOMER APPROVAL**

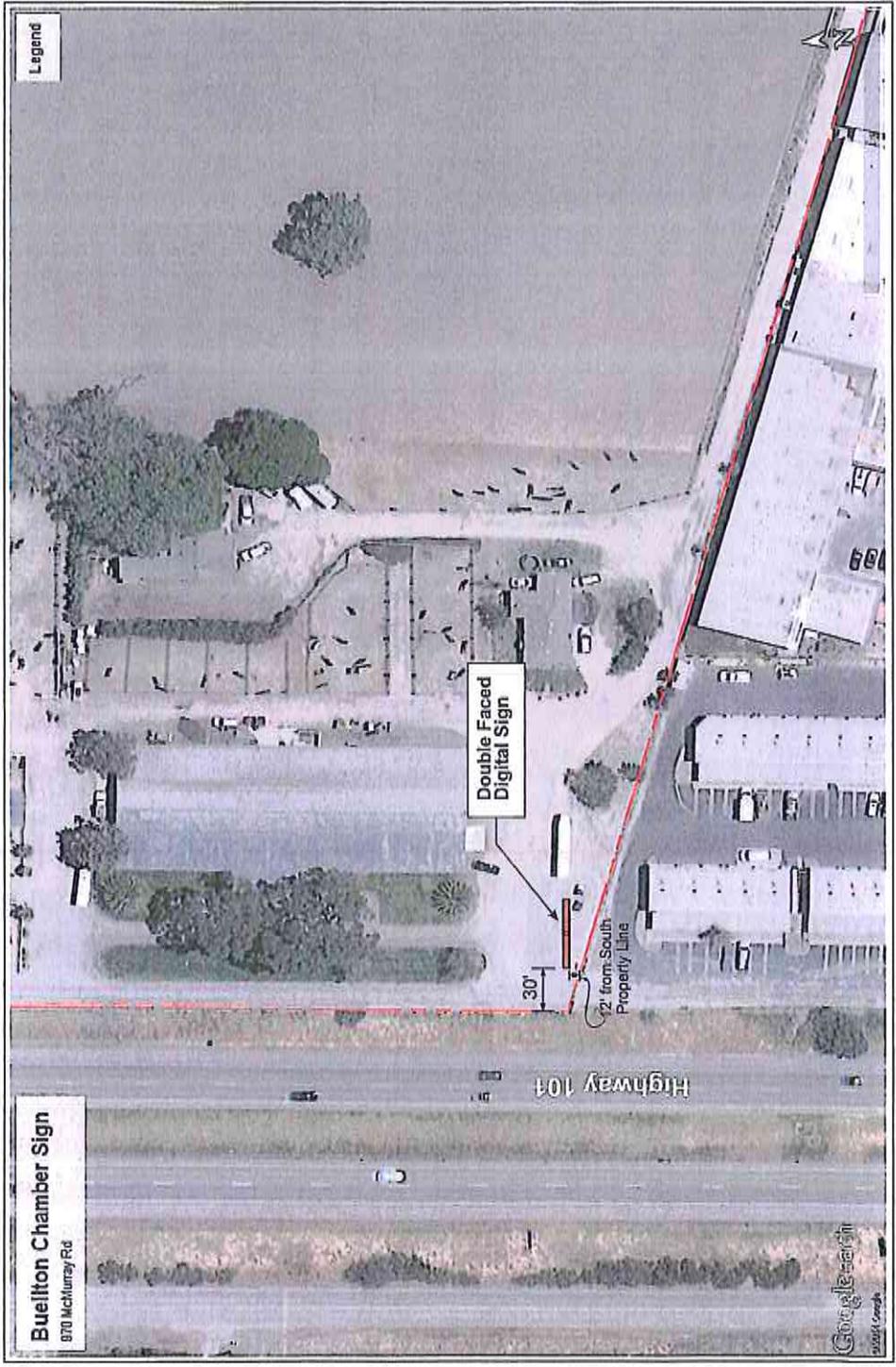
ACCEPTED WITH COMMENTS  
 ACCEPTED WITH COMMENTS AND REVISIONS  
 REVISIONS REQUIRED

Customer: YESCO  
Date: 08/05/14

**PRODUCTION APPROVAL**

Production No: 805231-3  
Sheet: 3 of 3

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**SITE PLAN**  
Not to Scale

ATTACHMENT 2



ATTACHMENT 2



ATTACHMENT 2

