



# CITY OF BUELLTON

## PLANNING COMMISSION AGENDA

**Regular Meeting of September 19, 2019 – 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 Heedy

### **PLEDGE OF ALLEGIANCE**

Vice Chair Hammel

### **ROLL CALL**

Commissioners Bob Blokdyk, Michael Eglin, Marcilo Sarquilla, Vice Chair Patty Hammel and Chair Dan Heedy

### **REORDERING OF AGENDA**

### **PRESENTATIONS**

None

### **APPROVAL OF MINUTES**

- 1. Minutes of the regular Planning Commission meeting of September 05, 2019**

### **PUBLIC COMMENTS**

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

### **CONSENT CALENDAR**

None

### **CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

- 2. Resolution No. 19-08 - “A Resolution of the Planning Commission of the City of Buellton, California, Recommending to the City Council the Approval of a One-Year Time Extension (19-TE-02) Request for Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)), and Making Findings in Support Thereof”**
- 3. Resolution No. 19-10 - “ A Resolution of the Planning Commission of the City of Buellton, California, Recommending City Council Approval of an Ordinance Amending Municipal Code Chapter 19.20 Regarding Commercial Cannabis Activities and Cannabis Cultivation, 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, October 03, 2019 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

September 5, 2019 – 6:00 p.m.

City Council Chambers, 140 West Highway 246  
Buellton, California

### CALL TO ORDER

Chair Heedy called the meeting to order at 6:03 p.m.

### PLEDGE OF ALLEGIANCE

Commissioner Eglin led the Pledge of Allegiance

### ROLL CALL

Present: Commissioners Bob Blokdyk, Michael Eglin, Marcilo Sarquilla  
and Chair Dan Heedy

Absent: Vice Chair Patty Hammel

Staff: Planning Director Andrea Keefer  
Contract City Planner Irma Tucker  
Staff Assistant/Planning Technician Clare Barcelona

### REORDERING OF AGENDA

None

### PRESENTATIONS

None

### APPROVAL OF MINUTES

#### 2. Minutes of the regular Planning Commission meeting of July 18, 2019

##### MOTION:

Commissioner Blokdyk moved and Chair Heedy seconded the motion to approve the Minutes of July 18, 2019.

**VOTE:**

Motion passed with a 3-0 voice vote with abstention by Commissioner Sarquilla due to his absence from the meeting.

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

2. **Resolution No. 19-05 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (19-ZOA-01) Relating to Accessory Dwelling Units, Amending Sections: 19.02.110 (Residential Zone Allowable Land Use and Permit Requirements), 19.04.142 (Number of Parking Spaces Required), 19.12.020 (Definitions of Specialized Terms and Phrases), 19.16.010 (Purpose and Applicability), 19.16.014 (Inclusionary Zoning), 19.16.020 (Secondary Dwellings); Deleting Title and Text of Section 19.06.180 (Secondary Dwellings) and Replacing with New Title (Accessory Dwelling Units) and Text; and Making Findings in Support Thereof”**

**RECOMMENDATION:**

That the Planning Commission consider the adoption of Resolution No. 19-05 - “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (19-ZOA-01) Relating to Accessory Dwelling Units, Amending Sections: 19.02.110 (Residential Zone Allowable Land Use and Permit Requirements), 19.04.142 (Number of Parking Spaces Required), 19.12.020 (Definitions of Specialized Terms and Phrases), 19.16.010 (Purpose and Applicability), 19.16.014 (Inclusionary Zoning), 19.16.020 (Secondary Dwellings); Deleting Title and Text of Section 19.06.180 (Secondary Dwellings) and Replacing with New Title (Accessory Dwelling Units) and Text; and Making Findings in Support Thereof”

**STAFF REPORT:**

Contract City Planner Irma Tucker presented the staff report.

**DOCUMENTS:**

Staff report with attachments as listed in the staff report.

**SPEAKERS/DISCUSSION:**

Chair Heedy opened the Public Hearing at 6:27 p.m., there being no public comment the Public Hearing was closed at 6:28 p.m.

**MOTION:**

Commissioner Eglin moved and Commissioner Blokdyk seconded the motion to adopt Resolution No. 19-05 - "A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (19-ZOA-01) Relating to Accessory Dwelling Units, Amending Sections: 19.02.110 (Residential Zone Allowable Land Use and Permit Requirements), 19.04.142 (Number of Parking Spaces Required), 19.12.020 (Definitions of Specialized Terms and Phrases), 19.16.010 (Purpose and Applicability), 19.16.014 (Inclusionary Zoning), 19.16.020 (Secondary Dwellings); Deleting Title and Text of Section 19.06.180 (Secondary Dwellings) and Replacing with New Title (Accessory Dwelling Units) and Text; and Making Findings in Support Thereof"

**VOTE:**

Motion passed with a 4-0 roll call vote.

**OTHER BUSINESS**

None

**WRITTEN COMMUNICATIONS**

None

**PLANNING COMMISSIONER COMMENTS**

Chair Heedy questioned the removal of the trees near Pea Soup Andersons and was informed that the tree removal is a city project and replacement trees will be planted.

**PLANNING DIRECTOR REPORT**

Planning Director Keefer updated the Commission on the status of various projects including an upcoming Conditional Use Permit for Cottage Urgent Care at the Crossroads Center. Ms. Keefer stated that a new Assistant Planner has been hired and that the City Council will review the Avenue of Flags Median Two design plans at the September 26<sup>th</sup> City Council meeting.

**ADJOURNMENT**

Chair Heedy adjourned the meeting at 6:33 p.m. The next regular meeting of the Planning Commission will be held on Thursday, September 19, 2019 at 6:00 p.m.

---

Chair Dan Heedy

ATTEST:

---

Clare Barcelona, Planning Commission Secretary

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

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

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

To: The Honorable Chair and Commission Members

From: Andrea Keefer, Planning Director

Date: September 19, 2019

Subject: Resolution No. 19-08 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending to the City Council the Approval of a One-Year Time Extension (19-TE-02) Request for Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)), and Making Findings in Support Thereof”

---

**BACKGROUND**

An application has been submitted by Norman Williams, N & G Investments, property owner, and Mark Edwards, agent, for a second one-year time extension (19-TE-02) for the previously-approved Meritage Senior Living Project, located on Jonata Park Road, including a portion of the project which is outside of City limits (Attachment 1- Vicinity Map). The time extension request is for the Conditional Use Permit (12-CUP-01) and Tentative Tract Map (31056). Attachment 2 includes project details and a request letter from the applicant. Approved project plans, dated March 22, 2012, are included as Attachment 3.

On October 24, 2013, the City Council approved Resolution Nos. 13-15 and 13-16, approving the Subsequent Environmental Impact Report (12-EIR-01), Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056). See Attachment 4 – City Council Resolution No. 13-15, and Attachment 5 – City Council Resolution No. 13-16.

The Conditional Use Permit and Tentative Tract Map were set to expire on October 24, 2018. However, per Buellton Municipal Code section 19.08.110.E (1), the applicant applied for a time extension on September 19, 2018, in advance of the date of expiration. Upon recommendation by the Planning Commission on December 20, 2018, the time extension request was subsequently approved by City Council on January 24, 2019 and is valid through October 24, 2019 (See Attachment 6 – City Council Resolution No. 19-02). This is a request for a second one-year time extension for the project. If approved, the project approvals would be valid through October 24, 2020.

Conditional use permits generally expire after 5 years (See Buellton Municipal Code Section 19.08.110.E (1)). Tentative Tract Maps generally expire after 3 years (See Buellton Municipal Code Section 18.02.420.A.). However, per Section 66452.24 of the State Map Act, there is an automatic two-year time extension for any map associated with a development application approved after January 1, 2000. Therefore, the approval of TTM 31056 is extended by operation of State law to 5 years from the date of approval. This means that both the Conditional Use Permit and the Tentative Map for the project had initial lives of 5 years.

Under the City's Municipal Code, if a project has not begun substantial construction prior to the expiration of its land use approvals, the applicant can apply for up to two one-year time extensions for the Conditional Use Permit and three one-year time extensions for the Tentative Tract Map (BMC Sections 19.08.110.E(1) and 18.02.420.A). This is the second request for a one-year time extension for both the Conditional Use Permit and Tentative Tract Map. While the applicant could seek an additional extension for the project's Tentative Tract Map, this is the final extension allowed by Code for the Conditional Use Permit.

The Planning Commission may, upon good cause shown, recommend that the City Council grant a time extension for one year. The applicant has indicated the need for the time extension as they continue the search for a qualified owner-operator for the project. Staff is unaware of any reason to deny the extension, and it is reasonable to recommend that the City Council approve a one year time extension at this time.

### **RECOMMENDATION**

That the Planning Commission consider the adoption of Resolution No. 19-08, "A Resolution of the Planning Commission of the City of Buellton, California, Recommending to the City Council the Approval of a One-Year Time Extension (19-TE-02) Request for Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project, Located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (offsite portion)), and Making Findings in Support Thereof".

### **ATTACHMENTS**

- Planning Commission Resolution No. 19-08
- Attachment 1 – Vicinity Map
- Attachment 2 – Project Details and Request Letter from Applicant
- Attachment 3 – Approved Project Plans (Dated March 22, 2012)
- Attachment 4 – City Council Resolution No. 13-15
- Attachment 5 – City Council Resolution No. 13-16
- Attachment 6 – City Council Resolution No. 19-02

**PLANNING COMMISSION RESOLUTION NO. 19-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF A ONE-YEAR TIME EXTENSION (19-TE-02) REQUEST FOR CONDITIONAL USE PERMIT (12-CUP-01) AND TENTATIVE TRACT MAP (TTM 31056) FOR THE MERITAGE SENIOR LIVING PROJECT, LOCATED ON JONATA PARK ROAD (ASSESSOR PARCEL NUMBERS 099-400-064, 099-400-065 AND 099-400-069 (OFFSITE PORTION)), AND MAKING FINDINGS IN SUPPORT THEREOF**

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

**SECTION 1:** Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Norman Williams, N & G Investments, property owner, and Mark Edwards, agent (hereinafter referred to as “Applicant”), requesting a second one year time extension of the approved Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) which includes the development of a senior living project that includes a skilled nursing facility (24 rooms), a memory building (40 units), 91 assisted living units, 92 independent living units, 242 parking spaces, landscaping and walking paths, a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service on 18.2 acres (the “Project”), located on Jonata Park Road, Assessor Parcel Nos. 099-400-064, 099-400-065, 099-400-069 (offsite portion) (the “Property”).

**SECTION 2:** The application consists of a one-year time extension request (19-TE-02) for an approved Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056).

**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 September 19, 2019 (“Public Hearing”).
  2. All oral, written and visual materials presented by City staff in conjunction with that certain 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 September 19, 2019 (the “Staff Report”).
- b. The project file for 19-TE-02 and 12-CUP-01 and TTM 31056 and the set of project plans dated March 22, 2018.
- c. The Subsequent Environmental Impact Report (12-EIR-01) prepared for the project.

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

1. A notice of public hearing was published in a newspaper on September 5, 2019 (the “Public Notice”), a minimum of 10 days in advance of the Public Hearing conducted on September 19, 2019.
2. The Public Notice was mailed to the Applicant, persons owning property within 300 feet of the Project site and others known to be interested in the matter on September 5, 2019, a minimum of 10 days in advance of the Public Hearing.
3. The PC Public Notice was posted in two public places on September 5, 2019, a minimum of 10 days in advance of the PC Public Hearing.

**C. Environmental Clearance.** As part of the original City Council approval of the Project, a Subsequent EIR was completed (June, 2013) 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. No changes have occurred with respect to the Project, or its environmental surroundings, to require subsequent environmental review.

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

**1. Tentative Tract Map (TTM 31056).**

**a. Findings:**

- i. There have been no changes to the provisions of the general plan, zoning ordinance (Title 19 of the Buellton Municipal Code), or this title applicable to the project since the approval of the tentative map.

- ii. There have been no changes in the character of the site or its surroundings that affect how the policies of the general plan or standards of the zoning ordinance or this title apply to the project.
  
- ii. There have been no changes to the capacities of community resources, including, but not limited to, water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

**2. Conditional Use Permit (12-CUP-01).**

**a. Findings:**

- i. The findings for 12-CUP-01 included in Resolution No. 13-16 remain valid.

**SECTION 4:** Based upon the findings set forth in Section 3, the Planning Commission hereby recommends that the City Council approve the request for a one year time extension of the Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056).

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

**PASSED, APPROVED, AND ADOPTED** this 19<sup>th</sup> day of September, 2019

---

Dan Heedy, 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. 19-08 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 19<sup>th</sup> day of September, 2019, by the following vote, to wit.

AYES:    ()

NOES:    ()

ABSENT:  ()

NOT VOTING:  ()

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19<sup>th</sup> day of September, 2019.

---

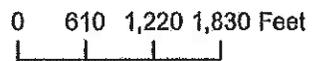
Clare Barcelona  
 Planning Commission Secretary

# Attachment 1



**Legend**

-  City Limits
-  Meritage Senior Living Project Location





## Attachment 2

August 23, 2019

Meritage Senior Living Project  
855 Jonata Park Rd.  
Buellton, CA 93427

### Project Description

This project consists of two land use applications – Conditional Use Permit (Case No. 12-CUP-01) and Tentative Tract Map (TTM 31056).

Conditional Use Permit (Case No. 12-CUP-01) is for a Senior Care Facility including a Skilled Nursing Facility (24 Rooms), a Memory Building (40) Units, (91) Assisted Living Units, (92) Independent Living Units, 242 parking spaces, landscaping and walking paths, on 18.2 Acres, located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065, 099-400-069 (offsite portion)). The development also includes a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs and concierge services. A reduction in a portion of the rear setback from ten feet to zero feet was also included as shown on the project site plan. A drainage basin, a portion of a roadway, and 23 of the parking spaces are located outside of the City limits and would require approval from the County of Santa Barbara.

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

On October 24, 2013, the City Council of Buellton adopted:

1. Resolution No. 13-15 – “A Resolution of the City Council of the City of Buellton, California Adopting a Statement of Facts and Findings; Establishing a Mitigation Monitoring Program; and Certifying a Subsequent Environmental Impact Report (12-EIR-01) for Meritage Senior Living Project.
2. Resolution No. 13-16 – “A Resolution of the City Council of the City of Buellton, California Approving a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) for the Meritage Senior Living Project.

The proposed plans and adjacent areas for this development are unchanged. This application is for a (1) year extension of the adoption of Resolution No. 13-15 and 13-16 of the City of Buellton which include Subsequent Environmental Impact Report (12-EIR-01), Conditional Use Permit (12-CUP-01), and Tentative Tract Map (TTM 31056).

## Attachment 2

While the vision for this senior living facility remains the same as originally proposed, the need has arisen to identify a new operator for the project. In the past, the management team has reviewed several owner-operators without achieving a comfort level to move forward with the development. This extension of time is being requested in an effort to continue the search for this crucial operational component of Meritage, while keeping the entitlement approvals current and ready to be acted upon.

# Attachment 3



Assisted Living - Partial East Elevation



Skilled Nursing - South Elevation

RECEIVED  
MAR 23 2012  
CITY OF SULLYTON  
Planning Department



Monument Sign

Cover Sheet

A-0

Meritage - Senior Living | Buellton, CA

BARARCHETTI ARCHITECTS

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



03.22.12

NTS

# Attachment 3

## Senior Board & Care Health Community

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

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

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

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

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

## Master Plan & Lot Split

This development plan request is for a master plan of two (2) parcels of land, APN #099-009-094 and 095, totaling approximately 10 acres. These two (2) existing lots will be split into six (6) separate lots - Parcels 1 and 2 will remain unimproved and available for future development, while Parcels 3, 4, 5, and 6 are planned as Phase 1 of a new senior care facility. Due to the irregular parcel, we feel it is an advantage to proceed with this development program as a master plan and lot split. It is anticipated that each of the Parcels would obtain additional, adjacent governmental permits, at their own time of development. A small residence and outbuilding will be constructed to make way for the planned development.

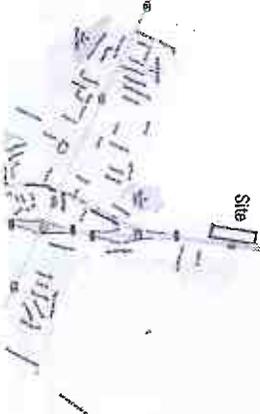
- Parcels of land available for:
- Parcel 1 2.79 AC. Vacant
  - Parcel 2 2.07 AC. Skilled Nursing Facility
  - Parcel 3 5.28 AC. Memory Building, A/L, Main Entry, Dining, Kitchen
  - Parcel 4 3.22 AC. Independent Living, Community Center - Phase 1
  - Parcel 5 1.86 AC. Independent Living - Phase II

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

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

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

## Vicinity Map



## Unit Count & Parking Summary

Unit Count	Units	154ft
Independent Living - 4-Plex Cottages	29	24
280/125A	20	20
One's Sun	6	6
<b>INDEPENDENT LIVING - 12-Plex Cottages</b>	<b>27</b>	<b>100</b>
881/181A	30	29
186-0/18A	12	12
288/128A	20	30
Grand Sun	5	5
Hemlock	3	3
<b>ASSISTED LIVING BUILDING</b>	<b>61</b>	<b>70</b>
Johnson	7	2
156/156A	4	2
288/18A	4	2
288/18A	11	3
Overlook	3	3
<b>MANAGED BUILDING</b>	<b>40</b>	<b>39</b>
Memory and Cottage Suites (with lawn)	40	0
Grand Sun	0	18
Hemlock	2	2
<b>PROJECT TOTALS</b>	<b>247</b>	<b>242</b>

## Project Data & Code Summary

PROJECT ADDRESS:	10414 PARK ROAD, BUELLTON, CA
ASSESSOR'S PARCEL NO.:	APN#099-009-094, 095-005
ZONING:	CR
HEIGHT LIMIT:	35' maximum, 15' proposed
SETBACKS:	Front - 5' Side - 5' Rear - 10'
CONSERVATION TYPES:	Type VI (Forest)
DETERMINED SLOPES:	R=2, R=1.5, A=2
STORIES:	1, 2 & 3 story structures
LANDSCAPE AREA:	295, 208,210 SF
MANOSCOPE AREA:	374, 180,000 SF
BUILDING FOOTPRINT AREA:	284, 154,110 SF
TOTAL AREA (PARCELS 3,4,5 & 6):	548,420 SF (12.53 Acres)

<b>BUILDING AREA:</b>	
Skilled Nursing Building	141 Floor 11,870 gsf
Memory Building	141 Floor 15,800 gsf
Assisted Living Buildings	141 Floor 51,720 gsf
4-Plex Cottages	209 Floor 23,850 gsf
12-Plex Apartments	216 Floor 41,480 gsf
Community Building	3,131 gsf
Business Garage	5,800 gsf
<b>TOTAL:</b>	<b>228,867 gsf</b>

## Sheet Index

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

## Meritage - Senior Living

### BARBARA CHITTS

543 Howard Street, San Francisco, CA 94104 T: 415 263 5700, F: 415 293 9701 WWW.BARBARACHITTS.COM

## Buellton, CA

95019

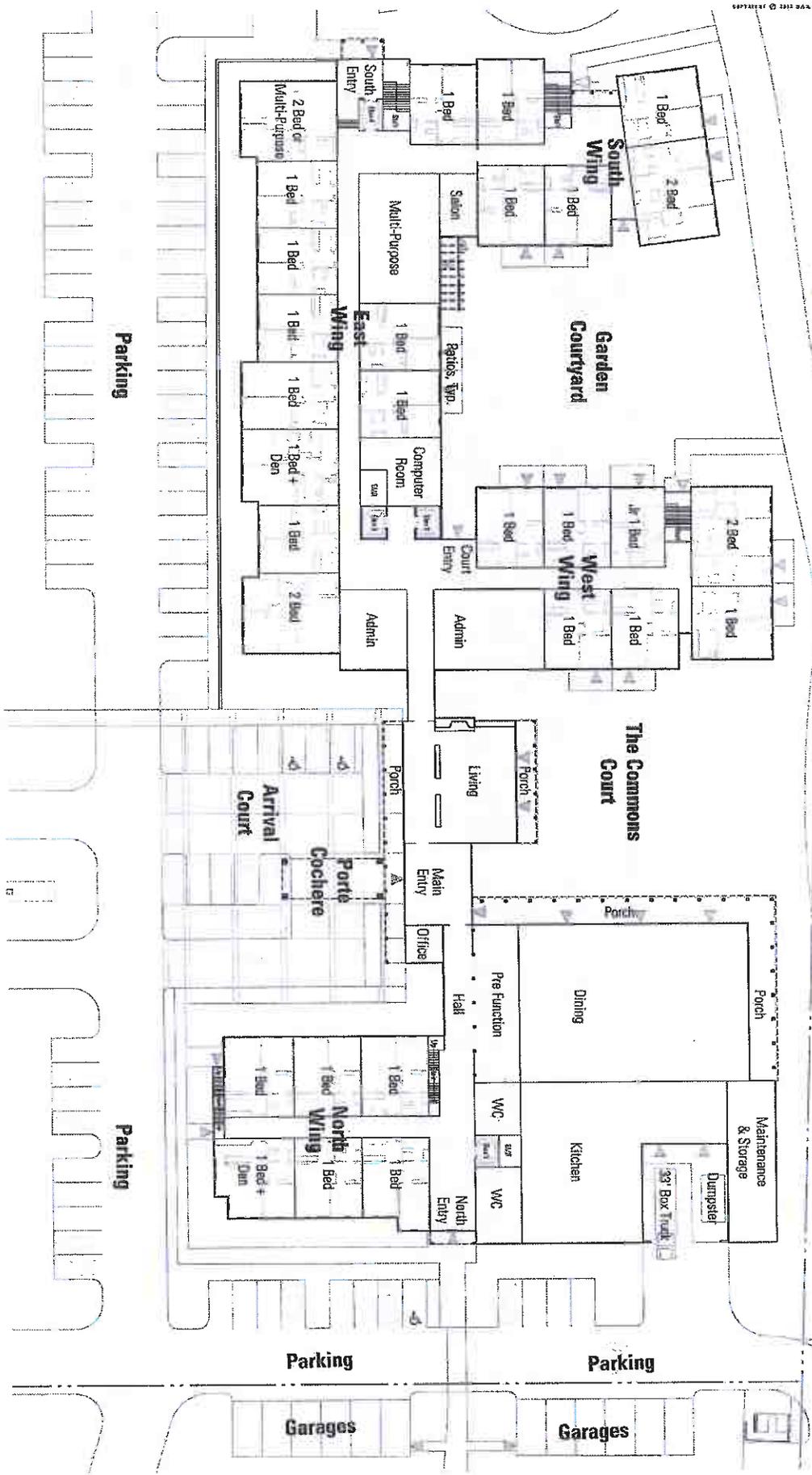
03.22.12

A-1



# Attachment 3

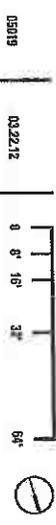
Fire Lane



Meritage - Senior Living | Buellton, CA

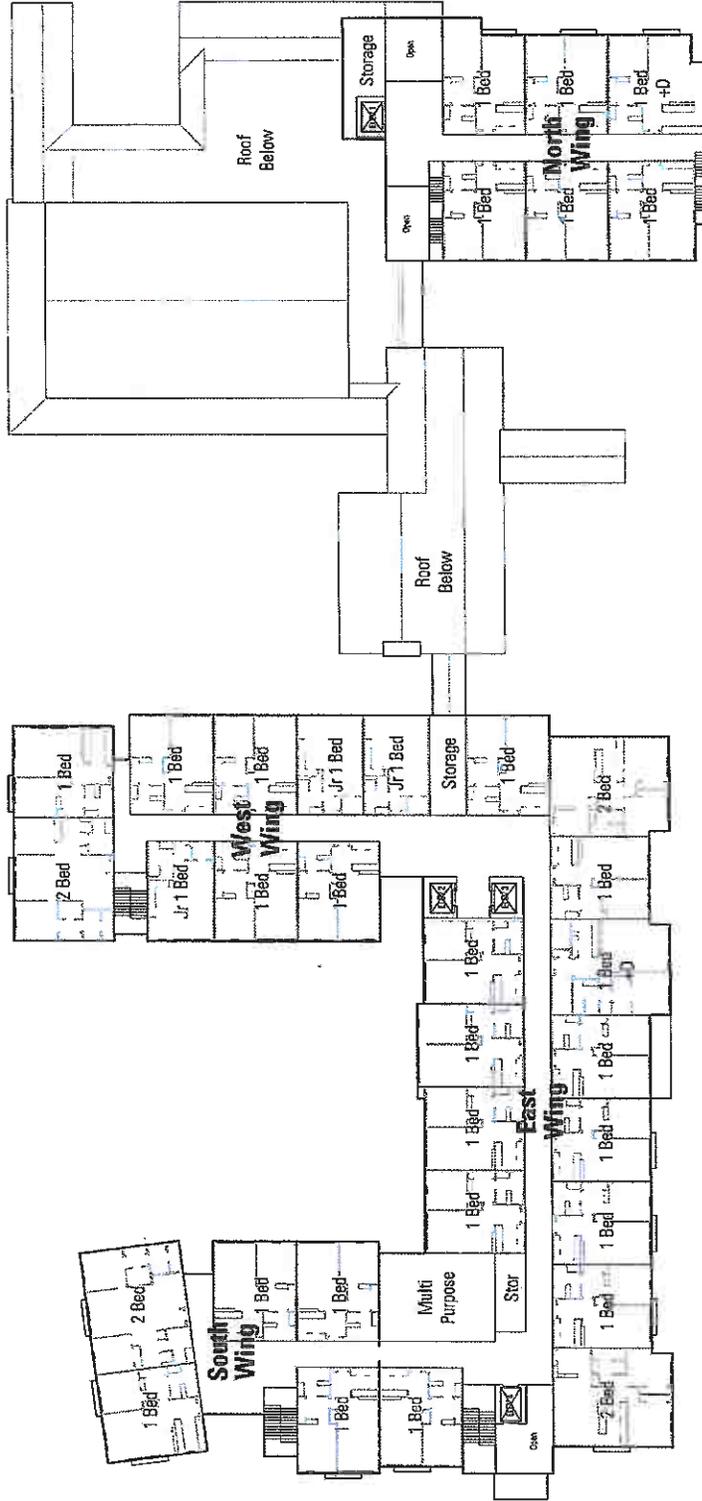
Assisted Living - 1st Floor Plan

**BARARCHITECTS**  
 543 Howard Street, San Francisco, CA 94105, T. 415 233 5700, F. 415 293 5701 WWW.BARARCH.COM



A-3

# Attachment 3

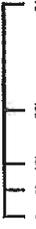


Meritage - Senior Living | Buellton, CA

BARARCHITECTS

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

Assisted Living Building - 2nd Floor

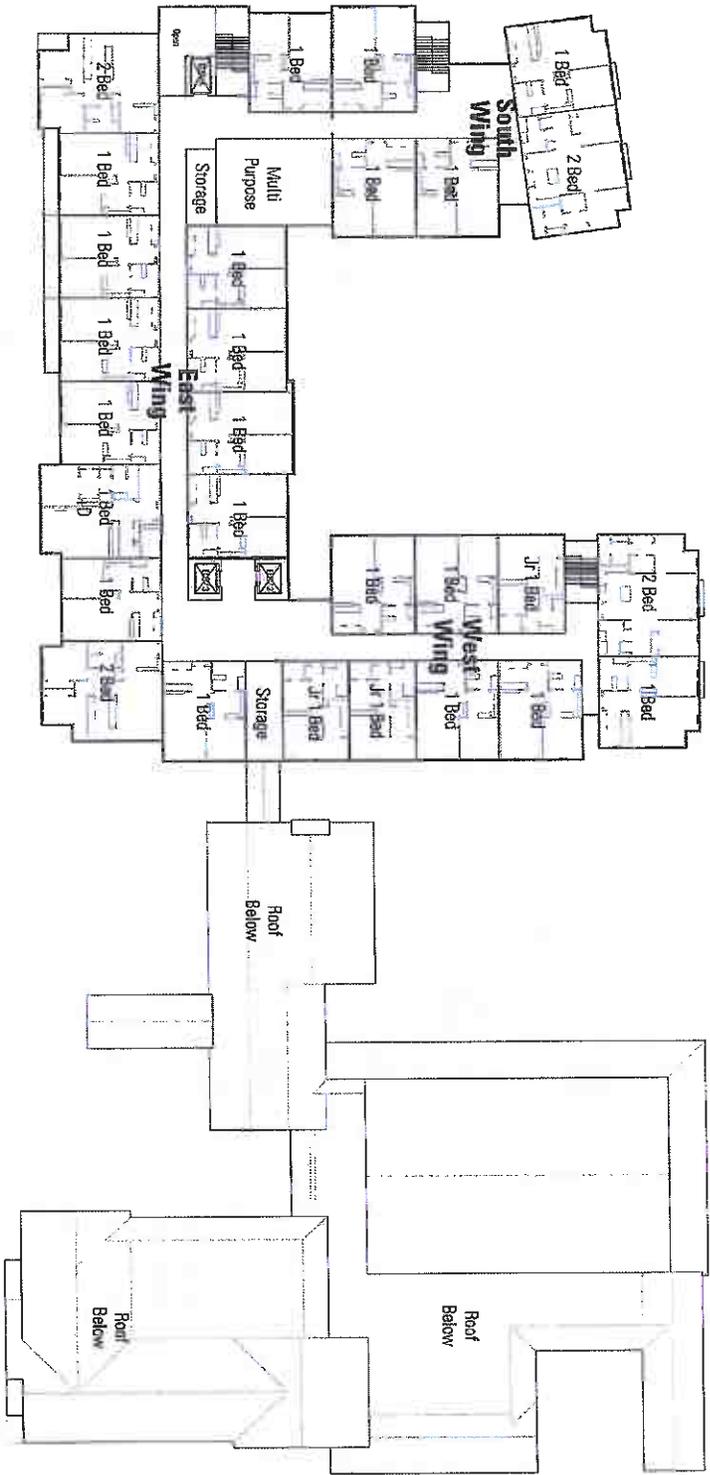


03.22.12

05019

A-4

# Attachment 3



Meritage - Senior Living | Buellton, CA

Assisted Living Building - 3rd Floor

**BARARCHITECTS**  
 648 Howard Street, San Francisco, CA 94105, T. 415 233 5700, F. 415 233 5701 WWW.BARARCH.COM



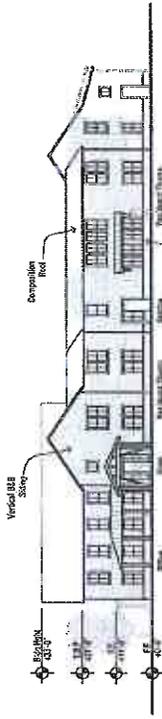
A-5



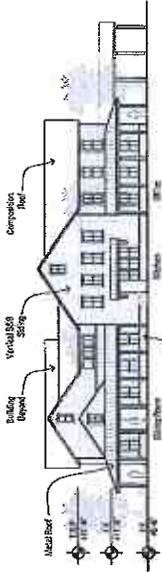


# Attachment 3

COPYRIGHT © THE BAR ARCHITECTS



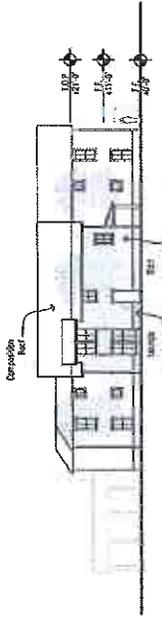
**North Elevation**



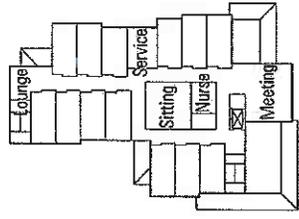
**East Elevation**



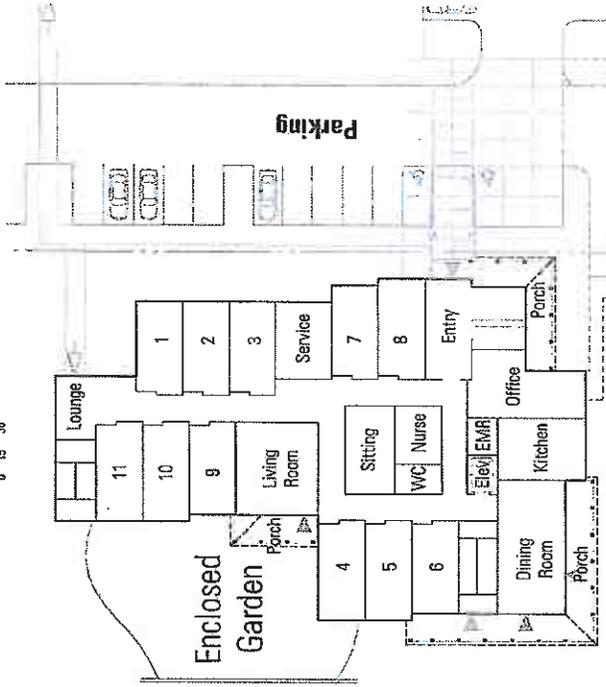
**South Elevation**



**West Elevation**



**2nd Floor Plan**  
0' 15' 30'



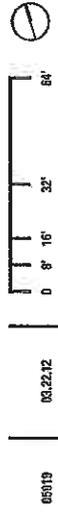
**1st Floor Plan**

Meritage - Senior Living | Burrellton, CA

**BAR ARCHITECTS**

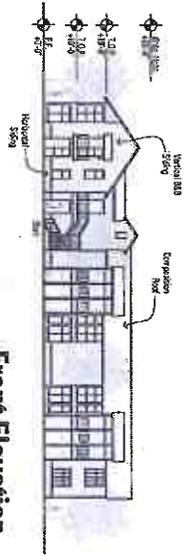
563 Howard Street, San Francisco, CA 94105, T. 415 293-5700, F. 415 293-5701 WWW.BARARCH.COM

**Schematic Floor Plan & Elevations - Skilled Nursing Building**

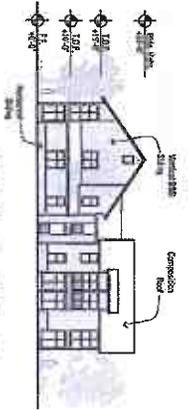


**A-8**

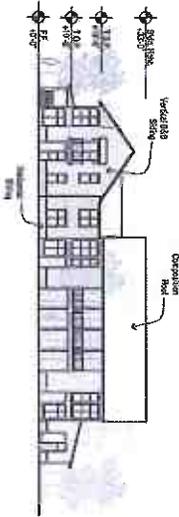
# Attachment 3



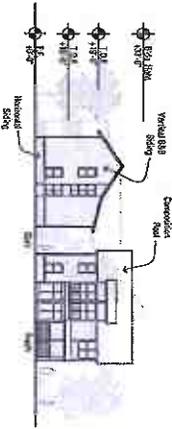
**Front Elevation**



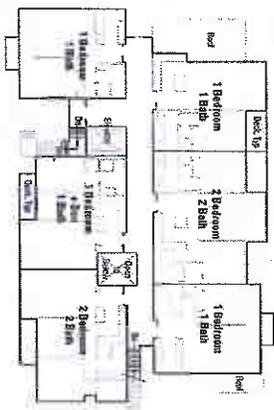
**Left Side Elevation**



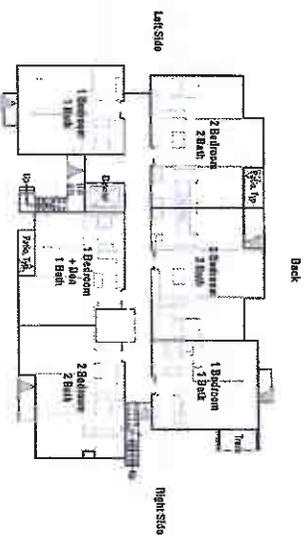
**Back Elevation**



**Right Side Elevation**



**2nd Floor Plan**



**1st Floor Plan**

Meritage - Senior Living

Buellton, CA

BAR ARCHITECTS

543 Howard Street, San Francisco, CA 94105, T. 415 283 5700, F. 415 283 5701 WWW.BARARCH.COM

Schematic Plans & Elevations - 12-Plex Apartments

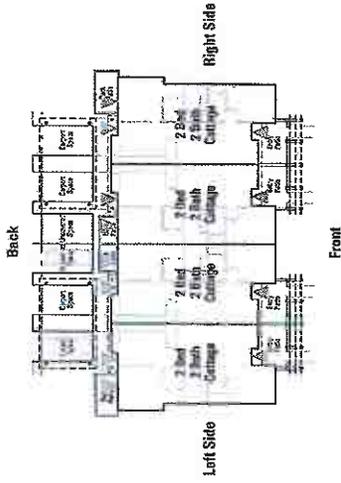
06109

03.22.12

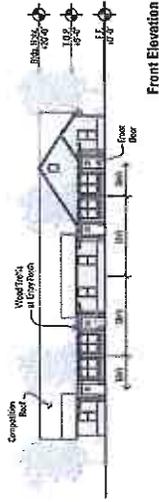


A-9

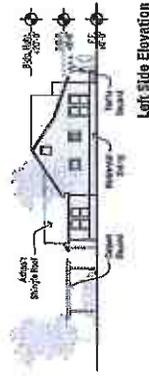
# Attachment 3



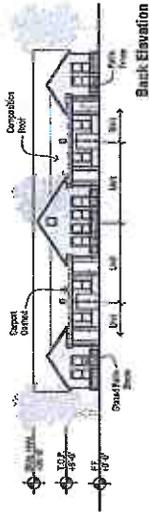
**Floor Plan - 4-Plex Cottages**



**Front Elevation**



**Left Side Elevation**

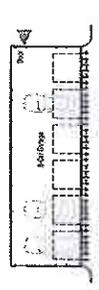


**Back Elevation**

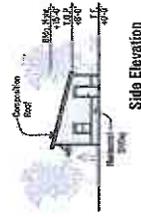


**Right Side Elevation**

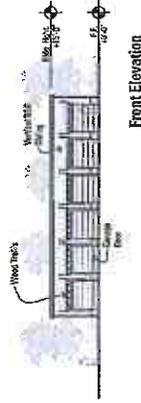
**Exterior Elevations - 4-Plex Cottages**



**Typical Floor Plan - Garages**



**Side Elevation**



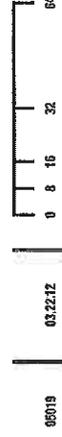
**Front Elevation**

**Typical Elevations - Garages**

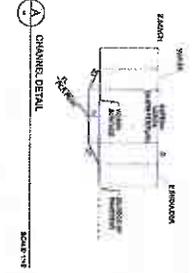
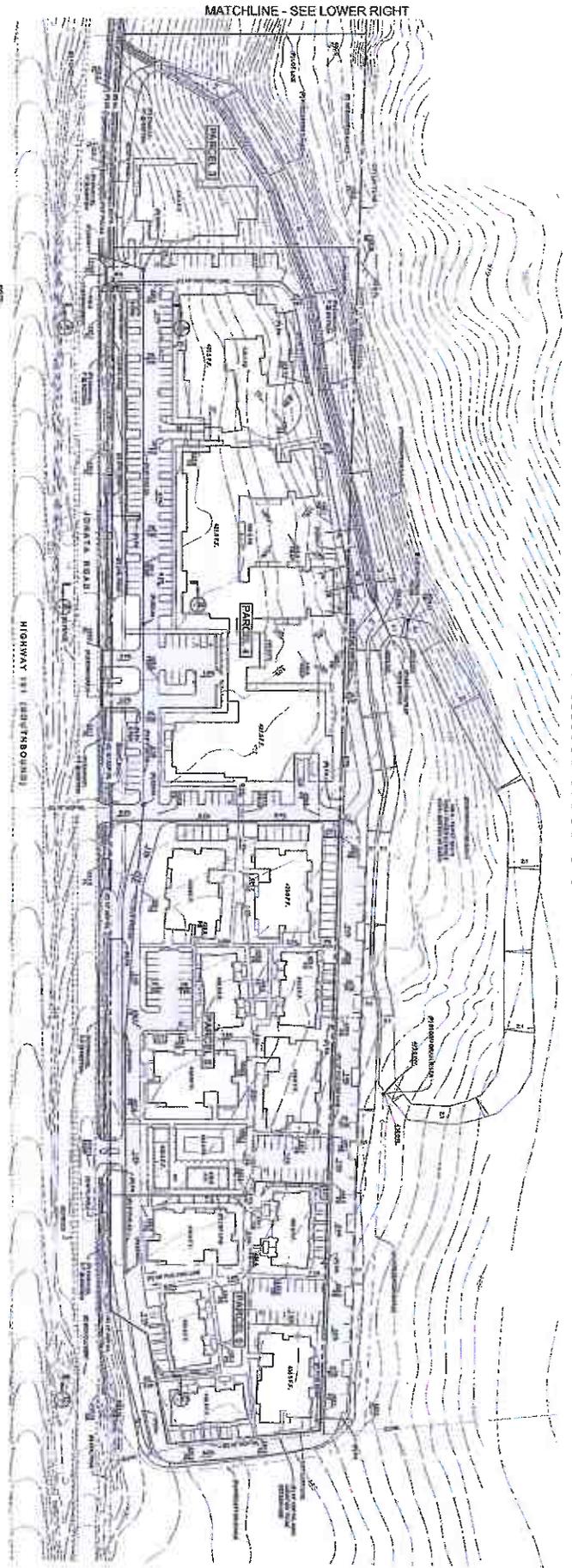
Meritage - Senior Living | Buellton, CA

**BARARCHITECTS**

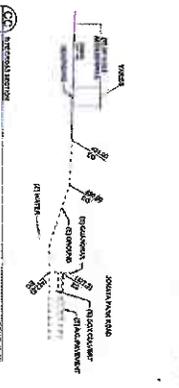
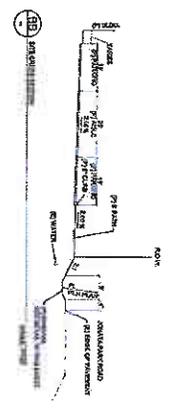
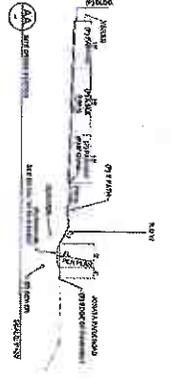
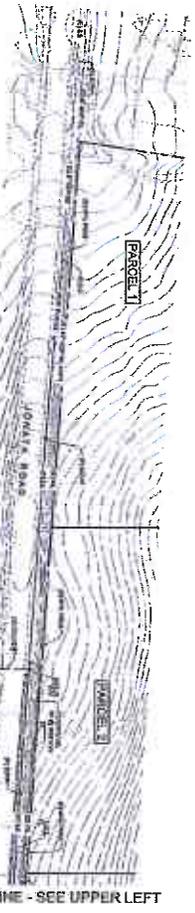
563 Howard Street, San Francisco, CA 94105, T. 415 233-5700, F. 415 233-5701 WWW.BARARCH.COM



# Attachment 3



1. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.



Meritage - Senior Living Buellton, CA

Preliminary Grading / Drainage/ Utility Plan





# Attachment 3



Meritage - Senior Living | Buellton, CA

Prepared by: DAVID H. SLACK ASSOCIATES



DAVID H. SLACK ASSOCIATES  
1000 W. BROADWAY, SUITE 200  
SAN ANTONIO, TEXAS 78207  
TEL: 214.343.1111 FAX: 214.343.1112

Preliminary Landscape Development Plan

Scale: 1" = 40'-0"



L-2

## PLANT SCHEDULE

PLANT	QUANTITY	NOTES
1. ...	...	...
2. ...	...	...
3. ...	...	...
4. ...	...	...
5. ...	...	...
6. ...	...	...
7. ...	...	...
8. ...	...	...
9. ...	...	...
10. ...	...	...
11. ...	...	...
12. ...	...	...
13. ...	...	...
14. ...	...	...
15. ...	...	...
16. ...	...	...
17. ...	...	...
18. ...	...	...
19. ...	...	...
20. ...	...	...
21. ...	...	...
22. ...	...	...
23. ...	...	...
24. ...	...	...
25. ...	...	...
26. ...	...	...
27. ...	...	...
28. ...	...	...
29. ...	...	...
30. ...	...	...
31. ...	...	...
32. ...	...	...
33. ...	...	...
34. ...	...	...
35. ...	...	...
36. ...	...	...
37. ...	...	...
38. ...	...	...
39. ...	...	...
40. ...	...	...
41. ...	...	...
42. ...	...	...
43. ...	...	...
44. ...	...	...
45. ...	...	...
46. ...	...	...
47. ...	...	...
48. ...	...	...
49. ...	...	...
50. ...	...	...
51. ...	...	...
52. ...	...	...
53. ...	...	...
54. ...	...	...
55. ...	...	...
56. ...	...	...
57. ...	...	...
58. ...	...	...
59. ...	...	...
60. ...	...	...
61. ...	...	...
62. ...	...	...
63. ...	...	...
64. ...	...	...
65. ...	...	...
66. ...	...	...
67. ...	...	...
68. ...	...	...
69. ...	...	...
70. ...	...	...
71. ...	...	...
72. ...	...	...
73. ...	...	...
74. ...	...	...
75. ...	...	...
76. ...	...	...
77. ...	...	...
78. ...	...	...
79. ...	...	...
80. ...	...	...
81. ...	...	...
82. ...	...	...
83. ...	...	...
84. ...	...	...
85. ...	...	...
86. ...	...	...
87. ...	...	...
88. ...	...	...
89. ...	...	...
90. ...	...	...
91. ...	...	...
92. ...	...	...
93. ...	...	...
94. ...	...	...
95. ...	...	...
96. ...	...	...
97. ...	...	...
98. ...	...	...
99. ...	...	...
100. ...	...	...

# Attachment 3



*Alnus rhombifolia*  
(White Alder)



*Malindragia zeyheriana*  
(Street Gum)



*Platanus racemosa*  
(Fremont Plane Tree)



*Platanus racemosa*  
(California Sycamore)



Pathway Lighting



Parking Lot Lighting



*Aesculus californica*  
(California Buckeye)



*Pyrus calleryana 'Historical'*  
(Historical Flowering Pear)



*Quercus agrifolia*  
(Coast Live Oak)



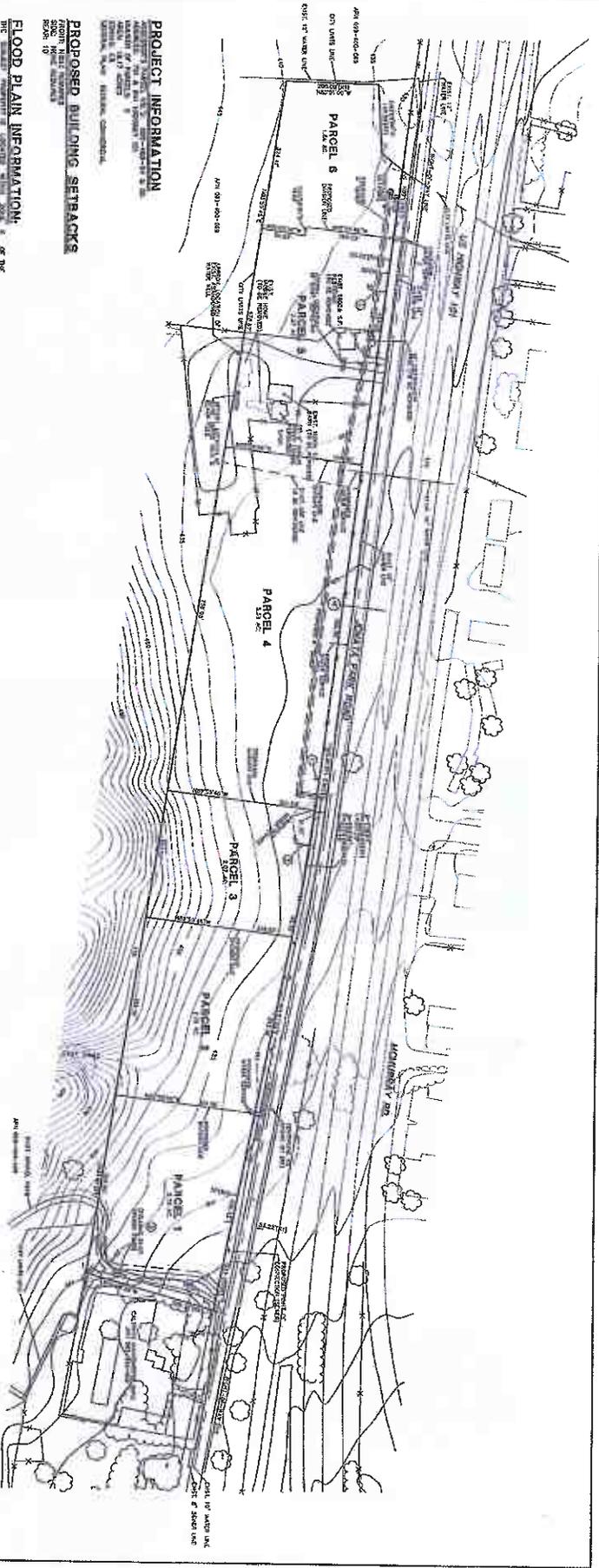
*Quercus lobata*  
(Valley Oak)



*Patache chinensis*  
(Chinese Patache)



# Attachment 3



### PROJECT INFORMATION

PROJECT NO. 100-00-000  
 DATE: 10/15/00  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES  
 SCALE: AS SHOWN

### PROPOSED BUILDING SETBACKS

THE SETBACKS INDICATED ON THIS MAP ARE BASED ON THE ZONING REGULATIONS OF THE CITY OF SAINT AUGUSTINE, FLORIDA. THE SETBACKS MAY BE ADJUSTED BY THE CITY ENGINEER AND THE ZONING BOARD. THE SETBACKS MAY BE ADJUSTED BY THE CITY ENGINEER AND THE ZONING BOARD.

### FLOOD PLAIN INFORMATION

THE FLOOD PLAIN INFORMATION ON THIS MAP IS BASED ON THE FLOOD PLAIN MAP OF THE CITY OF SAINT AUGUSTINE, FLORIDA. THE FLOOD PLAIN MAP IS AVAILABLE FROM THE CITY ENGINEER AND THE ZONING BOARD.

### TOPOGRAPHIC DATA

TOPOGRAPHIC DATA WAS OBTAINED FROM THE U.S. GEOLOGICAL SURVEY AND IS BASED ON THE 1:25,000 SCALE MAP.

### OWNERS CERTIFICATE

I, the undersigned, being the owner of the above described property, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

### UTILITIES

UTILITY LINES ARE SHOWN ON THIS MAP AS DOTTED LINES. THE LOCATION OF UTILITY LINES IS BASED ON THE RECORD DRAWINGS OF THE UTILITY COMPANIES.

### LEGEND

- PROPOSED BUILDING SETBACKS
- EXISTING BUILDING SETBACKS
- EXISTING EASEMENTS
- EXISTING UTILITIES
- EXISTING STREETS
- EXISTING LOT LINES
- EXISTING PARCEL LINES
- EXISTING PROPERTY LINES
- EXISTING RIGHT-OF-WAY LINES
- EXISTING EASEMENT LINES
- EXISTING UTILITY LINES
- EXISTING STREETS
- EXISTING LOT LINES
- EXISTING PARCEL LINES
- EXISTING PROPERTY LINES
- EXISTING RIGHT-OF-WAY LINES
- EXISTING EASEMENT LINES

### PROPOSED EASEMENTS

- 1. EASEMENT FOR THE PROPOSED BUILDING SETBACKS.
- 2. EASEMENT FOR THE PROPOSED UTILITY LINES.
- 3. EASEMENT FOR THE PROPOSED STREETS.
- 4. EASEMENT FOR THE PROPOSED LOT LINES.
- 5. EASEMENT FOR THE PROPOSED PARCEL LINES.
- 6. EASEMENT FOR THE PROPOSED PROPERTY LINES.
- 7. EASEMENT FOR THE PROPOSED RIGHT-OF-WAY LINES.
- 8. EASEMENT FOR THE PROPOSED EASEMENT LINES.

### SUBVEYORS STATEMENT

I, the undersigned, being a duly qualified and licensed surveyor, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

Surveyor's Name: J. J. JONES  
 License No.: 100-00-000  
 Date: 10/15/00

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

Existing Parcel Lines

Existing Property Lines

Existing Right-of-Way Lines

Existing Easement Lines

Proposed Easements

Subveyors Statement

Tentative Parcel Map No. 31,056

Scale: 1" = 100'

North Arrow

Typical Street Section

Parcel 1 through 6

Utility Lines

Proposed Building Setbacks

Existing Building Setbacks

Existing Easements

Existing Utilities

Existing Streets

Existing Lot Lines

## Attachment 4

### RESOLUTION NO. 13-15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

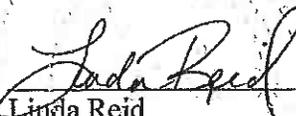
**SECTION 4:** Based on the facts and findings set forth above in this Resolution, the City Council finds that it has reviewed and considered all such information and that the findings herein reflect the independent judgment and analysis of the City Council, and certifies that the Final SEIR for the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

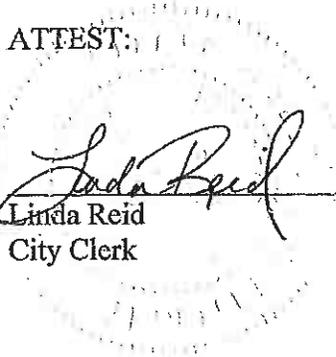
**SECTION 5:** The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED and ADOPTED** this 24<sup>th</sup> day of October 2013.

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

ATTEST:

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



---

I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution No. 13-15 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 24<sup>th</sup> day of October 2013 by the following vote of the Council:

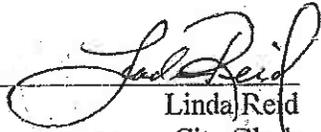
AYES: 5 Council Members Andrisek, Elovitz, Sierra, Vice Mayor Connolly, and Mayor Dale

NOES: 0

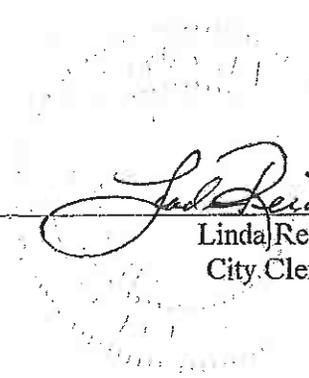
ABSENT: 0

ABSTAIN: 0

---



Linda Reid  
City Clerk



## Attachment 4

### EXHIBIT A

#### CEQA FINDINGS

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

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

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

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

## Attachment 4

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

**1. Aesthetics/Visual Resources**

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

**2. Air Quality**

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

**3. Biological Resources**

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

**4. Cultural and Historic Resources**

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

**5. Geology/Soils**

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

**6. Greenhouse Gas Emissions**

- a. The Meritage Senior Living Project would generate short-term as well as long-term GHG emissions. The Project would exceed the 1,100 MT CO<sub>2</sub>E/year threshold, and would incrementally contribute to climate change. Mitigation measure GHG-1 from the June 2013, FSEIR would reduce the impact to a level of insignificance.

**7. Hydrology and Water Quality**

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

**8. Land Use, Agriculture and Housing**

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

**9. Noise**

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

**10. Safety**

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

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

**1. Aesthetics, Community Design and Visual Resources**

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

**2. Agricultural Resources**

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

**3. Air Quality**

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

**4. Biological Resources**

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

## Attachment 4

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

### 5. Cultural and Historic Resources

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

### 6. Geologic Hazards

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

### 7. Geology/Soils

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

### 8. Hydrology and Water Quality

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

### 9. Land Use/Policy Consistency

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

## Attachment 4

### 10. Noise

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

### 11. Public Services and Infrastructure

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

**12. Transportation and Circulation**

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

**D. Alternatives**

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

**Alternative 1 (New No Project/No Development)**

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

**Alternative 2 (AHOZ Development)**

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

**Alternative 3 (Typical Commercial Project)**

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

**Alternative 4 (Reconfigured Project)**

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

## Attachment 5

### RESOLUTION NO. 13-16

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

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

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

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

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

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

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

**A. Record.** Prior to rendering a decision on any aspect of the Project, the City Council considered the following:

## Attachment 5

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

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

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

5. The CC Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on October 11, 2013, a minimum of 10 days in advance of the Public Hearing.
6. The CC Public Notice was posted in three public locations on October 11, 2013, a minimum of 10 days in advance of the Public Hearing.

**C. Environmental Clearance.**

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

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

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

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

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

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

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

**a. Findings:**

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed because the size of the site and its location are appropriate for this type of use. The Zoning Ordinance does not have requirements for lot size or site coverage. However, the site is adequate for the development and is accessible by a public street.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and mitigation measures from the Final SEIR and prior environmental documents have been made conditions of approval and would mitigate any impacts to a level of insignificance.
- iii. That streets and highways are adequate and properly designed per the requirements of the City's Public Works Director with conditions imposed herein. Traffic and circulation impacts are negligible with this type of low impact use.
- iv. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the project. The Fire Department has approved the plans and provided conditions of approval. The Sheriff's Department has no concerns with the Project.
- v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for general commercial- land uses and the City Council has determined that this Project meets the definition of a Medical Services-Hospitals and Extended Care use. The project conforms to the requirements of the Zoning Ordinance as to site design and

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

- vi. That the Project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the Project complies with the General Plan and the Zoning Ordinance.
- vii. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
- viii. That the proposed development is in conformance with the Community Design Guidelines. The architectural style is Agrarian.

**2. Rear Yard Setback Reduction.**

**a. Findings:**

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

**3. Tentative Tract Map (TTM 31056).**

**a. Findings:**

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

## Attachment 5

- ii. The site is physically suitable for the type of development proposed as the site is planned and zoned for commercial development and the City Council has determined that the project falls into the commercial category.
- iii. The site is physically suitable for the proposed density of development as the commercial development meets the standards of the Zoning Ordinance.
- iv. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat as none exist on the property based on the findings in the Final SEIR and the mitigation measures imposed herein.
- v. The design of the subdivision or the proposed improvements will not likely cause serious public health problems as no public health issues have been identified on the property.
- vi. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision; or that substantially equivalent alternate easements are provided. No public easements exist.
- vii. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
- viii. Proposed street names are consistent with the types of names used elsewhere in the community and, where applicable, are logical extensions of those existing in the area of the subdivision. There are no new street names.
- ix. The proposed subdivision is consistent with all applicable provisions of this title, and the Buellton zoning ordinance, including but not limited to minimum lot area requirements, any other applicable provisions of this code, and the Subdivision Map Act.

Attachment 5

Resolution No. 13-16

7

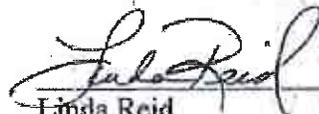
October 24, 2013

**SECTION 4:** Based on the findings set forth in Section 3 and subject to the attached conditions of approval, the City Council hereby approves the Conditional Use Permit (12-CUP-01), Tentative Tract Map (TTM 31056) and the reduction in a portion of the rear setback as shown on the site plan dated March 22, 2012.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of October 2013.

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

**ATTEST:**

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

---

I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution No. 13-16 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 24<sup>th</sup> day of October 2013 by the following vote of the Council:

AYES: 4 Council Members Andrisek, Elovitz, Sierra, and Vice Mayor Connolly  
NOES: 1 Mayor Dale  
ABSENT: 0  
ABSTAIN: 0

---



Linda Reid  
City Clerk

**CONDITIONS OF APPROVAL  
MERITAGE SENIOR LIVING PROJECT**

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

**A. GENERAL PROVISIONS**

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description contained in the application received January 5, 2012, and conditions of approval set forth below. The Project Description is as follows: A request by Norman Williams, Buellton Oaks, L.P., property owner, and Mark Edwards, agent (the "Applicant") for a Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) to develop the Meritage Senior Living Project which consists of a 24-bed skilled nursing facility, a 40-unit memory building, 91 assisted living units, 92 independent living units, parking, landscaping, and an offsite drainage basin. Also proposed are a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service (the "Project"). The Project is located on Jonata Park Road (Assessor Parcel Numbers 099-400-064, 099-400-065 and 099-400-069 (Offsite Portion)) (the "Property"). The project plans that are included in this approval include the site plan, floor plans, elevation plans, preliminary grading/drainage/utility plan, preliminary landscape plan, and tentative tract map dated March 22, 2012. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval. The following are the approvals:

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

Living), 3.3 acres (Lot 5 – Independent Living, Community Center), and 1.9 acres (Lot 6 – Independent Living)

2. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.
- a. **“Applicant”** means Norman Williams, Buellton Oaks L.P., property owner, and Mark Edwards, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project.
  - b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
  - c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
  - d. **“County”** means the County of Santa Barbara.
  - e. **“Final Building Inspection Clearance”** means acknowledgement by the Building and Safety Division of the County that construction of the Project has been completed in full compliance with plans and specifications approved by the Building and Safety Division of the County. Such acknowledgement is typically evidenced by signature of appropriate Building and Safety Division staff on the building permit inspection form.
  - f. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of a special district.
  - g. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
  - h. **“Project”** means and includes all of the actions described in the Project Description above.
  - i. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.
  - j. **“Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.

## Attachment 5

- k. **"Property"** means the land and improvements identified in the Project Description.
  - l. **"Property Owner"** means Norman Williams, Buellton Oaks, L.P., and includes all persons and entities possessing fee title (in full or in part) to the site of the Project.
  - m. **"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.
3. **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.
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.
5. **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.
6. **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.
7. **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.

8. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.
9. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.
10. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City.
11. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the fee schedules adopted by the City and then in effect at the time such fees become payable.
12. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

## **B. ENVIRONMENTAL MITIGATION MEASURES**

### **Aesthetics**

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

### **Air Quality**

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

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
  - Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
  - If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.
  - Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.
15. **AQ-3(b) Application of Standard CBACT.** Best available control technology for construction equipment (CBACT) shall be applied to the piece of construction equipment estimated to cause the highest level of combustion emissions during any proposed construction, based on APCD standards. CBACT technology may include the following: fuel injection timing retard of 2 degrees; installation of high pressure injectors; coating of internal combustion surfaces (cylinder head, pistons, and valves); and/or use of reformulated diesel fuel.
16. **AQ-3(c) Standard Ozone Precursor Controls.** At all times, ozone precursor emissions shall be controlled not only through the routine maintenance of all construction equipment, but construction activities shall also be required to utilize new technologies to control ozone precursor emissions including:
- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
  - The engine size of construction equipment shall be the minimum practical size.

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

### Agricultural Resources

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

### Cultural and Historic Resources

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

### Geology/Soils

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

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

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

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

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

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

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

### Hazardous Materials

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

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

### Drainage

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

### Greenhouse Gas (GHG) Emissions

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

by a minimum of 355 MT CO<sub>2</sub>E per year over the operational life of the project. The plan will be implemented on site by the project applicant and may include, but is not limited to, the following components:

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

Or

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

### Noise

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

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

[http://inspectapedia.com/bestpractices/sound\\_control3.htm](http://inspectapedia.com/bestpractices/sound_control3.htm)

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

[http://www.sae.edu/reference\\_material/pages/STC%20Chart.htm](http://www.sae.edu/reference_material/pages/STC%20Chart.htm)

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

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

### C. PLANNING CONDITIONS

32. **Conditional Use Permit/Tentative Tract Map.** Approval of the Conditional Use Permit (Case No. 12-CUP-01) and the Tentative Tract Map (Case No. TTM 31056) (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.
33. **Development Time Frame.** Building construction must be started not later than five years after approval of the Conditional Use Permit, or if a Permit is issued within the five year period, construction must be diligently pursued thereafter, or this approval will be revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project. Start of construction is defined as:
- a. All zoning and related approvals are effective; and
  - b. All required building and grading permits have been issued; and
  - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the California Building Code have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.

34. **Zoning Clearance.** As a condition precedent to obtaining building permits, and prior to improving any portion of the Property or commencing any work pertaining to the Project approved herein, the Applicant shall obtain Zoning Clearance from the Planning Director. Zoning Clearance shall only be granted upon satisfying all conditions precedent to construction as stated in these conditions of approval. Final architectural elevations shall be reviewed by the Planning Commission as part of the zoning clearance process.
35. **Performance Standards.** The design, operation, and use of the Project and Property shall comply with all outdoor storage, trash collection design, performance standards, landscaping requirements, and lighting provisions of the Buellton Municipal Code. All exterior lighting shall be located and designed so as to avoid creating substantial off-site glare, light spillover onto adjacent properties, or upward illumination into the sky. In addition, the Property shall be maintained in strict compliance with the following additional standards:
- a. **Use Limitations.** No building or other improvement upon the Property shall be constructed, maintained, or used for any purpose other than that which is allowed by the Buellton Municipal Code or otherwise stipulated in the conditions of approval herein. Furthermore, the Property shall be maintained in strict compliance with the following additional standards:
    - (1) **Unobstructed Access.** All driveways and areas designated for off-street parking shall remain accessible at all times. Except as allowed by revocable license approved by the City, parking shall not be allowed on driveways at any time.
    - (2) **Vehicle Repair.** No disassembly, repair or any other work shall be performed on any vehicle, machine, motor, appliance or other similar device shall be allowed on any portion of the Property except or unless such work and device is wholly removed from public view.
    - (3) **Exterior Storage.** No storage of any goods, materials or equipment shall be permitted on the Property except within the confines of fully enclosed buildings or as approved in the Final Development Plan.
  - b. **Prohibited Activities.** No person owning, leasing, occupying or having charge or possession of the Property, or any portion thereof, shall maintain or use the premises in such a manner that any of the following conditions are found to exist:
    - (1) **Fire and Explosion Hazards.** Storage and transportation of flammable or explosive materials, as defined by the County of Santa Barbara Fire Department, which are provided without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices, standard in the industry.

- (2) Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances, affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (3) Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, or humidity, heat or cold that is produced and is perceptible without instruments by the average person at the Property line.
- (4) Liquid and Solid Wastes. Discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction over such activities.
- (5) Odors. Emissions of odorous gases or other odorous matter that is produced in nuisance quantities at the Property line.
- (6) Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectable without instrument by the average person at the Property line which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point.
- (7) Vibration. Ground vibration that is produced and is discernible without instruments to the average person at the Property line. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard.
- (8) Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.

- (9) **Noise.** Unless otherwise provided for, no person shall operate or cause to be operated any source of sound at or on the Property, or allow the creation of any noise on the Property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any receiving property to exceed the noise level limits set forth by the Buellton Municipal Code as adopted and amended.
36. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
37. **Building Codes.** All building construction shall be designed and performed in accordance with the currently adopted California Building Code, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.
38. **Grading and Drainage.** All building construction, grading and drainage shall be designed and performed in accordance with the currently adopted Excavation and Grading Code and all other appropriate sections of the Buellton Municipal Code and Santa Barbara Flood Control Design Standards dealing with grading, drainage and public improvements. Prior to construction, necessary plans and documentation shall be submitted for review and approval by the City Engineer including, but not limited to, complete civil engineering drawings, public improvement plans, utility specifications and appropriate engineering calculations prepared by a California Registered Civil Engineer.
39. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction in the Phase is completed and all improvements and landscaping associated with the Phase are installed in accordance with the plans approved and the conditions specified herein. Exceptions to this requirement may be granted subject to: (i) approval of the City Engineer and Planning Director; (ii) assurance that unfinished items will be completed within a reasonable period of time (including, but not limited to, the posting of appropriate performance security to assure such completion); (iii) essential infrastructure necessary to serve the entire Project is fully installed; and (iv) public safety and convenience is appropriately protected. This condition only applies to the buildings, not to the public improvements associated with the tentative tract map.
40. **Property Maintenance.** The Project and Property, including the landscaping, shall be maintained in a continuous state of good condition and repair, in full compliance with all approved plans, specifications and conditions of approval. Corrective improvements shall be undertaken as necessary to continuously conform with and implement conditions of Project approval including, as applicable, repair, repainting and/or replacement of Project components as needed. Where a Project is found to be non-compliant, the Applicant shall adhere to City recommendations to bring the Project into compliance.

41. **Community Design Guidelines/Architecture/Amenities.** The Project shall be in conformance with the Community Design Guidelines. The design details and color of the Agrarian style architecture shown on the project plans shall be installed and maintained. Amenities, such as food service, laundry service, housekeeping, and panic buttons, shall be offered to the residents of the independent living units.
42. **Landscape Surety.** Prior to issuance of a building permit, a surety for installation of the landscaping and irrigation, and for maintenance for one year, shall be posted in a form acceptable to the City. The surety estimate shall be submitted as part of the building permit submittal.
43. **Landscape Installation.** Prior to obtaining Final Building Inspection Clearance, all landscaping and irrigation shall be completed and fully installed in accordance with the approved landscape plan submitted as part of the building plans. A letter from the landscape architect shall be submitted verifying compliance with the plans. The landscape and irrigation surety, less the one year maintenance portion, can be released at this time.
44. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than one year or until such time that all plant material has been completely established. The Planning Director shall inspect or cause to be inspected all landscaped areas after the one year maintenance period. If the landscaping is healthy and established, the one year maintenance portion of the surety may be released.
45. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.
46. **Lighting.** All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies. All lighting shall be LED or Inductive technology or other energy efficient type of lighting.
47. **Parking.** A total of no more than 233 parking spaces are required onsite. If the project is phased, the first phase shall be per the City's standard, with parking for subsequent phases adjusted using actual parking data submitted by the applicant. The Planning Commission will review the parking data and approve any adjustments. Assisted Living employee parking shall be part of the required 1:1 parking ratio.
48. **CC&Rs.** Any CC&Rs developed for the project shall be reviewed by the City to ensure that there are no conflicts with the City's Municipal Code.
49. **Reciprocal Access, Drainage, and Parking.** A reciprocal parking, drainage, and access easement shall be recorded as part of, or concurrently with by separate document, the tract map.

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

#### **D. ENGINEERING/CONDITIONAL USE PERMIT CONDITIONS**

##### **PRIOR TO GRADING PERMIT ISSUANCE:**

58. **Grading and Utilities Improvement Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.
59. **Plan Requirements.** Plans for the improvements shall be drawn by a California Registered Civil Engineer. Drawings shall be prepared on 24-inch by 36-inch mylar (4 mil) showing all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, utilities, and street trees.

60. **Soils Report.** At the time that Improvement Plans and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, two copies of a Soils Report, prepared by a California Registered Geologist or Soils Engineer, shall be submitted. The Report shall address soils engineering and compaction requirements, R-values, and other soils and geology related issues (including liquefaction) and shall contain recommendations as to foundation design, and paving sections, where applicable for the project.
61. **Erosion Control Plans.** Erosion Control Plans shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at *all* times. This shall be in compliance with the Regional Water Quality Control Board requirements. NOI shall be filed. A SWPPP shall be developed for the project site by a certified QSD, draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times. Implementation shall be performed by a QSP.
62. **Hydrology Report.** At the time that Improvement and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, a complete hydrology/hydraulic report shall be submitted by the applicant's engineer determining the adequacy of the proposed drainage system and the adequacy of the existing downstream system. A rain fall frequency of twenty-five (25) years shall be used for sizing piping and inlet structures. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara County Engineering Design Standards shall be used. Off-site drainage flows shall be address for flows anticipated from the upper watershed, as well as discharge from the project site. In addition, the report shall discuss the required stormwater management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references.
63. **Drainage Plan.** The drainage plan shall identify potential pollutants of concern and demonstrates that post-construction BMPs projects will reduce to the Maximum Extent Practicable the projects potential to add pollutants to storm water or to affect the flow rate or velocity of stormwater runoff after construction is completed. It shall also demonstrate that the post-construction BMPs incorporated into the project will prevent it from significantly degrading receiving water quality, or, causing or contributing to an exceedance of receiving water quality objectives.
64. **State of California Regional Water Quality Control Board Requirements.** Development shall be undertaken in accordance with conditions and requirements of the State of California Regional Water Quality Control Board (RWQCB). Project Grading and Storm Drain Improvement Plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted on-site and during construction to effectively mitigate storm water pollution during construction as well as post-construction. Notice of Intent (NOI) must be filed electronically and applicant shall obtain their NPDES permit with the RWQCB and comply with all required reporting and monitoring requirements of the permit.

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

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

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

- Control the post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion;
  - Conserve natural areas; Minimize pollutants of concern from urban runoff through implementation of source control BMPs;
  - Remove pollutants of concern from urban runoff through implementation of site design, source control, and structural treatment BMPs implemented close to pollutant sources and prior to discharging into receiving waters;
  - Minimize directly connected impervious areas;
  - Protect slopes and channels from eroding;
  - Include storm drain stenciling and signage;
  - Include properly designed outdoor material and trash storage areas;
  - Ensure that post-development runoff does not contain pollutant loads that have not been reduced to the maximum extent practicable.
65. **Maintenance/Water Quality Control Plan.** A maintenance/water quality control plan shall be submitted and include an owner's statement that maintenance of facilities will occur regularly (at least twice annually) and will be ongoing. The plan shall include an annual maintenance report which must be signed/certified by the QSD/QSP, property owner and contractor and submitted to the Public Works Department, for City review and approval. The mechanism must ensure ongoing long-term maintenance of these BMPs, all to the satisfaction of the City Engineer.
66. **Improvement Plans.** Applicant shall submit improvement plans for concurrent review with the Santa Barbara County Fire Department and shall provide documentation of submittal along with grading and utility improvement plans to the City Engineer. A copy of the Fire Department approval shall be submitted prior to issuance of grading permit.
67. **Right-of-Way Improvements.** Driveway, sidewalk and any other improvements made within the public right-of-way shall be shown on a separate sheet. These improvements shall utilize City of Buellton standard details and provide for ADA access.

68. **Mylars.** Upon approval of the final plans, the applicant shall furnish original stamped mylars to the City Engineer for signature and reproduction for permitting purposes. A final Engineer's estimate shall be prepared (updated from the original submittal and shall utilize prevailing wage rates) and permit/inspection fees paid.
69. **Faithful Performance and Labor/Material Bond.** A faithful performance and labor/material bond for the grading and utilities (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year after the City has approved a Notice of Completion and after receipt/approval of the As-built Record Drawings and all fees paid.
70. **Grading.** A geotechnical engineer or geologist licensed in the State of California shall provide guidance during grading operations and shall certify constructed pads and ensure all mitigation measures are properly implemented. Certifications and final reports shall be submitted to the City Engineer for approval.
71. **Off-Site Retention Basin.** Grading Permit for the off-site retention basin must be obtained from the County of Santa Barbara prior to issuance of the City's Grading Permit. Should the location of the retention basin change, plans and description should be submitted for planning review and approval prior to issuance of grading permits. Hydrology/Hydraulic study and stormwater management plan shall be modified accordingly.
72. **Caltrans Approval.** Sign-off by Caltrans must be obtained prior to issuance of the City's Grading permit to address their drainage issue concerns as noted in their February 4, 2013 letter.
73. **Other Permits.** The applicant shall acquire additional permits as applicable from other agencies (Caltrans, Fish & Game, etc.).

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

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

**PRIOR TO OCCUPANCY CLEARANCE:**

78. **Improvement Plans.** The applicant shall complete all required improvements to the satisfaction of the City Engineer. The applicant shall furnish the mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "As-Built Record Drawings."
79. **Water and Sewer Fees.** The applicant shall pay water and sewer utilities fees from the Public Works Department prior to occupancy. In addition, all pretreatment and FOG compliance requirements must be in place prior to payment of water/sewer fees and occupancy. In the event that the water use or sewer discharge amount increases beyond original estimates used to pay these fees, the applicant shall be required to pay the additional fees.
80. **Tract Map.** Tract Map must be approved prior to occupancy.
81. **Easements.** Any required utility easements shall be offered for dedication as part of the Tract Map and shall be supplemented with a separate Grant of Easement document for recordation.
82. **Maps and Easements.** All maps and easements shall be recorded prior to issuance of Certificate of Occupancy.
83. **Map Conditions.** All map conditions shall apply.

**GENERAL CONDITIONS:**

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

89. **Public Improvements along Development Frontage.** Public improvements, including road and shoulders (with adequate width to accommodate future bicycle lanes), curb/gutter and sidewalk shall be provided along development frontage. The final design of the public improvements shall be approved by the City Engineer. An asphalt public access path shall be installed along the frontage of Parcels 1 and 2 as part of the first phase.
90. **Infrastructure.** Water, sewer and other infrastructure shall be extended as necessary to provide service to the development. This shall be done at the expense of the developer.
91. **Grease Traps.** Kitchen shall include appropriately sized grease traps. Facility shall be subject to the City's Fats, Oils and Grease (FOG) program.
92. **Post Construction Requirements.** Applicant shall be made aware that the RWQCB has adopted new Post Construction Requirements (PCR), which the City is required to implement. Should the project be approved after March 6, 2014, this project must incorporate those PCRs.
93. **Construction Hours.** Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Weekend construction shall require special approval from the City Engineer and be limited to the hours of 9:00 a.m. to 4:00 p.m.
94. **Dust and Erosion Control.** Applicant shall enforce dust control as well as erosion control at all times. Site shall be maintained after mass grading to ensure that dust and dirt are contained until development progresses. Exposed areas shall be stabilized to prevent wind and water erosion as approved by the City Engineer.

#### **E. ENGINEERING/SUBDIVISION MAP CONDITIONS**

##### **PRIOR TO GRADING PERMIT ISSUANCE:**

95. **Easement Dedication.** The applicant shall offer for dedication any utility easements required to accommodate the proposed water and sewer lines. Public Dedications shall be supplemented with Grant of Easement Deeds to the City of Buellton.
96. **Faithful Performance and Labor/Material Bond.** A faithful performance and labor/material bond for the grading and utilities (each to be equal to 100% of the final City Engineer's estimate of costs, which shall include a 20% contingency), or equivalent form of guarantee, shall be posted by the applicant. The bonds shall remain in effect until the completion of the project and a certificate of occupancy has been issued, at which time, 10% of the bond shall be retained for a warranty period of 1 year and until receipt of As-built Record Drawings and all fees paid.
97. **Drainage/Access Easements.** Any public or private easements required for drainage or access shall be described and shown on the Map.

98. **Hazard Determinations.** Any geotechnical hazard or other hazard determinations shall be shown on the map.
99. **Grading and Utilities Improvement Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.
100. **Improvement Plan Requirements.** Plans for the improvements shall be prepared on 24-inch by 36-inch mylar (4 mil) showing all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, utilities, and street trees.
101. **Other Permits.** The applicant shall acquire additional permits from other affected agencies (Caltrans, Fish & Game, etc.) prior to grading permit issuance.
102. **Conditional Use Permit Conditions.** All conditions with the Conditional Use Permit shall apply.
103. **Regional Water Quality Control Board Regulations.** Compliance with all Regional Water Quality Control Board regulations shall apply, including but not limited to stormwater management plans and water quality control plans.

**PRIOR TO BUILDING PERMIT ISSUANCE:**

104. **Final Map.** A Final Map shall be submitted by the applicant to the City Engineer for review and approval prior to the City Council approval and authorization to record. Said Map shall be prepared by a licensed Surveyor or a qualified Civil Engineer, registered in the State of California. Closure calculations shall be submitted with the Final Map along with adequate reference data, easement documentation, current title report and map check processing fees.

**PRIOR TO OCCUPANCY CLEARANCE:**

105. **Final Map Conformance/Fees.** The Final Map shall be in substantial conformance with the approved Tentative Map and shall be subject to final review by the City Council prior to recordation, if a public easement is required for dedication. All applicable fees then outstanding at the time of Council approval shall be paid by the applicant prior to Map recordation including, but not limited to, outstanding balances owed for development and map processing. Copies of the recorded Final Map shall be filed by the applicant with the City Engineer and Planning Director.
106. **Final Map Recordation.** The Final Map and all applicable private and public easements must be recorded with the County Recorder.
107. **Public Improvements.** The applicant shall complete all required public improvements to the satisfaction of the City Council. Prior to accepting the public improvements, the

applicant shall furnish the original mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "Record Drawings." Public improvements shall only be accepted after: (i) all items required are completed to the satisfaction of the City Engineer; and (ii) a Notice of Completion is filed by the City Engineer and accepted by the City Council. An asphalt public access path shall be installed along the frontage of Parcels 1 and 2 as part of the first phase.

#### **GENERAL CONDITIONS:**

108. **Phase I Environmental Site Assessment.** Prior to recordation of the Final Map, the Applicant shall have an environmental auditor (appropriately certified by the State of California and approved by the City Engineer) submit to the City Engineer a Phase I environmental site assessment for review and approval as to those portions of the project which are proposed for dedication to the City. The report shall state that all property within the boundaries of the map and any property being dedicated to the City (i.e., streets and off-site easements) have been evaluated for hazardous materials. The Phase I Assessment shall have been prepared no more than two years prior to submitting the offer to dedicate. Should additional assessment be required, the Applicant shall have a Phase II environmental site assessment performed at his sole cost.

Should there be any form of contamination found, the Applicant shall comply, at its sole expense, with all measures and recommendations contained in the environmental site assessment report approved by the City Engineer for the handling, removal, and disposal of any hazardous materials found at the property. The City will not accept any property dedication until the site has been proven clear from all known contaminants and a report is received from the consultant stating that the site in question is clean.

#### **F. FIRE DEPARTMENT CONDITIONS**

##### General Notice

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

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

111. **Access Ways.** All access ways (public and private, road and driveways) shall be installed, made serviceable and maintained for the life of the project.
- Access shall be as shown on plans dated March 22, 2012.
  - Access to this project shall conform to Santa Barbara County Fire Department Development Standard #1.
  - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.

- Dead-end access exceeding 150 feet shall terminate with a fire department approved turnaround.
  - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
112. **Fire Lane Signs.** Signs indicating "Fire Lane – No Stopping" shall be placed every 150 feet as required by the fire department. Refer to current adopted California Fire Code.
113. **Fire Lane.** The new fire lane on the west side of the Memory Building and the Assisted Living Building, shall be one-way traffic with a minimum 16 foot width with a 10 foot by 50 foot turnout by the West Wing of the Assisted Living Building for ladder truck access.
114. **Roof Access.** Permanent roof access ladders shall be provided for the 3-story building. Design and location shall be approved by fire department prior to construction.
115. **Fire Hydrants.** New fire hydrant(s) shall be installed. Fire hydrant(s) shall be located per fire department specifications. Flow rate to be determined by fire department. Plans shall be approved by the fire department prior to installation.

**Prior to Occupancy Clearance the Following Conditions shall be Met:**

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

Fees will be calculated as follows:

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

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

**G. COUNTY OF SANTA BARBARA BUILDING DIVISION**

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

- Is there a slurry cutoff wall in the berm? Address potential factors that have the potential to cause failure of basin. How will this be prevented so inundation of buildings does not occur due to seismic event, rodent excavation through berm, etc.
- Provide all existing contours and extend them 20' beyond project boundaries.
- Provide all proposed contours.
- Provide finished grade at all building corners.
- Provide a minimum 5% slope for 10' from all buildings.
- Ensure finished grade is a least 8" below finish floor elevation or 6" below weep screed
- Provide a comprehensive drainage plan. The drainage plan shall include the following:
  - o Size of all curb inlets/drop inlets, storm drains, area drains, etc.
  - o Indicate all downspout locations and ensure they are piped at a minimum 10' from the building or extended to rip-rapped outlet.
  - o Provide all flow line's top of curb, finished surface and flow line for all hardscapes.
- Include emergency access per the Santa Barbara County Fire Department standards.
- Provide cross sections North/South, East/West through all buildings, basin, structural cross sections for interior, access roads, top of walls that are retaining a slope.
- Flood Control, Santa Barbara County Fire Department, Project Clean Water, and all City of Buellton Departments and Utilities applicable to this Project will require review and approval of these plans with appropriate signature blocks on the plans.

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

#### **H. FINANCE DEPARTMENT CONDITIONS**

131. **Outstanding Fees.** The Applicant shall pay all fees including, but not limited to, outstanding balances for processing by the City Engineer, Planning Department, Building Department, traffic mitigation fees, water connection fees, sewer fees, school fees, Fire Department mitigation fees, and any additional processing deposits as required prior to zoning clearance.
132. **Impact Fees.** The project applicant shall pay the water, sewer, park, and traffic impact fees in accordance with City requirements.

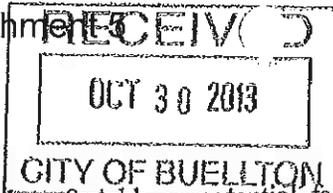
#### **Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval**

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Applicant/Agent/Representative Signature

\_\_\_\_\_  
Date



- Is there a slurry cutoff wall in the berm? Address potential factors that have the potential to cause failure of basin. How will this be prevented so inundation of buildings does not occur due to seismic event, rodent excavation through berm, etc.
- Provide all existing contours and extend them 20' beyond project boundaries.
- Provide all proposed contours.
- Provide finished grade at all building corners.
- Provide a minimum 5% slope for 10' from all buildings.
- Ensure finished grade is a least 8" below finish floor elevation or 6" below weep screed
- Provide a comprehensive drainage plan. The drainage plan shall include the following:
  - o Size of all curb inlets/drop inlets, storm drains, area drains, etc.
  - o Indicate all downspout locations and ensure they are piped at a minimum 10' from the building or extended to rip-rapped outlet.
  - o Provide all flow line's top of curb, finished surface and flow line for all hardscapes.
- Include emergency access per the Santa Barbara County Fire Department standards.
- Provide cross sections North/South, East/West through all buildings, basin, structural cross sections for interior, access roads, top of walls that are retaining a slope.
- Flood Control, Santa Barbara County Fire Department, Project Clean Water, and all City of Buellton Departments and Utilities applicable to this Project will require review and approval of these plans with appropriate signature blocks on the plans.

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

**H. FINANCE DEPARTMENT CONDITIONS**

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

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

**Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval**

Property Owner Signature

*Mark Edwards, agent*

Project Applicant/Agent/Representative Signature

Date

*10/29/13*

Date

Resolution No. 13-16

35

October 24, 2013

- Is there a slurry cutoff wall in the berm? Address potential factors that have the potential to cause failure of basin. How will this be prevented so inundation of buildings does not occur due to seismic event, rodent excavation through berm, etc.
- Provide all existing contours and extend them 20' beyond project boundaries.
- Provide all proposed contours.
- Provide finished grade at all building corners.
- Provide a minimum 5% slope for 10' from all buildings.
- Ensure finished grade is a least 8" below finish floor elevation or 6" below weep screed
- Provide a comprehensive drainage plan. The drainage plan shall include the following:
  - o Size of all curb inlets/drop inlets, storm drains, area drains, etc.
  - o Indicate all downspout locations and ensure they are piped at a minimum 10' from the building or extended to rip-rapped outlet.
  - o Provide all flow line's top of curb, finished surface and flow line for all hardscapes.
- Include emergency access per the Santa Barbara County Fire Department standards.
- Provide cross sections North/South, East/West through all buildings, basin, structural cross sections for interior, access roads, top of walls that are retaining a slope.
- Flood Control, Santa Barbara County Fire Department, Project Clean Water, and all City of Buellton Departments and Utilities applicable to this Project will require review and approval of these plans with appropriate signature blocks on the plans.

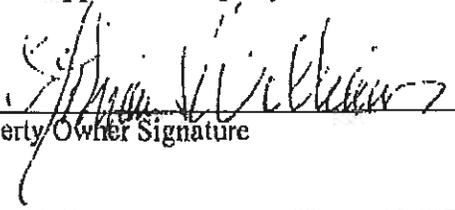
130. California Green Code. Incorporate California Green Code compliance on the plans.

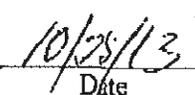
**H. FINANCE DEPARTMENT CONDITIONS**

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

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

**Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval**

  
 \_\_\_\_\_  
 Property Owner Signature

  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Project Applicant/Agent/Representative Signature

\_\_\_\_\_  
 Date



**RESOLUTION NO. 19-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION (18-TE-01) REQUEST FOR CONDITIONAL USE PERMIT (12-CUP-01) AND TENTATIVE TRACT MAP (TTM 31056) FOR THE MERITAGE SENIOR LIVING PROJECT, LOCATED ON JONATA PARK ROAD (ASSESSOR PARCEL NUMBERS 099-400-064, 099-400-065 AND 099-400-069 (OFFSITE PORTION))**

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

**SECTION 1:** Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Norman Williams, N & G Investments, property owner, and Mark Edwards, agent (hereinafter referred to as "Applicant"), requesting a one year time extension of the approved Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056) which includes the development of a senior living project that includes a skilled nursing facility (24 rooms), a memory building (40 units), 91 assisted living units, 92 independent living units, 242 parking spaces, landscaping and walking paths, a dining hall, commercial kitchen, pool and health center, social programming, health education, cultural programs, and concierge service on 18.2 acres (the "Project"), located on Jonata Park Road, Assessor Parcel Nos. 099-400-064, 099-400-065, 099-400-069 (offsite portion) (the "Property").

**SECTION 2:** The application consists of a one-year time extension request (18-TE-01) for an approved Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056).

**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 City Council finds the following:

- A. Record.** Prior to rendering a decision on any aspect of the Project, the City Council considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on December 20, 2018 ("PC Public Hearing").
  2. All oral, written and visual materials presented by City staff in conjunction with that certain PC Public Hearing.
  3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on January 24, 2019 ("CC Public Hearing").

4. All oral, written and visual materials presented by City staff in conjunction with that certain CC Public Hearing.
  5. The following informational documents which, by this reference, are incorporated herein.
    - a. That certain written report and attachments submitted by the Planning Department dated January 24, 2019 (the "Staff Report").
    - b. The project file for 18-TE-01 and 12-CUP-01 and TTM 31056 and the set of project plans dated March 22, 2012.
    - c. The Subsequent Environmental Impact Report (12-EIR-01) prepared for the project.
    - d. Planning Commission Resolution No. 18-09.
- 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 January 10, 2019 (the "Public Notice"), a minimum of 10 days in advance of the Public Hearing conducted on January 24, 2019.
  2. The Public Notice was mailed to the Applicant, persons owning property within 300 feet of the Project site and others known to be interested in the matter on January 10, 2019, a minimum of 10 days in advance of the Public Hearing.
  3. The City Council Public Notice was posted in two public places on January 10, 2019, a minimum of 10 days in advance of the City Council Public Hearing.
- C. Environmental Clearance.** As part of the original City Council approval of the Project, a Subsequent EIR was completed (June, 2013) 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. No changes have occurred with respect to the Project, or its environmental surroundings, to require subsequent environmental review.
- D. Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), and (ii) testimony and comments received in connection with the City Council Public Hearing, the City Council does hereby declare as follows:

**1. Tentative Tract Map (TTM 31056).**

**a. Findings:**

- i.** There have been no changes to the provisions of the general plan, zoning ordinance (Title 19 of the Buellton Municipal Code), or this title applicable to the project since the approval of the tentative map.
- ii.** There have been no changes in the character of the site or its surroundings that affect how the policies of the general plan or standards of the zoning ordinance or this title apply to the project.
- iii.** There have been no changes to the capacities of community resources, including, but not limited to, water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

**2. Conditional Use Permit (12-CUP-01).**

**a. Findings:**

- i.** The findings for 12-CUP-01 included in Resolution No. 13-16 remain valid.

**SECTION 4:** Based upon the findings set forth in Section 3, the City Council hereby approves Resolution No. 19-02, approving the request for a one year time extension of the Conditional Use Permit (12-CUP-01) and Tentative Tract Map (TTM 31056).

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of January, 2019.

  
 \_\_\_\_\_  
 Holly Sierra  
 Mayor

ATTEST:

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

---

I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution No. 19-02 was duly adopted by the City Council of the City of Buellton at a regular meeting held on the 24<sup>th</sup> day of January 2019 by the following vote of the Council:

AYES:        5        Council Members King, Mercado, Sanchez, Vice Mayor Andrisek, and Mayor Sierra

NOES:        0

ABSENT:     0

ABSTAIN:    0

---

  
Linda Reid  
City Clerk

# CITY OF BUELLTON

## Planning Commission Agenda Staff Report

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

To: The Honorable Chair and Commission Members  
From: Scott Wolfe, City Manager  
Date: September 19, 2019  
Subject: Resolution No. 19-10 - "A Resolution of the Planning Commission of the City of Buellton, California, Recommending City Council Approval of an Ordinance Amending Municipal Code Title 19 (Zoning) Relating to Certain Commercial Cannabis Activities, and Making Findings in Support Thereof"

---

### **BACKGROUND/DISCUSSION**

Ordinance No. 18-02 was adopted by the City Council on July 26, 2018, which repealed Municipal Code Chapter 9.08 and added Municipal Code Chapter 19.20 related to commercial cannabis operations in Buellton. In summary, the Ordinance prohibits all commercial cannabis businesses within the City recognized under state law. The ordinance does allow for state-licensed retailers located outside of the City to deliver to residents within Buellton provided that such delivery services comply with all applicable state cannabis laws. Finally, the ordinance allows individuals to cultivate up to six plants per private residence in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Attachment 1 includes Municipal Code Chapter 19.20.

At the City Council's request, staff brought to the August 8, 2019 meeting a discussion item to discuss the potential for allowing cannabis testing labs and the sale of certain types of cannabidiol (CBD) products at retail stores in Buellton. At the conclusion of the discussion, the City Council directed staff to prepare a draft ordinance and bring forward an item to consider allowing cannabis testing labs within the City.

As the cannabis industry continues to grow, the need to test cannabis products for State standards related to quality, purity, potency, and composition of cannabis products will grow as well. Therefore, testing labs are being established across California to test for compliance with these standards. While there could be an analytical laboratory business that may consider operating with Buellton, it would currently be prohibited by the Buellton Municipal Code.

These cannabis testing laboratories are heavily regulated, with detection level requirements that are among the most strenuous of quality standards for testing laboratories, surpassing even FDA food testing laboratories. With a high standard and expense for accreditation, as well as the extremely rigorous regulation of process, reporting, data management, chain of custody, and disposal procedures, cannabis testing laboratories require highly trained employees to conduct and oversee the analysis of cannabis and processed cannabis products. Legal licensing requirements prohibit owners or employees of these laboratories from engaging in any other aspect of commercial cannabis business, so no sale, processing, or delivery from a laboratory would be allowed under state law.

The amount of cannabis at a testing laboratory would be minimal. State law addresses the amount of cannabis needed as a sample of the larger batch of product. The samples are generally collected by the laboratory staff at the distributor's location, so only the samples are taken to the laboratory. The samples are, by necessity, destroyed as a part of the testing and analysis process. This leaves little concern of cannabis being moved through or stored at the testing facility for sale, as doing so would jeopardize the license to operate the facility.

This is not to say that such laboratories are free from concern, but concerns seem to center around accurate reporting of analytical results as opposed to impacts typically associated with commercial cannabis uses, such as increased vehicular traffic and rates of personal and property crimes in the vicinity of retail establishments. Also, given the indoor nature of such laboratories, requirements for the control of odor can be effectively imposed, preventing such impacts to nearby properties.

The proposed amendment to the Buellton Municipal Code would allow cannabis testing and analysis laboratories as a conditionally permitted use (CUP) within the Industrial and Manufacturing (M) zone.

### **RECOMMENDATION**

That the Planning Commission adopt Resolution No. 19-10, " A Resolution of the Planning Commission of the City of Buellton, California, Recommending City Council Approval of an Ordinance Amending Municipal Code Title 19 (Zoning) Relating to Certain Commercial Cannabis Activities, and Making Findings in Support Thereof"

### **ATTACHMENTS**

Attachment 1 – Buellton Municipal Code Chapter 19.20  
Resolution No. 19-10

**Chapter 19.20****COMMERCIAL CANNABIS ACTIVITIES AND CANNABIS CULTIVATION****Sections:**

- 19.20.010 Purpose.**
- 19.20.020 Definitions.**
- 19.20.030 Prohibition of commercial cannabis facilities.**
- 19.20.040 Regulation of cannabis cultivation.**
- 19.20.050 Enforcement.**

**19.20.010 Purpose.**

The purpose and intent of this chapter is to prohibit any commercial cannabis facility and to regulate cannabis cultivation within the city limits. It is recognized that it is a federal violation under the Controlled Substances Act to possess or distribute cannabis even if for medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with a cannabis facility, which is contrary to policies that are intended to promote and maintain the public's health, safety, and welfare. (Ord. 18-02 § 2, 2018)

**19.20.020 Definitions.**

As used in this chapter, the following words and phrases shall have the meaning set forth below:

"Cannabis" or "marijuana" has the meaning set forth in Business and Professions Code Section 26001(f) and includes all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" or "marijuana" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" or "marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" or "marijuana" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

"Commercial cannabis activity" has the meaning set forth in Business and Professions Code Section 26001(k).

"Commercial cannabis facility" means any building, facility, use, establishment, property, or location where any person or entity establishes, commences, engages in, conducts, or carries on, or permits another person or entity to establish, commence, engage in, conduct, or carry on, any commercial cannabis activity that requires a state license or nonprofit license under Business and Professions Code Section 26000 et seq., including, but not limited to, cannabis cultivation, cannabis distribution, cannabis transportation, cannabis storage, manufacturing of cannabis products, cannabis processing, the sale of any cannabis or cannabis products, and the operation of a cannabis microbusiness.

"Cultivation" has the meaning set forth in Business and Professions Code Section 26001(l) and includes any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

"State Cannabis Laws" shall mean and include California Health and Safety Code Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996);

19.20.030

California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act); California Health and Safety Code Sections 26000 through 26211 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA")); California Health and Safety Code Sections 26220 through 26231.2; the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; and all other applicable laws of the state of California. (Ord. 18-02 § 2, 2018)

**19.20.030 Prohibition of commercial cannabis facilities.**

A. Commercial cannabis facilities are prohibited in all zoning districts in the city and may not be established or operated anywhere in the city.

B. The prohibition in subsection A shall not prohibit a state licensed retailer located outside the city from delivering to customers in the city, provided that such deliveries are in strict compliance with State Cannabis Laws. (Ord. 18-02 § 2, 2018)

**19.20.040 Regulation of cannabis cultivation.**

No person or entity may cultivate cannabis at any location in the city, except that a person may cultivate no more than six living cannabis plants inside his or her private residence, or inside an accessory structure to his or her private residence located upon the grounds of that private residence that is fully enclosed and secured against unauthorized entry, provided that the owner of the property provides written consent expressly allowing the cannabis cultivation to occur, the person conducting the cannabis cultivation complies with all applicable Building Code requirements set forth in Title 17 of this code, there is no use of gas products (CO<sub>2</sub>, butane, propane, natural gas, etc.) on the property for purposes of cannabis cultivation, and the cannabis cultivation complies with Health and Safety Code Section 11362.2(a)(3). (Ord. 18-02 § 2, 2018)

**19.20.050 Enforcement.**

Any violation of this chapter shall be enforced pursuant to Section 19.10.300. (Ord. 18-02 § 2, 2018)

**PLANNING COMMISSION RESOLUTION NO. 19-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING MUNICIPAL CODE TITLE 19 (ZONING) RELATING TO CERTAIN COMMERCIAL CANNABIS ACTIVITIES, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

**SECTION 1:** The City Council has proposed amending the Zoning Ordinance to allow the operation of cannabis testing laboratories.

**SECTION 2:** The proposed Project consists of amending Chapter 19.20 of the City's Zoning Ordinance, to except testing laboratories from the commercial cannabis activities which are prohibited in the City of Buellton; and amending Chapter 19.02 of the City Zoning ordinance to allow cannabis testing laboratories as a conditionally permitted use in the Industrial/Manufacturing (M) zone.

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

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

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on September 19, 2019 ("Public Hearing").
2. All oral, written and visual materials presented in conjunction with that certain Public Hearing.
3. The staff report dated September 19, 2019.

**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 Planning Commission Public Hearing was published in a newspaper of general circulation on September 5, 2019 (the "Public Notice"), more than the minimum of 10 days in advance of the Public Hearing conducted on September 19, 2019.

2. The Public Notice was posted in two public locations on September 5, 2019, more than the minimum of 10 days in advance of the Public Hearing.

**C. Environmental Review.** Pursuant to the California Environmental Quality Act (CEQA), the proposed project is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. While Buellton has never allowed any commercial cannabis activity under the Municipal Code, testing laboratories with similar potential for impacts are permitted either as ancillary facilities or as stand-alone uses in the case of medical laboratories. The proposed ordinance, therefore, maintains the status quo. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of this ordinance is exempt from CEQA.

**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 Public Hearing, the Planning Commission does hereby declare as follows:

**1. Zoning Ordinance Amendment**

**a. Findings:**

- i. That the form and substance of the Project, as well as the process used in its preparation and adoption, are consistent with the requirements set forth in the Buellton Municipal Code Section 19.10.110(C), in that the proposed ordinance will promote the general community welfare, is consistent with the General Plan, state planning and zoning laws, and the Buellton Zoning Ordinance, and is consistent with good zoning and planning practices.
- ii. That the Project is in conformance with all applicable policies and implementation programs set forth in the 2025 Buellton General Plan.
- iii. That the Project will not be detrimental to the health, safety, comfort, convenience, property values and general welfare of the community.

**SECTION 4:** Based upon the forgoing findings, facts and conclusions, including, but not limited to, the review of the information provided in the Staff Report, consideration of the testimony given at the Planning Commission Public Hearing, as well as other pertinent

information, the Planning Commission hereby recommends that the City Council adopt the proposed ordinance wording contained in Exhibit A, attached hereto.

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

**PASSED, APPROVED and ADOPTED** this 19<sup>th</sup> day of September, 2019.

---

Dan Heedy  
Chair

ATTEST:

---

Clare Barcelona  
Planning Commission Secretary

Exhibit A -- Proposed Ordinance

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the foregoing Resolution No. 19-10 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 19th day of September, 2019, by the following vote, to wit.

AYES:

NOES:

ABSENT:

NOT VOTING:

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19th day of September, 2019.

---

Clare Barcelona  
 Planning Commission Secretary

**ORDINANCE NO. 19-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA AMENDING MUNICIPAL CODE TITLE 19 (ZONING) RELATING TO CERTAIN COMMERCIAL CANNABIS ACTIVITIES**

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

**SECTION 1. Findings.**

- A. On November 8, 2016, the voters of the State of California approved Proposition 64, entitled the "Control, Regulate and Tax Adult Use of Marijuana Act" ("AUMA"), which legalized adult use or recreational use of cannabis and cannabis products and created a regulatory scheme for adult use commercial cannabis businesses. These adult use cannabis regulations were in addition to the 2015 Medical Marijuana Regulations and Safety Act, which created a separate and parallel regulatory scheme for medicinal cannabis businesses.
- B. On June 27, 2017, the Governor signed Senate Bill 94, which repealed MCRSA, renamed the AUMA as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), and revised its provisions to address both medicinal cannabis and adult use cannabis. Senate Bill 94 revised references in existing law to "marijuana" or "medical marijuana" to instead refer to "cannabis" or "medicinal cannabis", and revised references to "nonmedical" to "adult-use."
- C. Business and Professions Code section 26200, which is part of MAUCRSA, expressly recognizes the ability of cities to completely prohibit all recreational cannabis businesses or to regulate such businesses.
- D. Currently, Buellton Municipal Code Chapter 9.20 prohibits commercial cannabis activities and cannabis cultivation in all City zones.
- E. It is imperative that the City maintain local control over all cannabis land uses to the fullest extent allowed by law. Many cannabis businesses have opened throughout the state under MAUCRSA and there have been multiple inquiries from state licensing authorities about whether the City allows such businesses. Express Municipal Code regulations regarding all types of commercial cannabis businesses are necessary to provide clear guidelines regarding the scope of prohibited conduct and minimize the potential for confusion regarding the City's policies.
- F. Cannabis testing laboratories are a category of commercial cannabis activity that serve to enhance the safety and quality of cannabis and cannabis-derived products, but which do not have the same potential for adverse impacts such as

Exhibit A

increased crime, increased traffic, or danger from the use of hazardous materials associated with other commercial cannabis activities or cannabis cultivation.

- G. Cannabis testing laboratory licensees may not hold any other type of commercial cannabis license, and are therefore required to be separate and independent from any cannabis retailer, cultivator, or cannabis product manufacturer.
- H. Cannabis testing laboratories operate under stringent state guidelines and quality and safety standards which require precise and diligent tracking of products to be tested, as well as disposal requirements for products after testing is complete.
- I. Cannabis testing laboratories require highly educated employees with very specialized skill sets, and would therefore represent a potential source of high-paying jobs in the City.
- J. It is reasonable to conclude that cannabis testing laboratories could provide benefits to the City of Buellton while avoiding the adverse impacts on the public health, safety, and welfare that are associated with other commercial cannabis activities.
- K. At a duly noticed public meeting on September 19, 2019, the Planning Commission of the City of Buellton considered the proposed amendment to Chapter 19.20 and determined that it is consistent with the City's General Plan.

**SECTION 2. Environmental Findings.** The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. While Buellton has never allowed any commercial cannabis activity under the Municipal Code, testing laboratories with similar potential for impacts are permitted either as ancillary facilities or as stand-alone uses in the case of medical laboratories. The proposed ordinance, therefore, maintains the status quo. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of this ordinance is exempt from CEQA.

**SECTION 3. Amendment of Buellton Municipal Code Section 19.02.210.**

*The matrix table included within Section 19.02.210 of the Buellton Municipal Code is amended as follows:*

Cannabis Testing Laboratories				CUP	19.20.030
-------------------------------	--	--	--	-----	-----------

**SECTION 4. Amendment of Buellton Municipal Code Section 19.20.030.**

**19.20.030 Prohibition of Commercial Cannabis Facilities**

A. Commercial cannabis facilities, except state licensed cannabis testing laboratories, are prohibited in all zoning districts in the City and may not be established or operated anywhere in the City. State licensed cannabis testing laboratories may be permitted pursuant to Section 19.02.210 of this Title.

B. The prohibition in Paragraph A shall not prohibit a state licensed retailer located outside the City from delivering to customers in the City, provided that such deliveries are in strict compliance with State Cannabis Laws.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6. Publication.** The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2019.

\_\_\_\_\_  
Holly Sierra, Mayor  
City of Buellton, California

ATTEST:

\_\_\_\_\_  
Linda Reid, City Clerk  
City of Buellton, California

APPROVED AS TO FORM

---

Gregory M. Murphy, City Attorney  
Burke, Williams & Sorensen, LLP