

CONDITIONS OF APPROVAL

POLO VILLAGE FINAL DEVELOPMENT PLAN 22-FDP-01

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. The Project Description is as follows: A request by the by Joel Baker, property owner, and Mitch Slagerman, agent, (the “Applicant”) for Final Development Plan 22-FDP-01 for Polo Village, a 49-unit apartment complex located on a 2.16 acre project site (1.88 net buildable acres) (the “Project”). The Project is located at 560 McMurray Road, Assessor’s Parcel Numbers 137-090-067 and 137-090-068 (the “Property”). The project as approved is date stamped June 30, 2022. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.
2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.
4. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

- a. **“Applicant”** means Joel Baker and Mitch Slagerman, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
- b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
- c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
- d. **“County”** means the County of Santa Barbara.
- e. **“Final Building Inspection Clearance”** means acknowledgement by the Building Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.
- f. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of special district.
- h. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- i. **“Project”** means and includes all of the actions described in the Project description above.
- j. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.
- k. **“Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit.

- l.** “**Property**” means the land and improvements identified in the Project Description.
 - m.** “**Property Owner**” means Joel Baker, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.
 - n.** “**Zoning Clearance**” means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.
5. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
6. **Indemnity.** The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, arising from or in connection with the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project, including but not limited to writ proceedings, claims for inverse condemnation, personal injury, property damage, and/or breach of a mandatory duty, challenges under the California Environmental Quality Act, and/or any action that attacks, challenges, or seeks to set aside, void, or annul all or any part of the approvals, decisions, or actions concerning the Project. City shall promptly notify the applicant of any Action brought and request that the applicant defend the City. It is expressly agreed that applicant may select legal counsel providing the applicant’s defense and the City shall have the right to approve separate legal counsel providing the City’s defense. The applicant shall reimburse City for any attorneys’ fees, costs and expenses directly and necessarily incurred by the City in the course of the defense.

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

Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. ENGINEERING CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

15. **Improvement Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.
16. **Improvement Plan Requirements.** Plans 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. Final plans shall be wet-stamped by the Civil and Soils Engineer and subsequently signed by the City Engineer prior to permitting.
17. **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.
18. **Grading Oversight by Geotechnical Engineer.** A geotechnical engineer or geologist licensed in the State of California shall provide guidance during grading operations and shall certify constructed pads. Certifications and final reports shall be submitted to the City Engineer for approval.
19. **Erosion Control Plan.** Erosion Control Plans shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at *all* times. This shall be in compliance with the Regional Water Quality Control Board requirements. NOI shall be filed. A SWPPP shall be developed for the project site 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.
20. **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. As portions of the project are under the jurisdiction of the County of Santa Barbara for grading and drainage, their conditions shall also apply. Drainage improvements shall ensure that sheet flow and run-off does not cross pedestrian paths of travel.

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

Stormwater management shall be incorporated in the improvement plans (low impact development). This project is subject to Post Construction Requirements as outlined in the City's Stormwater Technical Guide for a Tier 4 project.

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

22. **Fire Department Review.** Applicant shall submit improvement plans for concurrent review with the Santa Barbara County Fire Department and shall provide documentation of submittal along with grading and utility improvement plans to the City Engineer. A copy of the Fire Department approval shall be submitted prior to issuance of grading permit.
23. **Right-of-Way Improvements.** Driveway, sidewalk, curb and gutter, street lighting, pavers 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. Cross sections and details need to be provided to ensure there is adequate path of travel as well as sufficient slope grading to prevent sloughing and run-off onto the ROW and pedestrian path of travel.
24. **Regulatory Agency Permits.** All applicable permits from other agencies such as County of Santa Barbara shall be obtained prior to grading permits issuance.

25. **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.
26. **Sureties.** 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.
27. **FOG Program Compliance.** Project is not planned to have a commercial kitchen or use that would prepare foods in the common building. Should this condition/use change in the future, any restaurant activities shall comply with City's FOG Program and shall identify grease interceptors in grading improvement plans.
28. **Utilities on Plans.** All utilities shall be shown on the plans. All proposed water (including irrigation and fire), sewer, drainage and dry utilities such as Comcast, PG&E, Gas, etc.
29. **Water Improvement Plans.** Water improvements shall identify location of all backflow devices for the each building, irrigation and fire. Separate meters shall be required.

PRIOR TO BUILDING PERMIT ISSUANCE:

30. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
31. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
32. **Industrial Waste Discharge Permit.** If applicable, the applicant shall obtain an industrial waste discharge permit, from the City Public Works Department prior to obtaining a building permit.

PRIOR TO OCCUPANCY CLEARANCE:

33. **Completion of Improvements.** The applicant shall complete all required improvements to the satisfaction of the City Engineer, as approved per the plans and as approved by SB 35.
34. **Water and Sewer Fees.** The applicant shall pay water and sewer utilities fees from the Public Works Department prior to occupancy.
35. **Traffic Fees.** The applicant shall pay all Traffic Mitigation Fees prior to occupancy.
36. **Public Easement Dedication.** Any public easements or right-of-way requiring dedication shall be approved and accepted by the City prior to occupancy.
37. **Payment of Fees.** All fees and any unpaid balances from plan check or inspection and permits, shall be paid in full.

GENERAL CONDITIONS:

38. **Landscape Maintenance By Property Owner.** Landscaping along property frontage (including landscaping within the public right-of-way) shall be maintained by property owner in perpetuity.
39. **Public Improvement Standards.** Unless superseded by Caltrans all public improvements shall be designed and constructed in conformance with The City of Buellton Standards, and when applicable, the Santa Barbara County Standards.
40. **McMurray Road Improvements.** McMurray Road public improvements will be required to be constructed to the ultimate right-of-way along the project frontage, with cross section and improvements consistent with the public facilities to the south. Improvements shall include but are not limited to: road widening, sidewalk and ADA ramps, curb and gutter, drainage facilities, pavement improvements (full depth for widening areas with coat of slurry seal over entire improved area plus 1' beyond saw-cut line, and signing and striping. Repavement areas must be approved by the City Engineer prior to construction to confirm appropriate limits due to field conditions. Signing and striping improvements should include bike lanes, center medians/turn lanes and pedestrian crosswalk along east side of McMurray Road. Improvements shall extend northerly and provide for sufficient safe transition to existing facilities to the north, as approved by the City and Traffic Engineers, in substantial conformance as approved per the plans and as approved by SB 35.
41. **Utilities and Right-of-Way Easements.** Existing and proposed easements and right-of-way for all utilities and public road shall be located and described on the engineering plans. Should any easements or right-of-way be required to be dedicated, those appropriate documents shall be submitted to the City for review, approval and acceptance prior to occupancy clearance.

42. **As-Built Record Drawings.** Prior to the release of any bonds, 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.” A PDF of the final As-Built Record Drawings shall be submitted to the City for review, approval and acceptance.
43. **On-Street Parking.** No parking shall be allowed on McMurray Road – Frontage shall be painted red.

C. PLANNING CONDITIONS

44. **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.
45. **Performance Standards.** The design, operation, and use of the Project and Property shall comply with all outdoor storage, trash collection design, performance standards, landscaping requirements, and lighting provisions of the Buellton Municipal Code. All exterior lighting shall be located and designed so as to avoid creating substantial off-site glare, light spillover onto adjacent properties, or upward illumination into the sky. In addition, the Property shall be maintained in strict compliance with the following additional standards:
 - a. Use Limitations. No building or other improvement upon the Property shall be constructed, maintained, or used for any purpose other than that which is allowed by the Buellton Municipal Code or otherwise stipulated in the conditions of approval herein. Furthermore, the Property shall be maintained in strict compliance with the following additional standards:
 - (1) Unobstructed Access. All driveways and areas designated for off-street parking shall remain accessible at all times. Except as allowed by revocable license approved by the City, parking shall not be allowed on driveways at anytime.
 - (2) Vehicle Repair. No disassembly, repair or any other work shall be performed on any vehicle, machine, motor, appliance or other similar device shall be allowed on any portion of the Property except or unless such work and device is wholly removed from public view.

- (3) Exterior Storage. No storage of any goods, materials or equipment shall be permitted on the Property except within the confines of fully enclosed buildings.
- b. Prohibited Activities. No person owning, leasing, occupying or having charge or possession of the Property, or any portion thereof, shall maintain or use the premises in such a manner that any of the following conditions are found to exist:
- (1) Fire and Explosion Hazards. Storage and transportation of flammable or explosive materials, as defined by the County of Santa Barbara Fire Department, which are provided without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices, standard in the industry.
 - (2) Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances, affecting the operation at any point of any equipment other than that of the creator of such disturbance.
 - (3) Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, or humidity, heat or cold that is produced and is perceptible without instruments by the average person at the Property line.
 - (4) Liquid and Solid Wastes. Discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction over such activities.
 - (5) Odors. Emissions of odorous gases or other odorous matter that is produced in nuisance quantities at the Property line.
 - (6) Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectable without instrument by the average person at the Property line which can cause any damage to

health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point.

- (7) Vibration. Ground vibration that is produced and is discernible without instruments to the average person at the Property line. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard.
 - (8) Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.
 - (9) Noise. Unless otherwise provided for, no person shall operate or cause to be operated any source of sound at or on the Property, or allow the creation of any noise on the Property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any receiving property to exceed the noise level limits set forth by the Buellton Municipal Code as adopted and amended.
46. **County Approvals**. Approval of this project is contingent upon obtaining approvals from the County of Santa Barbara. Any approval required by any agency with jurisdiction over aspects of the project must be obtained by the threshold point (zoning clearance, issuance of Building Permit, Occupancy, etc.), as established by the relevant agency.
 47. **Building Standards**. All building construction shall be designed and performed in accordance with the currently adopted California Building Code, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.
 48. **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.

49. **Final Occupancy Clearance.** No Final Building Inspection Clearance or release of occupancy will be granted for any building on the Property until all construction is completed and all improvements and landscaping associated with the Project are installed in accordance with the plans approved and the conditions specified herein. Exceptions to this requirement may be granted subject to: (i) approval of the City Engineer and Planning Director; (ii) assurance that unfinished items will be completed within a reasonable period of time (including, but not limited to, the posting of appropriate performance security to assure such completion); (iii) essential infrastructure necessary to serve the entire Project is fully installed; and (iv) public safety and convenience is appropriately protected.
50. **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. This includes keeping the site free of trash and weeds.
51. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines, as approved per the plans and as approved by SB 35. Any future additions or alterations of the Project shall be in conformance with the Community Design Guidelines.
52. **Project Inspections.** Upon completion of construction and prior to occupancy or use, the Planning Director shall conduct a Project Inspection prior to and as a condition precedent to obtaining Final Building Inspection Clearance. Compliance with all conditions of approval is a pre-requisite to obtaining the Final Building Inspection Clearance.
53. **Landscape Installation.** Prior to obtaining Final Building Inspection Clearance, all landscaping and irrigation shall be completed and fully installed in accordance with the approved landscape plan required as part of the building permit plans, and open areas visible from public rights-of-way shall be landscaped and irrigated.
54. **Landscape Maintenance.** Following installation, all landscaping shall be continuously maintained thereafter for a period of not less than three (3) months or until such time that all plant material has been completely established. The Planning Director shall inspect or cause to be inspected all landscaped areas prerequisite to granting Final Building Inspection Clearance. A formal written

request for such inspection shall be accompanied by a certification from the Project landscape architect as to the Project's conformity with the approved plans and specifications, together with a twelve (12) month warranty on all landscaping materials.

55. **Landscape Maintenance Agreement – APN 137-090-068.** The Applicant and Property Owner of APN 137-090-068 (JRB Polo Ranch. LLC) shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the first building permit. Landscaping, walls, and fences within County jurisdiction (APN 137-090-068) shall be included in the Agreement. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.
56. **Landscape Maintenance Agreement – APN 137-090-067.** The Applicant and Property Owner of APN 137-090-067 (JRB Commercial, LLC), shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the first building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.
57. **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.
58. **Approval.** Approval of 22-FDP-01 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.
59. **Development Time Frame.** Per Senate Bill 35, Government Code Section 65913.4(e), the approval shall not expire, as the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.
60. **Parking.** The Applicant and Property Owner shall maintain in good usable condition the 81 parking spaces proposed by the Applicant in perpetuity.
61. **Signage.** The monument sign as shown in the plans date stamped June 30, 2022, is approved. Any additional signage will require approval by the Planning Director.

62. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project with a design style of Mission Revival.
63. **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, and fully cut-off.
64. **Archaeological and Native American Monitoring.** Archaeological and Native American monitoring is required during initial ground disturbances, to a depth of 5-feet throughout the project area, to identify, recover, and protect any cultural resources that may be discovered during ground disturbances associated with the proposed Polo Village development. A local Native American tribal representative shall also be contacted to monitor during construction.
65. **Cultural Material Handling.** If cultural materials (prehistoric and/or historic artifacts) are encountered during the course of ground-disturbances associated with the project, the archaeologist will have the authority to divert construction away from the area associated with the unanticipated discovery, until it can be inventoried, and the historical significance of the find(s) can be assessed.
66. **Halt Work Order for Archaeological Resources.** If human remains, associated grave goods, or sacred objects are encountered during the course of ground-disturbance activities associated with this Project, all ground-disturbing construction work shall halt, and in accordance with Section 5097.98 of the California Public Resources Code, the County Coroner shall be notified immediately to make a determination about the nature of the remains. If the human remains are Native American in origin, then the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. In accordance with Section 7050.5 of the California Health and Safety Code, the NAHC will immediately notify the Most Likely Descendent (MLD), who will have 48 hours after being granted access to the location of the remains, to make recommendations for the proper treatment and disposition of the remains. The recommendation by the MLD may include scientific removal and preservation-guided anthropological and/or scientific analysis of human remains, grave goods, sacred objects, and/or items of cultural patrimony associated with Native American burials in accordance with Section 7050.5 of the California Health and Safety Code. Work will be suspended in the area of the human remains until the MLD's recommendations are implemented.

AFFORDABLE HOUSING OVERLAY ZONE

67. **Affordable Housing.** The AHOZ ordinance requires that 20% of the 49 units (10 units) be made affordable in the very low, low, and/or moderate income categories per Net RHNA Goals as defined in Buellton Municipal Code Section

19.16.012. Therefore, six very-low income units and four low-income units are required per the AHOZ ordinance.

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

68. **Duration of Affordability.** All Affordable Units shall be completed and occupied concurrent with the non-restricted dwellings. Except to the extent a longer period of time may be required by other provisions of law, all Affordable Units required shall remain affordable, and occupied by, the Target Households for the longest feasible time, but for not less than the following: (i) 55 years for renter-occupied dwelling units; and (ii) 45 years for owner-occupied dwelling units.
69. **Operative Terms.** The determination of income, computation of affordable housing costs, definition of Target Households and all other operative terms bearing on the provision of the Affordable Units shall be governed by the provisions of the Affordable Housing Ordinance ("AHO") codified in Chapter 19.16 of the Buellton Municipal Code, unless specifically amended by provisions in the Affordable Housing Agreement
70. **Property Management.** The Property Owner shall adhere to the following Property management practices:
 - a. **Management Agent.** The Property Owner shall insure that the Property will be operated by an experienced management agent (the "Management Agent"), reasonably acceptable to the City. The Property Owner and Management Agent shall operate the Project, including the Affordable Units, in a manner that will provide decent, safe, and sanitary residential

facilities to the occupants thereof. The Property Owner and Management Agent shall insure that all nuisance issues and parking violations are taken care of and resolved in a timely manner. The Property Owner and Management Agent shall comply with the reporting requirements and inspection requirements stipulated in the Affordable Housing Agreement.

- b. Performance Review. Upon the City's request, but not more often than annually, the Property Owner and Management Agent shall cooperate with the City in the periodic review of management practices and conditions of the Property, and for compliance with the notification requirements of the Affordable Housing Agreement.
- c. Replacement of Management Agent. Any contract for the operation or management of the Property entered into by the Property Owner shall provide that the contract may be terminated upon thirty (30) days written notice. The Property Owner's failure to remove the Management Agent after written notice from the City requesting replacement of the Management Agent and setting forth the reasons for the request shall constitute a default under the Affordable Housing Agreement.

D. FIRE DEPARTMENT CONDITIONS

PRIOR TO LAND USE CLEARANCE:

71. The following plans shall be submitted to and approved by the Fire Department:
 - Site Utility Plan
 - Vegetation Plan
 - Hydrant Plan
 - A building code analysis shall be provided with submittal.
 - Access Plan to include improvements on APN 137-090-068
 - Signage Plan to include an addressing plan approved by the City of Buellton.

GENERAL CONDITIONS:

72. Prior to abandonment, alteration or removal of the fire access road or access easement located on APN 137-090-067, in use/favor of APN 137-090-068, a fire access road, in compliance with development standard #1 shall be provided for APN 137-090-068 in support of the existing development on APN 137-090-068.
 - Access way shall be paved.
 - Access shall be a minimum of 20' in width
73. Defensible space of 100 feet (or to the property line, whichever is nearer) around the proposed structures and any existing structures on this property shall be provided.

- Removal does not apply to single specimens of trees, ornamental shrubbery or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any structure.
74. Fire department apparatus access shall be provided and maintained for the life of the project.
- Prior to vertical construction, access shall be installed per approved access plans.
 - All driveways shall have a minimum width of 26 feet.
 - Surface shall be paved.
 - 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.
 - Fire department approved turnarounds shall be provided
 - 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.
75. Exterior fire department walkway access shall be provided and maintained for the life of the project.
- Minimum five (5) foot path, clear of obstructions shall be provided around all structures.
 - Emergency escape and rescue ground ladder access points shall be clear of obstructions.
76. Designated fire lanes shall include red curbs and signs indicating “Fire Lane – No Stopping” placed as required by the fire department. Refer to current adopted California Fire Code.
77. Minimum of two (2) Onsite fire hydrants shall be provided. Final number to be determined by current California Fire Code (CFC)
- Prior to vertical construction, fire hydrants shall be installed per approved plans.
 - Fire hydrants shall be located per fire department specifications and shall flow a minimum of 1250 gallons per minute at a 20 psi residual pressure.
 - Commercial fire hydrant(s) shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
 - Access to and clearance around fire hydrant(s) shall be maintained at all times.
78. Automatic fire sprinkler systems shall be installed.
- The fire department shall determine the location of any fire department connection (FDC) that may be required.

79. Automatic fire or emergency alarm system shall be installed.
 - Fire alarm system shall meet Santa Barbara County Fire Department requirements.
80. Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
81. Emergency guides shall be provided, maintained and in compliance with CFC 403.10.2.
82. All fire protection systems shall be maintained for the life of the project.
83. Address numbers shall be properly posted for all buildings and suites.
 - Minimum height of twelve (12) inches for buildings.
 - Minimum height of four (4) inches for suites.
 - Address number locations shall be approved by the fire department.
 - Address numbers shall be a color contrasting to the background color.
 - The address numbers shall be elevated for clear visibility and easy directional identification.
 - The numbers shall be visible from the access road when travelling in either direction.
 - If the driveway is over 150 feet in length or the building is obstructed from view at the access road and/or driveway, numbers shall be posted at all road and driveway intersections as is necessary.
84. Access way entrance gates shall conform to fire department requirements.
85. A Knox Box entry systems shall be installed. Spare keys shall be provided for the Knox Box entry system.
86. When access ways are gated, a fire department approved Knox locking system shall be installed.
87. The applicant will be required to pay Fire Department Development Impact Mitigation Fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot of occupied space in each new building.

Payment shall be made according to the schedule of fees in place on the date fees are paid. As of the date of this letter, fees currently are as follows:

Residential-Other Residential Housing	\$0.75 per square foot
Nonresidential-Retail/Commercial	\$0.77 per square foot

Final occupancy clearance inspection will not be scheduled unless fees have been paid.


ADVISORY FOR CONSTRUCTION

88. All standard fire department conditions and current codes shall apply at time of development.
89. Portable fire extinguishers are required on the project site at all times during construction.
90. Temporary address posting is required during construction. Inspections will not be completed without temporary address posted.
 - Temporary addressing shall be plainly visible and legible from the street or road fronting the property. Address numbers shall clearly contrast with their background and shall be a minimum of 6 inches high with 1/2 inch stroke.
91. Construction access shall comply with California Fire Code (CFC) requirements during construction.
 - Vehicles and materials shall not obstruct fire access.

E. FINANCE DEPARTMENT CONDITIONS

92. **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.
93. **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

8-23-2022

Date

Project Applicant/Agent/Representative Signature

Date

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature



Date

8-23-22

Project Applicant/Agent/Representative Signature

Date