

PLANNING COMMISSION RESOLUTION NO. 22-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (22-FDP-01), FOR THE VILLAGE SENIOR APARTMENTS PROJECT LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-790-008, AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Cabrillo Economic Development Corporation, Property Owner and Justin Micheli, Applicant, requesting approval of a Final Development Plan (22-FDP-01), incorporating the prior approvals of Planning Commission Resolution No. 21-04 and associated project plans (approved September 2, 2021) for a previously approved Final Development Plan (14-FDP-02) and Development Plan Modification (20-DPM-01). The project site is located at the Northeast Corner of Highway 246 and McMurray Road, on Assessor's Parcel Number 137-790-008.

SECTION 2: The proposed Project consists of the following:

- A. Final Development Plan (22-FDP-01):** Approval of a new Final Development Plan incorporating by reference the prior approvals of Final Development Plan (14-FDP-02) and Development Plan Modification (20-DPM-01) for the development of 49 affordable apartment units for seniors 55 and older, and 1 two-bedroom manager's unit. The project also includes 68 parking spaces, solar carports and a modified roof design. The subject property is within the Village Specific Plan area.

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

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

1. All public testimony, both written and oral, received in conjunction with the public hearing conducted by the Planning Commission on June 23, 2022 ("Public Hearing").
2. All oral, written and visual materials presented in conjunction with the Public Hearings.
3. The following informational documents which, by this reference, are incorporated herein.
 - a. The Project files for 14-FDP-02, 19-TE-01, 20-DPM-01, 20-TE-01, 21-DPM-01, 22-FDP-01, and the set of Project plans dated June 18, 2021.

- b. Planning Commission staff report of June 16, 2022.
- c. Planning Commission staff report of September 2, 2021.
- d. The Oak Springs Village Specific Plan amended 2013.
- e. FEIR dated July 24, 2003 and Addendum dated May 25, 2006 for the Oak Springs Village Specific Plan.

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 public hearing was published in a newspaper on June 2, 2022 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing.
- 2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on June 2, 2022, a minimum of ten (10) days in advance of the Public Hearing.
- 3. The Public Notice was posted in two public locations on June 2, 2022 a minimum of ten (10) days in advance of the Public Hearing.

C. Environmental Clearance.

- 1. On July 24, 2003, the City Council conducted a public hearing with respect to the Final EIR for the Oak Springs Village Specific Plan and at the conclusion thereof, adopted their Resolution No. 03-15 thereby adopting: (1) a Statement of Facts and Findings, (2) a Statement of Overriding Considerations, and (3) a Mitigation Monitoring Program for the Oak Springs Village Specific Plan and certified that the Final EIR was complete and adequate, and had been completed in compliance with the requirements of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines and the City of Buellton Environmental Guidelines. The Oak Springs Village Specific Plan was revised by Ordinance No. 06-05 on May 25, 2006. An Addendum Environmental Impact Report to the Final EIR for Oak Springs Village was approved for the revised Specific Plan (the Final EIR and Addendum are collectively referred to as the FEIR).
- 2. Planning Commission Resolution 14-08 found that no further environmental review was required per CEQA in that the original project was adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

3. Based upon the substantial evidence contained in the whole record, including any written and/ oral staff reports presented to the Planning Commission with respect to the Project, as well as a review of the FEIR for the Oak Springs Village Specific Plan in relation to the Project, the Planning Commission of the City of Buellton does hereby find, determine, and declare that:
 - a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
 - c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:
 - i. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;
 - ii. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 - iii. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,
 - iv. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
4. Based upon the forgoing, the Planning Commission exercises its judgment and finds that no further environmental review is required per CEQA in that the Project, as revised, is adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

D. 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 attached change to the project approval and condition(s) of approval, the Planning Commission does hereby declare as follows:

1. **Final Development Plan.**

a. **Findings:**

- i. That the previous findings for a final development plan made with the approval of project 14-FDP-02 remain valid.
- ii. That the subject final development plan is in substantial conformity with the approved final development plan 14-FDP-02, as revised by 21-DPM-01; the intent and affordability of the project remains.
- iii. That the final development plan is in conformance with all applicable provisions and policies of the City General Plan and Title 19 of the Municipal Code.
- iv. That the proposed development is in conformance with the community design guidelines, with conditions of approval placed on the Project as revised by 21-DPM-01. The proposed architectural design style is Ranch, which is one of the approved design styles per the community design guidelines.

SECTION 4: Based on the findings set forth in Section 3, the Planning Commission hereby approves the Final Development Plan (22-FDP-01), with the approval and conditions of Planning Commission Resolution No. 21-04 (21-DPM-01), to include any plans adopted as exhibits thereto, adopted by reference and remaining in effect.

PASSED, APPROVED, AND ADOPTED this 16th day of June, 2022.



Patty Hammel, 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. 22-06 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 16th day of June, 2022, by the following vote, to wit.

AYES: (4) Commissioners Bob Blokdyk, Aaron Liggett, Marcilo Sarquilla
 and Chair Patty Hammel

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of June, 2022.

Clare Barcelona

 Clare Barcelona
 Planning Commission Secretary

PLANNING COMMISSION RESOLUTION NO. 21-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A SECOND DEVELOPMENT PLAN MODIFICATION (21-DPM-01) TO THE PREVIOUSLY-APPROVED FINAL DEVELOPMENT PLAN (14-FDP-02), FOR THE VILLAGE SENIOR APARTMENTS PROJECT LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-790-008, AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Cabrillo Economic Development Corporation, Property Owner and Justin Micheli, Applicant, requesting a modification to Planning Commission Resolution No. 14-08 and associated project plans (approved October 2, 2014) for a previously approved Final Development Plan (14-FDP-02) and Development Plan Modification (20-DPM-01). The project site is located at the Northeast Corner of Highway 246 and McMurray Road, on Assessor's Parcel Number 137-790-008.

SECTION 2: The proposed Project consists of the following:

A. Development Plan Modification (21-DPM-01): Approval of revisions to the approved project description, site plan, architectural elevations, floor plans, landscaping and lighting plans, preliminary grading plan, and preliminary utility plan sheets of 14-FDP-02, Planning Commission Resolution No. 14-08 (dated October 2, 2014), as modified by 20-DPM-01, Planning Commission Resolution No. 20-03 (dated May 21, 2020) for the development of 49 affordable apartment units for seniors 55 and older, and 1 two-bedroom manager's unit. The revisions also include 68 parking spaces, solar carports and a modified roof design. The subject property is within the Village Specific Plan area.

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

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

1. All public testimony, both written and oral, received in conjunction with certain public hearing conducted by the Planning Commission on: October 2, 2014; June 6, 2019; May 21, 2020; August 20, 2020, and; September 2, 2021 ("Public Hearings").
2. All oral, written and visual materials presented in conjunction with the Public Hearings.
3. The following informational documents which, by this reference, are incorporated herein.

- a. The Project files for 14-FDP-02, 19-TE-01, 20-DPM-01, 20-TE-01, 21-DPM-01 and the set of Project plans dated July 29, 2021.
- b. Planning Commission staff report of September 2, 2021.
- c. The Oak Springs Village Specific Plan amended 2013.
- d. FEIR dated July 24, 2003 and Addendum dated May 25, 2006 for the Oak Springs Village Specific Plan

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 public hearing was published in a newspaper on August 19, 2021 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on August 19, 2021, a minimum of ten (10) days in advance of the Public Hearing.
3. The Public Notice was posted in two public locations on August 19, 2021, a minimum of ten (10) days in advance of the Public Hearing.

C. Environmental Clearance.

1. On July 24, 2003, the City Council conducted a public hearing with respect to the Final EIR for the Oak Springs Village Specific Plan and at the conclusion thereof, adopted their Resolution No. 03-15 thereby adopting: (1) a Statement of Facts and Findings, (2) a Statement of Overriding Considerations, and (3) a Mitigation Monitoring Program for the Oak Springs Village Specific Plan and certified that the Final EIR was complete and adequate, and had been completed in compliance with the requirements of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines and the City of Buellton Environmental Guidelines. The Oak Springs Village Specific Plan was revised by Ordinance No. 06-05 on May 25, 2006. An Addendum Environmental Impact Report to the Final EIR for Oak Springs Village was approved for the revised Specific Plan (the Final EIR and Addendum are collectively referred to as the FEIR).
2. Planning Commission Resolution 14-08 found that no further environmental review was required per CEQA in that the original project was adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

3. Based upon the substantial evidence contained in the whole record, including any written and/ oral staff reports presented to the Planning Commission with respect to the Project, as well as a review of the FEIR for the Oak Springs Village Specific Plan in relation to the Project, the Planning Commission of the City of Buellton does hereby find, determine, and declare that:
 - a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
 - c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:
 - i. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;
 - ii. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 - iii. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,
 - iv. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
4. Based upon the forgoing, the Planning Commission exercises its judgment and finds that no further environmental review is required per CEQA in that the Project, as revised, is adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

D. 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 attached change to the project approval and condition(s) of approval, the Planning Commission does hereby declare as follows:

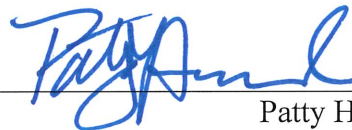
1. **Revised Final Development Plan.**

a. **Findings:**

- i. That the previous findings for a final development plan made with the approval of project 14-FDP-02 remain valid.
- ii. That the revised final development plan is in substantial conformity with the approved final development plan 14-FDP-02; the intent and affordability of the project remains.
- iii. That the revised final development plan is in conformance with all applicable provisions and policies of the City General Plan and Title 19 of the Municipal Code.
- iv. That the proposed development is in conformance with the community design guidelines, with conditions of approval placed on the Project. The proposed architectural design style is Ranch, which is one of the approved design styles per the community design guidelines.

SECTION 4: Based on the findings set forth in Section 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Development Plan Modification (21-DPM-01) with the additional and modified conditions included with the motion to adopt Resolution No. 21-04.

PASSED, APPROVED, AND ADOPTED this 2nd day of September 2021.



Patty Hammel, Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

Modified Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 21-DPM-01

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 Cabrillo Economic Development Corporation, Property Owner, and Justin Micheli, Applicant, for a Revised Final Development Plan 21-DPM-01 for the Village Senior Apartments, a 50-unit apartment complex, including 49 affordable apartment units for seniors 55 and older, and a 1 two-bedroom manager's unit, located on a 2.0 acre site (the "Project"). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-790-008 (the "Property"). The Project plans that are included in this approval are dated July 29, 2021. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.

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 Cabrillo Economic Development Corporation, property owner, and Justin Micheli, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
 - b. **"Property Owner"** means Cabrillo Economic Development Corporation, 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.

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.

74. **Approval.** Approval of 21-DPM-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.
- a. All zoning and related approvals are effective; and
 - b. All required building and grading permits have been issued; and
 - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the California Building Code or its successor have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.
76. **Parking.** A total of 66 parking spaces are required for the Project. This includes two spaces each for the 2-bedroom units (12 spaces), one space each for the 1-bedroom units (44 spaces), and one visitor space for each five units (10 guest spaces). 68 parking spaces are proposed. Covered parking is waived pursuant to the requirements of the Density Bonus section of the Municipal Code (Section 19.16.018 (B)(1)(a)).
77. **Signage.** The monument sign as shown in the plans date stamped July 29, 2021, is approved. Any additional signage will require approval by the Planning Director.
93. **Affordable Housing.** The Village Specific Plan requires that 20% of the residential units be made affordable in the very low, low, and moderate income categories. The Village Townhomes project (155 units) and the Village Senior Apartments project (50 units) provide a total of 205 units. Therefore, 41 affordable units are required per the Village Specific Plan. The Applicant meets this requirement by providing 49 very-low income affordable units, and would satisfy the affordable requirement for the entire Village Specific Plan area.

The previously recorded Affordable Housing Agreement for 20-DPM-01, Document # 2020-0070319, shall be null and void upon recordation of a Termination and Release of Affordable Housing Regulatory Agreement, and a new First Amended and Restated

Affordable Housing Regulatory Agreement reviewed and approved by the City Council shall be executed and submitted for recordation within 30 days of City Council approval of those Agreements. As a condition prerequisite to obtaining Zoning Clearance, the Affordable Housing Agreement shall be recorded against the units having such affordable requirements, in this case, 49 units. The purpose of the Affordable Housing Agreement is to create easements, conditions, covenants, restrictions, liens, servitudes, and charges upon and subject to which Senior Affordable Units and each and every part and portion thereof shall be occupied, owned, maintained, held, leased, rented, sold, and conveyed. 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) 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 (iv) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

99. **Access.** 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 20 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.
102. **Fire Hydrants.** Minimum of two onsite fire hydrants shall be provided; final number to be determined per 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 1,250 gallons per minute at a 20 psi residual pressure.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
 - Private fire hydrants shall be painted red.
103. **Fire Lanes.** Designated fire land 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.
105. **Fire Sprinklers.** Automatic fire sprinkler systems shall be installed in both buildings.
- The Fire Department shall determine the location of any Fire Department connection (FDC) that may be required.
106. **Alarm Systems.** Full automatic fire or emergency alarm system shall be installed in both buildings.

- Fire alarm system shall meet Santa Barbara County Fire Department requirements.
- 107. Address Numbers.** Address numbers shall be properly posted for all buildings and suites.
- A minimum height of twelve (12) inches for buildings.
 - Address number locations shall be approved by the Fire Department.
 - Address numbers shall be a color contrasting to the background color.
 - The address number shall be elevated for clear visibility and easy directional identification.
 - The numbers shall be visible from the access road when traveling 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.
- 109. Gate Locking System.** When access ways are gated, a Fire Department approved Knox locking system shall be installed.
- 110. Fees.** 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 on 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 April 15, 2021, fees currently are as follows:
 - Residential-Other Residential Housing \$0.75 per square foot
- 116. Egress Plan.** A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components. Provide egress from outdoor use areas as required for building occupants as per CBC; or include the occupant load from this space in the design occupant load of the building. Egress requirements to be addressed during plan review.

Modified Conditions of Approval
for 20-DPM-01 (PC Resolution No. 20-03)
Applicable to 21-DPM-01

- 3. Porch Railing Material.** Design and material of porch railing shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to zoning clearance issuance.
- 4. Awning Material.** Design and material of awnings shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to zoning clearance issuance.

6. **Design Elements.** Design of design elements and utilitarian aspects such as columns, roof eaves, gutters and downspouts, window and door trims, and parapets shall be consistent with the architectural character of the project. Detailing of these elements shall be clearly shown on project plans prior to zoning clearance issuance.

Deleted Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 21-DPM-01

38. **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.
123. **Food Service.** Approval by Environmental Health Services for food preparation, food service areas and restrooms will be required.

Added Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 21-DPM-01

1. **Solar Carports.** Solar supporting structures must be consistent with Ranch style architectural character, implementing design elements such as support columns with a stone veneer base or similar to match the entry signage, exposed support columns and beams painted to match accent colors on porches and railings, and architectural features such as exposed trusses.
2. **Carport Lighting.** Lights under solar carports need to have a deflection shields facing the Vineyard Village Townhomes, Village Senior Apartments (Project), and Thumbelina neighborhood homes, to direct light away from residences. Details shall be clearly shown on project plans prior to zoning clearance issuance.
3. **Fire Department Plans.** 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
 - Signage Plan

- 4. **Defensible Space.** 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.
- 5. **Exterior Walkway.** 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.
- 6. **Fire Emergency Guides.** Emergency guides shall be provided, maintained, and in compliance with CFC 403.10.2.
- 7. **Fire Protection Systems.** All fire protection systems shall be maintained for the life of the project.
- 8. **Suite Number Plan.** Suite number plan shall be provided and require Fire Department approval.
- 9. **Knox Box.** Knox Box entry systems shall be installed. Spare keys shall be provided for the Knox Box entry systems.
- 10. **Conditions of Approval.** All other conditions of approval included in Planning Commission Resolutions No. 14-08 and No. 20-03, that have not been modified or deleted as part of this Planning Commission Resolution No. 21-04, and the Mitigation Measures and the Mitigation Monitoring and Reporting Program (MMRP) contained in the Oak Springs Village FEIR remain unchanged, and applicable to the Project.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date

PLANNING COMMISSION RESOLUTION NO. 20-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A DEVELOPMENT PLAN MODIFICATION (20-DPM-01) TO THE PREVIOUSLY-APPROVED FINAL DEVELOPMENT PLAN (14-FDP-02), FOR THE VILLAGE SENIOR APARTMENTS PROJECT LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-790-008, AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Cabrillo Economic Development Corporation, Property Owner and Applicant, requesting a modification to Planning Commission Resolution No. 14-08 and associated project plans (approved October 2, 2014) for a previously approved Final Development Plan (14-FDP-02). The project site is located at the Northeast Corner of Highway 246 and McMurray Road, on Assessor's Parcel Number 137-790-008.

SECTION 2: The proposed Project consists of the following:

A. Development Plan Modification (20-DPM-01): Approval of revisions to the approved project description, site plan, architectural elevations, floor plans, landscaping and lighting plans, preliminary grading plan, and preliminary utility plan sheets of 14-FDP-02 and Planning Commission Resolution No. 14-08 (dated October 2, 2014) to allow for an additional 25 density bonus units and supporting reconfigurations to the building footprint, setbacks, parking, pedestrian circulation, landscaping, lighting, and amenities. The revisions include 66 one-bedroom units, 8 two-bedroom units, and 1 two-bedroom managers units and 99 parking spaces. A reduction in open space from 47.72 percent to 33 percent of the project site area is granted through the Density Bonus Law. The revisions also include solar panels and a reduced building height of 35 feet. The project description and plans are revised to no longer include a senior center component.

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

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

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on May 21, 2020 ("Public Hearing").
2. All oral, written and visual materials presented in conjunction with the Public Hearing.

3. The following informational documents which, by this reference, are incorporated herein.
 - a. The Project file for 20-DPM-01 and the set of Project plans dated May 12, 2020.
 - b. Planning Commission staff report of May 21, 2020.
 - c. The Oak Springs Village Specific Plan, amended 2013
 - d. FEIR dated July 24, 2003 and Addendum dated May 25, 2006 for the Oak Springs Village Specific Plan

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 public hearing was published in a newspaper on May 7, 2020 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on May 7, 2020, a minimum of ten (10) days in advance of the Public Hearing.
3. The Public Notice was posted in two public locations on May 7, 2020, a minimum of ten (10) days in advance of the Public Hearing.

C. Environmental Clearance.

1. On July 24, 2003, the City Council conducted a public hearing with respect to the Final EIR for the Oak Springs Village Specific Plan and at the conclusion thereof, adopted their Resolution No. 03-15 thereby adopting: (1) a Statement of Facts and Findings, (2) a Statement of Overriding Considerations, and (3) a Mitigation Monitoring Program for the Oak Springs Village Specific Plan and certified that the Final EIR was complete and adequate, and had been completed in compliance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City of Buellton Environmental Guidelines. The Oak Springs Village Specific Plan was revised by Ordinance No. 06-05 on May 25, 2006. An Addendum Environmental Impact Report to the Final EIR for Oak Springs Village was approved for the revised Specific Plan (the Final EIR and Addendum are collectively referred to as the FEIR).
2. Planning Commission Resolution 14-08 found that no further environmental review was required per CEQA in that the original project was adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

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

- a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:
 - i. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;
 - ii. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 - iii. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,
 - iv. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

4. Based upon the forgoing, the Planning Commission exercises its judgment and finds that no further environmental review is required per CEQA in that the Project, as revised, is adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

D. 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 attached change to the project approval and condition(s) of approval, the Planning Commission does hereby declare as follows:

1. Revised Final Development Plan.

a. Findings:

- i. That the previous findings for a final development plan made with the approval of project 14-FDP-02 remain valid.
- ii. That the revised final development plan is in substantial conformity with the approved final development plan 14-FDP-02; the intent and affordability of the project remains, with a reduced height.
- iii. That the revised final development plan is in conformance with all applicable provisions and policies of the City General Plan and Title 19 of the Municipal Code.
- iv. That the proposed development is in conformance with the community design guidelines. The proposed architectural design style is Ranch, which is one of the approved design styles per the community design guidelines.


2. Density Bonus.

a. Findings:

- i. That one hundred (100) percent of the total dwelling units of the Project, exclusive of a manager's units, are Affordable Units for Qualifying Residents at lower income levels. Therefore, the requested density bonus of 25 additional units to the originally approved 50 units is consistent with Density Bonus law.
- ii. That the Project may be granted up to four concessions or incentives, and the applicant has been granted two. One concession has been granted with the approval of project 14-FDP-02 to waive the requirement for covered parking. The additional request for a reduction of the required open space is consistent with Density Bonus Law.


SECTION 4: Based on the findings set forth in Section 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Development Plan Modification (20-DPM-01) with the additional and modified conditions included with the motion to adopt Resolution No. 20-03.

PASSED, APPROVED, AND ADOPTED this 21st day of May 2020.



Patty Hammel, Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

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

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the foregoing Resolution No. 20-03 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 21st day of May 2020, by the following vote, to wit.

- AYES: (5) Commissioners Blokdyk, Heedy, Liggett, Vice Chair Sarquilla and Chair Hammel
- NOES: (0)
- ABSENT: (0)
- NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of May 2020.

Clare Barcelona

 Clare Barcelona
 Planning Commission Secretary

Modified Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 20-DPM-01

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 Cabrillo Economic Development Corporation, Property Owner and Applicant for a Revised Final Development Plan 20-DPM-01 for the Village Senior Apartments, a 75-unit apartment complex located on a 2.0 acre site (the “Project”). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor’s Parcel Number 137-090-045 (the “Property”). The Project plans that are included in this approval are dated May 12, 2020. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.

40. **Bus Turn Out.** Frontage improvements shall include adequate bus turn out and shelter. Design of these facilities shall include adequate public sidewalk with appropriate ADA width behind the shelter. Should additional public easement be required to accommodate these facilities, the property owner shall grant the appropriate easement to the City.

74. **Approval.** Approval of 20-DPM-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.

76. **Parking.** A total of 99 parking spaces are required for the Project. This includes two spaces each for the 2-bedroom units (18 spaces), one space each for the 1-bedroom units (66 spaces), and one visitor space for each five units (15 guest spaces). 99 parking spaces are proposed. Covered parking is waived pursuant to the requirements of the Density Bonus section of the Municipal Code (Section 19.16.018 (B)(1)(a)).

88. **Roof Features.** Architectural features shall be added to break up the flat roofs, such as gable elements and deep overhangs. These features shall be approved by the Planning Director through the zoning clearance process.

93. **Affordable Housing.** The Village Specific Plan requires that 20% of the residential units be made affordable in the very low, low, and moderate income categories. The Village Townhomes project (155 units) and the Village Senior Apartments project (75 units) provide a total of 230 units. Therefore, 46 affordable units are required per the Village Specific Plan. The Applicant shall meet this requirement by providing 74 affordable

units, including 49 very-low income units and 25 low-income units and would satisfy the affordable requirement for the entire Village Specific Plan area.

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 the 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 Senior 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 requirements, in this case, 74 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) 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 (iv) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

99. Access. Access shall be as shown on plans dated May 12, 2020.

- Surface shall be paved.
- A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

116. Egress Plan. A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components. Provide egress from outdoor use areas as required for building occupants as per CBC; or include the occupant load from this space in the design occupant load of the building.

On the building to the west, it appears that the second floor bridge between the buildings appears do not comply as the required secondary exit. It appears the corridor is required to be rated. Fire resistance rated corridors shall be continuous from the point of entry to an exit.

118. Site Accessibility Plan. Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots.

Added Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 20-DPM-01

1. **Fencing Detail.** Design of fence shall be consistent with adjacent developments to the north and south. Details of proposed perimeter fence to be located west edge of project shall be clearly shown on project plans prior to building permit issuance
2. **Pergola Detail.** Design of pergola shall be consistent with the architectural character of the project. Details, including design and color shall be clearly shown on project plans prior to building permit issuance.
3. **Porch Railing Material.** Design and material of porch railing shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to building permit issuance.
4. **Awning Material.** Design and material of awnings shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to building permit issuance.
5. **Material Transitions.** Detailing of material transitions (i.e. hardie board to stucco) shall be clearly shown on project plans prior to building permit issuance.
6. **Design Elements.** Design of design elements and utilitarian aspects such as columns, roof eaves, gutters and downspouts, window and door trims, and parapets shall be consistent with the architectural character of the project. Detailing of these elements shall be clearly shown on project plans prior to building permit issuance.
7. **MWELO Compliance.** Landscape Plans must include the Model Water Efficiency Landscape Ordinance statement to ensure compliance on project plans prior to building permit issuance.
8. **Letter From MarBorg.** A letter from MarBorg shall be provided indicating that the location and design of the trash enclosure is consistent with the requirements.
9. **Noise Attenuation.** Noise mitigation measures for units facing Village Park shall be included such as vegetated berms, solid core doors and double-paned windows.
10. **Building Configuration.** Prior to Zoning Clearance issuance, applicant shall revise plans to show a three-story building situated on the west portion of the site and a two-story building on the east portion of the site. All other aspects of the site design shall remain the same and shall be in compliance with all other applicable codes.
11. **Tree Screening.** Trees nearest the north property line shall be an evergreen variety in order to provide year-round screening between Vineyard Village Townhomes and the Project.

12. Surety for Affordable Development. In the event that building permits are not obtained by November 1, 2020, the applicant shall, at its option, either (a) post a cash deposit or surety in the amount of \$2,200,500.00 or (b) enter into and record a regulatory agreement in favor of the City restricting the use of the property to low income occupancy (other than one manager’s unit) no later than December 1, 2020, in satisfaction of Condition of Approval No. 109 of Final Development Plan No. 14-FDP-03 as identified in City Council Resolution No. 14-21. Any deposit or surety is to be released to the applicant when building permits are issued for the project, or released to the City in 2 years, whichever occurs first.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

<i>Eduardo Espinoza</i>	6/2/20
_____	_____
Property Owner Signature	Date
 <i>Eduardo Espinoza</i>	 6/2/20
_____	_____
Project Applicant/Agent/Representative Signature	Date

PLANNING COMMISSION RESOLUTION NO. 14-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (14-FDP-02) FOR THE VILLAGE SENIOR APARTMENTS PROJECT WHICH INCLUDES 50 UNITS ON 2.0 ACRES LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-090-045 (PORTION), AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Oak Springs Village Properties LLC, property owner, and Nicole Norori, Cabrillo Economic Development Corporation, agent, hereinafter referred to as "Applicant", requesting approval to develop the Village Senior Apartments, a 50 unit apartment complex located at the northeast corner of Highway 246 and McMurray Road (APN 137-090-045). The subject property is currently zoned CR-SP (General Commercial-Specific Plan).

SECTION 2: The proposed Project consists of:

A. Final Development Plan (14-FDP-02): Approval of 49 one-bedroom affordable, senior apartment units, one two-bedroom manager's unit, a senior center, community garden, offices for senior service providers, landscaping and 76 parking spaces on a 2.0 acre project site. The subject property is planned and zoned for General Commercial-Specific Plan (CR-SP).

- A modification to the height limit is required because the highest point on one of the buildings is approximately 37 feet, which is over the maximum height limit of 35 feet.
- This project qualifies as a density bonus application because it is 100 percent affordable. The Applicant requests that the Village Specific Plan requirement for covered parking be waived.

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 October 2, 2014 ("PC Public Hearing").

2. All oral, written and visual materials presented in conjunction with that certain PC Public Hearing.
3. The following informational documents, which by reference, are incorporated herein:
 - a. The project file for 14-FDP-02 and the set of project plans dated August 11, 2014.
 - b. The staff report dated October 2, 2014.
 - c. The Village Specific Plan.
 - d. The Final EIR and Addendum for the project site.

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

1. A notice of PC Public Hearing was published in a newspaper of general circulation on September 18, 2014 (the "PC Public Notice"), a minimum of 10 days in advance of the PC Public Hearing conducted on October 2, 2014.
2. The PC Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.
3. The PC Public Notice was posted in three public locations on September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.

C. Environmental Review.

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

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

- a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:
 1. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;
 2. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 3. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,
 4. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

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

1. Final Development Plan.

a. Findings:

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the Village Specific Plan requirements allow multi-family development with a maximum density of 25 units per acre and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and mitigation measures from the prior environmental documents have been made conditions of approval and would mitigate any impacts.
- ii. That streets and highways are adequate and properly designed pursuant to the requirements of the City's Public Works Director. The Fire Department has approved the circulation system .
- iii. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the Project. The Fire Department has provided conditions of approval to address their concerns. The Sheriff's Department has no concerns with the Project.
- v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for general commercial-specific plan land uses and the Village Specific Plan is approved for the site. The project conforms to the requirements of the Village Specific Plan as to site design and layout and would not conflict with the surrounding area

and land uses pursuant to these conditions, including setbacks and height requirements.

- vi. That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code, the General Plan, and the Village Specific Plan. With imposition of the conditions of approval, the project complies with the General Plan, Title 19 (Zoning), and the Village Specific Plan.
- vii. That the project will not conflict with any easements required for public access through, or use of, a portion of the property as none exist on this property.
- viii. That the proposed development is in conformance with the Ranch architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

2. Height Limit Modification.

a. Findings:

- i. The increased height will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas. The increased height would not be incompatible with the neighborhood because two of the buildings are below the height limit and the portion of the third building that is above the height limit only exceeds the height limit by approximately 2 feet. The tallest building is located in the middle between the other two buildings.
- ii. The increased height conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

3. Density Bonus.

a. Findings:

- i. One hundred (100) percent of the total dwelling units of the Project are Affordable Units for Qualifying Residents. Forty nine (49) of the units are for very low income

residents and one unit is manager's unit. Therefore, the requested incentive of waiving the covered parking requirement of the Village Specific Plan is consistent with Density Bonus law.

SECTION 4: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Final Development Plan 14-FDP-02, with the following modifications:

1. The Public Works Director and Santa Ynez Valley Transit shall determine if a bus turn out is necessary (modify condition 40).
2. The installation of the block wall shall be allowed at a later time during construction (modify condition 80).
3. The parking lot lights shall be recessed (modify condition 81).
4. The disclosure of the adjacent horse ranch is allowed in tenant leases instead of in CC&R's (modify condition 86).
5. Architectural features shall be added to the roof (new condition 88).
6. Pedestrian access through the property lines shall not be completely blocked (new condition 89).
7. The landscaping at the north property line shall be complimentary with the adjacent landscaping (new condition 90).
8. The landscaping along the east property line shall be designed to allow privacy for the single family homes to the east (new condition 91).
9. Visual simulations of the senior apartment roofs from the top story of the hotel and of the east property line from the top story of the senior apartment building are required (new condition 92).
10. The numbers in the affordable housing condition shall be modified to reflect the correct number of townhomes proposed (new condition 93).

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

Craig Adams
Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

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

I, ~~Clare Barcelona~~, ~~Planning Commission Secretary~~ of the City of Buellton, do hereby certify that the foregoing Resolution No. 14-08 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 2nd day of October 2014, by the following vote, to wit.

AYES: (3) Commissioners Jason Fussel, Foster Reif and Chairman Craig Adams

NOES: (0)

ABSENT: (2) Commissioner Art Mercado and Vice Chair Lisa Figueroa

NOT VOTING: (0)

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



Clare Barcelona
 Planning Commission Secretary

CONDITIONS OF APPROVAL
VILLAGE SENIOR APARTMENTS
FINAL DEVELOPMENT PLAN 14-FDP-02

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. The Project Description is as follows: A request by Oak Springs Village Properties, LLC, property owner, and Nicole Norori, Cabrillo Economic Development Corporation, agent (the "Applicant") for Final Development Plan 14-FDP-02 for the Village Senior Apartments, a 50-unit apartment complex located on a 2.0 acre site (the "Project"). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-090-045 (the "Property"). The Project plans that are included in this approval are dated August 11, 2014. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.
2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.
4. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

- a. **“Applicant”** means Oak Springs Village Properties, LLC, property owner, and Nicole Norori, Cabrillo Economic Development Corporation, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
-
- b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
- c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
- d. **“County”** means the County of Santa Barbara.
- e. **“Final Building Inspection Clearance”** means acknowledgement by the Building Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.
- f. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of special district.
- g. **“Mitigation Measures”** means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.
- h. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- i. **“Project”** means and includes all of the actions described in the Project description above.
- j. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project

Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.

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

dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

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

concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. ENVIRONMENTAL MITIGATION MEASURES

Aesthetics

15. **AES-1(a) Lighting/Compatibility.** Prior to development of each development phase, proposed lighting shall be indicated on site plans that demonstrate that spillover of lighting would not affect residential areas located east of the site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used. The design, scale, and character of the Specific Plan residential building architecture shall be generally compatible with the scale of existing residential uses east of the site.
16. **AES-1(b) Entrance Monuments.** Site entrance monuments shall not be visually prominent and shall be consistent with the natural rural character of the area.
17. **AES-1(e) Wall and Fence Articulation.** Long expanses of walls (including sound walls) or fences should be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets should be provided. Walls and fences should be designed in a style, materials and color to complement adjacent buildings.
18. **AES-1(f) Clear Excess Debris.** The future developers of the Specific Plan components shall clear the site of all excess construction debris when completed with individual development phases.

Agricultural Resources

19. **AG-2(b) Previously Unidentified Hazardous Materials.** In the event that hazardous waste and/or materials are encountered during construction, the following actions shall be taken by the future developers of the Specific Plan components or authorized agents thereof: (1) all work in the vicinity of the suspected contaminant will be halted; (2) all persons shall be removed from the area; (3) the site shall be secured under the direction of the Fire Department; and (4) the Hazardous Waste/Materials Coordinator shall be notified. Work shall not recommence until such time as the find is evaluated and appropriate measures are implemented as necessary to the satisfaction of the California Department of Toxic Substances Control.

Air Quality

20. **AQ-1(a) Energy Saving Services Information.** The following energy-conserving techniques shall be incorporated unless the applicant and/or future developers of the Specific Plan components demonstrate their infeasibility to the satisfaction of Planning Department staff:
- Installation of heat transfer modules in furnaces;
 - Use of light colored water-based paint and roofing materials;
 - Use of natural lighting;
 - Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
 - Installation of energy efficient lighting;
 - Use of landscaping to shade buildings and parking lots;
 - Installation of sidewalks and bikepaths;
 - Installation of covered bus stops to encourage use of mass transportation
21. **AQ-1(b) Alternative Transportation Information.** The future developers of the Specific Plan components shall provide, as part of the sale of each housing and commercial unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also include information on purchasing less polluting or alternatively fueled vehicles, which is available from SBCAPCD.
22. **AQ-3(a) Dust Generation.** If the construction site is graded and left undeveloped for over four weeks, the applicant and/or future developers of the Specific Plan components shall employ the following methods immediately to inhibit dust generation:
- Seeding and watering to revegetate graded areas; and/or
 - Spreading of soil binders; and/or
 - Other soil stabilization methods deemed appropriate by the Planning Department
23. **AQ-3(b) Watering.** Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily water applications (once in late morning and once at the end of the workday). Increased watering shall be performed whenever wind speeds exceed 15 mph.
24. **AQ-3(c) Disturbed Area.** The amount of disturbed area shall be minimized and on-site vehicle speeds shall be reduced to 15 mph or less.
25. **AQ-3(d) Gravel Pads.** Gravel pads shall be installed at all access points to minimize tracking of mud onto public roads.

26. **AQ-3(e) Volatile Organic Compounds (VOC).** Low VOC asphalt and low VOC architectural coating will be used whenever feasible.
27. **AQ-3(f) Soil Stockpiling.** If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material to or from the site shall cover the soil with tarps from the point of origin to the point of disposition.
28. **AQ-3(g) Land Clearing.** After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.
29. **AQ-3(h) Monitoring of Dust Control Program.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
30. **AQ-3(i) Construction Equipment Requirements.** In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
 - The engine size must be the minimum practical size;
 - The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
 - Construction equipment must be maintained in tune per manufacturer's specifications;
 - Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
 - Catalytic converters shall be installed, if feasible;
 - Diesel catalytic converters shall be installed, if available;
 - Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
 - Diesel particulate emissions shall be reduced using EPA or California-certified and/or verified control technologies like particulate traps.
31. **AQ-4(a) Bicycle and Pedestrian Paths.** The project shall incorporate pedestrian and bicycle paths on-site that link to existing bicycle routes and walkways offsite. The purpose would be to provide alternative access to existing bus stops.

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

Noise

33. **N-1(a) Construction Equipment.** All stationary construction equipment shall be located at least 300 feet from occupied on- and off-site residences and the adjacent hotel structure west of the site unless noise reducing engine housing enclosures or noise screens are provided by the contractor. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited.
34. **N-1(b) Sound Wall Construction.** The proposed 8-foot-high sound wall along the eastern site boundary shall be installed during the first phase of development (Split Face).
35. **N-5(c) Disclosure of Nuisance.** Upon the transfer of residential property on the site, the transferor shall deliver to the prospective transferee a written disclosure statement which shall make prospective home buyers aware that although potential impacts or conflicts between commercial and residential uses (e.g., noise) may be lessened by proper maintenance, some level of incompatibility between the two uses would remain.

Transportation and Circulation

36. **T-2(a) Internal Access Improvements.** The internal loop of the site road shall be posted "no parking" on one side of the road to reduce the potential for conflict between through vehicles and parked vehicles. As a means to improve site access and enhance on-site circulation, the internal circulation roads should be striped and signed in a manner consistent with the Manual on Uniform Traffic Control Devices.
37. **T-2(b) Driveway Alignment.** The McMurray Road driveways should be aligned opposite the existing driveways to reduce potential conflicts. Aligning the Specific Plan site driveways with the existing opposing driveways would create an attractive draw away from Highway 246, which would reduce impacts at the Highway 246 access.

C. ENGINEERING CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

38. **Grading and Utility Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement

plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.

39. **Frontage Improvement Plans.** Plans for the full street width frontage improvements shall be drawn by a California Registered Civil Engineer. Drawings shall be prepared on 24-inch by 36-inch mylar (4 mil) showing all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, utilities, and street trees.
40. **Bus Turn Out.** Frontage improvements shall include adequate bus turn out and shelter. Design of these facilities shall include adequate public sidewalk with appropriate ADA width behind the shelter. Should additional public easement be required to accommodate these facilities, the property owner shall grant the appropriate easement to the City. The Public Works Director and Santa Ynez Valley Transit staff will review the plans and determine if a bus turn out is necessary.
41. **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.
42. **Erosion Control.** Erosion Control Plans shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at *all* times. This shall be in compliance with the Regional Water Quality Control Board requirements. NOI shall be filed. A SWPPP shall be developed for the project site; draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times.
43. **Hydrology Report.** At the time that Improvement and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, a complete hydrology/hydraulic report shall be submitted by the applicant's engineer determining the adequacy of the proposed drainage system and the adequacy of the existing downstream system. A rain fall frequency of twenty-five (25) years shall be used for sizing piping and inlet structures. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara County Engineering Design Standards shall be used. In addition, the report shall discuss the required stormwater management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references.

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

Stormwater management shall be incorporated in the improvement plans (low impact development). Pre and post development hydrology shall be consistent, considering flow volume and discharge. Design measures that minimize storm water run-off shall be incorporated. When possible, grading and drainage shall be designed so that the Effective Impervious Area is minimized. Examples include curb openings integration to enable run-off direction towards landscaped areas and impervious surfaces for infiltration.

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

45. **Detention Basin.** Subsurface detention basin shall include appropriate access for regular maintenance and inspection.
46. **Fire Department Review of Improvement Plans.** Applicant shall submit improvement plans for concurrent review with the Santa Barbara County Fire Department and shall provide documentation of submittal along with grading and utility improvement plans to the City Engineer. A copy of the Fire Department approval shall be submitted prior to issuance of grading permit.
47. **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.
48. **Final Plans.** Upon approval of the final plans, the applicant shall furnish original stamped mylars to the City Engineer for signature and reproduction for permitting purposes. A final Engineer's estimate shall be prepared (updated from the original submittal and shall utilize prevailing wage rates) and permit/inspection fees paid.
49. **Grading and Utility 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.

PRIOR TO BUILDING PERMIT ISSUANCE:

50. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
51. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
52. **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.
53. **Water and Sewer Fees.** The applicant shall pay water and sewer utilities fees to the City Public Works Department prior to obtaining building permit. In addition, all pretreatment and FOG compliance requirements must be in place prior to payment of water/sewer fees and occupancy.

PRIOR TO OCCUPANCY CLEARANCE:

54. **As-Built Record Drawings.** The applicant shall complete all required improvements to the satisfaction of the City Engineer. The applicant shall furnish the mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "As-Built Record Drawings."
55. **Tract 31052/Public Improvements.** Prior to issuance of occupancy clearance for the first building, all public improvements associated with Tract 31052 needed to support the project pursuant to the Village Specific Plan shall be constructed and accepted by the City Engineer.

GENERAL CONDITIONS:

56. **Public Improvement Standards.** Unless superceded by Caltrans all public improvements shall be designed and constructed in conformance with The City of Buellton Standards, and when applicable, the Santa Barbara County Standards.
57. **Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
58. **Utilities.** All other utilities shall be shown on the plans.
59. **Public Trails Easement.** An easement shall be dedicated and recorded for public access and trails for the trail along the east property line as shown on the plans.

Developer shall construct and provide ongoing maintenance of these facilities as part of their regular site maintenance requirements.

D. PLANNING CONDITIONS

60. **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.

61. **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.

62. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
63. **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.
64. **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.
65. **Construction Noise Reduction.** Prior to issuance of building permit, the Developer shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition. Stationery noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor. Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.
66. **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.

67. **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.
68. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
69. **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.
70. **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.
71. **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.
72. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the first building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.

73. **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.
74. **Approval.** Approval of 14-FDP-02 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.
75. **Development Time Frame.** Building construction must be started not later than five years after approval of the Final Development Plan, or if a Permit is issued within the five year period, construction must be diligently pursued thereafter, or this approval will be revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project. Start of construction is defined as:
- a. All zoning and related approvals are effective; and
 - b. All required building and grading permits have been issued; and
 - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the California Building Code or its successor have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.
76. **Parking.** A total of 71 parking spaces are required for the Project. This includes two spaces each for the 2-bedroom unit (2 spaces), one space each for the 1-bedroom units (49 spaces), one visitor space for each five units (10 guest spaces), and one space per 300 square feet for the Senior Center (10 spaces). 76 parking spaces are proposed. Covered parking is waived pursuant to the requirements of the Density Bonus section of the Municipal Code (Section 19.16.018 (B)(1)(a)).
77. **Signage.** The monument sign as shown in the plans date stamped August 13, 2014, is approved. Any additional signage will require approval by the Planning Director.

78. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project with a design style of Ranch.
79. **Architectural Details.** Details shall be provided on the construction plans to show compliance with the Community Design Guidelines. This includes roof overhangs, window and door trim, pop-out trim, and gutters. Show size of wood elements such as columns and trellis beams.
80. **Masonry Wall.** An eight foot high split face masonry wall is required along the east property line. It shall be installed prior to the issuance of a certificate of occupancy for the building along the east property line.
81. **Lighting.** All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies. All lighting shall be LED or Inductive technology or other energy efficient type of lighting. Decorative lighting is required. The parking lot lights shall be recessed so there is no light trespass into the windows of the senior apartments.
82. **Village Specific Plan.** The project is subject to the standards and requirements of the Village Specific Plan.
83. **Trees.** All trees shall be 24-inch box trees.
84. **Damaged Landscaping.** Any landscaping damaged on adjoining properties shall be replaced on a one to one ratio, except that oak trees shall be replaced on a 3 to 1 ratio.
85. **Pedestrian Paths.** The public pedestrian paths along the east property line and a portion of the north property line are required to be installed. Textured pavement shall be used for the paths.
86. **Disclosure in Lease.** Tenant leases shall include the following:
 - The developer is required to disclose to all future tenants the presence of the active horse ranch just to the north of the Village Specific Plan site.
87. **Senior Residents.** The apartments shall be occupied by individuals or households at least 62 years of age or older. Qualified Senior Residents shall also include residents younger than 62 years of age provided that such individual falls within one of the exceptions set forth in California *Civil Code* Section 51.3 and sections amendatory or supplementary thereto.
88. **Roof Features.** Architectural features shall be added to break up the flat roofs. These features shall be approved by the Planning Director through the zoning clearance process.

89. **Access on Property Line.** Any fencing along the property line shall not block pedestrian access. Openings or gates in the fence are required to allow access to adjacent pedestrian pathways.
90. **Complimentary Landscaping.** The Applicant shall coordinate the design of the landscape along the north property line so that it complements the landscaping on the adjoining property.
91. **Privacy on East Property Line.** The landscaping along the east property line shall be designed to be dense and fast growing. It shall ensure privacy to the single family homes to the east.
92. **Visual Simulations.** Prior to building permit issuance, the Applicant shall provide visual simulations showing the roofs of the senior apartment buildings from the top story of the hotel and showing the east property line from the second story of the senior apartment building on the east.

E. AFFORDABLE HOUSING

93. **Affordable Housing.** The Village Specific Plan requires that 20% of the residential units be made affordable in the very low, low, and moderate income categories. The Village Townhomes project (155 units) and the Village Senior Apartments project (50 units) provide a total of 205 units. Therefore, 41 affordable units are required per the Village Specific Plan. The Applicant meets this requirement by providing 49 very low income units and would satisfy the affordable requirement for the entire Village Specific Plan area.

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 the 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 Senior 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 requirements, in this case all 49 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) 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 (iv) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

94. **Duration of Affordability.** 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.
95. **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. Any in-lieu fees are based on the most current fee schedule for the Santa Ynez Housing Market Area as periodically updated by the County of Santa Barbara Housing and Community Development Department.
96. **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.

F. FIRE DEPARTMENT CONDITIONS

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

98. **Elevator.** Elevators installed for this project require the elevator car to be able to accommodate a 24-inch by 84-inch ambulance stretcher in the horizontal, open position.
- Emergency medical services symbols shall be placed on both sides of the elevator car door frame.
 - The symbol shall be a minimum of 3 inches high.
-
99. **Access.** Access shall be as shown on plans dated August 11, 2014, received August 15, 2014.
- Surface shall be paved.
 - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
100. **Structure Height.** Any structure that exceeds 30 feet in height shall meet the CFC Section D105 requirements.
- **D105.1** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater.
 - **D105.2** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
 - **D105.3** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. This side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
 - **D105.4** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.
101. **Temporary Addresses.** Temporary address posting is required during construction.
102. **Fire Hydrants.** Two new fire hydrants shall be installed.
- The Fire Department shall have on file a set of approved fire hydrant plans prior to any work being started.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
 - A set of approved fire hydrant plans, stamped and dated by the Fire Department shall be kept at the job site and available on request.

- Water systems shall be installed exactly as the approved fire hydrant plans dictate. No changes or modifications to these plans shall take place without prior Fire Department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a Fire Department representative.
-
103. **Fire Lanes.** Signs indicating "Fire Lane – No Stopping" shall be placed every 150 feet as required by the Fire Department. Refer to current adopted California Fire Code.
104. **Portable Fire Extinguishers.** Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
105. **Fire Sprinklers.** An automatic fire sprinkler system shall be installed.
- Fire sprinkler plans shall be approved by the Fire Department prior to installation.
 - A set of approved plans, stamped and dated by the Fire Department shall be kept at the job site and available upon request.
 - The Fire Department shall determine the location of any Fire Department connection (FDC) that may be required.
 - FDC shall be labeled per NFPA 13.
 - Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.
106. **Alarm Systems.** An automatic fire or emergency alarm system shall be installed.
- Fire alarm system shall meet Santa Barbara County Fire Department requirements.
 - Automatic fire or emergency alarm system plans shall be approved by the fire department.
 - Alarm panel locations and annunciator graphics shall be approved by the Fire Department prior to installation.
107. **Address Numbers.** Address numbers shall be a minimum height of four inches for residential suites.
- Address numbers shall be a minimum height of 12 inches.
 - Address number locations shall be approved by the Fire Department.
 - Address numbers shall be a color contrasting to the background color.
 - The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.

- The numbers shall be visible from the access road when traveling in either direction.
108. **Gates.** Access way entrance gates shall conform to Fire Department requirements.
109. **Gate Locking System.** When access ways are gated, a Fire Department approved locking system shall be installed. Reference Santa Barbara County Development Standard #7.
110. **Fees.** The applicant will be required to pay development impact fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development. Estimated fees:
- Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems. Development impact fees are collected at the current rate at time of payment.
111. **Occupancy Clearance.** Final occupancy clearance inspection will not be scheduled unless fees have been paid.
112. **Condition Changes.** These conditions apply to the Project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change. The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.
113. **Non-Compliance.** Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

G. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS

114. **Geology Report.** A Geology Report prepared and signed by a California licensed geologist will be required.
115. **Soils Report.** A soils report to include an assessment and conclusion of the potential for liquefaction will be required. At a minimum, one boring to a depth of fifty feet will be required.
116. **Egress Plan.** A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at

each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components. Provide egress from outdoor use areas as required for building occupants as per CBC; or include the occupant load from this space in the design occupant load of the building.

~~On the building to the east it appears a second exit from the second floor is required.~~

117. **Fire Areas.** Provide a complete, independent plan which graphically delineates all fire areas, fire walls, fire barriers, horizontal fire-resistive assemblies, and/or fire partitions on the plans. Label all fire-resistive corridors, shafts, incidental use areas, etc. Cite code sections indicating reasons assemblies are rated. If fire-rated assemblies have been provided where not required by code or which exceed code minimum requirements, please indicate this on the plans. Delineate egress paths and indicate occupant/egress path loading to required egress routes. Cross-reference tag all fire resistive assemblies to their respective construction details on the plans. Verify consistency between fire-resistive characteristics shown on this plan and the relative required fire-resistive characteristics shown on mechanical, electrical, and structural plans.
118. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots.

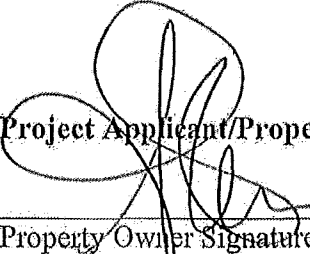
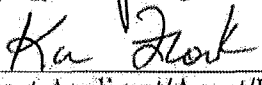
There are several doors on the ground floor which exit onto landscaped areas; provide an accessible path of travel to and from all ground floor entrances or exits, coordinate with the landscaping and grading plans. In elevator buildings, provide an accessible means of egress per CBC chapter 10 from all floors.
119. **Accessibility Requirements.** Projects that are publicly funded may be subject to the accessibility requirements of Chapter 11B of the current code in effect. For publicly funded projects, review by this agency does not guarantee compliance with Americans with Disability Act (ADA) or other Federal access standards. Compliance with Federal laws is solely the responsibility of the owner.
120. **California Green Code.** Incorporate compliance with the applicable California Green Code in the plans, to include commissioning. Incorporate compliance with the requirements of the Energy Code in effect at the time of submittal to include commissioning and day lit areas.
121. **Plumbing.** Provide a plumbing fixture analysis to include occupants of the outdoor areas.

- 122. **Flood Conditions.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.
- 123. **Food Service.** Approval by Environmental Health Services for food preparation, food service areas and restrooms will be required.
- ~~124. **Plans.** Plans will need to be signed and sealed by a California-licensed architect or engineer and designed in compliance with the codes in effect at the time of building permit application submittal.~~

H. FINANCE DEPARTMENT CONDITIONS

- 125. **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.
- 126. **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

	10/30/14
Property Owner Signature	Date
	10-29-14
Project Applicant/Agent/Representative Signature	Date

Karen Flock
Real Estate Development Director



PLANNING COMMISSION RESOLUTION NO. 21-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A SECOND DEVELOPMENT PLAN MODIFICATION (21-DPM-01) TO THE PREVIOUSLY-APPROVED FINAL DEVELOPMENT PLAN (14-FDP-02), FOR THE VILLAGE SENIOR APARTMENTS PROJECT LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-790-008, AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Cabrillo Economic Development Corporation, Property Owner and Justin Micheli, Applicant, requesting a modification to Planning Commission Resolution No. 14-08 and associated project plans (approved October 2, 2014) for a previously approved Final Development Plan (14-FDP-02) and Development Plan Modification (20-DPM-01). The project site is located at the Northeast Corner of Highway 246 and McMurray Road, on Assessor's Parcel Number 137-790-008.

SECTION 2: The proposed Project consists of the following:

A. Development Plan Modification (21-DPM-01): Approval of revisions to the approved project description, site plan, architectural elevations, floor plans, landscaping and lighting plans, preliminary grading plan, and preliminary utility plan sheets of 14-FDP-02, Planning Commission Resolution No. 14-08 (dated October 2, 2014), as modified by 20-DPM-01, Planning Commission Resolution No. 20-03 (dated May 21, 2020) for the development of 49 affordable apartment units for seniors 55 and older, and 1 two-bedroom manager's unit. The revisions also include 68 parking spaces, solar carports and a modified roof design. The subject property is within the Village Specific Plan area.

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

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

1. All public testimony, both written and oral, received in conjunction with certain public hearing conducted by the Planning Commission on: October 2, 2014; June 6, 2019; May 21, 2020; August 20, 2020, and; September 2, 2021 ("Public Hearings").
2. All oral, written and visual materials presented in conjunction with the Public Hearings.
3. The following informational documents which, by this reference, are incorporated herein.

- a. The Project files for 14-FDP-02, 19-TE-01, 20-DPM-01, 20-TE-01, 21-DPM-01 and the set of Project plans dated July 29, 2021.
- b. Planning Commission staff report of September 2, 2021.
- c. The Oak Springs Village Specific Plan amended 2013.
- d. FEIR dated July 24, 2003 and Addendum dated May 25, 2006 for the Oak Springs Village Specific Plan

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 public hearing was published in a newspaper on August 19, 2021 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on August 19, 2021, a minimum of ten (10) days in advance of the Public Hearing.
3. The Public Notice was posted in two public locations on August 19, 2021, a minimum of ten (10) days in advance of the Public Hearing.

C. Environmental Clearance.

1. On July 24, 2003, the City Council conducted a public hearing with respect to the Final EIR for the Oak Springs Village Specific Plan and at the conclusion thereof, adopted their Resolution No. 03-15 thereby adopting: (1) a Statement of Facts and Findings, (2) a Statement of Overriding Considerations, and (3) a Mitigation Monitoring Program for the Oak Springs Village Specific Plan and certified that the Final EIR was complete and adequate, and had been completed in compliance with the requirements of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines and the City of Buellton Environmental Guidelines. The Oak Springs Village Specific Plan was revised by Ordinance No. 06-05 on May 25, 2006. An Addendum Environmental Impact Report to the Final EIR for Oak Springs Village was approved for the revised Specific Plan (the Final EIR and Addendum are collectively referred to as the FEIR).
2. Planning Commission Resolution 14-08 found that no further environmental review was required per CEQA in that the original project was adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

3. Based upon the substantial evidence contained in the whole record, including any written and/ oral staff reports presented to the Planning Commission with respect to the Project, as well as a review of the FEIR for the Oak Springs Village Specific Plan in relation to the Project, the Planning Commission of the City of Buellton does hereby find, determine, and declare that:
 - a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
 - c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:
 - i. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;
 - ii. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 - iii. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,
 - iv. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
4. Based upon the forgoing, the Planning Commission exercises its judgment and finds that no further environmental review is required per CEQA in that the Project, as revised, is adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

D. 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 attached change to the project approval and condition(s) of approval, the Planning Commission does hereby declare as follows:

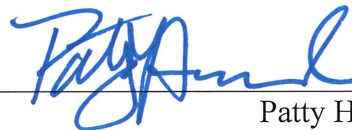
1. **Revised Final Development Plan.**

a. **Findings:**

- i. That the previous findings for a final development plan made with the approval of project 14-FDP-02 remain valid.
- ii. That the revised final development plan is in substantial conformity with the approved final development plan 14-FDP-02; the intent and affordability of the project remains.
- iii. That the revised final development plan is in conformance with all applicable provisions and policies of the City General Plan and Title 19 of the Municipal Code.
- iv. That the proposed development is in conformance with the community design guidelines, with conditions of approval placed on the Project. The proposed architectural design style is Ranch, which is one of the approved design styles per the community design guidelines.

SECTION 4: Based on the findings set forth in Section 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Development Plan Modification (21-DPM-01) with the additional and modified conditions included with the motion to adopt Resolution No. 21-04.

PASSED, APPROVED, AND ADOPTED this 2nd day of September 2021.



Patty Hammel, Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

Modified Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 21-DPM-01

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 Cabrillo Economic Development Corporation, Property Owner, and Justin Micheli, Applicant, for a Revised Final Development Plan 21-DPM-01 for the Village Senior Apartments, a 50-unit apartment complex, including 49 affordable apartment units for seniors 55 and older, and a 1 two-bedroom manager's unit, located on a 2.0 acre site (the "Project"). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-790-008 (the "Property"). The Project plans that are included in this approval are dated July 29, 2021. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.

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 Cabrillo Economic Development Corporation, property owner, and Justin Micheli, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
 - b. **"Property Owner"** means Cabrillo Economic Development Corporation, 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.

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.

74. **Approval.** Approval of 21-DPM-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.
- a. All zoning and related approvals are effective; and
 - b. All required building and grading permits have been issued; and
 - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the California Building Code or its successor have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.
76. **Parking.** A total of 66 parking spaces are required for the Project. This includes two spaces each for the 2-bedroom units (12 spaces), one space each for the 1-bedroom units (44 spaces), and one visitor space for each five units (10 guest spaces). 68 parking spaces are proposed. Covered parking is waived pursuant to the requirements of the Density Bonus section of the Municipal Code (Section 19.16.018 (B)(1)(a)).
77. **Signage.** The monument sign as shown in the plans date stamped July 29, 2021, is approved. Any additional signage will require approval by the Planning Director.
93. **Affordable Housing.** The Village Specific Plan requires that 20% of the residential units be made affordable in the very low, low, and moderate income categories. The Village Townhomes project (155 units) and the Village Senior Apartments project (50 units) provide a total of 205 units. Therefore, 41 affordable units are required per the Village Specific Plan. The Applicant meets this requirement by providing 49 very-low income affordable units, and would satisfy the affordable requirement for the entire Village Specific Plan area.

The previously recorded Affordable Housing Agreement for 20-DPM-01, Document # 2020-0070319, shall be null and void upon recordation of a Termination and Release of Affordable Housing Regulatory Agreement, and a new First Amended and Restated

Affordable Housing Regulatory Agreement reviewed and approved by the City Council shall be executed and submitted for recordation within 30 days of City Council approval of those Agreements. As a condition prerequisite to obtaining Zoning Clearance, the Affordable Housing Agreement shall be recorded against the units having such affordable requirements, in this case, 49 units. The purpose of the Affordable Housing Agreement is to create easements, conditions, covenants, restrictions, liens, servitudes, and charges upon and subject to which Senior Affordable Units and each and every part and portion thereof shall be occupied, owned, maintained, held, leased, rented, sold, and conveyed. 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) 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 (iv) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

99. **Access.** 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 20 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.
102. **Fire Hydrants.** Minimum of two onsite fire hydrants shall be provided; final number to be determined per 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 1,250 gallons per minute at a 20 psi residual pressure.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
 - Private fire hydrants shall be painted red.
103. **Fire Lanes.** Designated fire land 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.
105. **Fire Sprinklers.** Automatic fire sprinkler systems shall be installed in both buildings.
- The Fire Department shall determine the location of any Fire Department connection (FDC) that may be required.
106. **Alarm Systems.** Full automatic fire or emergency alarm system shall be installed in both buildings.

- Fire alarm system shall meet Santa Barbara County Fire Department requirements.
- 107. Address Numbers.** Address numbers shall be properly posted for all buildings and suites.
- A minimum height of twelve (12) inches for buildings.
 - Address number locations shall be approved by the Fire Department.
 - Address numbers shall be a color contrasting to the background color.
 - The address number shall be elevated for clear visibility and easy directional identification.
 - The numbers shall be visible from the access road when traveling 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.
- 109. Gate Locking System.** When access ways are gated, a Fire Department approved Knox locking system shall be installed.
- 110. Fees.** 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 on 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 April 15, 2021, fees currently are as follows:
 - Residential-Other Residential Housing \$0.75 per square foot
- 116. Egress Plan.** A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components. Provide egress from outdoor use areas as required for building occupants as per CBC; or include the occupant load from this space in the design occupant load of the building. Egress requirements to be addressed during plan review.

Modified Conditions of Approval
for 20-DPM-01 (PC Resolution No. 20-03)
Applicable to 21-DPM-01

- 3. Porch Railing Material.** Design and material of porch railing shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to zoning clearance issuance.
- 4. Awning Material.** Design and material of awnings shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to zoning clearance issuance.

6. **Design Elements.** Design of design elements and utilitarian aspects such as columns, roof eaves, gutters and downspouts, window and door trims, and parapets shall be consistent with the architectural character of the project. Detailing of these elements shall be clearly shown on project plans prior to zoning clearance issuance.

Deleted Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 21-DPM-01

38. **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.
123. **Food Service.** Approval by Environmental Health Services for food preparation, food service areas and restrooms will be required.

Added Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 21-DPM-01

1. **Solar Carports.** Solar supporting structures must be consistent with Ranch style architectural character, implementing design elements such as support columns with a stone veneer base or similar to match the entry signage, exposed support columns and beams painted to match accent colors on porches and railings, and architectural features such as exposed trusses.
2. **Carport Lighting.** Lights under solar carports need to have a deflection shields facing the Vineyard Village Townhomes, Village Senior Apartments (Project), and Thumbelina neighborhood homes, to direct light away from residences. Details shall be clearly shown on project plans prior to zoning clearance issuance.
3. **Fire Department Plans.** 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
 - Signage Plan

- 4. **Defensible Space.** 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.
- 5. **Exterior Walkway.** 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.
- 6. **Fire Emergency Guides.** Emergency guides shall be provided, maintained, and in compliance with CFC 403.10.2.
- 7. **Fire Protection Systems.** All fire protection systems shall be maintained for the life of the project.
- 8. **Suite Number Plan.** Suite number plan shall be provided and require Fire Department approval.
- 9. **Knox Box.** Knox Box entry systems shall be installed. Spare keys shall be provided for the Knox Box entry systems.
- 10. **Conditions of Approval.** All other conditions of approval included in Planning Commission Resolutions No. 14-08 and No. 20-03, that have not been modified or deleted as part of this Planning Commission Resolution No. 21-04, and the Mitigation Measures and the Mitigation Monitoring and Reporting Program (MMRP) contained in the Oak Springs Village FEIR remain unchanged, and applicable to the Project.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date

PLANNING COMMISSION RESOLUTION NO. 20-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A DEVELOPMENT PLAN MODIFICATION (20-DPM-01) TO THE PREVIOUSLY-APPROVED FINAL DEVELOPMENT PLAN (14-FDP-02), FOR THE VILLAGE SENIOR APARTMENTS PROJECT LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-790-008, AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: An application has been filed by Cabrillo Economic Development Corporation, Property Owner and Applicant, requesting a modification to Planning Commission Resolution No. 14-08 and associated project plans (approved October 2, 2014) for a previously approved Final Development Plan (14-FDP-02). The project site is located at the Northeast Corner of Highway 246 and McMurray Road, on Assessor's Parcel Number 137-790-008.

SECTION 2: The proposed Project consists of the following:

A. Development Plan Modification (20-DPM-01): Approval of revisions to the approved project description, site plan, architectural elevations, floor plans, landscaping and lighting plans, preliminary grading plan, and preliminary utility plan sheets of 14-FDP-02 and Planning Commission Resolution No. 14-08 (dated October 2, 2014) to allow for an additional 25 density bonus units and supporting reconfigurations to the building footprint, setbacks, parking, pedestrian circulation, landscaping, lighting, and amenities. The revisions include 66 one-bedroom units, 8 two-bedroom units, and 1 two-bedroom managers units and 99 parking spaces. A reduction in open space from 47.72 percent to 33 percent of the project site area is granted through the Density Bonus Law. The revisions also include solar panels and a reduced building height of 35 feet. The project description and plans are revised to no longer include a senior center component.

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

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

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on May 21, 2020 ("Public Hearing").
2. All oral, written and visual materials presented in conjunction with the Public Hearing.

3. The following informational documents which, by this reference, are incorporated herein.
 - a. The Project file for 20-DPM-01 and the set of Project plans dated May 12, 2020.
 - b. Planning Commission staff report of May 21, 2020.
 - c. The Oak Springs Village Specific Plan, amended 2013
 - d. FEIR dated July 24, 2003 and Addendum dated May 25, 2006 for the Oak Springs Village Specific Plan

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 public hearing was published in a newspaper on May 7, 2020 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on May 7, 2020, a minimum of ten (10) days in advance of the Public Hearing.
3. The Public Notice was posted in two public locations on May 7, 2020, a minimum of ten (10) days in advance of the Public Hearing.

C. Environmental Clearance.

1. On July 24, 2003, the City Council conducted a public hearing with respect to the Final EIR for the Oak Springs Village Specific Plan and at the conclusion thereof, adopted their Resolution No. 03-15 thereby adopting: (1) a Statement of Facts and Findings, (2) a Statement of Overriding Considerations, and (3) a Mitigation Monitoring Program for the Oak Springs Village Specific Plan and certified that the Final EIR was complete and adequate, and had been completed in compliance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City of Buellton Environmental Guidelines. The Oak Springs Village Specific Plan was revised by Ordinance No. 06-05 on May 25, 2006. An Addendum Environmental Impact Report to the Final EIR for Oak Springs Village was approved for the revised Specific Plan (the Final EIR and Addendum are collectively referred to as the FEIR).
2. Planning Commission Resolution 14-08 found that no further environmental review was required per CEQA in that the original project was adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

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

- a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:
 - i. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;
 - ii. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 - iii. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,
 - iv. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

4. Based upon the forgoing, the Planning Commission exercises its judgment and finds that no further environmental review is required per CEQA in that the Project, as revised, is adequately addressed in the prior environmental documents for the Oak Springs Village Specific Plan.

D. 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 attached change to the project approval and condition(s) of approval, the Planning Commission does hereby declare as follows:

1. Revised Final Development Plan.

a. Findings:

- i. That the previous findings for a final development plan made with the approval of project 14-FDP-02 remain valid.
- ii. That the revised final development plan is in substantial conformity with the approved final development plan 14-FDP-02; the intent and affordability of the project remains, with a reduced height.
- iii. That the revised final development plan is in conformance with all applicable provisions and policies of the City General Plan and Title 19 of the Municipal Code.
- iv. That the proposed development is in conformance with the community design guidelines. The proposed architectural design style is Ranch, which is one of the approved design styles per the community design guidelines.


2. Density Bonus.

a. Findings:

- i. That one hundred (100) percent of the total dwelling units of the Project, exclusive of a manager's units, are Affordable Units for Qualifying Residents at lower income levels. Therefore, the requested density bonus of 25 additional units to the originally approved 50 units is consistent with Density Bonus law.
- ii. That the Project may be granted up to four concessions or incentives, and the applicant has been granted two. One concession has been granted with the approval of project 14-FDP-02 to waive the requirement for covered parking. The additional request for a reduction of the required open space is consistent with Density Bonus Law.


SECTION 4: Based on the findings set forth in Section 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Development Plan Modification (20-DPM-01) with the additional and modified conditions included with the motion to adopt Resolution No. 20-03.

PASSED, APPROVED, AND ADOPTED this 21st day of May 2020.



Patty Hammel, Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

Modified Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 20-DPM-01

- 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 Cabrillo Economic Development Corporation, Property Owner and Applicant for a Revised Final Development Plan 20-DPM-01 for the Village Senior Apartments, a 75-unit apartment complex located on a 2.0 acre site (the “Project”). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor’s Parcel Number 137-090-045 (the “Property”). The Project plans that are included in this approval are dated May 12, 2020. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.
- 40. Bus Turn Out.** Frontage improvements shall include adequate bus turn out and shelter. Design of these facilities shall include adequate public sidewalk with appropriate ADA width behind the shelter. Should additional public easement be required to accommodate these facilities, the property owner shall grant the appropriate easement to the City.
- 74. Approval.** Approval of 20-DPM-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.
- 76. Parking.** A total of 99 parking spaces are required for the Project. This includes two spaces each for the 2-bedroom units (18 spaces), one space each for the 1-bedroom units (66 spaces), and one visitor space for each five units (15 guest spaces). 99 parking spaces are proposed. Covered parking is waived pursuant to the requirements of the Density Bonus section of the Municipal Code (Section 19.16.018 (B)(1)(a)).
- 88. Roof Features.** Architectural features shall be added to break up the flat roofs, such as gable elements and deep overhangs. These features shall be approved by the Planning Director through the zoning clearance process.
- 93. Affordable Housing.** The Village Specific Plan requires that 20% of the residential units be made affordable in the very low, low, and moderate income categories. The Village Townhomes project (155 units) and the Village Senior Apartments project (75 units) provide a total of 230 units. Therefore, 46 affordable units are required per the Village Specific Plan. The Applicant shall meet this requirement by providing 74 affordable

units, including 49 very-low income units and 25 low-income units and would satisfy the affordable requirement for the entire Village Specific Plan area.

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 the 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 Senior 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 requirements, in this case, 74 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) 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 (iv) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

99. Access. Access shall be as shown on plans dated May 12, 2020.

- Surface shall be paved.
- A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

116. Egress Plan. A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components. Provide egress from outdoor use areas as required for building occupants as per CBC; or include the occupant load from this space in the design occupant load of the building.

On the building to the west, it appears that the second floor bridge between the buildings appears do not comply as the required secondary exit. It appears the corridor is required to be rated. Fire resistance rated corridors shall be continuous from the point of entry to an exit.

118. Site Accessibility Plan. Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots.

Added Conditions of Approval
for 14-FDP-02 (PC Resolution No. 14-08)
Applicable to 20-DPM-01

1. **Fencing Detail.** Design of fence shall be consistent with adjacent developments to the north and south. Details of proposed perimeter fence to be located west edge of project shall be clearly shown on project plans prior to building permit issuance
2. **Pergola Detail.** Design of pergola shall be consistent with the architectural character of the project. Details, including design and color shall be clearly shown on project plans prior to building permit issuance.
3. **Porch Railing Material.** Design and material of porch railing shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to building permit issuance.
4. **Awning Material.** Design and material of awnings shall be consistent with the architectural character of the project. Details shall be clearly shown on project plans prior to building permit issuance.
5. **Material Transitions.** Detailing of material transitions (i.e. hardie board to stucco) shall be clearly shown on project plans prior to building permit issuance.
6. **Design Elements.** Design of design elements and utilitarian aspects such as columns, roof eaves, gutters and downspouts, window and door trims, and parapets shall be consistent with the architectural character of the project. Detailing of these elements shall be clearly shown on project plans prior to building permit issuance.
7. **MWELO Compliance.** Landscape Plans must include the Model Water Efficiency Landscape Ordinance statement to ensure compliance on project plans prior to building permit issuance.
8. **Letter From MarBorg.** A letter from MarBorg shall be provided indicating that the location and design of the trash enclosure is consistent with the requirements.
9. **Noise Attenuation.** Noise mitigation measures for units facing Village Park shall be included such as vegetated berms, solid core doors and double-paned windows.
10. **Building Configuration.** Prior to Zoning Clearance issuance, applicant shall revise plans to show a three-story building situated on the west portion of the site and a two-story building on the east portion of the site. All other aspects of the site design shall remain the same and shall be in compliance with all other applicable codes.
11. **Tree Screening.** Trees nearest the north property line shall be an evergreen variety in order to provide year-round screening between Vineyard Village Townhomes and the Project.

12. Surety for Affordable Development. In the event that building permits are not obtained by November 1, 2020, the applicant shall, at its option, either (a) post a cash deposit or surety in the amount of \$2,200,500.00 or (b) enter into and record a regulatory agreement in favor of the City restricting the use of the property to low income occupancy (other than one manager's unit) no later than December 1, 2020, in satisfaction of Condition of Approval No. 109 of Final Development Plan No. 14-FDP-03 as identified in City Council Resolution No. 14-21. Any deposit or surety is to be released to the applicant when building permits are issued for the project, or released to the City in 2 years, whichever occurs first.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

<u><i>Eduardo Espinoza</i></u>	<u>6/2/20</u>
Property Owner Signature	Date
<u><i>Eduardo Espinoza</i></u>	<u>6/2/20</u>
Project Applicant/Agent/Representative Signature	Date

PLANNING COMMISSION RESOLUTION NO. 14-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A FINAL DEVELOPMENT PLAN (14-FDP-02) FOR THE VILLAGE SENIOR APARTMENTS PROJECT WHICH INCLUDES 50 UNITS ON 2.0 ACRES LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD, ASSESSOR'S PARCEL NUMBER 137-090-045 (PORTION), AND MAKING FINDINGS IN SUPPORT THEREOF

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

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Oak Springs Village Properties LLC, property owner, and Nicole Norori, Cabrillo Economic Development Corporation, agent, hereinafter referred to as "Applicant", requesting approval to develop the Village Senior Apartments, a 50 unit apartment complex located at the northeast corner of Highway 246 and McMurray Road (APN 137-090-045). The subject property is currently zoned CR-SP (General Commercial-Specific Plan).

SECTION 2: The proposed Project consists of:

A. Final Development Plan (14-FDP-02): Approval of 49 one-bedroom affordable, senior apartment units, one two-bedroom manager's unit, a senior center, community garden, offices for senior service providers, landscaping and 76 parking spaces on a 2.0 acre project site. The subject property is planned and zoned for General Commercial-Specific Plan (CR-SP).

- A modification to the height limit is required because the highest point on one of the buildings is approximately 37 feet, which is over the maximum height limit of 35 feet.
- This project qualifies as a density bonus application because it is 100 percent affordable. The Applicant requests that the Village Specific Plan requirement for covered parking be waived.

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 October 2, 2014 ("PC Public Hearing").

2. All oral, written and visual materials presented in conjunction with that certain PC Public Hearing.
3. The following informational documents, which by reference, are incorporated herein:
 - a. The project file for 14-FDP-02 and the set of project plans dated August 11, 2014.
 - b. The staff report dated October 2, 2014.
 - c. The Village Specific Plan.
 - d. The Final EIR and Addendum for the project site.

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

1. A notice of PC Public Hearing was published in a newspaper of general circulation on September 18, 2014 (the "PC Public Notice"), a minimum of 10 days in advance of the PC Public Hearing conducted on October 2, 2014.
2. The PC Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.
3. The PC Public Notice was posted in three public locations on September 18, 2014, a minimum of 10 days in advance of the PC Public Hearing.

C. Environmental Review.

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

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

- a. There are no substantial changes proposed in the Project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete, shows any of the following:
 1. That the Project will have one or more significant effects not discussed in the previous FEIR or negative declaration;
 2. That significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 3. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure or alternative; and,
 4. That mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

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

1. Final Development Plan.

a. Findings:

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed because the Village Specific Plan requirements allow multi-family development with a maximum density of 25 units per acre and the proposed site improvements and conditions of approval allow for adequate circulation around and through the site.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and mitigation measures from the prior environmental documents have been made conditions of approval and would mitigate any impacts.
- ii. That streets and highways are adequate and properly designed pursuant to the requirements of the City's Public Works Director. The Fire Department has approved the circulation system .
- iii. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewerage service to the Project. The Fire Department has provided conditions of approval to address their concerns. The Sheriff's Department has no concerns with the Project.
- v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for general commercial-specific plan land uses and the Village Specific Plan is approved for the site. The project conforms to the requirements of the Village Specific Plan as to site design and layout and would not conflict with the surrounding area

and land uses pursuant to these conditions, including setbacks and height requirements.

- vi. That the project is in conformance with the applicable provisions of Title 19 of the Municipal Code, the General Plan, and the Village Specific Plan. With imposition of the conditions of approval, the project complies with the General Plan, Title 19 (Zoning), and the Village Specific Plan.
- vii. That the project will not conflict with any easements required for public access through, or use of, a portion of the property as none exist on this property.
- viii. That the proposed development is in conformance with the Ranch architectural style as described in the Community Design Guidelines as reviewed by the City's contract architect.

2. Height Limit Modification.

a. Findings:

- i. The increased height will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas. The increased height would not be incompatible with the neighborhood because two of the buildings are below the height limit and the portion of the third building that is above the height limit only exceeds the height limit by approximately 2 feet. The tallest building is located in the middle between the other two buildings.
- ii. The increased height conforms with other applicable provisions of Title 19, with the general plan, and with the Village Specific Plan.

3. Density Bonus.

a. Findings:

- i. One hundred (100) percent of the total dwelling units of the Project are Affordable Units for Qualifying Residents. Forty nine (49) of the units are for very low income

residents and one unit is manager's unit. Therefore, the requested incentive of waiving the covered parking requirement of the Village Specific Plan is consistent with Density Bonus law.

SECTION 4: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Final Development Plan 14-FDP-02, with the following modifications:

1. The Public Works Director and Santa Ynez Valley Transit shall determine if a bus turn out is necessary (modify condition 40).
2. The installation of the block wall shall be allowed at a later time during construction (modify condition 80).
3. The parking lot lights shall be recessed (modify condition 81).
4. The disclosure of the adjacent horse ranch is allowed in tenant leases instead of in CC&R's (modify condition 86).
5. Architectural features shall be added to the roof (new condition 88).
6. Pedestrian access through the property lines shall not be completely blocked (new condition 89).
7. The landscaping at the north property line shall be complimentary with the adjacent landscaping (new condition 90).
8. The landscaping along the east property line shall be designed to allow privacy for the single family homes to the east (new condition 91).
9. Visual simulations of the senior apartment roofs from the top story of the hotel and of the east property line from the top story of the senior apartment building are required (new condition 92).
10. The numbers in the affordable housing condition shall be modified to reflect the correct number of townhomes proposed (new condition 93).

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

Craig Adams
Chair

ATTEST:



Clare Barcelona
Planning Commission Secretary

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

I, ~~Clare Barcelona~~, ~~Planning Commission Secretary of the City of Buellton~~, do hereby certify that the foregoing Resolution No. 14-08 was duly approved by the Planning Commission of the City of Buellton at a meeting held on the 2nd day of October 2014, by the following vote, to wit.

AYES: (3) Commissioners Jason Fussel, Foster Reif and Chairman Craig Adams

NOES: (0)

ABSENT: (2) Commissioner Art Mercado and Vice Chair Lisa Figueroa

NOT VOTING: (0)

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



Clare Barcelona
 Planning Commission Secretary

CONDITIONS OF APPROVAL
VILLAGE SENIOR APARTMENTS
FINAL DEVELOPMENT PLAN 14-FDP-02

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description and conditions of approval set forth below. The Project Description is as follows: A request by Oak Springs Village Properties, LLC, property owner, and Nicole Norori, Cabrillo Economic Development Corporation, agent (the "Applicant") for Final Development Plan 14-FDP-02 for the Village Senior Apartments, a 50-unit apartment complex located on a 2.0 acre site (the "Project"). The Project is located at the northeast corner of Highway 246 and McMurray Road, Assessor's Parcel Number 137-090-045 (the "Property"). The Project plans that are included in this approval are dated August 11, 2014. The approved color palette is shown on the color and materials boards. Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.
2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
3. **Print & Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of final development, grading and construction plans submitted to the City.
4. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

- a. **“Applicant”** means Oak Springs Village Properties, LLC, property owner, and Nicole Norori, Cabrillo Economic Development Corporation, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
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- b. **“Building Department”** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
- c. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
- d. **“County”** means the County of Santa Barbara.
- e. **“Final Building Inspection Clearance”** means acknowledgement by the Building Department that construction of the Project has been completed in full compliance with plans and specifications approved by the City and the Building Department. Such acknowledgement is typically evidenced by signature of appropriate staff on the building permit inspection form.
- f. **“Fire Department”** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of special district.
- g. **“Mitigation Measures”** means conditions and measures required to mitigate environmental effects of the Project as identified in General Plan Update EIR in connection with the Project under the provisions of the California Environmental Quality Act of 1970, as applicable.
- h. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
- i. **“Project”** means and includes all of the actions described in the Project description above.
- j. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project

Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.

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

dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.

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

concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. ENVIRONMENTAL MITIGATION MEASURES

Aesthetics

15. **AES-1(a) Lighting/Compatibility.** Prior to development of each development phase, proposed lighting shall be indicated on site plans that demonstrate that spillover of lighting would not affect residential areas located east of the site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used. The design, scale, and character of the Specific Plan residential building architecture shall be generally compatible with the scale of existing residential uses east of the site.
16. **AES-1(b) Entrance Monuments.** Site entrance monuments shall not be visually prominent and shall be consistent with the natural rural character of the area.
17. **AES-1(e) Wall and Fence Articulation.** Long expanses of walls (including sound walls) or fences should be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets should be provided. Walls and fences should be designed in a style, materials and color to complement adjacent buildings.
18. **AES-1(f) Clear Excess Debris.** The future developers of the Specific Plan components shall clear the site of all excess construction debris when completed with individual development phases.

Agricultural Resources

19. **AG-2(b) Previously Unidentified Hazardous Materials.** In the event that hazardous waste and/or materials are encountered during construction, the following actions shall be taken by the future developers of the Specific Plan components or authorized agents thereof: (1) all work in the vicinity of the suspected contaminant will be halted; (2) all persons shall be removed from the area; (3) the site shall be secured under the direction of the Fire Department; and (4) the Hazardous Waste/Materials Coordinator shall be notified. Work shall not recommence until such time as the find is evaluated and appropriate measures are implemented as necessary to the satisfaction of the California Department of Toxic Substances Control.

Air Quality

20. **AQ-1(a) Energy Saving Services Information.** The following energy-conserving techniques shall be incorporated unless the applicant and/or future developers of the Specific Plan components demonstrate their infeasibility to the satisfaction of Planning Department staff:
- Installation of heat transfer modules in furnaces;
 - Use of light colored water-based paint and roofing materials;
 - Use of natural lighting;
 - Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
 - Installation of energy efficient lighting;
 - Use of landscaping to shade buildings and parking lots;
 - Installation of sidewalks and bikepaths;
 - Installation of covered bus stops to encourage use of mass transportation
21. **AQ-1(b) Alternative Transportation Information.** The future developers of the Specific Plan components shall provide, as part of the sale of each housing and commercial unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also include information on purchasing less polluting or alternatively fueled vehicles, which is available from SBCAPCD.
22. **AQ-3(a) Dust Generation.** If the construction site is graded and left undeveloped for over four weeks, the applicant and/or future developers of the Specific Plan components shall employ the following methods immediately to inhibit dust generation:
- Seeding and watering to revegetate graded areas; and/or
 - Spreading of soil binders; and/or
 - Other soil stabilization methods deemed appropriate by the Planning Department
23. **AQ-3(b) Watering.** Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily water applications (once in late morning and once at the end of the workday). Increased watering shall be performed whenever wind speeds exceed 15 mph.
24. **AQ-3(c) Disturbed Area.** The amount of disturbed area shall be minimized and on-site vehicle speeds shall be reduced to 15 mph or less.
25. **AQ-3(d) Gravel Pads.** Gravel pads shall be installed at all access points to minimize tracking of mud onto public roads.

26. **AQ-3(e) Volatile Organic Compounds (VOC).** Low VOC asphalt and low VOC architectural coating will be used whenever feasible.
27. **AQ-3(f) Soil Stockpiling.** If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material to or from the site shall cover the soil with tarps from the point of origin to the point of disposition.
28. **AQ-3(g) Land Clearing.** After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.
29. **AQ-3(h) Monitoring of Dust Control Program.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
30. **AQ-3(i) Construction Equipment Requirements.** In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
 - The engine size must be the minimum practical size;
 - The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
 - Construction equipment must be maintained in tune per manufacturer's specifications;
 - Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
 - Catalytic converters shall be installed, if feasible;
 - Diesel catalytic converters shall be installed, if available;
 - Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
 - Diesel particulate emissions shall be reduced using EPA or California-certified and/or verified control technologies like particulate traps.
31. **AQ-4(a) Bicycle and Pedestrian Paths.** The project shall incorporate pedestrian and bicycle paths on-site that link to existing bicycle routes and walkways offsite. The purpose would be to provide alternative access to existing bus stops.

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

Noise

33. **N-1(a) Construction Equipment.** All stationary construction equipment shall be located at least 300 feet from occupied on- and off-site residences and the adjacent hotel structure west of the site unless noise reducing engine housing enclosures or noise screens are provided by the contractor. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited.
34. **N-1(b) Sound Wall Construction.** The proposed 8-foot-high sound wall along the eastern site boundary shall be installed during the first phase of development (Split Face).
35. **N-5(c) Disclosure of Nuisance.** Upon the transfer of residential property on the site, the transferor shall deliver to the prospective transferee a written disclosure statement which shall make prospective home buyers aware that although potential impacts or conflicts between commercial and residential uses (e.g., noise) may be lessened by proper maintenance, some level of incompatibility between the two uses would remain.

Transportation and Circulation

36. **T-2(a) Internal Access Improvements.** The internal loop of the site road shall be posted "no parking" on one side of the road to reduce the potential for conflict between through vehicles and parked vehicles. As a means to improve site access and enhance on-site circulation, the internal circulation roads should be striped and signed in a manner consistent with the Manual on Uniform Traffic Control Devices.
37. **T-2(b) Driveway Alignment.** The McMurray Road driveways should be aligned opposite the existing driveways to reduce potential conflicts. Aligning the Specific Plan site driveways with the existing opposing driveways would create an attractive draw away from Highway 246, which would reduce impacts at the Highway 246 access.

C. ENGINEERING CONDITIONS

PRIOR TO GRADING PERMIT ISSUANCE:

38. **Grading and Utility Plans.** Applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and utilities improvement

plans, including, but not limited to, street, water, sewer, and storm drain improvements. An engineering cost estimate shall be submitted with the grading and improvement plans along with any calculations, signed/stamped certifications and plan check processing fees.

39. **Frontage Improvement Plans.** Plans for the full street width frontage improvements shall be drawn by a California Registered Civil Engineer. Drawings shall be prepared on 24-inch by 36-inch mylar (4 mil) showing all proposed improvements including, but not limited to, curbs, gutters, sidewalks, paving, driveway cuts, storm drains, street lights, utilities, and street trees.
40. **Bus Turn Out.** Frontage improvements shall include adequate bus turn out and shelter. Design of these facilities shall include adequate public sidewalk with appropriate ADA width behind the shelter. Should additional public easement be required to accommodate these facilities, the property owner shall grant the appropriate easement to the City. The Public Works Director and Santa Ynez Valley Transit staff will review the plans and determine if a bus turn out is necessary.
41. **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.
42. **Erosion Control.** Erosion Control Plans shall be completed and submitted to the City Engineer for review and approval. Appropriate BMP measures shall be undertaken at *all* times. This shall be in compliance with the Regional Water Quality Control Board requirements. NOI shall be filed. A SWPPP shall be developed for the project site; draft copy shall be submitted for review prior to issuance of the grading permit. SWPPP shall be on-site at all times.
43. **Hydrology Report.** At the time that Improvement and/or Grading and Drainage Plans are submitted for review and approval by the City Engineer, a complete hydrology/hydraulic report shall be submitted by the applicant's engineer determining the adequacy of the proposed drainage system and the adequacy of the existing downstream system. A rain fall frequency of twenty-five (25) years shall be used for sizing piping and inlet structures. If no overland escape is available, 100-year flows shall be used as the basis of design. Santa Barbara County Engineering Design Standards shall be used. In addition, the report shall discuss the required stormwater management plan requirements and the LID proposed for compliance. CASQA Manuals and Guidelines shall be used for references.

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

Stormwater management shall be incorporated in the improvement plans (low impact development). Pre and post development hydrology shall be consistent, considering flow volume and discharge. Design measures that minimize storm water run-off shall be incorporated. When possible, grading and drainage shall be designed so that the Effective Impervious Area is minimized. Examples include curb openings integration to enable run-off direction towards landscaped areas and impervious surfaces for infiltration.

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

45. **Detention Basin.** Subsurface detention basin shall include appropriate access for regular maintenance and inspection.
46. **Fire Department Review of Improvement Plans.** Applicant shall submit improvement plans for concurrent review with the Santa Barbara County Fire Department and shall provide documentation of submittal along with grading and utility improvement plans to the City Engineer. A copy of the Fire Department approval shall be submitted prior to issuance of grading permit.
47. **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.
48. **Final Plans.** Upon approval of the final plans, the applicant shall furnish original stamped mylars to the City Engineer for signature and reproduction for permitting purposes. A final Engineer's estimate shall be prepared (updated from the original submittal and shall utilize prevailing wage rates) and permit/inspection fees paid.
49. **Grading and Utility 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.

PRIOR TO BUILDING PERMIT ISSUANCE:

50. **Grading Permit.** The applicant shall obtain a grading permit from the City Engineer prior to obtaining a building permit.
51. **Rough Grading.** Rough grading certification by the geotechnical engineer shall be approved by the City Engineer prior to obtaining a building permit.
52. **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.
53. **Water and Sewer Fees.** The applicant shall pay water and sewer utilities fees to the City Public Works Department prior to obtaining building permit. In addition, all pretreatment and FOG compliance requirements must be in place prior to payment of water/sewer fees and occupancy.

PRIOR TO OCCUPANCY CLEARANCE:

54. **As-Built Record Drawings.** The applicant shall complete all required improvements to the satisfaction of the City Engineer. The applicant shall furnish the mylar or a reproducible copy of the improvement plans to the City Engineer, modified to reflect field changes made during construction and stamped "As-Built Record Drawings."
55. **Tract 31052/Public Improvements.** Prior to issuance of occupancy clearance for the first building, all public improvements associated with Tract 31052 needed to support the project pursuant to the Village Specific Plan shall be constructed and accepted by the City Engineer.

GENERAL CONDITIONS:

56. **Public Improvement Standards.** Unless superceded by Caltrans all public improvements shall be designed and constructed in conformance with The City of Buellton Standards, and when applicable, the Santa Barbara County Standards.
57. **Easements.** Existing and proposed easements for all utilities shall be located and described on the engineering plans.
58. **Utilities.** All other utilities shall be shown on the plans.
59. **Public Trails Easement.** An easement shall be dedicated and recorded for public access and trails for the trail along the east property line as shown on the plans.

Developer shall construct and provide ongoing maintenance of these facilities as part of their regular site maintenance requirements.

D. PLANNING CONDITIONS

60. **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.

61. **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.

62. **Fire Department.** The Project is located within the jurisdiction of the County Fire Department and shall comply with all applicable standards of that agency.
63. **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.
64. **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.
65. **Construction Noise Reduction.** Prior to issuance of building permit, the Developer shall provide proof that all construction equipment utilizing internal combustion engines have mufflers that are in good condition. Stationery noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor. Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.
66. **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.

67. **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.
68. **Community Design Guidelines.** The Project shall be in conformance with the Community Design Guidelines.
69. **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.
70. **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.
71. **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.
72. **Landscape Maintenance Agreement.** The Applicant shall acknowledge and sign the City's Landscape and Maintenance Agreement prior to issuance of the first building permit. The Applicant, and all successors or assignees, are responsible for complying with all conditions of the Agreement. Any violations of the Landscape and Maintenance Agreement may result in Code Enforcement action.

73. **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.
74. **Approval.** Approval of 14-FDP-02 (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project.
75. **Development Time Frame.** Building construction must be started not later than five years after approval of the Final Development Plan, or if a Permit is issued within the five year period, construction must be diligently pursued thereafter, or this approval will be revoked pursuant to the Buellton Municipal Code. However, if the approved plans and adjacent areas are unchanged, the Planning Director may grant one additional 12-month extension of time for construction of the Project. Start of construction is defined as:
- a. All zoning and related approvals are effective; and
 - b. All required building and grading permits have been issued; and
 - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the California Building Code or its successor have been made and received approval from the Building Department, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights have arisen.
76. **Parking.** A total of 71 parking spaces are required for the Project. This includes two spaces each for the 2-bedroom unit (2 spaces), one space each for the 1-bedroom units (49 spaces), one visitor space for each five units (10 guest spaces), and one space per 300 square feet for the Senior Center (10 spaces). 76 parking spaces are proposed. Covered parking is waived pursuant to the requirements of the Density Bonus section of the Municipal Code (Section 19.16.018 (B)(1)(a)).
77. **Signage.** The monument sign as shown in the plans date stamped August 13, 2014, is approved. Any additional signage will require approval by the Planning Director.

78. **Architectural Design.** The architectural design of the buildings shall conform to that shown on the architectural elevations and color boards for the project with a design style of Ranch.
79. **Architectural Details.** Details shall be provided on the construction plans to show compliance with the Community Design Guidelines. This includes roof overhangs, window and door trim, pop-out trim, and gutters. Show size of wood elements such as columns and trellis beams.
80. **Masonry Wall.** An eight foot high split face masonry wall is required along the east property line. It shall be installed prior to the issuance of a certificate of occupancy for the building along the east property line.
81. **Lighting.** All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies. All lighting shall be LED or Inductive technology or other energy efficient type of lighting. Decorative lighting is required. The parking lot lights shall be recessed so there is no light trespass into the windows of the senior apartments.
82. **Village Specific Plan.** The project is subject to the standards and requirements of the Village Specific Plan.
83. **Trees.** All trees shall be 24-inch box trees.
84. **Damaged Landscaping.** Any landscaping damaged on adjoining properties shall be replaced on a one to one ratio, except that oak trees shall be replaced on a 3 to 1 ratio.
85. **Pedestrian Paths.** The public pedestrian paths along the east property line and a portion of the north property line are required to be installed. Textured pavement shall be used for the paths.
86. **Disclosure in Lease.** Tenant leases shall include the following:
- The developer is required to disclose to all future tenants the presence of the active horse ranch just to the north of the Village Specific Plan site.
87. **Senior Residents.** The apartments shall be occupied by individuals or households at least 62 years of age or older. Qualified Senior Residents shall also include residents younger than 62 years of age provided that such individual falls within one of the exceptions set forth in California *Civil Code* Section 51.3 and sections amendatory or supplementary thereto.
88. **Roof Features.** Architectural features shall be added to break up the flat roofs. These features shall be approved by the Planning Director through the zoning clearance process.

89. **Access on Property Line.** Any fencing along the property line shall not block pedestrian access. Openings or gates in the fence are required to allow access to adjacent pedestrian pathways.
90. **Complimentary Landscaping.** The Applicant shall coordinate the design of the landscape along the north property line so that it complements the landscaping on the adjoining property.
91. **Privacy on East Property Line.** The landscaping along the east property line shall be designed to be dense and fast growing. It shall ensure privacy to the single family homes to the east.
92. **Visual Simulations.** Prior to building permit issuance, the Applicant shall provide visual simulations showing the roofs of the senior apartment buildings from the top story of the hotel and showing the east property line from the second story of the senior apartment building on the east.

E. AFFORDABLE HOUSING

93. **Affordable Housing.** The Village Specific Plan requires that 20% of the residential units be made affordable in the very low, low, and moderate income categories. The Village Townhomes project (155 units) and the Village Senior Apartments project (50 units) provide a total of 205 units. Therefore, 41 affordable units are required per the Village Specific Plan. The Applicant meets this requirement by providing 49 very low income units and would satisfy the affordable requirement for the entire Village Specific Plan area.

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 the 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 Senior 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 requirements, in this case all 49 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) 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 (iv) tenant relocation requirements, rights of continued occupancy and tenant occupancy standards.

94. **Duration of Affordability.** 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.
95. **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. Any in-lieu fees are based on the most current fee schedule for the Santa Ynez Housing Market Area as periodically updated by the County of Santa Barbara Housing and Community Development Department.
96. **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.

F. FIRE DEPARTMENT CONDITIONS

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

98. **Elevator.** Elevators installed for this project require the elevator car to be able to accommodate a 24-inch by 84-inch ambulance stretcher in the horizontal, open position.
- Emergency medical services symbols shall be placed on both sides of the elevator car door frame.
 - The symbol shall be a minimum of 3 inches high.
-
99. **Access.** Access shall be as shown on plans dated August 11, 2014, received August 15, 2014.
- Surface shall be paved.
 - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
100. **Structure Height.** Any structure that exceeds 30 feet in height shall meet the CFC Section D105 requirements.
- **D105.1** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater.
 - **D105.2** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
 - **D105.3** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. This side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
 - **D105.4** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.
101. **Temporary Addresses.** Temporary address posting is required during construction.
102. **Fire Hydrants.** Two new fire hydrants shall be installed.
- The Fire Department shall have on file a set of approved fire hydrant plans prior to any work being started.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
 - A set of approved fire hydrant plans, stamped and dated by the Fire Department shall be kept at the job site and available on request.

- Water systems shall be installed exactly as the approved fire hydrant plans dictate. No changes or modifications to these plans shall take place without prior Fire Department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a Fire Department representative.
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103. **Fire Lanes.** Signs indicating "Fire Lane – No Stopping" shall be placed every 150 feet as required by the Fire Department. Refer to current adopted California Fire Code.
104. **Portable Fire Extinguishers.** Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
105. **Fire Sprinklers.** An automatic fire sprinkler system shall be installed.
- Fire sprinkler plans shall be approved by the Fire Department prior to installation.
 - A set of approved plans, stamped and dated by the Fire Department shall be kept at the job site and available upon request.
 - The Fire Department shall determine the location of any Fire Department connection (FDC) that may be required.
 - FDC shall be labeled per NFPA 13.
 - Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.
106. **Alarm Systems.** An automatic fire or emergency alarm system shall be installed.
- Fire alarm system shall meet Santa Barbara County Fire Department requirements.
 - Automatic fire or emergency alarm system plans shall be approved by the fire department.
 - Alarm panel locations and annunciator graphics shall be approved by the Fire Department prior to installation.
107. **Address Numbers.** Address numbers shall be a minimum height of four inches for residential suites.
- Address numbers shall be a minimum height of 12 inches.
 - Address number locations shall be approved by the Fire Department.
 - Address numbers shall be a color contrasting to the background color.
 - The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.

- The numbers shall be visible from the access road when traveling in either direction.
108. **Gates.** Access way entrance gates shall conform to Fire Department requirements.
109. **Gate Locking System.** When access ways are gated, a Fire Department approved locking system shall be installed. Reference Santa Barbara County Development Standard #7.
110. **Fees.** The applicant will be required to pay development impact fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development. Estimated fees:
- Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems. Development impact fees are collected at the current rate at time of payment.
111. **Occupancy Clearance.** Final occupancy clearance inspection will not be scheduled unless fees have been paid.
112. **Condition Changes.** These conditions apply to the Project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change. The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.
113. **Non-Compliance.** Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

G. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS

114. **Geology Report.** A Geology Report prepared and signed by a California licensed geologist will be required.
115. **Soils Report.** A soils report to include an assessment and conclusion of the potential for liquefaction will be required. At a minimum, one boring to a depth of fifty feet will be required.
116. **Egress Plan.** A separate, detailed egress plans will be required for clarity of plan review and field inspection. Clearly show egress requirements for the building. Show occupant load, number of exits required, and number of exits provided at

each space and/or floor level. Provide a calculation for required exit width. Label all components of the exit access, exit, and exit discharge, and show compliance with applicable provisions addressing those components. Provide egress from outdoor use areas as required for building occupants as per CBC; or include the occupant load from this space in the design occupant load of the building.

~~On the building to the east it appears a second exit from the second floor is required.~~

117. **Fire Areas.** Provide a complete, independent plan which graphically delineates all fire areas, fire walls, fire barriers, horizontal fire-resistive assemblies, and/or fire partitions on the plans. Label all fire-resistive corridors, shafts, incidental use areas, etc. Cite code sections indicating reasons assemblies are rated. If fire-rated assemblies have been provided where not required by code or which exceed code minimum requirements, please indicate this on the plans. Delineate egress paths and indicate occupant/egress path loading to required egress routes. Cross-reference tag all fire resistive assemblies to their respective construction details on the plans. Verify consistency between fire-resistive characteristics shown on this plan and the relative required fire-resistive characteristics shown on mechanical, electrical, and structural plans.
118. **Site Accessibility Plan.** Provide a separate "Site Accessibility Plan", showing accessible routes of travel between buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site. Provide accessible parking in all parking lots.

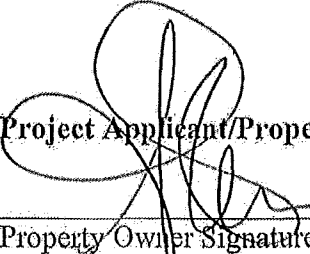
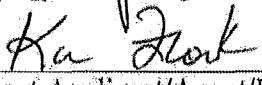
There are several doors on the ground floor which exit onto landscaped areas; provide an accessible path of travel to and from all ground floor entrances or exits, coordinate with the landscaping and grading plans. In elevator buildings, provide an accessible means of egress per CBC chapter 10 from all floors.
119. **Accessibility Requirements.** Projects that are publicly funded may be subject to the accessibility requirements of Chapter 11B of the current code in effect. For publicly funded projects, review by this agency does not guarantee compliance with Americans with Disability Act (ADA) or other Federal access standards. Compliance with Federal laws is solely the responsibility of the owner.
120. **California Green Code.** Incorporate compliance with the applicable California Green Code in the plans, to include commissioning. Incorporate compliance with the requirements of the Energy Code in effect at the time of submittal to include commissioning and day lit areas.
121. **Plumbing.** Provide a plumbing fixture analysis to include occupants of the outdoor areas.

- 122. **Flood Conditions.** Incorporate the conditions of approval by the Flood Plain Administrator into the plans.
- 123. **Food Service.** Approval by Environmental Health Services for food preparation, food service areas and restrooms will be required.
- ~~124. **Plans.** Plans will need to be signed and sealed by a California-licensed architect or engineer and designed in compliance with the codes in effect at the time of building permit application submittal.~~

H. FINANCE DEPARTMENT CONDITIONS

- 125. **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.
- 126. **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

	10/30/14
Property Owner Signature	Date
	10-29-14
Project Applicant/Agent/Representative Signature	Date

Karen Flock
Real Estate Development Director

