



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

Regular Meeting of February 20, 2014 – 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 Adams

PLEDGE OF ALLEGIANCE

Vice Chair Figueroa

ROLL CALL

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

REORDERING OF AGENDA

PRESENTATIONS

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of January 16, 2014

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

NEW PUBLIC HEARINGS

2. Resolution No. 14-02- "A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a One Year Time Extension Request for Final Development Plan (07-FDP-04) until April 23, 2015, and Making Findings in Support Thereof"

CONTINUED PUBLIC HEARINGS

- 3. Resolution No. 14-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof”**

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday March 6, 2014 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 16, 2014 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Chair Mercado called the meeting to order at 6:13 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Adams led the Pledge of Allegiance

ROLL CALL

Present: Commissioners, Foster Reif, Vice Chair Craig Adams and Chair Art Mercado

Absent: Commissioners Lisa Figueroa, Jason Fussel

Staff: City Manager Marc Bierdzinski
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

ELECTION OF OFFICERS

1. Election of Chair and Vice Chair

- Planning Commission Chairman

Motion by Chair Mercado, seconded by Commissioner Reif to nominate Vice Chair Adams to serve as Planning Commission Chairman for calendar year 2014.

Motion passed with a 3-0 voice vote.

- Planning Commission Vice Chair

Motion by Commissioner Mercado and seconded by Commissioner Reif to nominate Commissioner Figueroa to serve as Planning Commission Vice Chair for calendar year 2014.

Motion passed with a 3-0 voice vote.

2. Committee Appointment – CDBG Committee

The Commission concurred and Chair Adams agreed to continue as appointee on the CDBG Committee for 2014.

PRESENTATIONS**3. Presentation to outgoing Chairman, Art Mercado**

Chair Adams presented an engraved mug to outgoing Chairman Art Mercado, commemorating his year of service as Planning Commission Chair.

APPROVAL OF MINUTES**4. Minutes of the regular Planning Commission meeting of December 5, 2013****MOTION:**

Commissioner Reif moved and Commissioner Mercado seconded the motion to approve the Minutes of December 5, 2013.

VOTE:

Motion passed by 3-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

Commissioner Mercado recused himself due to the proximity of his residence to the proposed project.

City Manager Bierdzinski announced that the Public Hearing will be continued to the February 6, 2014 Planning Commission meeting due to lack of a quorum.

- 5. Resolution No. 14-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof”**

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

Commissioner Mercado thanked the Commission and Staff for their support during his year as Chairman.

PLANNING DIRECTOR REPORT

City Manager Bierdzinski updated the Commission on the status of various projects including the Crossroads Center, the Buellton Apartments and the proposed Bowling Alley. He stated that he will not be in attendance at the February 6, 2014 Planning Commission meeting.

ADJOURNMENT

Chair Adams adjourned the meeting at 6:20 p.m. to the next regular scheduled meeting of the Planning Commission to be held February 6, 2014 at the City Council Chambers, 140 West Highway 246, Buellton.

Craig Adams, 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: Angela Perez, Assistant Planner
Date: February 20, 2014
Subject: Resolution No. 14-02- “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a One Year Time Extension Request for Final Development Plan (07-FDP-04) until April 23, 2015, and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

Final Development Plan (08-FDP-04) was approved by the Zoning Administrator (ZA) on April 23, 2008 (see Attachment 1 – ZA Resolution No. 08-01). The Final Development Plan was set to expire on April 23, 2013, however the applicant applied for a time extension. On February 6, 2013 the Zoning Administrator approved an extension until April 23, 2014. The applicant has applied for another extension (see Attachment 2-Letter Requesting Extension). The project has not moved forward because of the economy; however the applicant says there has been interest in the project recently.

The Final Development Plan included the development of 53 apartments (47 two-bedroom and 6 one-bedroom), 119 parking spaces, enclosed patios, laundry room, and some small outdoor picnic areas. The property is zoned general commercial (CR) with an Affordable Housing Overlay Zone (AHOZ). The AHOZ allows residential projects at a density of 25 units per acre with a requirement that 20% of the units be affordable to target households. This project is located to the north of the Village Specific Plan site on McMurray Road (see Attachment 3 – Vicinity Map). Attachments 4 and 5 include the approved site and elevation plans.

The Planning Commission may, upon good cause shown, recommend that the City Council grant a time extension for one year (See Attachment 6 - Buellton Municipal Code (BMC) Section 19.08.120.H). Staff has interpreted the BMC to allow only one time extension of one year. However, it could be interpreted to allow multiple extensions with each extension limited to one year. It was determined that the City Council should make this interpretation with a recommendation from the Planning Commission. It is reasonable to recommend that the City Council approve a one year time extension at this time. Staff has prepared a proposed resolution for any consideration of granting an extension.

The applicant has requested a one or two year extension. Staff doesn't feel that a two year extension is permitted by the BMC. The applicant requested that an additional extension be allowed if progress is made in obtaining funding for the project. A condition of approval could be added if the Planning Commission feels it is appropriate.

In addition to the request for the extension, the applicant requested that they be permitted to change the mix of units. The people who have been interested in developing this project in the past have often inquired about changing the mix of units. Currently the approval is for 47 two-bedroom and 6 one-bedroom units. If the total number of units does not change and the footprint of the buildings does not change, this type of change would be consistent with the approved Development Plan and would not require amendment. The Planning Director would approve this type of change.

RECOMMENDATION

That the Planning Commission consider the adoption of Resolution No. 14-02, "A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a One Year Time Extension Request for Final Development Plan (07-FDP-04) until April 23, 2015, and Making Findings in Support Thereof" by title only and waive further reading.

ATTACHMENTS

- Attachment 1 – ZA Resolution No. 08-01
- Attachment 2 – Letter Requesting Extension, dated January 8, 2014
- Attachment 3 – Vicinity Map
- Attachment 4 – Site Plan
- Attachment 5 – Elevation Plans
- Attachment 6 – Buellton Municipal Code Section 19.08.120
Planning Commission Resolution No. 14-02

Attachment 1

ZONING ADMINISTRATOR RESOLUTION NO. 08-01

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (07-FDP-04) FOR POLO VILLAGE, A 53 UNIT APARTMENT COMPLEX, LOCATED ON ASSESSOR'S PARCEL NUMBER 137-090-067, AND MAKING FINDINGS IN SUPPORT THEREOF

BE IT RESOLVED by the Zoning Administrator 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 Joel Baker, property owner, and David Goldstien, agent, hereinafter referred to as "Applicant", requesting approval to develop Polo Village, a 53 unit apartment complex located on the east side of McMurray Road, and north of The Village Specific Plan site (APN 137-090-067). The subject property is currently zoned CR (General Commercial) with an AHOZ designation (Affordable Housing Overlay Zone).

SECTION 2: The proposed Project consists of:

- A. Final Development Plan (07-FDP-04):** Approval of 53 apartment units (47 2-bedroom and 6 1-bedroom) and 119 parking spaces on a 2.1 acre project site. The subject property is planned and zoned for General Commercial (CR) with an Affordable Housing Overlay (AHOZ). The AHOZ overlay allows residential projects at a density of 25 units per acre with a requirement that 20% of the units be affordable to target households. The proposed 53 units meet the 25 unit per acre requirement and 11 of the units will be affordable.

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 Zoning Administrator finds the following:

- A. Record.** Prior to rendering a decision on the Project, the Zoning Administrator considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Zoning Administrator on April 23, 2008 ("ZA Public Hearing").
 2. All oral, written and visual materials presented in conjunction with that certain ZA Public Hearing.
 3. The following informational documents, which by reference, are incorporated herein:

- a. The project file for 07-FDP-04 and the set of project plans date stamped March 3, 2008.

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 ZA Public Hearing was published in a newspaper of general circulation on April 10, 2008 (the "ZA Public Notice"), a minimum of 10 days in advance of the ZA Public Hearing conducted on April 23, 2008.
2. The ZA 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 April 10, 2008, a minimum of 10 days in advance of the ZA Public Hearing.
3. The ZA Public Notice was posted in three public locations on April 10, 2008, a minimum of 10 days in advance of the ZA Public Hearing.

C. Environmental Review. An Initial Study was completed (February 22, 2008) and determined that the project was adequately reviewed in the General Plan Update Environmental Impact Report (EIR). Therefore, no further environmental review is required. The applicable mitigation measures from the General Plan Update EIR have been included as conditions of approval. The Initial Study and General Plan Update EIR are available for review at the Buellton Planning Department and are hereby incorporated herein by reference.

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 ZA Public Hearing, the Zoning Administrator does hereby declare as follows:

1. **Final Development Plan.**

a. **Findings:**

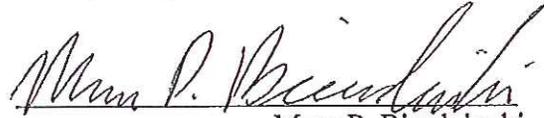
- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the project site has been previously identified as an AHOZ site at 25 units per acre and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site.
- ii. No adverse impacts have been identified with this project through the incorporation of the mitigation measures from

the General Plan Update EIR that have been made conditions of approval.

- iii. That streets and highways are adequate and properly designed.
- 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 commercial uses or for a residential project that meets the AHOZ criteria. The proposed project meets the density and affordable housing requirements of the AHOZ overlay. The surrounding land uses are ranch land, vacant land (The Village Specific Plan site), and commercial. The proposed Project is expected to be compatible with the surrounding area because the surrounding uses are not incompatible with a residential project.
- vi. That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the project complies with 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 Agrarian architectural style as described in the Community Design Guidelines.

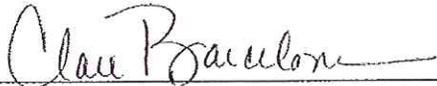
SECTION 4: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Zoning Administrator approves Final Development Plan 07-FDP-04.

PASSED, APPROVED and ADOPTED this 23rd day of April 2008.



Marc P. Bierdzinski
Zoning Administrator

ATTEST:



Clare Barcelona
Staff Assistant/Planning Technician

I, Clare Barcelona, Staff Assistant/Planning Technician of the City of Buellton, do hereby certify that the foregoing Resolution No. 08-01 was duly approved by the Zoning Administrator of the City of Buellton at a meeting held on the 23rd day of April 2008.



Clare Barcelona
Staff Assistant/Planning Technician

CONDITIONS OF APPROVAL

FINAL DEVELOPMENT PLAN 07-FDP-04
Polo Village

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. The Project Description is as follows: A request by Joel Baker, property owner, and David Goldstien, agent (the "Applicant") for Final Development Plan 07-FDP-04 for Polo Village, a 53-unit apartment complex located on a 2.1 acre site (the "Project"). The Project is located on the east side of McMurray Road, and north of the Village Specific Plan property, Assessor's Parcel Number 137-090-067 (the "Property"). The Project plans that are included in this approval are date stamped March 3, 2008. The approved color palette is date stamped January 24, 2008. 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 Joel Baker, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
- b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
- c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
- d. **“County”** means the County of Santa Barbara.
- e. **“Final Building Inspection Clearance”** means acknowledgement by the Building Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.
- f. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of special district.
- g. **“Mitigation Measures”** means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.
- h. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- i. **“Project”** means and includes all of the actions described in the Project description above.
- j. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval

prior to and as a condition precedent to obtaining Final Building Inspection Clearance.

- k. **“Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.
 - l. **“Property”** means the land and improvements identified in the Project Description.
 - m. **“Property Owner”** means Joel Baker, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.
 - n. **“Zoning Clearance”** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.
5. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
6. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.
7. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

8. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.
9. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of the Mitigation Monitoring and Reporting Program for the Mitigation Measures as well as the general conditions of approval set forth herein. The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.
10. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.
11. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.
12. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City
13. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the those fee schedules adopted by the City and then in effect at the time such fees become payable.
14. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any

zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. MITIGATION MEASURES

Aesthetics

15. **AES-2(a) Glare Prevention.** New structures shall utilize non-reflective exterior materials to prevent glare, as feasible.

Air Quality

16. **AQ-3(a) Standard Dust Control Procedures.** During clearing, grading, earth moving, or excavation operation, excessive fugitive dust emissions shall be controlled by regular watering, paving construction roads, or other dust preventive measures such as using the following procedures:

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
- If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.
- Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

17. **AQ-3(b) Application of Standard CBACT.** Best available control technology for construction equipment (CBACT) shall be applied to the piece of construction equipment estimated to cause the highest level of combustion emissions during any proposed construction, based on APCD standards. CBACT technology may include the following: fuel injection timing retard of 2 degrees; installation of high pressure injectors; coating of internal combustion surfaces (cylinder head, pistons, and valves); and/or use of reformulated diesel fuel.
18. **AQ-3(c) Standard Ozone Precursor Controls.** At all times, ozone precursor emissions shall be controlled not only through the routine maintenance of all construction equipment, but construction activities shall also be required to utilize new technologies to control ozone precursor emissions including:
- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
 - The engine size of construction equipment shall be the minimum practical size.
 - The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - Construction equipment shall be maintained in tune per the manufacturer's specifications.
 - Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
 - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
 - Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Biology

19. **B-7(a) Ground Disturbance Timing.** In order to avoid impacts to nesting birds including the ground-nesting northern harrier, or other birds protected under the Migratory Bird Treaty Act, all initial project specific ground disturbing activities and tree removal as a result of future development shall be limited to the time period between September 15 to March 1. If initial development project specific site disturbance, grading, and tree removal cannot be conducted during this time period, pre-construction surveys for active nests within the limits of proposed grading areas should be conducted by a qualified biologist two weeks

prior to any construction activities. If active nests are located, then all construction work must be conducted outside a non-disturbance buffer zone at a distance established by the city in consultation with the CDFG. No disturbance to the nest shall occur until the adults and young are no longer reliant on the nest site.

Cultural Resources

20. **CR-1(a) Halt Work Order for Archaeological Resources.** If archaeological resources are exposed during construction of individual projects pursuant to the Land Use or Circulation Elements, all earth disturbing work within the vicinity of the find must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A representative should monitor any mitigation excavation associated with Native American materials.

Geology

21. **G-4(a) Grading and Erosion Control Plan.** A grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared and implemented by the applicants for development projects, prior to issuance of Grading Permits. It must include one or more of the following erosion reduction methods, as determined by the City Engineer:
- a. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Santa Ynez River, Zaca Creek and Thumbelina Creek during grading and construction activities.
 - b. Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by the Planning Department, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
 - c. After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the Planning Department and Air Pollution Control District. These methods may include importing of topsoil is to be imported and spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. As a

- minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodable soils.
- d. Where necessary, site preparation shall include the removal of all or a portion of the expansive soils at the building sites and replacement with compacted fill.
 - e. Where necessary, construction on transitional lots shall include overexcavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.
 - f. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
 - g. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to land use clearance for grading.
 - h. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
 - i. Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.
 - j. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
 - k. Cut and fill benches shall be constructed at regular intervals.
 - l. Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
 - m. The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a Planning Department Building and Safety approved erosion control plan is in place and all measures therein are in effect.
 - n. The applicant shall post a bond with the County and hire a Planning Department-approved geologist or soils engineer prior to land use clearance for grading, and to ensure that erosion is controlled and mitigation measures are properly implemented.

Hazardous Materials

22. **S-1(b) Previously Unidentified Hazardous Materials.** In the event that hazardous waste and/or materials, including chemical odors or stained soils, are encountered during construction of future development sites, the following actions shall be taken by the applicant or authorized agent thereof: (1) all work in the vicinity of the suspected contaminant will be halted; (2) all persons shall be removed from the area; (3) the site shall be secured under the direction of the County Fire Department; and (4) the City of Buellton Hazardous Waste/Materials Coordinator shall be notified. Work shall not recommence until such time as the find is evaluated and appropriate measures are implemented as necessary to the satisfaction of the California Department of Toxic Substances Control.

Drainage

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

Noise

26. **N-1(a) Acceptable Noise Levels.** Residential structures located within unacceptable noise contours shall provide attenuation of indoor noise levels to below 45 dBA CNEL, and where practicable, outdoor living area noise levels to below 60 dBA CNEL. This can be accomplished using one or more of the following methods or as recommended in a noise study to be prepared by an acoustical engineer:
- A structural setback from the roadways that generate the unacceptable noise levels;
 - Installation of vegetated berms at the property line, in combination with structural setbacks from the roadways that generate the unacceptable noise levels;
 - Install solid core doors and double-paned glass windows on the side of the residential units facing the source of unacceptable noise levels.

C. ENGINEERING FINAL DEVELOPMENT PLAN CONDITIONS**Prior to Grading Permit Issuance:**

27. **Plan Submittal.** Applicant shall submit grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements, prepared by a Civil Engineer, registered in the State of California. 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.
28. **Plan Sheets.** Plans shall be drawn by a California Registered Civil Engineer. Drawings shall be prepared on 24-inch by 36-inch mylar (4 mil) and shall show all existing and proposed improvements.
29. **Public Improvements Plans.** Public Improvements shall be shown on separate plan sheets, specifically labeled as Public Improvements. These sheets shall show all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, and utilities.
30. **Easements.** The applicant shall offer for dedication any public utility easements required to accommodate the proposed public water and sewer lines. A minimum of 20' wide easements shall be required (roads are to be private).
31. **Bonding.** A faithful performance and labor/material bond (each to be equal to 100% of the City Engineer's estimate of costs), or equivalent form of guarantee, shall be posted by the applicant for grading and site improvements, and public improvements such as sewer, water, storm drain and miscellaneous roadway improvements, to assure proper and timely completion.
32. **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, retaining wall design, and paving sections, where applicable for the project. The Grading Plan shall incorporate the recommendations of the soils report.
33. **Erosion Control.** Erosion Control Plans and Storm Water Pollution Prevention Plans (SWPPP) shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at all times. SWPPP shall include appropriate Notice of Intent.
34. **Hydrology Report.** At the time that Improvement and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, a complete

hydrology/hydraulic report shall be submitted by the applicant's engineer determining the adequacy of the proposed drainage system and the adequacy of the existing downstream system. A rain fall frequency of twenty-five (25) years shall be used for sizing piping and inlet structures. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara County Engineering Design Standards shall be used. Storm drainage run-off shall be minimized to the extent practicable and the run-off should not exceed predevelopment conditions. Any easements required for drainage shall be described and shown on the Improvement Plans. Additionally, the drainage system shall review and accommodate the larger watershed north of the project site. All details for drainage structures shall be shown on the grading plan.

35. **Minimizing Runoff.** Development projects are encouraged to implement design and materials for minimizing runoff rates and volumes of storm water on-site. Some methods that may be used include, but are not limited to, the use of pervious paving material within parking lots and other paved areas.
36. **Public Storm Drain.** The Project shall discharge all run-off to the public storm drain system. The applicant shall be responsible for the reasonable extension of the storm drain system in order to service the project. The applicant shall coordinate with adjacent landowners for the extension of storm drain facilities. The applicant shall be responsible for its share of any upsizing required as a result of the project. Should the extension of the storm drain system not be reasonably feasible, the project shall incorporate design features that would retain storm water run-off on-site.
37. **County Fire.** 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.
38. **Sewer Lines.** All sewer lines shall be considered private, until the point of connection and discharge into the Public sewer system. The applicant shall be responsible for the extension of the public sewer system in order to service the project. The applicant shall coordinate with adjacent landowners for the extension of the public sewer facilities. The applicant shall be responsible for its share of any upsizing required as a result of the project.
39. **BMP.** Storm Water Quality Measures shall be implemented to the extent practicable. A Best Management Practice ("BMP") device shall be installed to intercept water flowing off of proposed parking lots and roadway surfaces for urban infill projects. Filter devices shall be sized to capture all dry weather surface runoff and accommodate the first flush (one inch) during storm events.

Prior to Building Permit Issuance:

40. **Conflicting Easements.** All conflicting private easements that conflict with the proposed development shall be modified and accepted by all parties.
41. **Water and Sewer Permit.** The applicant shall obtain water and sewer utilities permit from the City Engineer prior to obtaining a building permit.
42. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit. Grading shall be certified and approved prior to release of Building Permit.
43. **Street Construction.** The applicant shall obtain a Street Construction and/or Excavation permit from the City Engineer for any work in the public right-of-way (driveway/entrance cut and sidewalk improvements).

Prior to Occupancy Clearance:

44. **Easements.** All easements, private and public, that are existing and proposed shall be shown on the improvement plans. Any Public Dedications shall require a Grant of Easement to be accepted by the City of Buellton and shall be recorded.
45. **Construction of Public Improvements.** The applicant shall complete all required public improvements to the satisfaction of the City Council. Prior to accepting the public improvements, the applicant shall furnish the original mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "Record Drawings." Public improvements shall only be accepted after: (i) all items required are completed to the satisfaction of the City Engineer; and (ii) a Notice of Completion is filed by the City Engineer and accepted by the City Council.
46. **Water and Sewer Agreement.** Prior to occupancy, the applicant shall enter into a water and sewer service agreement, to be provided by the City, which establishes estimated water and sewer uses. Connection fees shall be based on said agreement. In the event that the water use or sewer discharge amount increases beyond original estimates, the applicant shall be required to pay additional fees.

General Conditions:

47. **Driveway Relocation.** Relocation of the ranch driveway shall be included as part of this project and the driveway apron shall be shown on the Public Improvement Plans.
48. **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.
49. **RWQCB Standards.** 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. Catch basins shall have filtration devices installed (e.g. Fossil Filters).
50. **Public Improvements.** Paving and curbs and gutters shall transition into existing public improvements as required by the City Engineer. Improvement plans shall be submitted to the City Engineer for review prior to issuance of building permits. Construction shall be completed prior to issuance of Certificate of Occupancy.
 51. **Streetlights.** All streetlights shall be installed behind the sidewalk unless authorized by the City Engineer and in conformance with County Standards.
 52. **Utility Services.** All new and existing utility services shall be placed underground and completed prior to any paving required for the project. No new utility poles shall be installed.
 53. **Existing Overhead Utility Lines.** Any existing overhead utility lines that traverse or border the Property shall be placed underground at the applicant's expense. The undergrounding shall extend along the Project boundaries to the nearest utility pole(s) outside of the Project site. Feed points shall be approved by the City Engineer. All utility plans shall be coordinated with the respective utility companies and shall be submitted for review and approval by the City Engineer. All undergrounding shall be completed prior to any paving required for the project.
 54. **Electric Meters.** Separate electric meters shall be installed for each unit unless a 'gang' meter is approved by the PG&E. Electric meters shall be shown on the plans.
 55. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. Weekend construction shall require special approval from the Planning Director and City Engineer and be limited to the hours of 9:00 a.m. to 4:00 p.m.
 56. **Public Water.** The applicant shall utilize public water. In no circumstance shall the use of private wells for service be allowed.
 57. **Village Specific Plan.** The applicant shall coordinate, to the extent possible, with the adjacent Village Specific Plan development to coordinate construction activities.

D. PLANNING CONDITIONS

58. **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.

59. **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 is produced in nuisance quantities at the Property line.
- (6) Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectable without instrument by the average person at the Property line which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point.
- (7) Vibration. Ground vibration that is produced and is discernible without instruments to the average person at the Property line. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard.
- (8) Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.
- (9) Noise. Unless otherwise provided for, no person shall operate or cause to be operated any source of sound at or on the Property, or

allow the creation of any noise on the Property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any receiving property to exceed the noise level limits set forth by the Buellton Municipal Code as adopted and amended.

60. **Affordable Housing.** Five very low income units, three low income units, and three moderate income units are required per the AHOZ Ordinance (20% of 53 Units). One additional very low income unit may be substituted for two of the moderate income units. As a condition precedent to obtaining a building permit, the Applicant shall prepare and submit an Affordable Housing Agreement in City standard format for review and approval by City Council prior to execution. The purpose of the Affordable Housing Agreement is to create easements, conditions, covenants, restrictions, liens, servitudes, and charges upon and subject to which Affordable Units and each and every part and portion thereof shall be occupied, owned, maintained, held, leased, rented, sold, and conveyed. As a condition prerequisite to obtaining a Final Building Inspection Clearance, the Affordable Housing Agreement shall be recorded against the units having such Affordable Units. The form and content of the Affordable Housing Agreement shall be determined by the City and, among things, address: (i) the size, type and location of Affordable Units to be constructed on-site; (ii) affirmative marketing procedures and the City's right of first refusal to occupy Affordable Units with Target Households of its choosing; (iii) price and resale restrictions, with the City's right to recapture a share of equity for sales that occur prior to expiration of the affordability period; (iv) income verification, tenant screening, eligibility re-certification and inspection procedures, with the Applicant's obligation to pay an annual monitoring fee for the term of required affordability; and (v) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

The applicant may also provide the minimum number of affordable units and pay an in-lieu fee for fractions of the affordable units that will not be built as noted in the following table. The in-lieu fee shall be paid prior to the issuance of the Final Certificate of Occupancy is issued or release of utilities authorized for any new dwelling unit.

Level	Percent	Fraction Dwelling Units Required	Actual Dwelling Units Required with No Fee	Dwelling Units to Be Built Plus Fee	In-Lieu for Fractional
Very Low	42%	4.62	5	4	\$80,104
Low	31%	3.41	3	3	\$52,972
Moderate	27%	2.97	3	3	\$0
Total	100%	11	11	10	\$133,076

61. **Duration of Affordability.** All Affordable Units shall be completed and occupied concurrent with the non-restricted dwellings. Except to the extent a longer period of time may be required by other provisions of law, all Affordable

Units required shall remain affordable, and occupied by, the Target Households for the longest feasible time, but for not less than the following: (i) 55 years for renter-occupied dwelling units; and (ii) 45 years for owner-occupied dwelling units.

62. **Operative Terms.** The determination of income, computation of affordable housing costs, definition of Target Households and all other operative terms bearing on the provision of the Affordable Units shall be governed by the provisions of the Affordable Housing Ordinance (“AHO”) codified in Chapter 19.16 of the Buellton Municipal Code. The in-lieu fees are based on the most current fee schedule for the Santa Ynez Housing Market Area as periodically updated by the County of Santa Barbara Housing and Community Development Department.
63. **Property Management.** The Property Owner shall adhere to the following Property management practices:
- a. **Management Agent.** The Property Owner shall insure that the Property will be operated by an experienced management agent (the “Management Agent”), reasonably acceptable to the City. The Property Owner and Management Agent shall operate the Project, including the Affordable Units, in a manner that will provide decent, safe, and sanitary residential facilities to the occupants thereof. The Property Owner and Management Agent shall insure that all nuisance issues and parking violations are taken care of and resolved in a timely manner. The Property Owner and Management Agent shall comply with the reporting requirements and inspection requirements stipulated in the Affordable Housing Agreement.
 - b. **Performance Review.** Upon the City’s request, but not more often than annually, the Property Owner and Management Agent shall cooperate with the City in the periodic review of management practices and conditions of the Property, and for compliance with the notification requirements of the Affordable Housing Agreement.
 - c. **Replacement of Management Agent.** Any contract for the operation or management of the Property entered into by the Property Owner shall provide that the contract may be terminated upon thirty (30) days written notice. The Property Owner’s failure to remove the Management Agent after written notice from the City requesting replacement of the Management Agent and setting forth the reasons for the request shall constitute a default under the Affordable Housing Agreement.
64. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.

65. **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.
66. **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.
67. **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.
68. **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.
69. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
70. **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.

71. **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, and open areas visible from public rights-of-way shall be landscaped and irrigated; provided, however that all such improvements need not be fully installed if the Applicant obtains and delivers to the Planning Director a surety performance bond in an amount equal to the actual cost of completing said landscaping and irrigation, which bond shall make guarantee as to completion of all landscaping within a time period acceptable to the City.
72. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than three (3) months or until such time that all plant material has been completely established. The Planning Director shall inspect or cause to be inspected all landscaped areas prerequisite to granting Final Building Inspection Clearance. A formal written request for such inspection shall be accompanied by a certification from the Project landscape architect as to the Project's conformity with the approved plans and specifications, together with a twelve (12) month warranty on all landscaping materials.
73. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the first building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.
74. **Approval.** Approval of 07-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.
75. **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.

76. **Parking.** A total of 111 parking spaces are required for the Project. This includes two spaces each for the 2-bedroom units (94 spaces), one space each for the 1-bedroom units (six spaces), and 11 guest spaces. 119 parking spaces are proposed. Per the AHOZ ordinance, tandem parking spaces are permitted for this project. Parking shall be assigned to each unit in accordance with Plan Sheet A1.2.
77. **Signage.** Signage for the project will require a separate Zoning Clearance from the Buellton Planning Department.
78. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project with a design style of Agrarian.
79. **Masonry Block.** All masonry walls shall be split face block.
80. **Carports.** Carports shall only be used for the parking of operable vehicles. No storage of any kind shall occur in the carports.
81. **Driveway Width.** In order to accommodate turning movements into and out of the tandem garages, the drive aisle width shall be increased by 1.5 feet from the width shown on the March 3, 2008, project plans. This may be accomplished by reducing the uncovered standard parking spaces to 15 feet in depth and using the 1.5 feet of overhang into the landscape planter shown on the plans to provide the required 16.5 foot deep standard parking space.
82. **Existing Access Road.** The existing access road on the project site shall be relocated to the location shown on Sheet CE-1 of the project plans prior to issuance of building or grading permits. Since the proposed road location is outside the City Limits, all applicable permits shall be obtained from the County of Santa Barbara.
83. **Right-of-Way Landscaping.** Ground cover or turf shall be installed on the street side of the proposed sidewalk.
84. **Bike Racks.** Bike racks to accommodate 36 bicycles shall be provided as shown on the project plans.
85. **Existing Water Well.** The landscape plan shall be revised to accommodate the existing water well and to screen the well from McMurray Road. In addition, to

minimize noise impacts on the future residents, the well shall be enclosed with a split face block enclosed structure, or equivalent noise insulation material acceptable to the Planning Director.

86. **Existing Water Well Easement.** The Zoning Clearance for the project that would allow the project to be submitted for building permits will not be issued until such time as all persons that are parties to the water well easement have agreed to the easement relocation and documentation to this effect has been submitted to the Planning Department. Any documentation shall include notarized signatures of all parties.

E. FIRE DEPARTMENT CONDITIONS

87. **Hazmat.** Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

Prior To Erection Of Combustible Building Materials, The Following Conditions Must Be Met:

88. **Access.** All access ways (public or private) shall be installed and made serviceable. Driveways shall be as shown on plans dated January 8, 2008. The revised curb profile received by the Fire Department on March 17, 2008, is the approved curb to be used at the cul-de-sac.
89. **Fire Hydrants.** Three fire hydrants shall be installed. The hydrants shall be located per Fire Department specifications and shall flow 1,250 gallons per minute at a 20 psi residual pressure. Fire hydrants shall be located as shown on plans dated January 8, 2008.

Prior To Occupancy Clearance The Following Conditions Must Be Met:

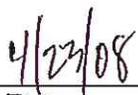
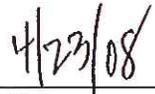
90. **Road Name.** A road name will be required for this project.
91. **Fire Sprinklers.** Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any Fire Department connections shall be determined by the Fire Department.
92. **Address Numbers.** Building address numbers shall be posted in conformance with Fire Department standards.
93. **Fire Extinguishers.** Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.

- 94. **Gated Access.** When access ways are gated, a Fire Department approved locking system shall be installed.
- 95. **Fees.** Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces. Fees will be calculated as follows: Mitigation Fee at \$0.10 per square foot for structures with fire sprinkler systems.

F. FINANCE DEPARTMENT CONDITIONS

- 96. **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.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

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

Attachment 2

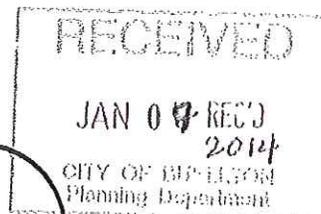
R.C.E. 33042

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January 8, 2014

Mr. Marc Bierdzinski
Planning Director
City of Buellton
P.O. Box 1819
Buellton, CA 93427

Re: Time Extension
07-FDP-04

Dear Mr. Bierdzinski:

The above referenced Final Development Plan received one time extension, which expires on or about April 23, 2014. The owner, Joel Baker, has been unable to secure financing for the project and requests that additional time be granted to pursue the completion of this project. It appears that Section 19.08.120(H.2) of the City Zoning Code allows, for good cause shown, time extensions for one year. The unique funding mechanisms typically used for affordable housing require lengthy lead times (12 to 18 months), which have conflicted with the project's available entitlement time. It is therefore requested, if at all possible, that a two-year time extension be granted to allow time to establish funding, obtain permits and commence construction.

The Final Development Plan for Polo Village (07-FDP-04) was initially approved April 23, 2008. Unfortunately for the owner, the financial market and especially the real estate market collapsed in 2008 and continues to be a challenge. Securing financing has been especially difficult for affordable housing projects, which compete for limited funding sources. Application for such funds can take 12 to 18 months. Such funding, as well as traditional funding, has also become very challenging to builders without a track record. For that reason, Mr. Baker has actively marketed to experienced apartment and affordable housing builders.

The primary obstacle for most builders has been the lengthy advance time needed to submit for and receive a decision on funding. It has not been until mid to late 2013 that any serious interest has been shown, again, due to the real estate market and general economy. Those who have shown interest have not wanted to expend the effort (cost and time) to apply for funding given the expiration date of the Development Plan. A two-year time extension would address this problem. If two years is not permitted, perhaps a one-year extension with indication that an additional year could be granted if evidence is provided that substantial progress has been made and funding is foreseeable.

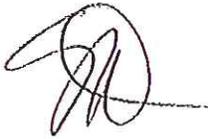
Attachment 2

Another problem experienced with some potential builders is the current unit mix, consisting of 47 two-bedroom and 6 one-bedroom units. It is understood that the AHOZ requires a minimum of 53 units and provides for density bonuses. The FDP was approved with the 53 units. Without any changes to the site plan, parking or building footprint, would interior changes to the floor plans resulting in a different unit mix be acceptable or considered substantially consistent with the FDP? This would also help resolve concerns about the specific unit mix.

The third issue has been the delay in construction of "The Village" project. At the time "Polo Village" was designed and processed, it appeared that "The Village" was planning to start construction. "The Village" plan calls for installation of infrastructure which "Polo Village" would then extend and use for its infrastructure. We have investigated options in the event "The Village" does not proceed; however, these options involve additional costs which then lead to additional funding issues. This time extension will help coordinate the timing of both projects.

Your consideration and favorable action on this request will be appreciated. Mr. Baker has expended well in excess of \$200,000 related to the Development Plan and simply wants a fair chance at seeing his project completed.

Sincerely yours,



Sid Goldstien

SG:kg

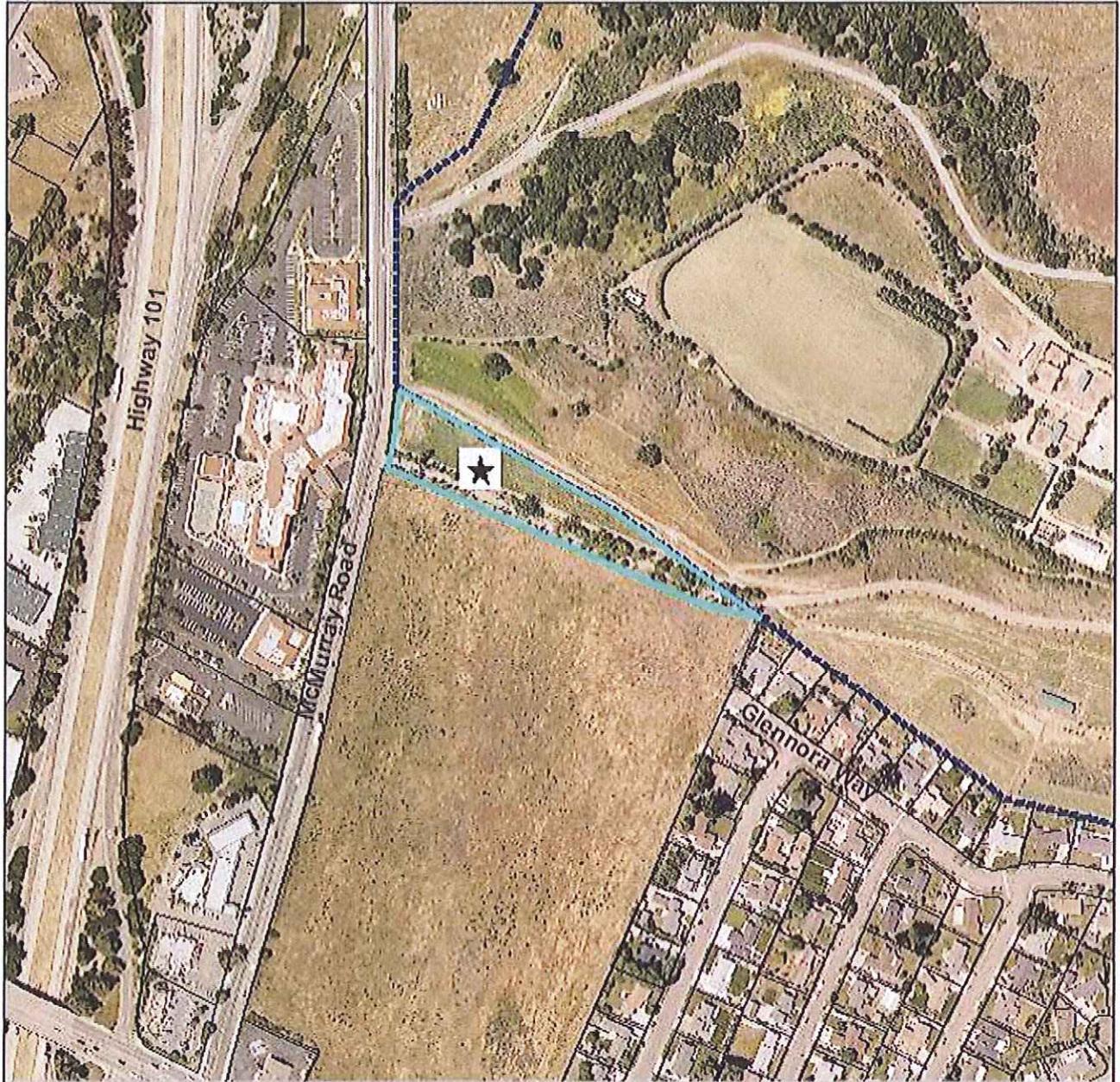
Enc.

C.C. Joel Baker w/attach.

14-01-100

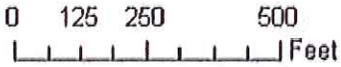


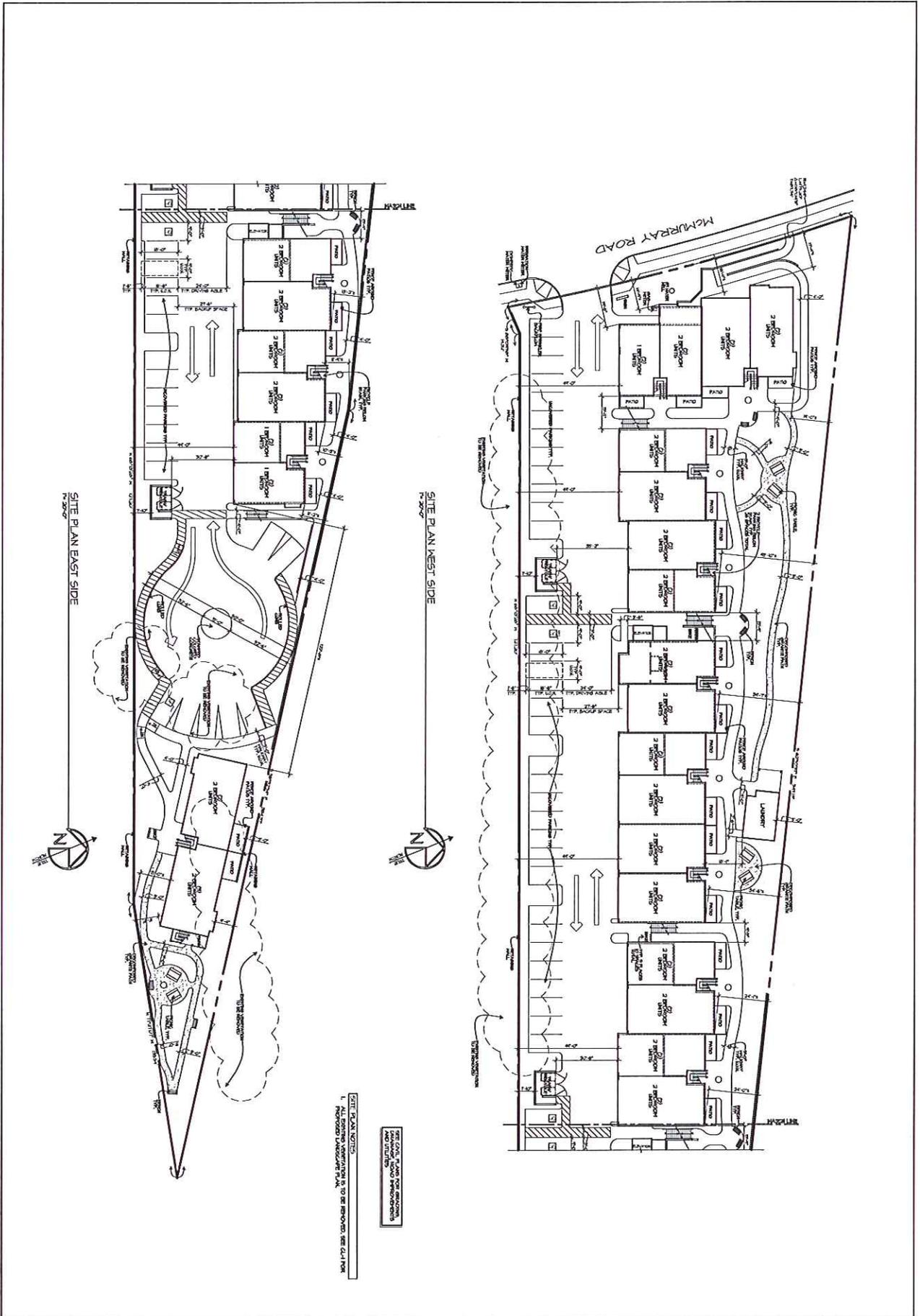
Attachment 3 - Vicinity Map



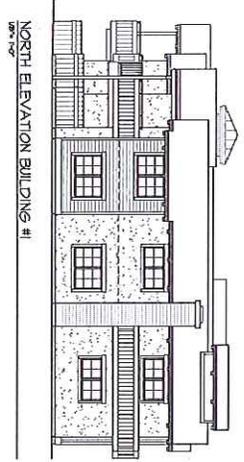
Legend

-  City Limits
-  Project Location

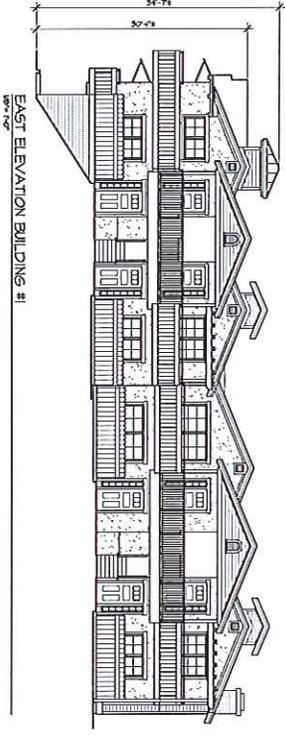




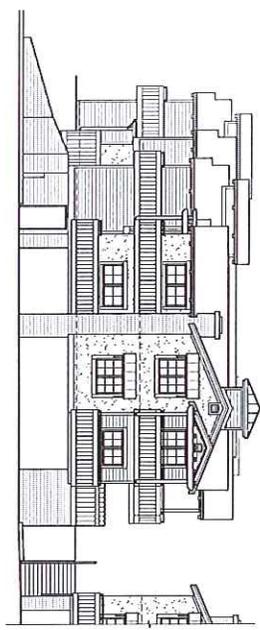
<p>DAVID GOLDSTEIN ARCHITECT</p> <p>101 Alameda Plaza Suite 300, S.F. CA 94102 (415) 774-1100</p>		<p>POLO VILLAGE</p> <p>MURRAY RD. BELLEVILLE, CA</p>	
		<p>DATE: 2-28-08</p> <p>PROJECT: 2-28-08</p> <p>SCALE: 1/8" = 1'-0"</p> <p>SHEET: A1.1</p>	



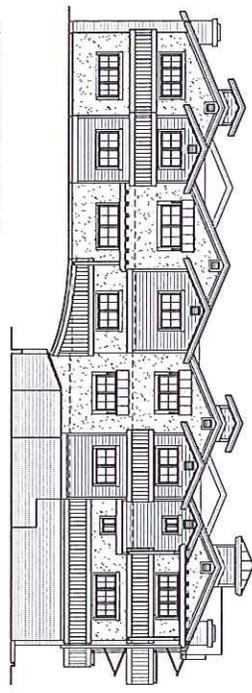
NORTH ELEVATION BUILDING #1



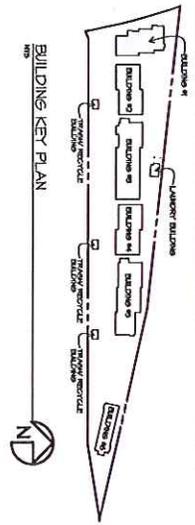
EAST ELEVATION BUILDING #1



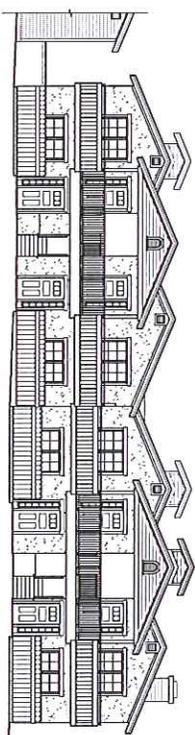
SOUTH ELEVATION BUILDING #1



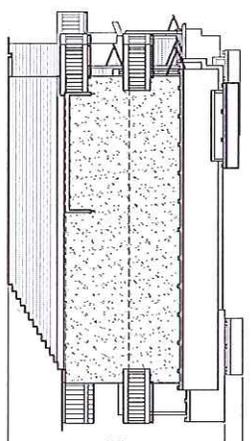
WEST ELEVATION BUILDING #1



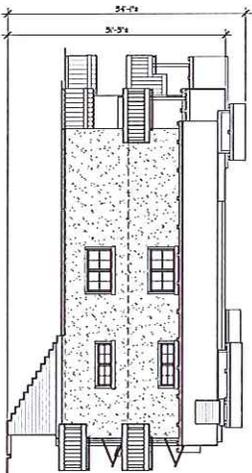
BUILDING KEY PLAN



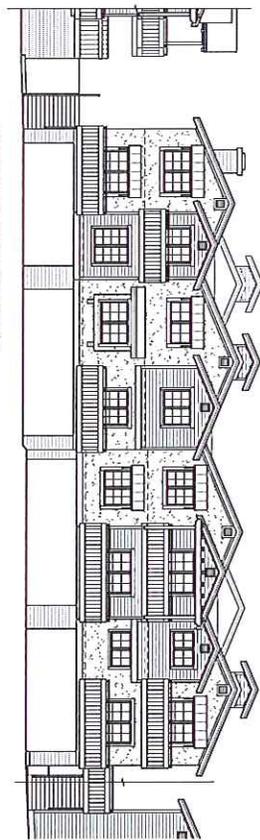
NORTH ELEVATION BUILDING #2



EAST ELEVATION BUILDING #2

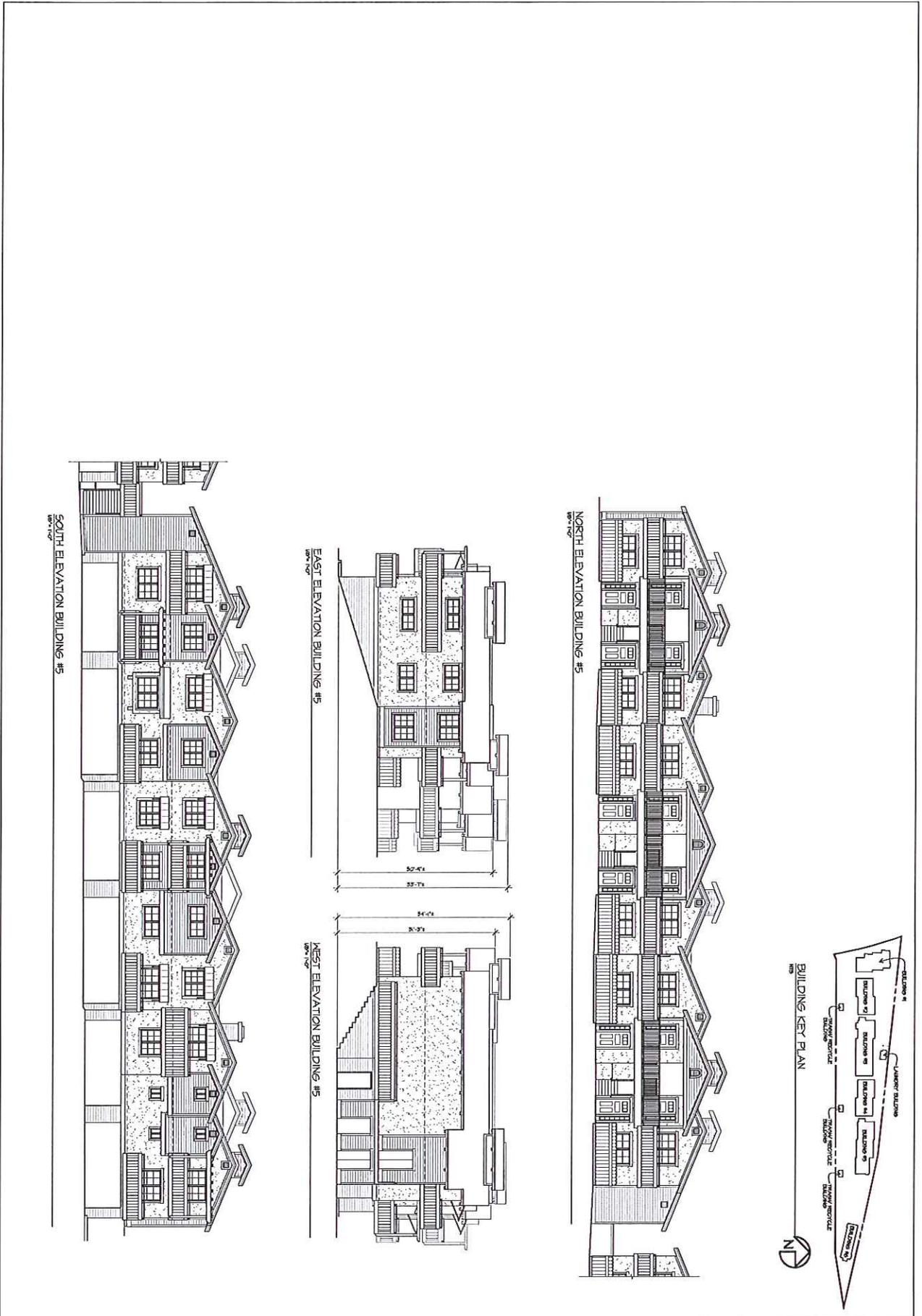


WEST ELEVATION BUILDING #2

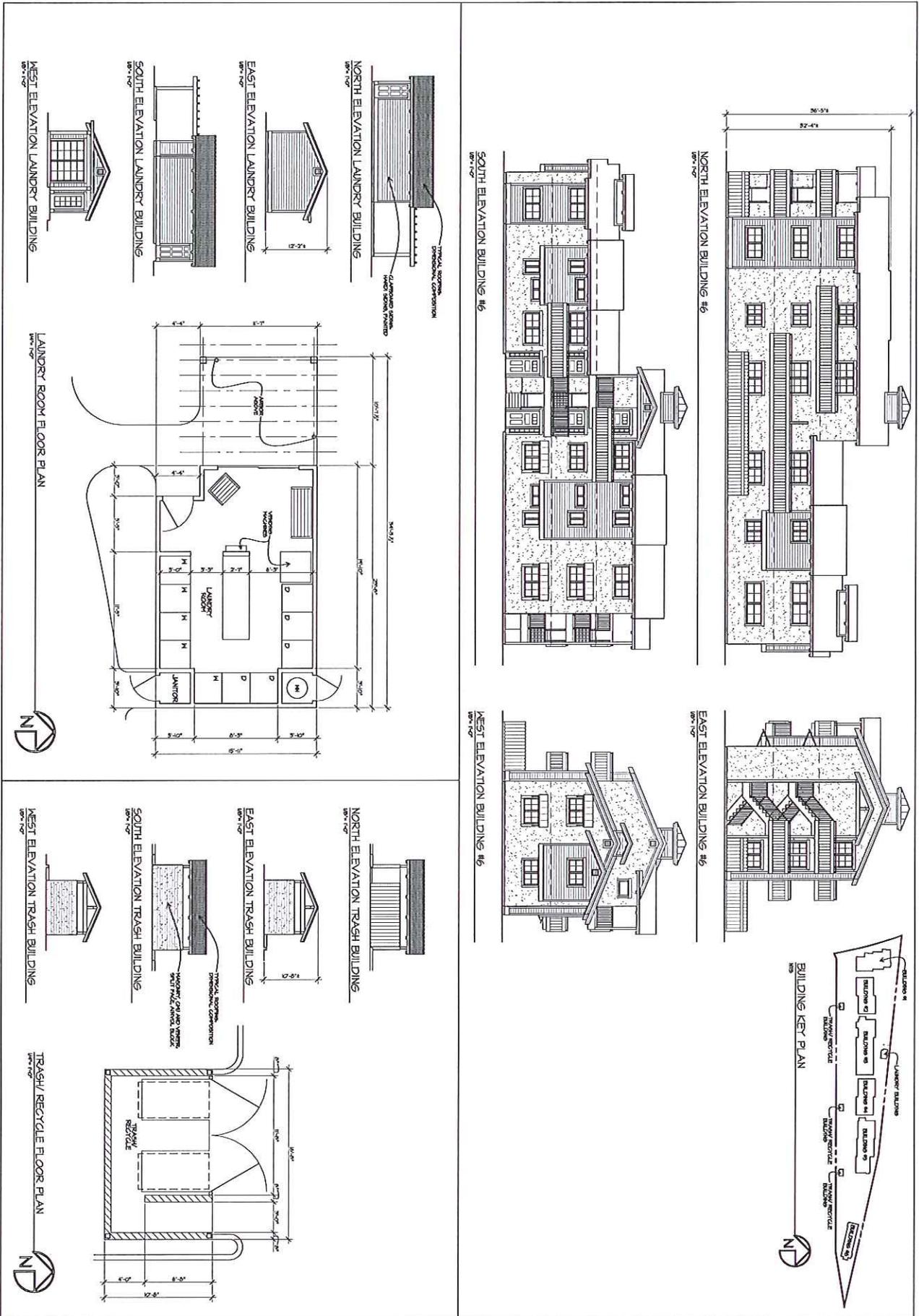


SOUTH ELEVATION BUILDING #2

<p>DAVID GOLDSTEIN ARCHITECT 1000 Main Street Suite 110, Sausalito California 94965</p>	<p>POLO VILLAGE MANLEY RD REDFORD, CA</p>	<p>DATE: 02/25</p>
		<p>PROJECT: 2-24-08 GRT REV.</p> <p>DATE: 2-24-08</p> <p>BY: TMM</p>
<p>SCALE: A8.0</p>		<p>REVISIONS:</p>



	DAVID GOLDSTIEN ARCHITECT AIA
	1000 S. 10th Street Suite 100 Phoenix, AZ 85001
POLO VILLAGE MANRAY RD. BURLINGTON, CA	
2-28-00 SET REV. PROJECT 2-28-00 DRAWN JAH SHEET 06/36	
A8.2	



<p>DAVID GOLDSTEIN ARCHITECT 100 Lakeside Plaza Suite 100, Chgo, IL 60606 (773) 334-1111</p>	<p>POLO VILLAGE MANHATTAN DR. BUELLTON, NY</p>	<p>DATE: 2-28-08</p>	<p>PROJECT: 2-28-08</p>
		<p>SCALE: 1/8" = 1'-0"</p>	<p>DATE: 03-06</p>
<p>A8.3</p>			

Buellton Municipal Code

Up **Previous** **Next** **Main** **Search** **Print** **No Frames**

[Title 19 ZONING](#)

[Chapter 19.08 LAND USE PERMIT PROCEDURES](#)

19.08.120 Development plans.

The development plan process provides for the discretionary review by the city of projects allowed by right within their respective zoning districts which, because of the type, scale, or location of the development, require more detailed review than that afforded by the zoning clearance process. When development plan approval is required by Chapter 19.02 of this title to authorize a proposed land use, the permit application shall be processed as follows.

A. Applicability.

1. Whenever Chapter 19.02 of this title requires development plan approval for a specified land use, a development plan application shall be filed with the department and approved only for:

- a. The first development of a vacant site; or
- b. The replacement of an existing building, structure, or site improvement; or
- c. The construction of an additional building, structure, or site improvement not authorized by a development plan; or
- d. An existing building, structure, or site improvement proposed for expansion or alteration, that was not originally authorized by a development plan.

After the construction of a building, structure, or site improvement authorized by development plan approval is completed, the replacement of an existing land use with a new use that is listed as allowed by Chapter 19.02 of this title shall require zoning clearance (Section 19.08.100) instead of a new development plan, except where the proposed new use is prohibited by conditions of approval of the previous development plan.

2. When development plan approval is required by Chapter 19.02 of this title, no construction permit shall be issued for any development, including grading, for any property subject to the provisions of this section until a preliminary and/or final development plan has been approved as provided by this section, with the exception that the director may waive the requirements of this section if the project involves only a minor alteration, addition, or replacement to an existing structure, and where there is a previously approved final development plan on file in the planning department, the project is in substantial conformance with such development plan.

3. An applicant may file a preliminary and then a final development plan, or just a final development plan. When only a final development plan is filed, it shall be processed in the same manner as a preliminary development plan.

4. No portion of any property not included within the boundaries of the development plan shall be entitled to any development permits.

B. Jurisdiction. In the service commercial (CS) and light industry (M-1) zoning districts, preliminary and final development plans for buildings and structures that do not exceed a total of ten thousand (10,000) square feet in gross floor area for the entire parcel shall be under the jurisdiction of the director and shall be processed as set forth herein.

C. Application Contents. Applications for preliminary and final development plans shall include the forms provided by the planning department, together with all additional information and materials specified on the "required application contents" list furnished by the planning department with all land use permit applications.

D. Processing of Preliminary Development Plan.

1. Any application filed pursuant to this section that is inconsistent with the use and/or density requirements of this title or the general plan must incorporate measures or be accompanied by any additional permit applications necessary to make the project consistent. The planning department may refuse to accept for processing any application the director finds to be inconsistent with the general plan.
2. Upon receipt of the preliminary development plan, the planning department shall process the plan through environmental review pursuant to the city CEQA guidelines.
3. If the preliminary development plan is under the jurisdiction of the director, a public hearing shall not be required. However, notice shall be given at least ten days prior to the date of the director's decision as provided in Section 19.10.400 of this title. The director may approve, conditionally approve, or deny the plan. The director shall give notice of approval pursuant to Section 19.10.400(A)(2) of this title. The director's decision shall be final, subject to appeal to the planning commission as provided in Section 19.10.130 of this title.
4. The planning commission shall consider preliminary development plans within its jurisdiction at a noticed public hearing and approve, conditionally approve, or deny the plan. The planning commission's action shall be final, subject to appeal to the city council as provided in Section 19.10.130 of this title.
5. If the preliminary development plan is submitted in conjunction with an application for a general plan amendment, rezoning, tentative map or any other entitlement which requires final action by the city council, the planning commission shall recommend approval, conditional approval, or denial to the city council. The planning department shall provide to the city clerk the recommendation of the planning commission, together with all forms of notice required, in accordance with Section 19.10.400 of this title, of the time and place of a public hearing before the city council to consider the applications. The city clerk shall set the matter for public hearing and cause to be published all required notices for the public hearing on the applications. The decision of the city council shall be final.
6. If a revised preliminary development plan is required, it shall be processed in the same manner as the original plan. When approved by the planning commission or director, such revised plan automatically supersedes any previously approved plan.

E. Processing of Final Development Plan.

1. Any application filed pursuant to this section that is inconsistent with the use and/or density requirements of this title or the general plan must be accompanied by an application to make the project consistent. The planning department may refuse to accept for processing any application the director finds to be inconsistent with the general plan.
2. Upon receipt of the final development plan, the planning department shall process the plan through environmental review, unless there is no change from the preliminary development plan.
3. When either the planning commission or director has approved a preliminary development plan, the director shall review the final development plan for conformance with the preliminary development plan and shall approve, conditionally approve, or deny the final development plan, without a public hearing. The director shall give notice of approval pursuant to Section 19.10.400(A)(2) of this title. The director's action shall be final subject to appeal to the planning commission as provided in Section 19.10.130 of this title.
4. If the final development plan has any substantial changes from the preliminary development plan approved by the planning commission, other than those required by conditions set in the preliminary development plan, the director shall refer the final development plan to the planning commission for approval.
5. When there is no preliminary development plan, the final development plan shall be processed in the same way as a preliminary development plan, as provided by subsection D of this section.

F. Findings Required for Approval.

1. Preliminary Development Plan. A preliminary development plan shall be approved only if all of the following findings can be made:

- a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.
- b. That adverse impacts are mitigated to the maximum extent feasible.
- c. That streets and highways are adequate and properly designed.
- d. That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.
- e. That the project 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.
- f. That the project is in conformance with the applicable provisions of this title and the general plan.
- g. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
- h. That the proposed development is in conformance with the community design guidelines.

2. Final or Revised Final Development Plan. A final or revised final development plan shall be approved only if all of the following findings are made, in addition to the findings required by subsection (F)(1) of this section:

- a. The plan is in substantial conformity with any approved preliminary or revised preliminary development plan except when the planning commission or director considers a final development plan for which there is no previously approved preliminary development plan. In this case, the planning commission or director may consider the final development plan as both a preliminary and final plan.
 - b. The plan is in conformance with all applicable provisions and policies of the city general plan and this title.
 - c. That the proposed development is in conformance with the community design guidelines.
- G. Conditions, Restrictions, and Modifications.

1. At the time the preliminary or final development plan is approved, the director, planning commission, or city council may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the director, planning commission, or city council finds that such modifications are justified.

2. As a condition of approval of any preliminary or final development plan, the director, planning commission, or city council may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this title.

3. The director, planning commission, or city council may require as a condition of approval of any development plan, the preservation of trees existing on the property.

H. Time Limits.

1. A preliminary development plan shall expire two years after its approval, except that, for good cause shown, it may be extended for one year by the director or planning commission.

2. Final development plans shall expire five years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The director or planning commission or city council may, upon good cause shown, grant a time extension for one year.

I. Site and Design Review.

1. Preliminary Site and Design Review. All projects shall be reviewed by the planning commission within the first thirty (30) days of an initial project submittal to review and provide preliminary comments on the site design and architectural elevations. A color board shall be submitted with the initial submittal of a project to assist in the review of the project by staff and the planning commission. The planning commission shall also determine whether story poles are required for projects that are twenty-five (25) feet in height or less as referenced in subsection 19.08.120(I)(2) of this section.

2. Story Poles and Modeling. For all projects that exceed twenty-five (25) feet in height, story poles shall be erected on the project site no later than thirty (30) days before the first public hearing on the project and shall remain in place until a final decision is made on the project. A surveyor or registered civil engineer may be required to certify in writing to the city that the story poles are properly located and reflect proposed heights. Story poles may also be required for projects that are less than twenty-five (25) feet in height as determined by the planning commission during the preliminary site and design review process referenced in subsection 19.08.120(I)(1) of this section. A scale model, a three-dimensional computer graphic presentation, or a three-dimensional graphic rendering shall be provided at the public hearings for the project. Said model or graphic presentations shall include structures on all surrounding properties. The city council may waive the requirement for story poles, scale models, or graphic presentations upon a written request to the city council demonstrating that these items would not provide clarification for review of the project. (Ord. 09-06 § 3, 2009; Ord. 6-02 § 10, 2006; Ord. 01-04 § 6, 2002; Ord. 94-13, 1994; prior code § 19.08.120)

PLANNING COMMISSION RESOLUTION NO. 14-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ONE YEAR TIME EXTENSION REQUEST FOR FINAL DEVELOPMENT PLAN (07-FDP-04) UNTIL APRIL 23, 2015, 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 Joel Baker, property owner, and Sid Goldstien, agent (hereinafter referred to as "Applicant"), requesting a one or two year time extension of the approved Final Development Plan (07-FDP-04) which includes the development of 53 apartments (47 two-bedroom and 6 one-bedroom), 119 parking spaces, enclosed patios, laundry room, and some small outdoor picnic areas (the "Project"), located to the north of the Village Specific Plan site on the east side of McMurray Road, Assessor Parcel No. 137-090-067 (the "Property").

SECTION 2: The application consists of a time extension (the "Extension Request") of an approved Final Development Plan.

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 public comment, 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 20, 2014 ("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 certain written report and attachments submitted by the Planning Department dated February 20, 2014 (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 of public hearing was published in a newspaper on February 6, 2014 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
 2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on February 6, 2014, 10 days in advance of the Public Hearing.
 3. The Public Notice and Agenda for the Public Hearing were posted in three conspicuous public places a minimum of 10 days before the Public Hearing.
- C. Environmental Clearance.** As part of the original Zoning Administrator approval of the Project, an Initial Study was completed (February 22, 2008) in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq., and the CEQA Guidelines of the City of Buellton. It was determined that the project was adequately reviewed in the General Plan Update Environmental Impact Report (EIR) and no further environmental review was required. No changes have occurred with respect to the Project, or its environmental surrounding, to require subsequent environmental review.
- 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 review the Planning Commission does hereby declare that a time extension is consistent with Section 19.08.120 of the Buellton Municipal Code.

SECTION 4: The Planning Commission hereby recommends that the City Council approve the Extension Request for a one year time extension of the Final Development Plan (07-FDP-04) until April 23, 2015.

SECTION 5: The Planning Commission Secretary shall certify to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of February, 2014

Craig Adams, Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 14-02 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 20th day of February, 2014, by the following vote, to wit.

AYES: (0)

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of February, 2014.

Clare Barcelona
Planning Commission Secretary

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No.: 3

To: The Honorable Chair and Commission Members

From: Angela Perez, Assistant Planner

Date: February 20, 2014

Subject: Resolution No. 14-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

The applicant proposes to adjust the property lines on a portion of APN 137-090-045. This is the site for the approved Village Specific Plan. Tract Map 31052 was approved by the City Council in 2008 (see Attachment 1-Tract Map 31052). Tract Map 31052 was recorded in October 2013. Tract Map 31052 includes 5 total lots. Three of these lots will be affected by the proposed Lot Line Adjustment (Lots 2, 4, and 5).

In March 2013 the City Council approved an amendment to the Village Specific Plan which removed the smaller park and created the 1.81 acre park in the center of the property. In December 2013 the City Council approved the Master Plan for a neighborhood park in this location. The primary purpose for the lot line adjustment is to create the larger lot for the park near the center of the property instead of two smaller parks in different locations.

The existing lots being adjusted are Lot 2 (11.29 acres-residential), Lot 4 (0.40 acres-pocket park) and Lot 5 (1.41 acres-main park). The proposed adjusted lots include a 9.29 acre lot for residential uses, a 2.0 acre lot for residential uses, and a 1.81 acre lot for the reconfigured park. The lot line adjustment map is included as Attachment 2. In addition to the change to the park lots, the adjustment allows for two residential lots instead of one. The smaller residential lot is intended for a senior apartment project.

The total number of lots remains the same. The proposed uses for the lots are consistent with the approved Village Specific Plan as recently amended by the City Council.

The proposed lot line adjustment does not result in any changes in land use or density and no new parcels will be created. Environmental review for the application reveals that the project is exempt from the requirements of CEQA pursuant to the State CEQA

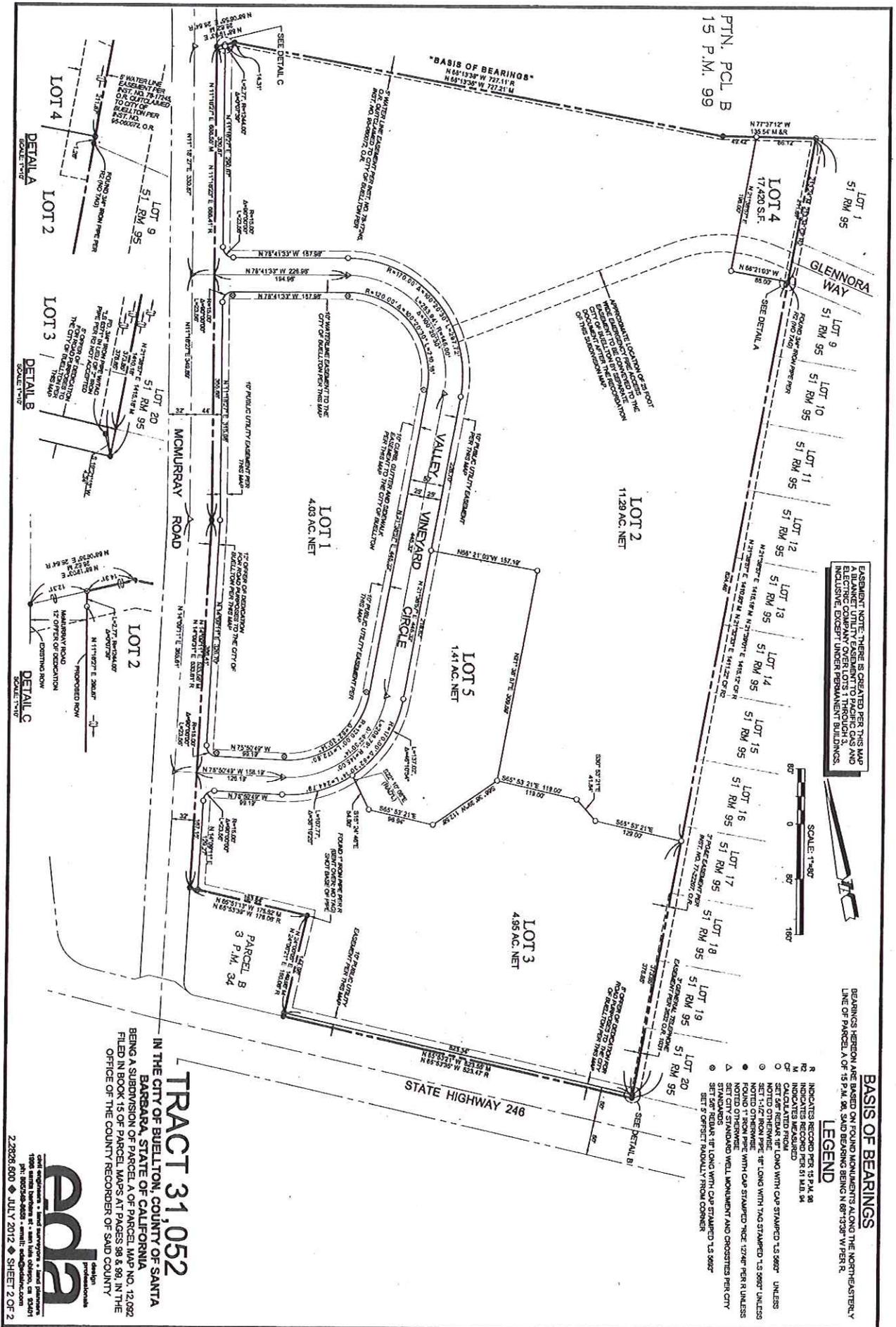
Guidelines, 14 California Code of Regulations section 15000 *et seq.*, section 15305 (a), because it only involves a minor lot line adjustment with no new lots resulting. Accordingly, the proposal is being processed with a Class 5 Categorical Exemption.

RECOMMENDATION

Staff recommends that the Planning Commission consider the adoption of Resolution No. 14-01, "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof"

ATTACHMENTS

Attachment 1 – Tract Map 31052
Attachment 2 – Lot Line Adjustment Map
Planning Commission Resolution No. 14-01



ESKIBENT NOTE: THERE IS CREATED PER THIS MAP A BLANKET UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY OVER LOTS 1 THROUGH 3, EXCEPTING THEREUNDER PERMANENT BUILDINGS.

BASIS OF BEARINGS
 BEARINGS HEREON ARE BASED ON FOUND MONUMENTS ALONG THE NORTHEASTERLY LINE OF PARCEL A OF 15 P.M. 96, SAID BEARINGS BEING N 89°13'30" W PER R.

LEGEND
 R INDICATES RECORD PER 15 P.M. 96
 M INDICATES MONUMENT PER 15 P.M. 96
 C CALCULATED FROM
 O SET OR REBAR 1/2" LONG WITH CAP STAMPED "13 9608" UNLESS NOTED OTHERWISE
 △ SET 1/2" IRON PIPE 1/2" LONG WITH TAG STAMPED "13 9608" UNLESS NOTED OTHERWISE
 ▲ SET CITY STANDARD WELL MONUMENT AND CROSSHIPS PER CITY STANDARDS
 ○ SET 2" REBAR 1/2" LONG WITH CAP STAMPED "13 9608"
 ○ SET 2" OR SET 3" REBAR FROM CORNER

BK 205 PG 70

ada
 civil engineering • land surveying • land planning
 1000 E. Highway 101, Suite 100, Buellton, CA 93428
 ph: 805-436-4444 • email: ada@ada.com

TRACT 31,052
 IN THE CITY OF BUELLTON, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
 BARBARA STATE OF CALIFORNIA
 BEING A SUBDIVISION OF PARCEL A OF PARCEL MAP NO. 12,082
 FILED IN BOOK 15 OF PARCEL MAPS AT PAGES 88 & 89, IN THE
 OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

2-28265 600 ♦ JULY 2012 ♦ SHEET 2 OF 2

SURVEYOR'S NOTES

1. **WARNING**
 TOPOGRAHY WAS COMPILED AT A SCALE OF 1"=100' WITH A ONE FOOT CONTOUR INTERVAL. BY EDA DESIGN PROFESSIONALS, THE DATE OF THE SURVEY IS UNKNOWN.

2. **BASES OF BEARINGS**
 THE BEARING OF 68°33'30" FOR THE NORTH LINE OF LOT 4, AS SHOWN ON THE MAP OF TRACT 13,052 FILED IN BOOK 203 PAGE 69-70 OF MAPS, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

LAND USE DESIGNATION

EXISTING ZONING: "99-99" GENERAL COMMERCIAL - SPECIAL PERMIT
 EXISTING LAND USE: VILLAGE SPECIFIC PLAN
 PROPOSED ZONING: NO CHANGE
 PROPOSED LAND USE: NO CHANGE

LEGAL DESCRIPTION

LOTS 2, 4 AND 5 OF TRACT NO. 31,052, IN THE CITY OF BUELLTON, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 203, PAGES 69 AND 70, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA, EXCEPTING ALL OIL, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES, DEEDS FROM MORGANVILLE TRUST COMPANY, A CORPORATION RECORDED SEPTEMBER 2, 1912 IN BOOK 137, PAGE 165, AND SEPTEMBER 24, 1913 IN BOOK 141, PAGE 319, BOTH OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAO COUNTY, APRIL 13, 1917-09-04 (PORTION)

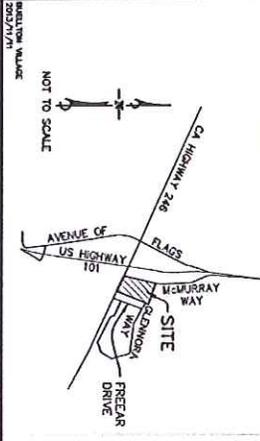
EASEMENT NOTES

- (NUMBER CORRESPONDS TO ITEM NUMBER IN PRELIMINARY TITLE REPORT BY LAYERS TITLE FILE NO. 413240924, DATED OCTOBER 21, 2013, NOT ALL EXCEPTION ITEMS ARE NOTED.)
- (2) A 2 FOOT EASEMENT FOR WATER LINE PURPOSES GRANTED TO A 2.5 FOOT EASEMENT FOR PUBLIC UTILITIES GRANTED TO THE INSTRUMENT NO. 25-0806072 AND INSTRUMENT NO. 25-0809101.
 - (4A) A 10 FOOT EASEMENT FOR PUBLIC UTILITIES GRANTED TO THE PAGES 69-70 OF MAPS.
 - (4B) A 25 FOOT EASEMENT FOR FIRE ACCESS GRANTED TO THE CITY OF BUELLTON TRACT 31,052 RECORDED IN BOOK 203, PAGES 69-70, OF MAPS.

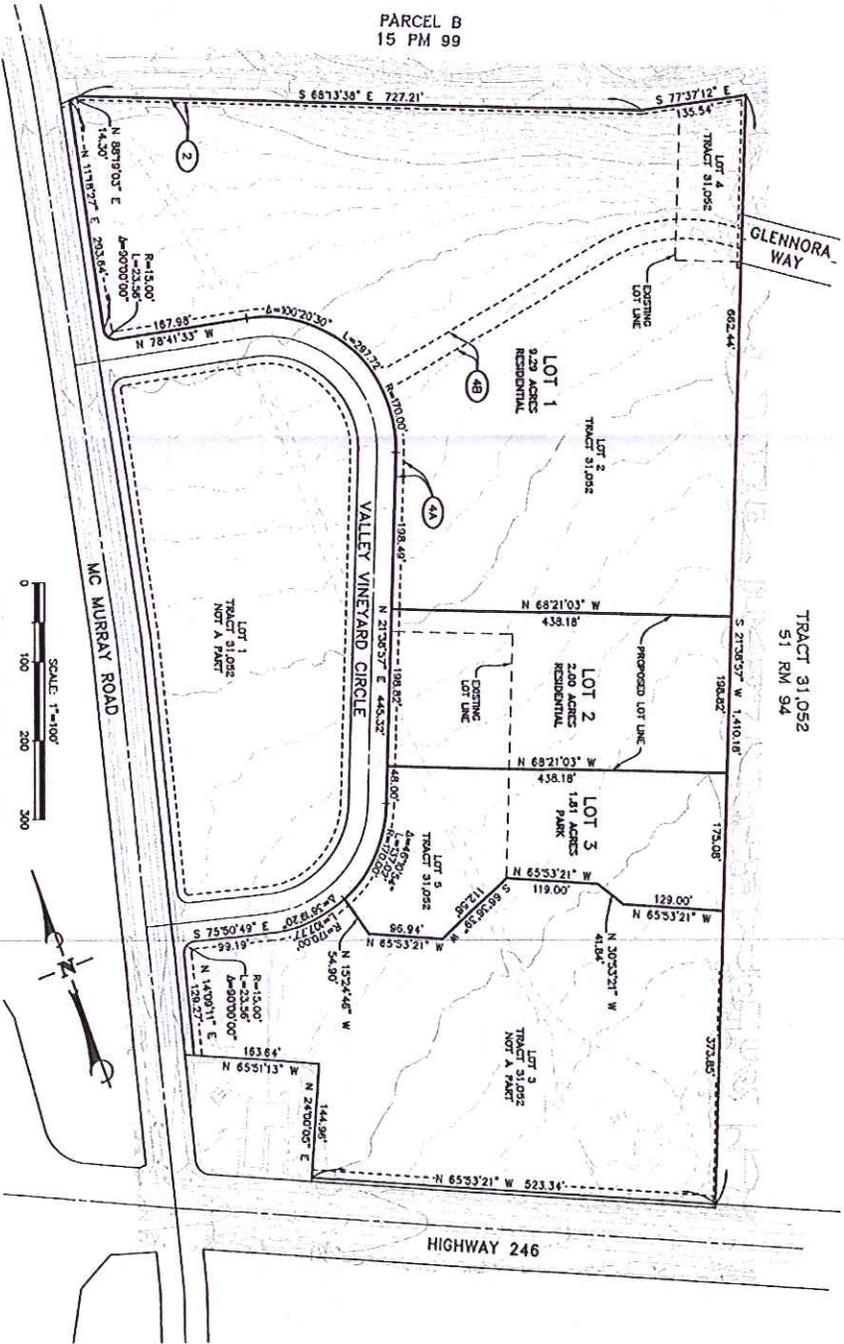
UTILITY PROVIDERS

WATERS: CITY OF BUELLTON
 SEWERAGE: CITY OF BUELLTON
 GAS: THE GAS COMPANY
 ELECTRIC: THE GAS COMPANY
 FIBER OPTIC: VERIZON
 TELEPHONE: VERIZON

MICINITY MAP



PARCEL B
 15 PM 99



LAND AREA CALCULATIONS

EXISTING LOTS	ACRES
LOT 1	9.29
LOT 2	2.00
LOT 3	1.81
LOT 4	2.00
LOT 5	1.81
TOTAL	13.11

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION

IAN MCKEAN, PLS 0310 DATE 11/7/2013

OWNER'S STATEMENT

WE HEREBY ADVISE FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWING THE MAP AND CERTIFY THAT THE LEGAL OWNERS AND THAT INFORMATION SHOWN HEREON IS TRUE AND CORRECT.

OAK SPRINGS VILLAGE PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY
 ADDRESS: 28032 REDWOOD DRIVE, SUITE 155
 AGOURA HILLS, CA 91301

BY: ANTHONY MILLER, PRESIDENT
 BY: ANTHONY MILLER, SECRETARY



BUELLTON VILLAGE
 LLA 2013-XX

PREPARED: 11/7/2013

CITY OF BUELLTON
 STATE OF CALIFORNIA

Perfield & Smith
 Engineering - Surveying - Planning
 Construction Management

210 East Blvd, Suite 4, Santa Maria, CA 93454
 Phone: (805) 925-2245 Fax: (805) 925-1039

SHEET 1 OF 1 SHEETS W.O. 20995.01

PLANNING COMMISSION RESOLUTION NO. 14-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
BEULLTON, CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT
(13-LLA-03) ON A PORTION OF APN 137-090-045, LOCATED AT THE
NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD,
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 Subdivision and Zoning Ordinance of the City of Buellton, an application has been filed by Oak Springs Village Properties, LLC as the property owner and John Franklin, agent (hereinafter referred to as “Applicant”), requesting approval to adjust property lines as described in the title of this Resolution (the “Project”). The proposed lots requiring the lot line adjustment are located at the northeast corner of Highway 246 and McMurray Road. A copy of the Lot Line Adjustment Map is attached hereto, marked as Exhibit “A”, and incorporated herein by this reference.

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 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 January 16, 2014, which was continued to February 6, 2014 and February 20, 2014 (“Public Hearings”).
2. All oral, written and visual materials presented by City staff in conjunction with those certain Public Hearings conducted by the Planning Commission on January 16, 2014, which was continued to February 6, 2014 and February 20, 2014.

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

1. A notice of Public Hearing was published in a newspaper of general circulation on January 2, 2014 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing conducted on January 16, 2014, which was continued to February 6, 2014 and February 20, 2014.
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 2, 2014, a minimum of ten (10) days in advance of the Public Hearings.

3. The Public Notice was posted in three public locations on January 2, 2014, a minimum of 10 days in advance of the Public Hearings.
- C. Environmental Review** The Project is exempt from the requirements of CEQA pursuant to the State CEQA Guidelines, 14 California Code of Regulations section 15000 *et seq.*, section 15305 (a), because the Application only involves a minor lot line adjustment with no new lots resulting: Class 5 exemption as a minor lot line adjustment.
- 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. Lot Line Adjustment.

a. Findings:

- i. The lot line adjustment does maintain a position with respect to General Plan consistency, parcel design, minimum lot area, environmental quality, and public health and safety criteria as specified in this title and other applicable Municipal Code and state law provisions relating to real property divisions, which is equal to or better than the position of the existing lots before adjustment. The Village Specific Plan was amended to create one park in the center of the property and this lot line adjustment reflects that change. The proposed lots meet all lot size and parcel design requirements of the General Plan, Municipal Code, and Village Specific Plan.
- ii. The adjustment will not have the effect of creating a greater number of parcels than are buildable in compliance with applicable provisions of this Ordinance, or the Zoning Ordinance (Title 19 of this Code) than what exists before adjustment.
- iii. Any parcel resulting from the adjustment will not conflict with applicable regulations in the Zoning Ordinance as the proposed parcels meet the minimum lot size requirements of the Zoning Ordinance and the Village Specific Plan.

SECTION 3: Based on the findings set forth in Section 2, the Planning Commission hereby approves the Categorical Exemption for the Project in accordance with CEQA.

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 Lot Line Adjustment (13-LLA-03).

PASSED AND ADOPTED this 20th day of February, 2014

Craig Adams, Chair

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 above and foregoing Resolution No. 14-01 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 20th day of February, 2014, by the following vote, to wit.

AYES: (0)
NOES: (0)
ABSENT: (0)
NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of February, 2014.

Clare Barcelona
Planning Commission Secretary

CONDITIONS OF APPROVAL

VILLAGE SPECIFIC PLAN LOT LINE ADJUSTMENT (13-LLA-03)

PLANNING DEPARTMENT/GENERAL CONDITIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description, the application date stamped November 21, 2013, the Lot Line Adjustment Map dated November 7, 2013, and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by Oak Springs Village Properties, LLC as the property owner and John Franklin, agent (the "Applicant") for a Lot Line Adjustment consisting of the movement of the lot lines on a portion of APN 099-690-045 (the "Project") located at the northeast corner of Highway 246 and McMurray Road (the "Property"). 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., discretionary permit, 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. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.
 - a. **"Applicant"** means Oak Springs Village Properties, LLC as the property owner and John Franklin, 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. **“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.
 - c. **“Project”** means and includes all of the actions described in the Project description above.
 - d. **“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.
 - e. **“Property”** means the land and improvements identified in the Project Description.
 - f. **“Property Owner”** means Oak Springs Village Properties, LLC and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.
 - g. **“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.
4. **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.
7. **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.

8. **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.
9. **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.
10. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of 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.
11. **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.
12. **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.
13. **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.
14. **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.

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

ENGINEERING CONDITIONS

- 16. **Final Lot Line Adjustment.** The applicant shall submit all necessary documents, sketches, and fees for finalizing the lot line adjustment. These may include but are not limited to a preliminary title report less than 60 days old, legal descriptions of the parcels following the adjustment, modified deeds of trust and/or partial reconveyances as required, grant deed or deeds with accompanying legal descriptions and sketches, a sketch showing the existing and adjusted lines, a certificate of conformity for City Surveyor's signature and for County Clerk of the Board's signature for tax clearance, Owner's Certificates and Certificates of Record Title Interest. These documents will be prepared by a Land Surveyor, Licensed in the State of California or by a Civil Engineer Registered in the State of California and authorized to practice land surveying. Applicant or applicant's agent shall coordinate with the City Surveyor to assure that all required documents are prepared and submitted.
- 17. **Completion.** The lot line adjustment must be completed (i.e., grant deeds recorded and lot lines adjusted) prior to building occupancy.
- 18. **Lot Numbers.** The lot numbers shall correspond to the lot numbers on recorded Tract Map 31052. The new lot identified on the Lot Line Adjustment Map as lot 1 should be lot 2, new lot 2 should be lot 4, and new lot 3 should be lot 5. These lot numbers shall be changed on the final lot line adjustment.

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date