

AGENDA

CITY OF GUADALUPE PLANNING COMMISSION

Tuesday, December 16, 2008

Regular Meeting 6:00 p.m.

City Hall, Council Chambers
918 Obispo Street, Guadalupe, CA 93434

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's office, (805) 356-3891. Notification of at least 72 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

*If you wish to speak concerning any item on the agenda, please complete the Request to Speak form that is provided at the rear of the Council Chambers prior to the completion of the staff report and hand the form to the City Clerk. **Note:** Staff Reports for this agenda, as well as any materials related to items on this agenda submitted after distribution of the agenda packet, are available for inspection at the office of the City Administrator, City Hall, 918 Obispo Street, Guadalupe, California during regular business hours, 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday; telephone (805) 356-3891.*

MEMBERS OF THE PLANNING COMMISSION: Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer, and Chair Frances Romero.

1. **CALL TO ORDER.**
2. **PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL.** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer and Chair Frances Romero.
4. **CONSENT CALENDAR.** The following routine items are presented for Planning Commission approval without discussion as a single agenda item in order to expedite the meeting. Should a Commissioner wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.

5. **COMMUNITY PARTICIPATION FORUM.**

Each person will be limited to a discussion of 3 minutes. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may direct Staff to investigate and/or schedule certain matters for consideration at a future Planning Commission meeting.

6. **APIO COOLING EXPANSION LOT LINE ADJUSTMENT AND DESIGN REVIEW.** That the Planning Commission conduct a Public Hearing and consider PC Resolution No. 2008-05 recommending approval of a lot line adjustment as well as consider a Design Review Permit for the Apio Expansion Project.

- a. Written Staff Report (Rob Mullane)
- b. Written Communications.
- c. Public Hearing.
 1. Those in favor to be heard.
 2. Those in opposition to be heard.
 3. Rebuttals to be heard.
 4. After all persons have been heard and all communications filed, the hearing will be ordered closed.
- d. Planning Commission discussion and consideration.
- e. It is recommended that the Planning Commission conduct a Public Hearing and consider PC Resolution No. 2008-05 recommending approval of a lot line adjustment for the Apio Expansion Project.
- f. It is also recommended that the Planning Commission consider the associated Design Review Permit for the Apio Expansion Project.

7. **PLANNING DIRECTORS REPORT.**

8. **FUTURE AGENDA ITEMS.**

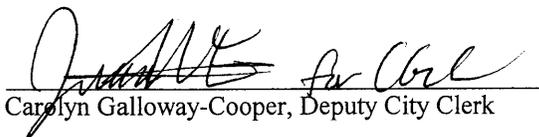
- a. Cellular Facilities on New Water Tank at Central Park: Conceptual Review.

9. **ANNOUNCEMENTS.**

10. **ADJOURNMENT.**

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the City Hall display case, the Water Department, the City Clerk's office, and Rabobank not less than 72 hours prior to the meeting. Dated this 12th day of December, 2008.

By:


Carolyn Galloway-Cooper, Deputy City Clerk

**REPORT TO THE PLANNING COMMISSION
December 16, 2008**

151

Prepared By:
Rob Mullane, City Planner

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Approved By:
Carolyn Galloway-Cooper

SUBJECT:

Apio Cooling Expansion Lot Line Adjustment and Design Review
4595 Main Street
APNs: 115-210-017, 115-210-022, 115-180-022, and 115-180-027
(Planning Application #2008-002-LLA, -DRP)

EXECUTIVE SUMMARY:

The City received an application for an expansion of the Apio Cooling Facilities. The Apio Expansion project involves a Lot Line Adjustment (LLA), Design Review Permit (DRP), and a Zoning Clearance. The LLA request is subject to Planning Commission advisory review and City Council approval. The DRP is subject to Planning Commission approval. The Zoning Clearance is a staff approval that would be granted once all prior to zoning clearance approvals are met. The Apio Cooling Facilities are located at 4595 Main Street and the four parcels involved in this request cover 17.19 acres, extending up to Fourth Street and with portions along Obispo Street across from the Treasure Park Residential Subdivision. The expansion request is for three additions totaling 56,880 square feet (sf) to an existing 98,455-sf building. The LLA is requested to ensure that property lines do not cross structures. Additional parking and landscaping are also proposed, although the applicant is requesting Planning Commission approval of a reduction in the landscaping coverage requirements from 10% coverage to approximately 4% coverage. Conditions of approval have been drafted for Planning Commission consideration to address staff concerns and issues presented by this request.

RECOMMENDATION:

- 1) Receive a presentation from staff
- 2) Conduct the Public Hearing on the Request
- 3) Consider Resolution # PC 2008-05, recommending that the City Council approve a Resolution approving the Lot Line Adjustment
- 4) Consider the Design Review Permit and Reduced Landscaping Request

BACKGROUND:

The City first received a Zoning Clearance application for the proposed addition to the Apio Cooling Facilities on May 7, 2008. In July, because of the City's new Design Review Process, the request was augmented to include a Design Review Permit (DRP). In August, the applicant again augmented the request to include a Lot Line Adjustment (LLA) application. During the staff review of the requests, it was noted that the proposed landscaping did not meet the City's 10% coverage requirement, and this component of the request was referred to the Planning Commission for conceptual review at the Commission's October 21, 2008 meeting. After numerous rounds of review by City staff, the application package was deemed complete for processing on December 10, 2008.

DISCUSSION:

The project proposes expand the Apio Cooling facilities to provide additional cold storage warehousing on-site. The stated project objectives are to replace inefficient infrastructure onsite and improve operations. The expansion would allow the cessation of leasing warehouse space at the Obispo Street Cooler facilities adjacent to the Apio Cooling site. The applicant has provided a narrative and project description, which provides addition information on the request. This narrative is included as Attachment 4 to this staff report.

The project includes a request to adjust lot lines on Apio properties and an expansion of its existing facilities, which total approximately 164,000 sf of development. The LLA includes: 1) a request to adjust the parcel line between Parcel 1 (APN 115-180-022) and Parcel 3 (APN 115-210-017), and 2) a request to merge two parcels (Parcel 3 and Parcel 4 (APN 115-210-022)). The proposed parcel merger is to address an existing situation where the main Apio building is situated across the intervening property line. The LLA also provides an opportunity for the City to ensure that proper access and utility line easements are shown and dedicated. The LLA exhibit is included as Attachment 5 to this staff report.

A DRP is required to allow Planning Commission consideration of the design of the proposed expansion, proposed new parking, fencing, landscaping, including the request to reduce landscaping coverage from the 10% coverage requirement to the applicant proposed 3.6% coverage. The proposed expansion is depicted on Sheet A-0 in the Project Plan Set (Attachment 6 to this staff report). The expansion involves three additions: 1) a 39,100-sf addition ("Addition J&K") for additional cold storage raw warehousing, 2) a 10,406 addition ("Addition H") for a covered loading dock, and 3) a new 7,374-sf new below grade ramp to access the loading dock, which is immediately to the north. The above grade portion of the expansion would be metal-sided and in a color and style to match the existing warehouse. A site plan and building elevations are provided in Attachment 6, while site photos are provided in Attachment 7.

The existing parking of 303 parking spaces would be increased to 410 spaces to accommodate additional parking needs prompted by the expansion. This slightly exceeds the required parking of 403 spaces based on Zoning Code off-street parking requirements. Additional parking is provided by striping existing paved and unpaved (compacted base course) areas of the property. A table of existing and proposed parking spaces is included on Sheet A-0. A draft shared parking and access agreement that covers all three resultant parcels is provided as Attachment 8.

Additional landscaping is also proposed, in part to address comments by the Planning Commission in their conceptual review of the landscaping coverage request in October. The project proposes to augment the site's 18,767-sf of landscaping by 7,873-sf of landscaping, for a total (existing + proposed) of 26,640-sf. This would provide for landscaping coverage of between 3% and 4.8% on each of the three resultant lots, and an overall site landscaping coverage of 3.6%. A table of existing and proposed landscaping is included on Sheet A-0. It should be noted that some of this proposed new landscaping is identified as non-plant ground cover such as mulch and decorative rock. Additionally, the applicant is offering to provide additional offsite landscaping on the City RDA-owned lot adjacent to the north of Parcel 2 (APN 115-180-027). The City owned lot is one with the new on-grade water tank and water well across from the Fir Street intersection with Obispo Street (APN 115-180-026).

Finally, the project also includes 20,000-cy of grading for geotechnical preparation of the proposed additions. This grading has already occurred. The grading involved excavation and recompaction; no import or export was required.

Site Information

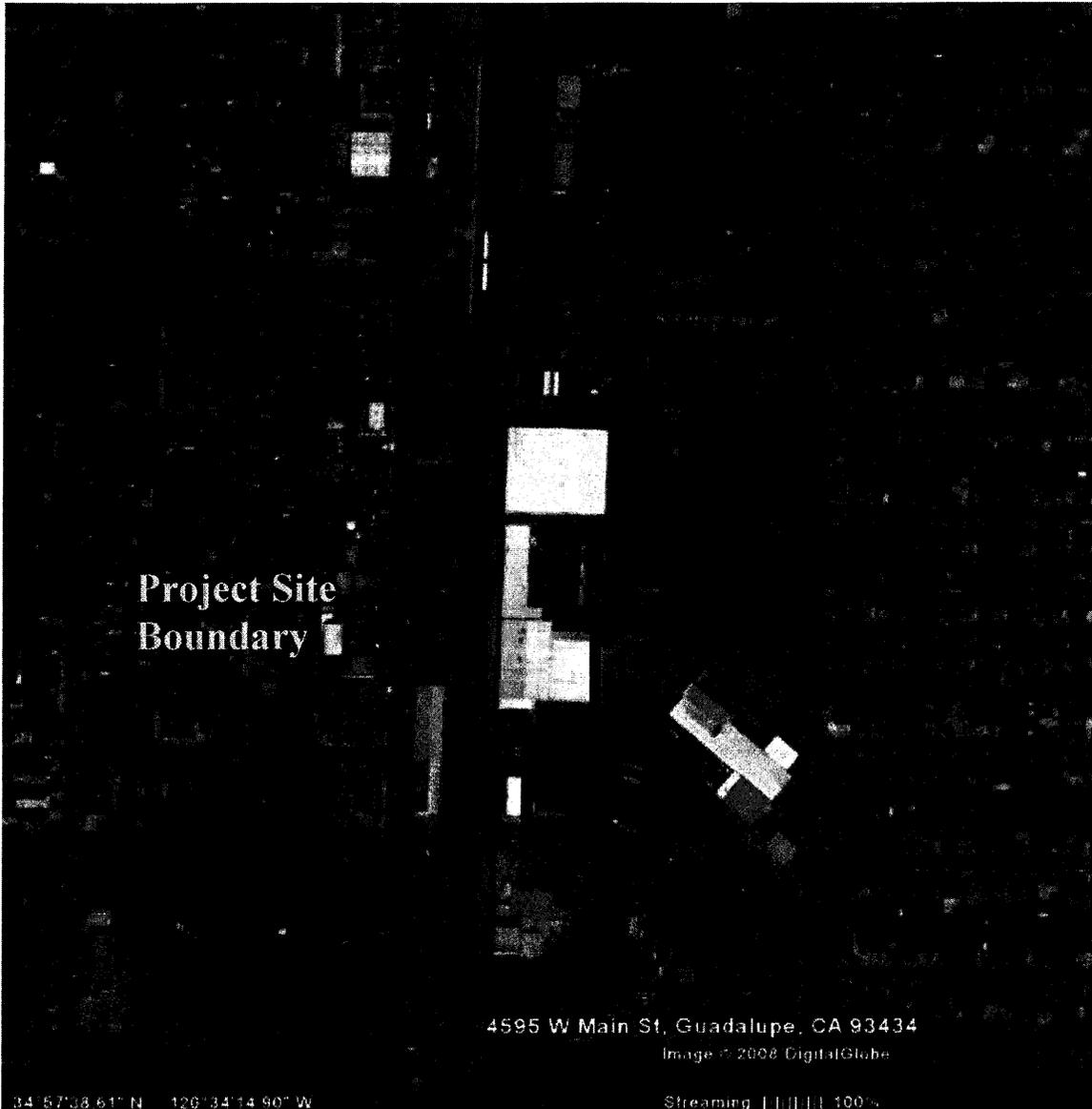
LOCATION	4595 Main Street
APNs	115-180-022, 115-180-027, 115-210-017, 115-210-022
ZONING	G-I, General Industrial
SITE SIZE	17.19 Acres
PRESENT USE	Vegetable Packaging Facility
SURROUNDING USES AND ZONING	North: G-I (General Industrial) East: R-1 (Low Density Residential) South: C-S-SP (Commercial Service Specific Plan) West: UPRR, State Highway 1, G-C (General Commercial), M-C (Industrial Commercial), O (Open Space)

The surrounding uses are noted in the above table, and a vicinity map/aerial photo is included below.

Zoning Conformity

Staff has reviewed the request's conformity to zoning requirements and standards and notes no other inconsistencies except the proposed reduction in landscaping. As noted

above a reduction in the required landscaping is within the purview of the Planning Commission. Other zoning code considerations will be part of the Planning Commission's review of the DRP, including proposed fencing and the surface of parking lots, drive aisles, and travel corridors. The proposed addition meets other zoning standards such as building setbacks and height limits.



Project Issues

There a few issues presented by the request that arose during staff review of the applications. Some of these may be addressed by the applicant in advance of the item or during the item's consideration. Others will need to be addressed through the application of conditions of approval that ensure that City concerns are satisfied prior to construction or occupancy, as appropriate.

LLA Items

1. The proposed lot line between Parcels 1 and 3 cuts across a portion of the below grade loading dock approach. City staff reviewed this component at the December 10, 2008 Development Review Committee and stated a preference that this lot line be adjusted to the north to avoid cutting across the loading dock ramp. While the square footage of this approach is indicated as 7,374 sf on the site plan and is included in the calculations of the proposed new structural development, the applicant has clarified that this will not involve any structures or covers and would be limited to a ramp. The applicant is considering a revision to the Lot Line Adjustment exhibit to address this concern.
2. The LLA exhibit does not show an easement for the City's water line. An offer to the City for such an easement and showing this easement on the LLA Exhibit would be a condition of approval prior to final approval of the LLA.

DRP and Zoning Clearance Items

1. The review of the proposed landscaping should include consideration of the request to reduce landscaping coverage below the City's standard 10% coverage requirement.
2. The applicant's proposed offsite landscaping just north and outside of Parcel 2 would produce conflicts with underground utilities, according to City Public Works staff. City staff would prefer to provide a landscaped buffer (similar to what is proposed for the offsite planting) on the north side of Parcel 2.
3. City staff have stated a preference that all proposed parking and travel corridors be paved. The applicant's proposal is to keep some areas unpaved, including the 100-space parking area on Parcel 2.
4. There are parking lot access and circulation issues that will need to be addressed prior to Zoning Clearance. Notably, some parking areas do not provide flow through access, which results in dead ends with inadequate turn-around space. In addition, certain interior fencing results in inadequate access and circulation, including that for emergency vehicles. These issues would be addressed as a condition of approval.
5. An existing 40-ft wide Public Utilities Easement and private access easement is affected by the proposed expansion. In addition, its current location presents land use conflicts with the Treasure Park Subdivision to the east. A suitable replacement easement is necessary. The proposed location of this easement has been indicated by the applicant. Planning Commission review of this proposed relocation is requested. The dedication and acceptance of this replacement easement is would be a condition of approval.
6. The City has an interest in providing for an alternate vehicular access from the site to Obispo Street in the event that access to the site off of Main Street/Highway 166 is

restricted or eliminated. City staff recommend that this access be provided in the location of the proposed private access easement (which would enter onto Obispo Street mid-block between Third and Cedar Streets). As a condition of approval, a new curb cut would be required in the event that site access from Highway 166 be constrained.

7. A total of 7 disabled parking spaces is provided. The number of required disabled parking spaces as well as adequate pathways will be determined as part of the Building Plan check process, and additional spaces may be required.
8. The portable machinery to the south of the main warehouse and proposed addition encroaches slightly into the indicated travel way. Moving this equipment out of the travel way would be a condition of approval.
9. A grading and drainage plan for the entirety of the site was not provided. This will be conditioned so that City staff can review and approve drainage improvements.

CEQA Review

The project is exempt from CEQA pursuant to CEQA Guidelines Section 15305(a). This section notes as categorically exempt from CEQA:

“Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.”

In addition to the proposed Lot Line Adjustment, the applicant has requested a Design Review Permit for the proposed expansion of the facility. That component of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which states in part:

...CEQA applies only to projects which have the potential for causing a significant effect on the environment.

The request as conditioned is in conformity to zoning requirements, and the scope of the Planning Commission’s review is focused on aesthetic considerations, with such review ensuring that significant aesthetic impacts do not result. Moreover, the applicant has clarified that truck trips associated with the Apio operations will not increase, as the use of the new expansion areas would be balanced by the cessation of use of a leased facility for the same purpose. Traffic and noise impacts relating to the Apio operations would not increase, and dust and land use compatibility issues are addressed through the improvement of parking lots and travel ways and the relocation of the access easement and potential future driveway onto Obispo Street.

Planning Commission Consideration

The Planning Commission has two separate actions to consider: the LLA and the DRP. The Commission's action on the LLA would be the consideration of a resolution recommending that the City Council approve the Lot Line Adjustment. A Resolution for the Planning Commission's consideration has been prepared for this. The City Council would be the final decision-maker for the Lot Line Adjustment.

The consideration of Design Review is under the Planning Commission's jurisdiction. Similar to other design review permit applications, the Commission's action would be by motion. Also similar to other DRP requests, the Commission may approve, conditionally approve, or continue the DRP.

Per the City's subdivision regulations (Title 17 of the City Municipal Code, included as Attachment 9), the process for considering a Lot Line Adjustment and/or lot merger is the same as the process for a parcel or tract map. A Lot Line Adjustment is also subject to the same approval criteria, which are set forth in Section 17.20.060 of the City's Subdivision Regulations. Other requirements for compliance with subdivision requirements are contained elsewhere in Title 17.

Public notice of the requested Lot Line Adjustment and Design Review Approval was published and mailed.

Staff has included draft conditions of approval for the Lot Line Adjustment, which are provided as Exhibit 1 to the draft City Council Resolution (Attachment 2 to this staff report). Staff has separately included conditions of approval for the Design Review Permit. These are provided as Attachment 3. The Commission may wish to modify, delete, or add to one or more of these conditions of approval. These conditions of approval were identified to address standard requirements as well as the issues that were noted in review of the application as discussed above.

Alternatives to the Recommended Action

The Planning Commission may conclude that changes to the Lot Line Adjustment request or to the Design Review Permit request are required. Depending on the nature of these changes, they may be addressed as changed or additional conditions of approval, or they could be provided as direction to the applicant and a continuance of the item or a component of this item. In this alternative, the Commission should note the rationale for this conclusion, including any specific findings that cannot be made at this time.

The Planning Commission could also recommend denial of the Lot Line Adjustment request. In this event, the Commission should note any specific findings that cannot be made so that this can be conveyed to the City Council.

ATTACHMENTS:

1. Resolution PC 2008-05
2. Resolution CC 2008-___, including Exhibit 1: Conditions of Approval
3. Design Review Permit 2008-002-DRP Conditions of Approval
4. Applicant Narrative/Project Description
5. Lot Line Adjustment
6. Project Plan Set
7. Site Photos
8. Shared Parking and Access Agreement
9. Subdivision Regulations

AGENDA ITEM:

ATTACHMENT 1

Planning Commission Resolution

RESOLUTION PC. NO. 2008-05

A Resolution of the Planning Commission of the City of Guadalupe Recommending Approval of a Lot Line Adjustment for the Apio Expansion Project

WHEREAS, Apio Cooling Inc. (the "Applicant"), located at 4595 Main Street (Assessors Parcel Number 115-180-022, 115-180-027, 115-210-017, 115-210-022), has submitted a Lot Line Adjustment application (Planning Application 2008-002-LLA) to adjust existing property lines and utility easements; and,

WHEREAS, the Planning Commission held a duly-noticed public hearing on December 16, 2008 at which all interested persons were given the opportunity to be heard; and

WHEREAS, City staff have reviewed the tentative Lot Line Adjustment and note that it conforms as conditioned to the requirements of the City's Subdivision Regulations (Title 17 of the Guadalupe Municipal Code); and

WHEREAS, the Planning Commission has reviewed Planning Application 2008-002-LLA along with the approval criteria contained in Section 17.20.060 of the City's Subdivision Regulations; and

WHEREAS, the Planning Commission finds that the project is exempt from review of the California Environmental Quality Act pursuant to Section 15305(a) as a minor lot line adjustment;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Guadalupe, California as follows:

The Planning Commission does hereby:

1. Recommend that the City Council conditionally approve the Lot Line Adjustment for Apio Cooling Expansion Project

UPON MOTION of Commissioner _____ seconded by Commissioner _____ the foregoing Resolution is hereby approved and adopted the 16th day of December, 2008, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, **Robert A. Mullane**, Planning Commission Secretary of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **P.C. Resolution No. 2008-05**, has been duly signed by the Planning Commission Chair at a meeting of the Planning Commission, held December 16, 2008, and that same was approved and adopted.

ATTEST:

Robert A. Mullane, Planning
Commission Secretary

Frances Romero, Chair

ATTACHMENT 2

**City Council Resolution and Exhibit 1 – Conditions of
Approval**

RESOLUTION CC. NO. 2009-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE APPROVING A LOT LINE ADJUSTMENT FOR THE APIO COOLING FACILITIES (PLANNING APPLICATION #2008-002-LLA)

WHEREAS, Apio Cooling Inc. (the "Applicant") has submitted a Lot Line Adjustment application (Application #2008-002-LLA) to adjust existing property lines and utility easements, located at 4595 Main Street (Assessors Parcel Number 115-180-022, 115-180-027, 115-210-017, 115-210-022); and,

WHEREAS, the Planning Commission held a duly-noticed public meeting on December 16, 2008, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission reviewed the request on December 16, 2008, and recommended approval of Planning Application 2008-002-LLA as documented through the adoption of Resolution #PC 2008-__ passed on December 16, 2008; and

WHEREAS, the City Council held a duly-noticed public meeting on _____, 2009, at which all interested persons were given the opportunity to be heard; and

WHEREAS, City staff have reviewed the tentative Lot Line Adjustment and note that it conforms as conditioned to the requirements of the City's Subdivision Regulations (Title 17 of the Guadalupe Municipal Code); and

WHEREAS, the City Council has reviewed the project and staff's analysis that the project is exempt from review of the California Environmental Quality Act pursuant to Section 15305(a) as a minor lot line adjustment; and,

WHEREAS, the City Council has reviewed the project and finds that it is in conformance with the City's General Plan;

WHEREAS, the City Council has reviewed Application #2008-002-LLA along with the approval criteria contained in Section 17.20.060 of the City's Subdivision Regulations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Guadalupe, California as follows:

The City Council does hereby:

1. Find that the project is exempt from review of the California Environmental Quality Act pursuant to Section 15305(a) as a minor lot line adjustment; and
2. Approves the tentative Lot Line Adjustment for Apio Cooling Expansion Project, subject to the conditions of approval, attached as Exhibit 1 to this Resolution.

UPON MOTION of Councilmember _____, seconded by Councilmember _____, and passed by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

I, **Carolyn Galloway-Cooper**, Deputy City Clerk of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **C.C. Resolution No. 2009-__**, has been duly signed by the Mayor and attested by the Deputy City Clerk, all at a meeting of the City Council, held _____2009, and that same was approved and adopted.

ATTEST:

C. Galloway-Cooper

Lupe Alvarez - Mayor

EXHIBIT 1 TO RESOLUTION #CC 2009-____
CONDITIONS OF APPROVAL (Application # 2008-002-LLA)

GENERAL CONDITIONS

1. The Project is approved in Exhibit A "Lot Line Adjustment Exhibit", prepared by Fargen Surveys Inc.; Santa Maria, California; dated November 25, 2008 as conditioned or modified below.
2. Approval of this Lot Line Adjustment is subject to the signed agreement of the property owner or authorized agent to the terms and Conditions of Approval.
3. Developer shall defend, indemnify and hold harmless the City or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part the City's approval of this Lot Line Adjustment. In the event that the City fails promptly to notify the applicant of any such claim, action or proceeding, or that the City fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten 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. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
5. Prior to filing a Record of Survey or other documents used to record the LLA, the applicant shall pay all applicable permit processing fees in full.
6. LLA # 2008-002-LLA shall expire 24 months after approval or conditional approval by the final decision-maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

CITY ENGINEER CONDITIONS

7. A notice of the LLA shall be recorded with the deed of each property to be adjusted. Said notice shall include the following:
 - Legal description for each adjusted parcel; and
 - Statement of the finding and conditions approving the LLA
8. The following language shall be included on the deeds arising from the LLA:
This deed arises from the LLA # 2008-002-LLA and defines a single parcel within the meaning of California Civil Code §1093. Any document used to record the LLA shall include a statement that the document arises from a LLA that is intended to identify two legal parcels.

9. A City "Water Facility Blanket Easement" Deed for operation, repair and maintenance of existing and future water system improvements shall be prepared to encompass all original or proposed parcels and/or lots of the final lot line adjustment approved by the City Council. The Deed shall be an Irrevocable Offer of a Water Facility Blanket Easement to the City of Guadalupe for acceptance by the City Council by resolution and said Easement Deed shall be recorded by the City Clerk in the County of Santa Barbara.
10. A City "Fire Access Ingress and Egress Blanket Easement" Deed shall be prepared to encompass all original or proposed parcels and/or lots of the final lot line adjustment approved by the City Council. The Deed shall be an Irrevocable Offer of a Fire Access Ingress and Egress Easement to the City of Guadalupe for acceptance by the City Council by resolution and said Easement Deed shall be recorded by the City Clerk in the County of Santa Barbara.
11. Two copies of the Record of Survey or other documents used to record the LLA and required review fees in effect at the time shall be submitted to the City Engineer's for compliance review of deeds and exhibits of each property to be adjusted for approval.
12. California title company shall prepare the deeds for recordation and property owner or agent shall provide the title company with a copy of approved statement of findings and conditions approving the LLA.
13. Trust deed modification or partial reconveyance is required to modifying any trust deeds applicable to all parcels of the approved LLA. Evidence of this modification must be submitted to the City Engineer prior to completion/recordation of the LLA.
14. Evidence of property tax payment for all parcels involved in the LLA to the Santa Barbara County Treasurer and Tax Collector must be submitted to the City Engineer prior to completion/recordation of the LLA.
15. Ingress and egress from Obispo Street to the existing 40 foot wide private access easement and P.U.E shall require approval from Planning Commission and an approved encroachment permit from the Public Works Department prior to commercial driveway construction.

BUILDING DEPARTMENT CONDITIONS

16. The proposed lot line between Parcels 1 and 3 places the loading dock and the below grade loading dock ramp and associated approach on separate parcels. This same proposed adjusted parcel line does not provide the required building setback from the 3,600-sf modular building as required in the Building Code. To address these concerns, this lot line shall be adjusted to the satisfaction of the Building Department staff prior to final approval of the Lot Line Adjustment.

PUBLIC WORKS DEPARTMENT CONDITIONS

17. The LLA exhibit does not show an easement for the City's water line. An offer to the City for such an easement and showing this easement on the LLA Exhibit shall be submitted to the City for review and approval prior to final approval of the LLA.

Applicant's Consent to Abide by the above Conditions of Approval

Signature

Date

Printed Name, Title

ATTACHMENT 3

**Design Review Permit (Planning Application #2008-002-DRP)
Conditions of Approval**

ATTACHMENT 3

Design Review Permit (Planning Application #2008-002-DRP) Conditions of Approval

GENERAL CONDITIONS

1. The approved project is as shown in the Plan Set dated December 8, 2008, and involves three parcels: Parcel 1 (APN 115-180-022), Parcel 2 (APN 115-180-027) and Parcel 3 (APNs 115-210-017 and 115-210-022). The project involves the construction of three additions to Apio Cooling, Inc. facilities: a 39,100-sf expansion for cold storage warehousing, a 10,406-sf expansion for a covered loading dock, and a 7,374-sf ramp approach to this loading dock. The project also involves approximately 20,000 cubic yards of grading for over-excavation and re-compaction of new building areas, other grading and drainage improvements, the construction and/or designation of additional parking spaces to provide a total of no less than 403 off-street spaces, and approximately 7,873-sf of additional landscaping. Approval of this Design Review Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
2. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.
3. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten 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. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
4. In accordance with Section 18.73.120 of the City Municipal Code, this Design Review Permit approval shall expire two (2) years from the date of approval, unless a building permit for the proposed improvements has been obtained, or an extension has been granted as provided for in Section 18.73.120.

PLANNING DEPARTMENT CONDITIONS

5. All proposed parking shall be on paved or graveled surface to maintain a dust-free and mud free surface. All striping for parking lots and travel ways shall be maintained to clearly demark such striping and travel ways.
6. Proposed parking and parking lot circulation shall be reviewed and approved by City Planning, Engineering, and Fire Department staff prior to Zoning Clearance.
7. The portable building noted in Sheet A-0 as partially within the travel way for truck traffic shall be relocated out of this travel way prior to Zoning Clearance. The relocation of this building shall be shown on subsequent, revised site plans.
8. The existing 40-foot wide private access easement and public utility easement on APN 115-210-022 shall be relocated to another location as approved by the Planning Commission prior to Zoning Clearance. Equivalent easements must be identified, shown on project site plans, and offered to the affected easement holder or holders. The proposed relocation for this easement shall be offered by the applicant and accepted by the easement holder(s) prior to Zoning Clearance.
9. Should the Main Street/Highway 166 access to the Apio facilities be restricted or eliminated in the future, the City shall require the applicant to provide an additional access to and egress from the property from Obispo Street. The location of this additional access shall coincide with the relocated private access as approved by the Planning Commission. The applicant shall obtain a City encroachment permit and construct the additional access/egress within 30 days of any restriction of the Highway 166 access. Any deviation from this requirement shall be subject to Planning Commission approval.
10. The applicant shall demonstrate compliance with the National Pollution Discharge Elimination System requirements and Regional Water Quality Control Board permit requirements for all components of the proposed expansion prior to Zoning Clearance.
11. Final landscape plans shall be prepared by the applicant and submitted to the City Planning Department prior to Zoning Clearance. Final landscape plans shall include species, number, and size of all proposed plantings. Landscape plans shall also include specifications on proposed irrigation. Planning or Building Department staff shall review installation of proposed landscaping prior to certificate of occupancy.
12. All existing and proposed landscaping shall be maintained and kept in a neat appearance for the life of the project in accordance with Zoning Code requirements. Any deficiencies or maintenance issues noted by City staff shall be promptly addressed.

BUILDING DEPARTMENT CONDITIONS

13. Proposed disabled parking spaces and access paths shall be reviewed and approved by Building Department staff and noted on a revised site plan submitted to Planning Department staff and Building Department staff prior to Zoning Clearance. Any displaced regular parking spaces shall be provided for by an equivalent number of new spaces elsewhere on the property. Construction of adequate disabled parking facilities shall be reviewed and approved by Building Department staff prior to occupancy clearance.

FIRE DEPARTMENT CONDITIONS

14. The location of all hydrants and size of water lines serving fire suppression facilities shall be reviewed and approved by the Fire Department prior to Building Permit issuance. All facilities as approved shall be shown on final construction plans and verified by Fire Department or Building Department staff.
15. The interior fencing running diagonally across portions of Parcel 1 (APN 115-180-022) shall be removed or reconfigured to the satisfaction of the Fire Department and City Engineer.

PUBLIC WORKS DEPARTMENT CONDITIONS

16. An easement for City water facilities shall be identified on subsequent, revised site plans for review and approval by Public Works Department staff. Such easement shall cover the entire waterline segment from Highway 166 to Fourth Street. The easement shall be shown on project plans and an offer of dedication prepared and submitted to City staff prior to Zoning Clearance.
17. The unimproved roadway bordering the site along Fourth Street shall be paved and improved to reduce dust generation and mud tracking along Fourth Street prior to occupancy clearance. Specific improvements shall be reviewed and approved by Public Works and City Engineering staff.
18. Pallets and tote bins shall be removed from the proposed overflow parking lot on Parcel 2 (APN 115-180-027), and this area kept clear of such storage. Storage elsewhere on the site shall not result in security issues where persons can gain access over fences into otherwise secured areas.
19. Monterey Cypress shall not be used for proposed landscaping due to invasive rooting characteristics, and a suitable replacement shrub or tree shall be substituted for existing Monterey Cypress trees. Glossy Abelia or Ceanothus would be suitable substitutes. This change shall be reflected on final landscape plans and reviewed by Public Works staff and Planning staff prior to Zoning Clearance.
20. Broken meter boxes shall be replaced by the applicant and maintained in good condition once replaced. This condition shall be met prior to occupancy clearance.

CITY ENGINEER CONDITIONS

21. A drainage and grading plan for the entire 17.19-acre property shall be prepared and submitted to the City permit technician by the applicant prior to Zoning Clearance. The location and design of all drainage facilities including storm drain inlets, storm drainpipe, and catch basins shall be reviewed and approved by the City Engineer prior to Zoning Clearance. Specific requirements are noted in a December 8, 2008 memo from RM Associates.
22. Plans for the water system shall be prepared and submitted to the City permit technician by the applicant prior to Zoning Clearance. The location and design of all water facilities including proposed water mains, water lines, fire hydrants, and gate valves shall be reviewed and approved by the City Engineer and Public Works staff prior to Zoning Clearance. Specific requirements are noted in a December 8, 2008 memo from RM Associates.

Applicant's Consent to Abide by the above Conditions of Approval

Signature

Date

Printed Name, Title

ATTACHMENT 4

Applicant Narrative/Project Description

About Apio, Inc.

History

Apio was founded in 1979 by a group of five growers in the Santa Maria valley. As a means of diversifying operations, each began growing celery, a crop they had never grown before and since the growers did not want to grow a large acreage of celery individually, they formed Apio, Inc., Apio meaning celery in Spanish. Apio's initial office was established in the City of Guadalupe. By 1982, Apio's product portfolio included most of the row crop commodities commonly grown in the area. Looking for a means to become more competitive, the company designed and commercialized a prototype field broccoli-packing trailer thus being the first company to pack broccoli in the field. This dramatically reduced costs and enabled Apio to grow to one of the largest broccoli shippers in the world. By the end of 1987, Apio achieved a milestone when it marketed over one million cartons of produce. It took eight years to reach that level, but Apio would more than double that volume the following year.

With the emerging fresh cut market making its way into retail, Apio began processing fresh cut vegetables in 1996 under the Eat Smart® brand. The first products were three pound packaged vegetable mixes mostly intended for bulk bin merchandising in grocery stores.

During this same year, Apio and Landec Corporation, a specialty materials company collaborated to market fresh cut produce using Landec's proprietary BreatheWay™ specialty packaging technology. The temperature-activated polymer products can be customized to abruptly change their physical characteristics when heated or cooled through a pre-set temperature switch. In 1999, Apio was acquired by Landec, and through this acquisition, Apio became part of a publicly traded company and operated as a wholly owned subsidiary of Landec.

Today, Apio is one of the largest processor, shipper, distributor, and exporter of fresh vegetable products in the U.S. Apio manufactures all of its products in a state of the art facilities in Guadalupe, California which are subsequently shipped to club store, retail and food service customers in the US, Mexico and Canada. Our products can be found in well-known retailers such as Costco, Trader Joes, Albertsons, Vons and Walmart.

Existing Development

Apio is the largest employer in the City of Guadalupe with approximately 70 professionals and over 300 plant employees working on site. Unlike many area agricultural employers, Apio is non-seasonal, therefore, created jobs are 12 months per year. All Apio employees, both professional and plant workers, are offered competitive salaries plus health insurance. Physically, Apio, Inc. is situated on five adjoining parcels in Guadalupe, which total 17.87 acres in size. Apio's current developed facilities consists of an approximately 98,000 sq ft, refrigerated manufacturing plant, an approximately 37,000 sq ft finished goods/distribution warehouse and an approximately 6,500 sq ft

refrigeration engine room. Apio facilities manufacture and distribute over 15,000,000 cartons of fresh vegetables per year. Raw product deliveries and finished product pickups are done via an average of 242 trucks per day. Beyond building structures, the balance of the Apio site is predominately covered by asphalt or concrete areas that serve as truck docks, receiving yards, cooling yards and employee parking. Apio has 303 existing parking spaces available dedicated to employee parking as well as company vehicles. Throughout the five parcels 18,767 ft or 2.5% of the total site is dedicated to landscaping, a majority of which serves as a screen between Apio and Obispo Street.

Proposed Project

Apio's proposal seeks to expand the existing manufacturing facility by increasing its cold storage raw warehouse approximately 40,000 sq ft and by adding a 7,000 sq ft covered receiving dock. Grading will occur to prepare building pads; grading will remove and recompact. There is no import or export on this project. Proposed grading in the amount of approximately 20,000 cu.yards. The addition will be metal framed with slab-on-grade floors. Both additions seek to replace inefficient infrastructure on site. The receiving docks are to replace a portable unit used to unload inbound goods. The proposed project is for storage and will not increase the number of employees. While the warehouse addition seeks to eliminate the need for leased refrigerated warehousing, which is currently utilized at Obispo Street Cooler adjacent to Apio Inc property. Various raw products are stored in cold storage warehousing, including broccoli, cauliflower, carrots and snap peas. This product is delivered and stored in plastic bins, plastic trays, and corrugated containers prior to processing. This building will occur on areas currently covered with impermeable materials such as asphalt or concrete. As such, this project will not increase storm water discharge from the site. There will be no change to existing drainage patterns. Apio proposes to increase parking spaces by 107 bringing the total to 403 spaces. The parking is based on three shifts. The largest shift being 330, second shift at 230, and the third being a sanitation shift at 15 people. There is a staggered starting time for the second shift. The proposed project is for storage and will not increase the number of employees. In addition, Apio proposes to improve existing landscaping, as well as develop an additional 7,873 sq ft of landscaping bringing the total site to 3.6%. The focus of this landscaping will be to upgrade and expand the landscape screen between Apio and Obispo Street. The project is not proposing to eliminate any existing landscaping. A proposed lot line adjustment is included as part of this project, combining two parcels to one. The lot line adjustment is to facilitate being in compliance with building setback requirements.

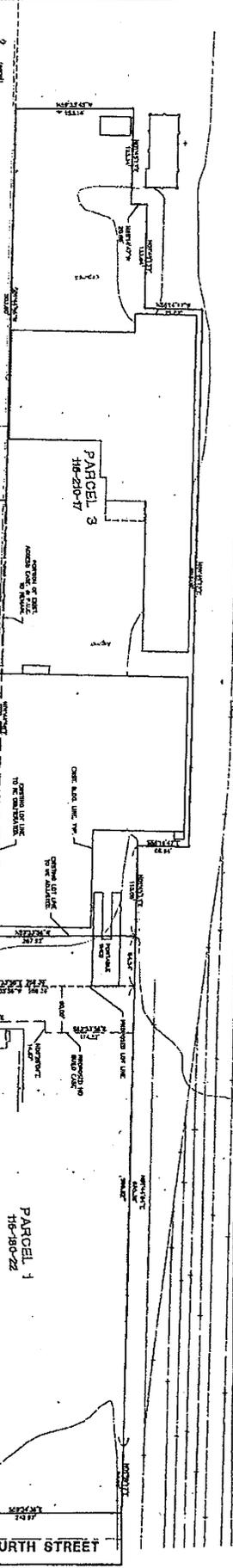
As noted in a letter to the City dated October 7th, the Apio expansion project will not increase traffic flow to Obispo Street or Hwy 166 Main Street; rather it will change the final destination of deliveries, Obispo Street Cooler to Apio. The proposed project will not affect existing noise levels. The site use will remain the same as they are currently. The traffic of forklifts and other such equipment will remain the same. The project site plan shows a proposed 20'-0" wide P.U.E. for the City to access from 166 to Fourth Street following the existing city water main which is located on Apio property.

In addition, Apio has a parallel process in progress to relocate a deeded, but undeveloped, easement which currently runs from Hwy 166 Main Street, traveling through the Apio property and exiting/entering to Obispo Street north of the Elm Street junction. The change would move the exit/entrance from Obispo and Elm to Obispo in between the streets of Third and Cedar, aligning with the utility easement used to service Treasure Park Subdivision.

ATTACHMENT 5

Lot Line Adjustment Exhibit

SOUTHERN PACIFIC RAILROAD



PARCEL STATISTICS

PARCEL 1: 76-180-22
 PARCEL 2: 76-180-27
 PARCEL 3: 76-210-17
 PARCEL 4: 76-270-22

PROJECT INFORMATION

PROJECT NAME: [Blank]
 PROJECT NUMBER: [Blank]
 PROJECT DATE: [Blank]

SUBDIVIDERS CERTIFICATE

I, the undersigned, being the owner of the above described land, do hereby certify that the same is divided into the lots and parcels hereinafter described, and that the same are shown on the attached plat, which is a true and correct copy of the original plat on file in the office of the County Clerk of the County of Santa Clara, State of California.

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the above described land, do hereby certify that the same is divided into the lots and parcels hereinafter described, and that the same are shown on the attached plat, which is a true and correct copy of the original plat on file in the office of the County Clerk of the County of Santa Clara, State of California.

OWNER

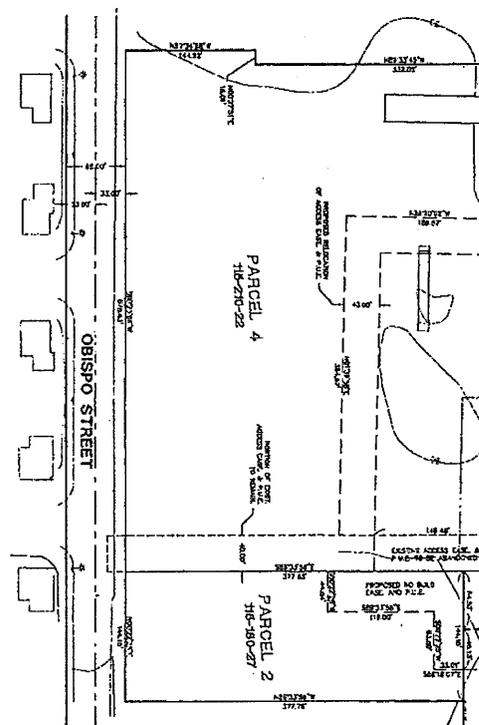
NAME: [Blank]
 ADDRESS: [Blank]
 CITY: [Blank]

NOTE

THIS PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE DEEDS AND RECORDS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE DEEDS AND RECORDS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF THE ENTIRE TRACT OF LAND SHOWN ON THIS PLAT, TO-WIT: A TRACT OF LAND IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A TRACT OF LAND CONTAINING [Blank] ACRES, MORE OR LESS, AS SHOWN ON THE PLAT HEREBY REFERRED TO, AND BEING A TRACT OF LAND WHICH WAS PART OF THE TRACT OF LAND DESCRIBED IN DEED NO. [Blank] OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DATED [Blank] A.D. 19[Blank], AND BEING A TRACT OF LAND WHICH WAS PART OF THE TRACT OF LAND DESCRIBED IN DEED NO. [Blank] OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DATED [Blank] A.D. 19[Blank], AND BEING A TRACT OF LAND WHICH WAS PART OF THE TRACT OF LAND DESCRIBED IN DEED NO. [Blank] OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DATED [Blank] A.D. 19[Blank].

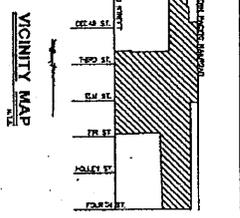


CITY ENGINEER'S STATEMENT

I, the undersigned, being the City Engineer of the City of San Jose, County of Santa Clara, State of California, do hereby certify that the above described plat is a true and correct copy of the original plat on file in the office of the County Clerk of the County of Santa Clara, State of California, and that the same is in accordance with the laws of the State of California.

SURVEYORS STATEMENT

I, the undersigned, being the Surveyors of the above described land, do hereby certify that the same is divided into the lots and parcels hereinafter described, and that the same are shown on the attached plat, which is a true and correct copy of the original plat on file in the office of the County Clerk of the County of Santa Clara, State of California.

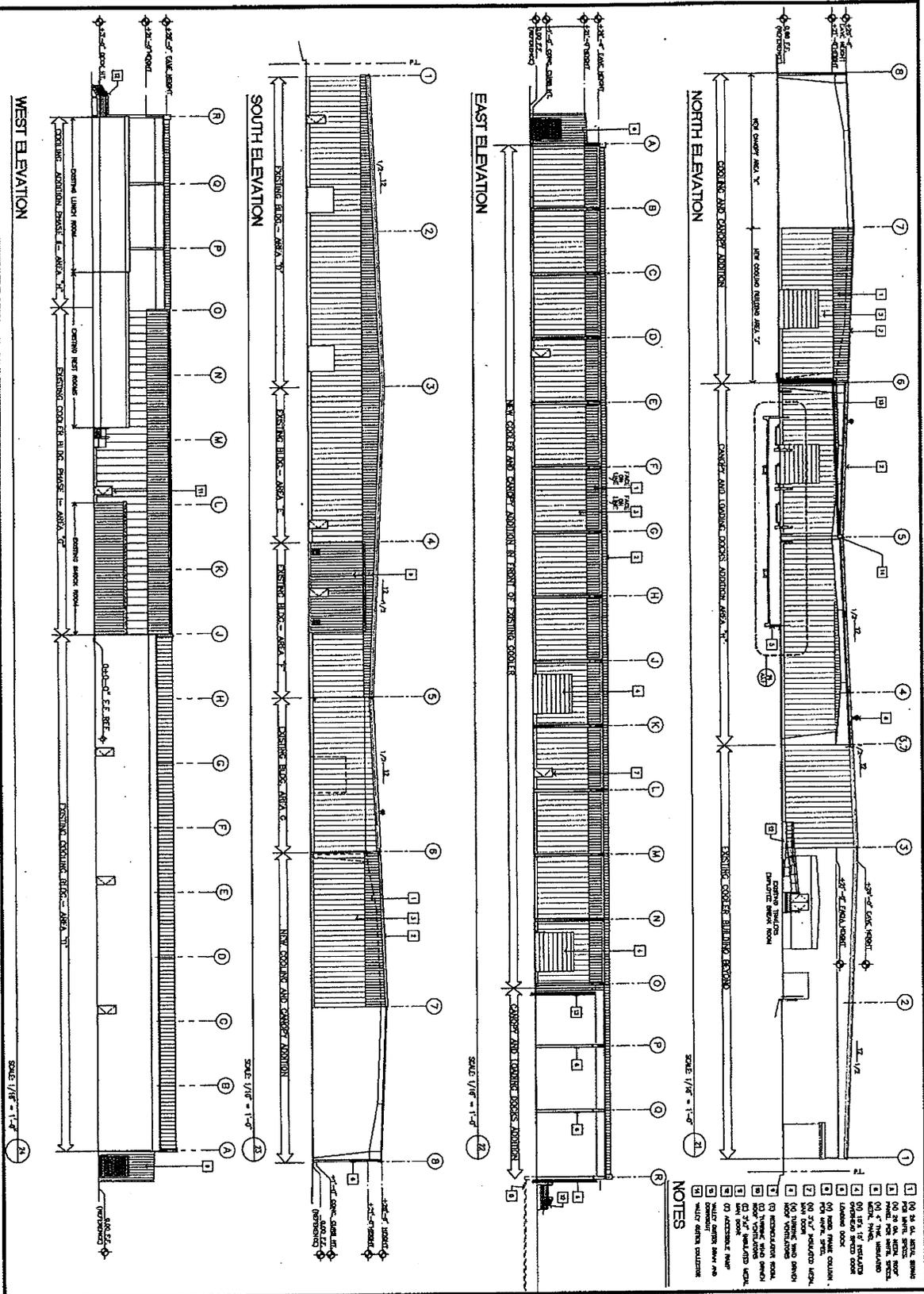


LOT LINE ADJUSTMENT EXHIBIT

FARGEN SURVEYS, INC.
 2405 HENDERSON PARKWAY, SUITE 210
 SAN JOSE, CALIFORNIA 95128
 DATE: [Blank] A.D. 19[Blank]

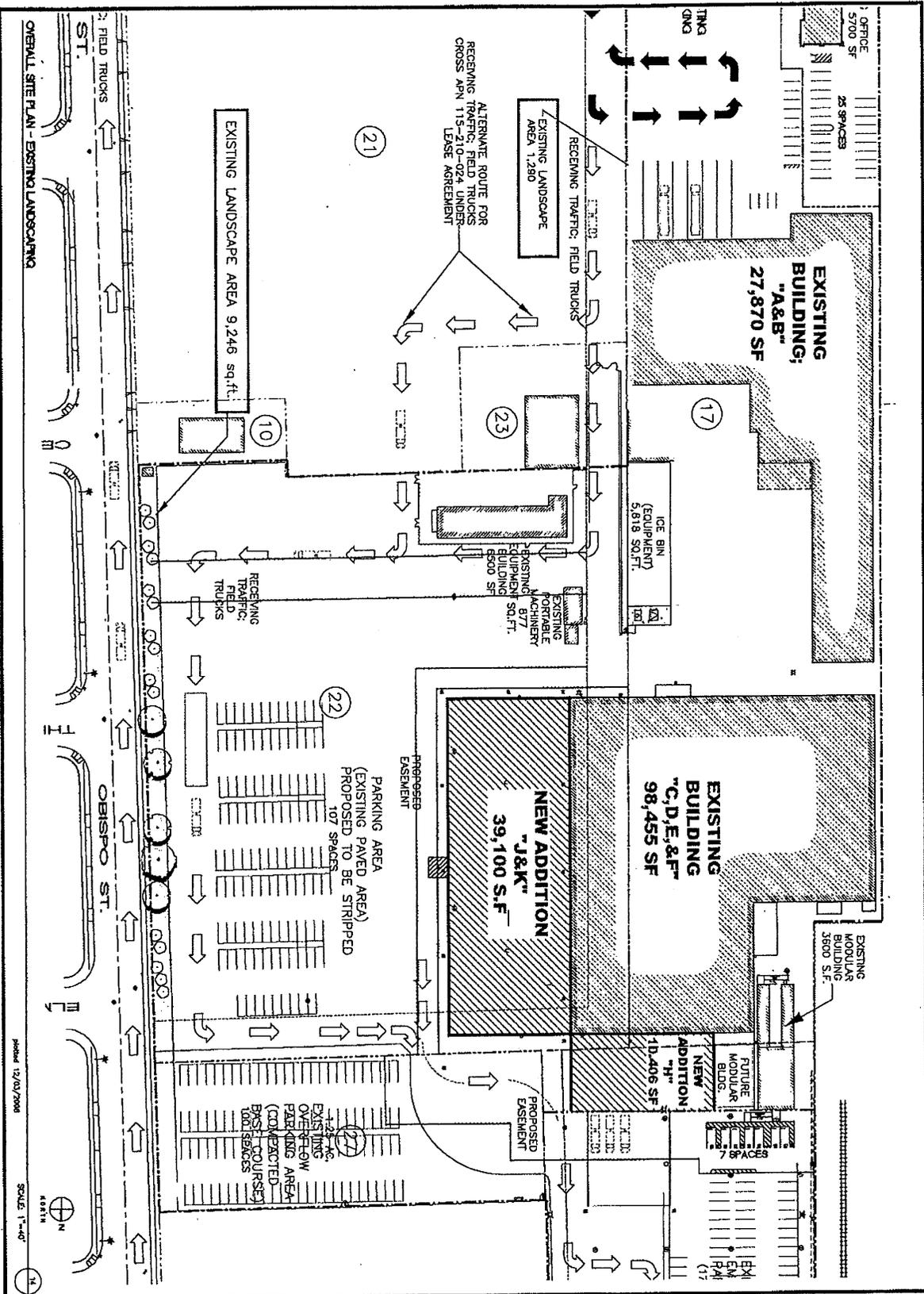
ATTACHMENT 6

Project Plan Set



- NOTES**
- 1) 004 30x40 METAL SHINGLES
 - 2) 004 20x40 METAL SHINGLES
 - 3) 004 1/2" ASPHALT/FLY ASH ROOF
 - 4) 004 1/2" ASPHALT/FLY ASH ROOF
 - 5) 004 1/2" ASPHALT/FLY ASH ROOF
 - 6) 004 1/2" ASPHALT/FLY ASH ROOF
 - 7) 004 1/2" ASPHALT/FLY ASH ROOF
 - 8) 004 1/2" ASPHALT/FLY ASH ROOF
 - 9) 004 1/2" ASPHALT/FLY ASH ROOF
 - 10) 004 1/2" ASPHALT/FLY ASH ROOF
 - 11) 004 1/2" ASPHALT/FLY ASH ROOF
 - 12) 004 1/2" ASPHALT/FLY ASH ROOF
 - 13) 004 1/2" ASPHALT/FLY ASH ROOF
 - 14) 004 1/2" ASPHALT/FLY ASH ROOF
 - 15) 004 1/2" ASPHALT/FLY ASH ROOF
 - 16) 004 1/2" ASPHALT/FLY ASH ROOF
 - 17) 004 1/2" ASPHALT/FLY ASH ROOF
 - 18) 004 1/2" ASPHALT/FLY ASH ROOF
 - 19) 004 1/2" ASPHALT/FLY ASH ROOF
 - 20) 004 1/2" ASPHALT/FLY ASH ROOF
 - 21) 004 1/2" ASPHALT/FLY ASH ROOF
 - 22) 004 1/2" ASPHALT/FLY ASH ROOF
 - 23) 004 1/2" ASPHALT/FLY ASH ROOF
 - 24) 004 1/2" ASPHALT/FLY ASH ROOF

	PROJECT ADD COOLER BUILDING AND COVER ADDITION TO EXISTING COOLER BUILDING
	CLIENT GREGORY S. JOHNSON
	DATE 11/01/2024
	SCALE 1/8" = 1'-0"
NOTES SEE NOTES ON DRAWING	
REVISIONS NONE	
PROJECT TITLE ADD COOLER BUILDING AND COVER ADDITION TO EXISTING COOLER BUILDING	
DESIGNER GREGORY S. JOHNSON	
DATE 11/01/2024	
SCALE 1/8" = 1'-0"	
NOTES SEE NOTES ON DRAWING	
REVISIONS NONE	
PROJECT TITLE ADD COOLER BUILDING AND COVER ADDITION TO EXISTING COOLER BUILDING	
DESIGNER GREGORY S. JOHNSON	
DATE 11/01/2024	
SCALE 1/8" = 1'-0"	
NOTES SEE NOTES ON DRAWING	
REVISIONS NONE	
PROJECT TITLE ADD COOLER BUILDING AND COVER ADDITION TO EXISTING COOLER BUILDING	
DESIGNER GREGORY S. JOHNSON	
DATE 11/01/2024	
SCALE 1/8" = 1'-0"	
NOTES SEE NOTES ON DRAWING	
REVISIONS NONE	



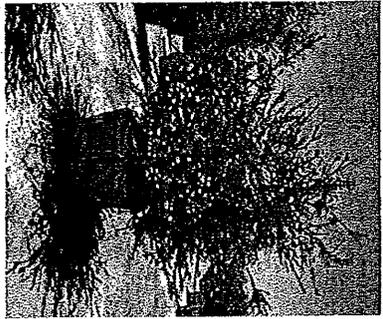
RA CONSULTANTS 12000 N. 10TH AVENUE DENVER, CO 80231 TEL: 303.751.1000 FAX: 303.751.1001 WWW.RACONSULTANTS.COM	
PROJECT NO. 12000 N. 10TH AVENUE DENVER, CO 80231	DATE 12/01/2008
PREPARED BY RA CONSULTANTS	
CHECKED BY RA CONSULTANTS	
APPROVED BY RA CONSULTANTS	
DATE 12/01/2008	
PROJECT TITLE OVERALL SITE PLAN - EXISTING LANDSCAPING	
DRAWING NO. 1-0	
SCALE 1" = 40'	
DATE 12/01/2008	

ATTACHMENT 7

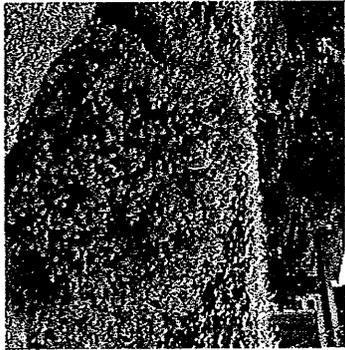
Site Photos



Callistemon viminalis - Weeping Booberry



Melaleuca neophila - Pink Melaleuca



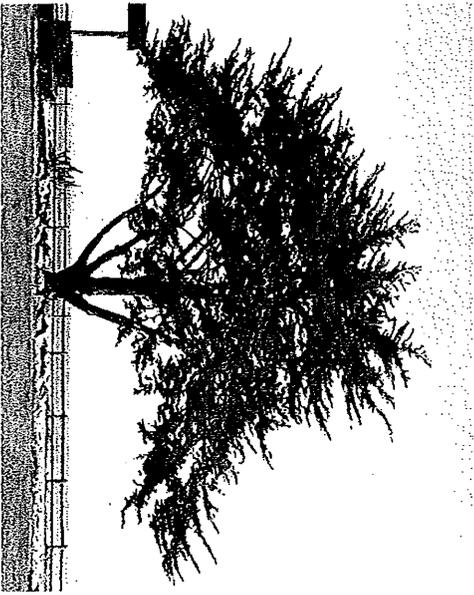
Ceanothus griseus horizontalis 'Varianus Profir' - Wild Lilac



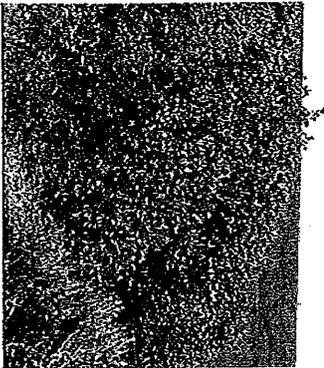
Citrus x skanbergii - Hybrid Bloodorange



Pittosporum crassifolium - Karo



Cupressus macrocarpa - Monterey Cypress



Rhus integrifolia - Lemonade Berry



Rhus integrifolia - Lemonade Berry (Close-up)

CITY OF GUADALUPE APPROVED ALTERNATE LANDSCAPE SPECIES - APRO COOLING INC.

APR 2014



GENERAL CONTRACTOR
4000 West Main Street
Camarillo, CA 93010
TEL: 805.499.1111
WWW.RIVERSIDEASSOCIATES.COM

REVISIONS

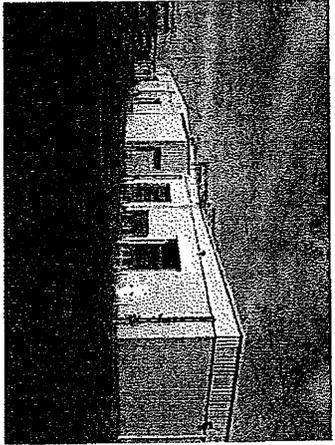
DATE

PROJECT
APRO Cooling Depot
4000 West Main Street
Camarillo, CA 93010

DRAWN BY
CHECKED BY
DATE

APPROVED BY
DATE

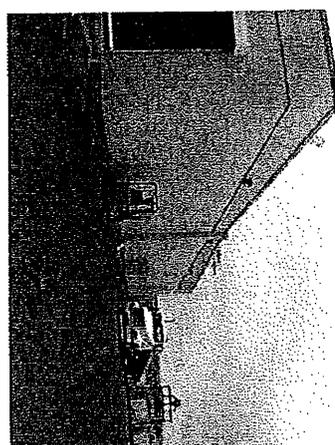
PROJECT NO.
C-4



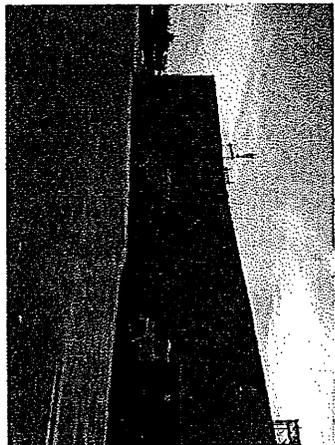
1 - APJO COOLING EXISTING BUILDING



2 -



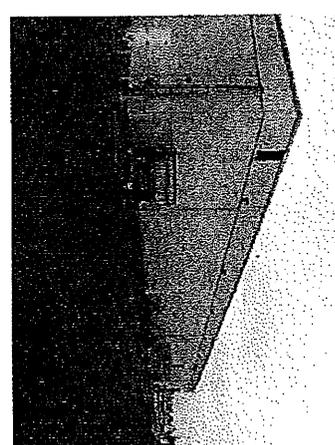
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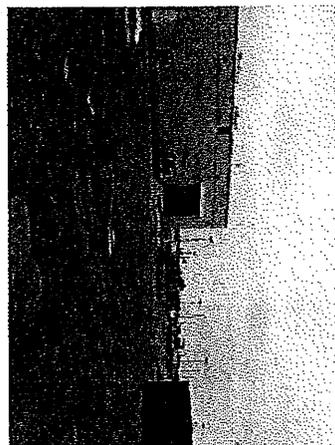
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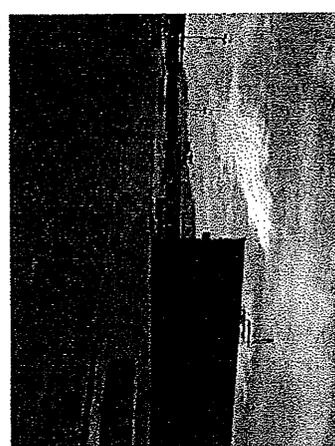
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6 -

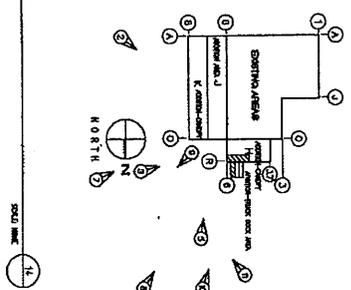


7 -



8 -

PHOTO KEY PLAN



RAYMOND A. ...
 ARCHITECTS
 4001 ...
 ...

CONTRACT NO. ...
 SHEET NO. ...

PROJECT
 APJO Cooling Existing Building
 4001 West Main Street
 Channahon, IL 60004

DATE
 12/03/2008

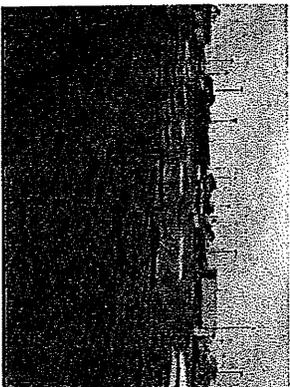
PROJECT TITLE
 APJO COOLING EXISTING BUILDING
 PLANNING RESIDENTIAL
 12/03/2008

DESIGNED BY
 DRAWN BY
 CHECKED BY

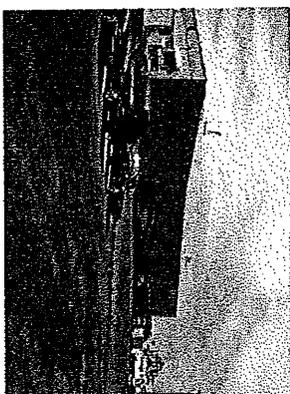
DATE
 12/03/2008

PROJECT NO.
 SHEET NO.

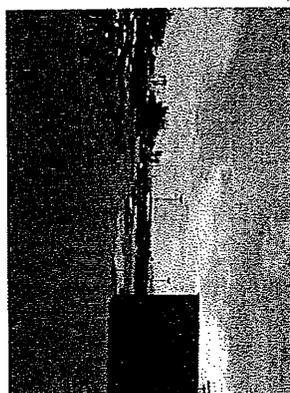
SCALE
 1/4\"/>



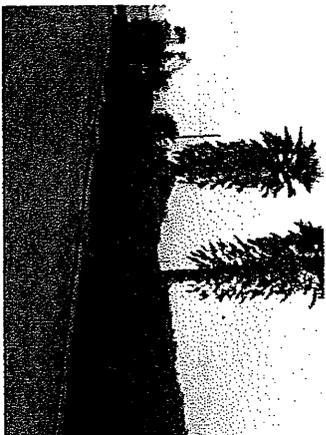
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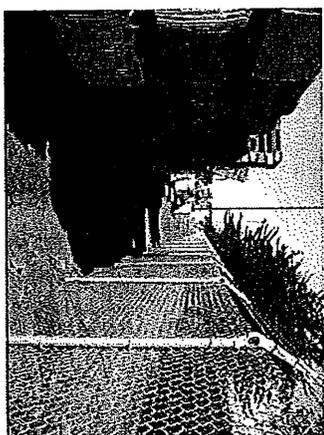
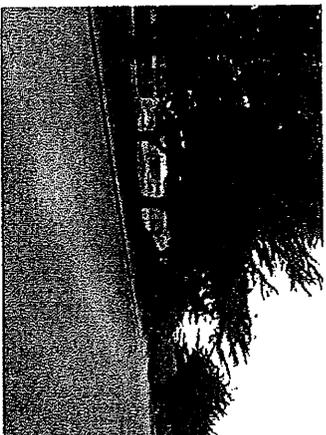
10 -



11 -



TYPICAL - EXISTING LANDSCAPE SCREENING AT OBSPO STREET



TYPICAL -EXISTING 7'-0" WIDE PROPOSED LANDSCAPE AREA

EXISTING SITE PHOTOGRAPHS - APO COOLING INC.

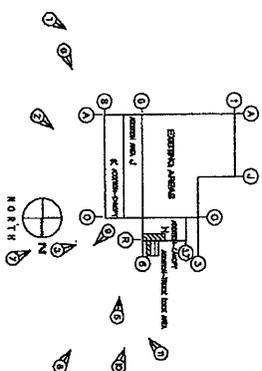


PHOTO KEY PLAN

SCALE 1" = 10'

SCALE 1" = 10'



RAVENHURST & ASSOCIATES INC.
 4000 WILSON AVENUE
 SUITE 100
 COSTA MESA, CA 92626
 TEL: 714/440-1111
 FAX: 714/440-1112
 WWW.RA-CORP.COM

CONTRACT NO. 04-001
 PROJECT NO. 04-001
 DRAWING NO. 04-001-01
 DATE: 12/03/2008
 DRAWN BY: J. S. [unreadable]
 CHECKED BY: J. S. [unreadable]
 APPROVED BY: J. S. [unreadable]

REVISIONS



PROJECT
 APO Cooling Expansion
 4500 West Lake Street
 Channahon, IL 60610

SHEET TITLE
 SITE PHOTOGRAPHS
 PLANNING CONSULTANT
 12/03/2008



LMP CONSULTING
 1000 W. WASHINGTON ST.
 SUITE 100
 CHICAGO, IL 60606
 TEL: 312.467.1111
 FAX: 312.467.1112
 WWW.LMPCONSULTING.COM

TITLE BLOCK

DATE: 12/03/2008

PROJECT NO. 04-001

DRAWING NO. 04-001-01

DATE: 12/03/2008

SHEET NO. 01-2

ATTACHMENT 8

Shared Parking and Access Agreement

PARKING EASEMENT AGREEMENT

This Parking Easement Agreement (this "Agreement") is entered into as of this ___ day of _____, 2008, by and between Apio, Inc., a Delaware corporation, with its principal office at _____, Guadalupe, CA ("Grantor") and Apio Cooling, a California limited partnership, with its principal office at 4595 West Main Street, Guadalupe, CA ("Grantee").

WHEREAS, Grantor is the owner of two certain parcels of land located in Guadalupe, County of Santa Barbara, California known as Parcels 115-180-022 and 115-180-027 that are more particularly described in Exhibit A attached hereto ("Tract 1"). Tract 1 is currently improved with a parking lot;

WHEREAS, Grantee is the owner of two certain parcels of land located in Guadalupe, County of Santa Barbara, California, known as Parcels 115-210-017 and 115-210-022 that are more particularly described in Exhibit B attached hereto ("Tract 2"). Tract 2 is currently improved with commercial buildings and parking for such buildings;

WHEREAS, Grantor has agreed to allow Grantee to use Grantor's property for parking for Tract 2, on the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

1. Description of Easement Area. As used herein, the term "Parking Easement Area" shall mean that portion of Tract 1 designated by Grantor for use by Grantee, from time to time, which shall contain a minimum of 271 parking spaces.
2. Grant of Easement. Subject to the terms and conditions of this Agreement, Grantor grants to Grantee a non-exclusive and perpetual right and easement on, over and across Tract 1 for the purpose of ingress and egress to the Parking Easement Area and in the Parking Easement Area to park automobiles and other light vehicles, for pedestrian passage to and from said vehicles and for other purposes reasonably ancillary or incidental thereto (the "Parking Easement").
3. Maintenance.
 - a. Grantor shall maintain and repair the Parking Easement Area, from time to time, as necessary to keep it in good condition and in compliance with all applicable laws. Grantee shall keep the Parking Easement Area clean and free from refuse and rubbish. In the event Grantor fails to make necessary repairs after written request by Grantee, Grantee may, upon a 10 day prior notice to Grantor, undertake such repairs or replacements. The cost of all repairs and maintenance shall be reasonably allocated between the parties based on use.

RECEIVED

NOV 21 2008

City of Guadalupe
Planning Dept.

- b. Grantee may make reasonable alterations to the Parking Easement Area, subject to Grantor's consent, which will not be unreasonably withheld.

4. Reservation of Rights by Grantor.

Grantor reserves, for the benefit of Tract 1, the right to use, and to grant to others the right to use, the Parking Easement Area for all purposes not inconsistent with the rights of Grantee under this Agreement.

5. General Provisions Regarding Construction and Maintenance Activities.

All construction or maintenance activities performed by either Grantor or Grantee within the Parking Easement Area:

- i. shall be performed in a good and workmanlike manner and in compliance with applicable law;
- ii. shall be diligently prosecuted to completion and shall be conducted in the most expeditious manner reasonably possible, so as to minimize interference with the use of, and damage to, the Parking Easement Area and the improvements located therein or thereon; and,
- iii. shall not cause the other party to be in violation of applicable law.

6. Liability Insurance. Grantee shall at all times maintain commercial general liability insurance insuring against claims for loss of life, bodily injury or property damage that may arise from, or be occasioned by, the condition, use or occupancy of the Parking Easement Area by Grantee and its tenants, agents, contractors, employees, licensees and invitees. Such insurance shall name Grantor and its mortgagee (if any) as additional insureds thereunder, as their respective interests may appear. The amount of such insurance shall be subject to Grantor's reasonable approval.

7. Indemnity. Grantee shall defend, indemnify and hold harmless Grantor from and against any and all liability, cost or expense (including, without limitation, reasonable attorneys' fees) arising from any injury to, or death of, persons, or loss of, or damage to, property, occurring on or about the Parking Easement Area, if caused by any act or omission of Grantee. Grantor shall defend, indemnify and hold harmless Grantee from and against any and all liability, cost or expense (including, without limitation, reasonable attorneys' fees) arising from any injury to, or death of, persons, or loss of, or damage to, property, occurring on or about the Parking Easement Area, if caused by any act or omission of Grantor.

8. Mortgage Subordination. Each mortgage affecting any portion of the Parking Easement Area shall at all times be subject and subordinate to the terms of this Agreement, and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure, shall acquire title subject to all of the terms and provisions of this Agreement.

9. Term of Agreement. This Agreement and the easements, rights, obligations and liabilities created hereby shall be perpetual to the extent permitted by law. However, Grantee may terminate this Agreement at any time by so notifying Grantor and recording a statement, in proper form, that it relinquishes all right, title and interest in and to the Parking Easement.
10. Appurtenant Easement; Bind and Inure. This Parking Easement shall be appurtenant to Tract 1 and Tract 2 and shall run with the land benefited and burdened thereby. The rights, liabilities, covenants and agreements of each of Grantor and Grantee hereunder shall inure to the benefit of, and shall be binding upon, Grantor and Grantee and their respective successors and assigns, but only during their respective ownership of the fee interest in the land benefited or burdened by this Agreement, as the case may be.
11. Miscellaneous. The interpretation and enforcement of this Agreement shall be governed by, and construed in accordance with, the laws of the State of California. The descriptive headings of this Agreement are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement. This Agreement may be modified from time to time by an instrument in writing duly executed and delivered by Grantor and Grantee. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be declared to be invalid or unenforceable, then the remainder of this Agreement or the application of such term or provision to other persons or circumstances, other than those as to which it would become invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

[Signatures on following page]

Executed as an instrument under seal as of the date first appearing above.

GRANTOR: Apio, Inc., a Delaware corporation

By: _____

Name:

Title:

GRANTEE: Apio Cooling, a California limited partnership

By: Apio, Inc., Its General Partner

By: _____

Name:

Title:

State of California, County of Santa Barbara:

On ___ / ___ /08, before me, _____, (here insert name and title of the officer), personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/ executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. *** I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. *** WITNESS my hand and official seal.

(Seal)

Signature of Notary

State of California, County of Santa Barbara:

On ___ / ___ /08, before me, _____, (here insert name and title of the officer), personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/ executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. *** I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. *** WITNESS my hand and official seal.

(Seal)

Signature of Notary

EXHIBIT A

Description of Tract 1

EXHIBIT B

Description of Tract 2

ATTACHMENT 9

Subdivision Regulations

Title 17

SUBDIVISIONS

Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Administration and Enforcement
- 17.16 Preliminary Maps
- 17.20 Tentative Maps
- 17.24 Vesting Tentative Maps
- 17.28 Final Maps
- 17.32 Design and Improvement Standards
- 17.36 Condominiums
- 17.40 Variances

Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Adoption of regulations.
- 17.04.020 Statutory authority and purpose.
- 17.04.030 Applicability of provisions.

17.04.010 Adoption of regulations. A substantially revised ordinance establishing regulations for the division of land, and entitled "Subdivision Ordinance," is adopted by the city council of the city of Guadalupe, state of California, in conformity with regulations now embodied in the Government Code of the state. (Ord. 142 Art. 1 §1, 1974)

17.04.020 Statutory authority and purpose. The ordinance codified in this title is for the purpose of regulating the division of land in the city, under the authority of the Subdivision Map Act of the state. In their interpretation and application, the provisions of this title shall be considered as minimum requirements adopted for the protection of the public peace, health, safety and general welfare. (Ord. 142 Art. 1 §2, 1974)

17.04.030 Applicability of provisions. This title shall

apply to any division of land, or separation of land into two or more parts or parcels, or any modification of lot lines, where the land was under common ownership shown as a unit or contiguous units on the latest available assessment rolls of Santa Barbara County. This title shall not apply to the sale of whole lots as they are shown on a recorded subdivision map or parcel map. (Ord. 142 Art. 1 §3, 1974)

Chapter 17.08

DEFINITIONS

Sections:

- 17.08.010 Definitions generally.
- 17.08.020 City.
- 17.08.030 City Council.
- 17.08.040 Condominium.
- 17.08.050 Original parcel.
- 17.08.060 Person or subdivider.

17.08.010 Definitions generally. Generally, all words and terms used in this title shall have the same meaning as defined and used in the Subdivision Map Act of the state, except as provided in this chapter. (Ord. 142 Art. 2 §1 (apart), 1974)

17.08.020 City. "City" means the city of Guadalupe. (Ord. 142 Art. 2 §1 (A), 1974)

17.08.030 City council. "City council" means the city council of the city of Guadalupe. (Ord. 142 Art. 2 §1 (B), 1974)

17.08.040 Condominium. "Condominium" means a system of individual ownership of units in a multifamily structure, combined with joint ownership of common areas of the structure and the land. (Ord. 142 Art. 2 §1 (C), 1974)

17.08.050 Original parcel. "Original Parcel" means an area of land, lot or parcel, under common ownership, shown as a unit or contiguous units on the latest available assessment rolls of the county not established as separate lots in a recorded subdivision or parcel map. (Ord. 142 Art. 2 §1 (D), 1974)

17.08.060 Person or subdivider. "Person" or "subdivider"

means any individual, firm, association, syndicate, copartnership, corporation, trust or any legal entity commencing proceedings under this chapter to effect a division or subdivision of land for himself or for another. (Ord. 142 Art. 2 §1 (D), 1974)

Chapter 17.12

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.12.010 Building and zoning permit requirements.
- 17.12.020 Compliance with provisions prerequisite to sale or lease or parcel.
- 17.12.030 Reversion to acreage, and actions relating to property lines.
- 17.12.040 Voidability of conveyances.
- 17.12.050 Unlawful acts designated--Penalty.

17.12.010 Building and zoning permit requirements. A. Compliance with this title is a condition precedent to the issuance of a building permit or zoning permit by any person authorized to issue such permit in the city.

B. Building permits and zoning permits issued without prior compliance with this chapter are void. Upon the discovery of the issuance of such permits without compliance herewith, it shall be the duty of the building inspector to notify the person to whom such permit was issued of the requirements of this title, and to demand all building and construction work to cease immediately until this title has been complied with. (Ord. 142 Art. 6 §1, 1974)

17.12.020 Compliance with provisions prerequisite to sale or lease or parcel. No owner, subdivider or agent shall offer to sell or lease, to contact to sell or lease, or to sell or lease any division of an original parcel, or any subdivision or part thereof, until a final parcel map or subdivision map thereof in full compliance with the provisions of this title has been duly recorded in the office of the recorder of the county. (Ord. 142 Art. 1 §4, 1974)

17.12.030 Reversion to acreage, and actions relating to property lines. If a person wishes to revert an existing subdivision to acreage, eliminate one or more property lines, or relocate one or more property lines, the procedures shall be the same as required for a parcel map or subdivision map, whichever may apply to the particular case. This section shall not apply to the recordation of a record of survey map or survey of previously existing property lines. (Ord. 142 Art. 1 §5, 1974)

17.12.040 Voidability of conveyances. Any conveyance or contract to convey made contrary to the provisions of this title is voidable to the extent and in the same manner provided in Section 11540 of the Business and Professions Code of the state. (Ord. 142 Art. 6 §2, 1974)

17.12.050 Unlawful acts designate--Penalty. A. Any division or attempted division of land for any purpose, including gift, without prior compliance with the requirements of this title shall be unlawful.

B. Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this title shall be unlawful.

C. Any person guilty of violating any of the provisions of this title, or performing any act declared by this title to be unlawful, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and/or imprisonment in accordance with the general penalty provision then in effect on the city, pursuant to Chapter 1.08 of this code, as amended. (Ord. 86-271 §23, 1986: Ord. 142 Art. 6 §3, 1974)

Chapter 17.16

PRELIMINARY MAPS

Sections:

- 17.16.010 Submittal procedure generally--Design conference date setting.
- 17.16.020 Contents of preliminary map.
- 17.16.030 Design conference--Attendance by interested persons--List maintained.
- 17.16.040 Design conference--Submittal of information--Report to subdivider.

17.16.010 Submittal procedure generally--Design conference date setting.

A. Prior to the filing of a tentative map, a subdivider may submit to the planning commission a preliminary map for review and recommendations from the planing commission and other interested parties or agencies at a design conference.

B. If submitted, the subdivider shall provide the city clerk with a sufficient number of maps that may be necessary to provide one copy of the map to all public and private agencies who, in the opinion of the city clerk, will be affected by the proposed subdivision, or who have requested to be notified of design conference meetings. No more than fifteen prints and one reproducible shall be required.

C. The city clerk shall set a date for a design conference and transmit one copy of the map and notice of the design conference to the affected public and private agencies. (Ord. 142 Art. 4 §1, 1974)

17.16.020 Contents of preliminary map. The preliminary map shall be clearly and legibly drawn at a scale and on a sheet size that will be appropriate to allow proper review. The preliminary map shall contain the following information:

A. The location of the proposed subdivision, with a description sufficient to identify the property on a city map, including an assessor's parcel number or legal description;

B. Names and addresses of record owner, subdivider and person who prepared the map;

C. Date of preparation, North point, and scale;

D. Boundaries of the proposed subdivision, and boundaries of any proposed units of development;

E. Location of streets, alleys and easements within the proposed subdivision, and adjacent to the proposed subdivision;

F. Lot lines, with approximate dimensions and approximate areas;

G. The specific use intended for each lot in the subdivision;

H. Location of permanent physical features which may affect the design of the proposed subdivision, i.e., contours. (Ord. 142 Art. 4 §2, 1974)

17.16.030 Design conference--Attendance by interested person--Lists maintained. All persons or agencies who wish to attend design conferences shall notify the city clerk in writing. The city clerk shall maintain a list of these interested persons or agencies. (Ord. 142 Art. 4 §3, 1974)

17.16.040 Design conference--Submittal of information--Report to subdivider. A. Each person or agency wishing to make definite recommendations to the subdivider as a result of the design conference shall provide such recommendations to the city clerk within ten days. The city clerk shall provide a copy of these recommendations to the subdivider, and make a copy available to any interested party upon request.

B. The design conference is an informational meeting only, for the purpose of assisting the subdivider to obtain information, and no final action or binding obligations shall result from this meeting. (Ord. 142 Art. 4 §4, 1974)

Chapter 17.20

TENTATIVE MAP

Sections:

17.20.010 Filing procedures, fee and examination--Environmental impact report.

17.20.020 Form and contents.

17.20.030 Review procedures.

17.20.040 Planning commission investigations and recommendations.

- 17.20.050 Requests for continuation.
17.20.060 Approval criteria--City council authority.

17.20.010 Filing procedures, fee and examination--Environmental impact report. A. The subdivider shall file with the city clerk twelve prints of the tentative map, along with any documents or statements required to be furnished therewith.

B. At the time of filing a tentative parcel map or tentative subdivision map, a fee of twenty-five dollars plus three dollars for each lot or parcel proposed to be created, shall be paid to the city clerk.

C. The city clerk shall examine the tentative map upon its presentation, and shall not accept the map unless it is in full compliance with the provisions of this title as to form, and the information required to be furnished therewith. The city clerk shall not accept the tentative map filing until a environmental impact report has been approved, or a negative declaration has been filed.

D. The time that the city clerk accepts the tentative map and accompanying material shall be deemed the time of filing the tentative map. The city clerk shall mark each tentative map with a tract number and the date of filing. (Ord. 142 Art. 3 §1, 1974)

17.20.020 Form and contents. A. The tentative map shall be clear and legible. The size of the sheet shall be appropriate to allow proper review. The scale of the map shall be one inch equals one hundred feet or one inch equals fifty feet.

B. The tentative map shall contain the following information:

1. Name and address of the record owner of the property to be subdivided, name and address of the subdivider if the owner is not the subdivider, and name and address of the engineer or surveyor;
2. North point;
3. Date of preparation;
4. Scale.
5. Boundary lines;
6. Locations and widths of all street, alleys, bicycle paths or pedestrian ways within the proposed subdivision and adjacent to the proposed subdivision;
7. Approximate radii of street curves;
8. Lot lines and approximate dimensions;
9. Lots, numbered consecutively;
10. Widths and locations of all existing or proposed public and private easements;
11. Locations of all surface and subsurface structures and improvements; show distance from proposed lot line to any structures which will remain in the subdivision;
12. Contours or elevations sufficient to indicate any proposed grading and drainage;
13. Arrows indicating the flow of drainage from each proposed lot and each street, and any provision for drainage or storm water control;
14. Legal description sufficient to define the boundaries of the

property.

C. Information to Accompany the Tentative Map. The tentative map shall show thereon or be accompanied by the following information:

1. A preliminary title report, describing all rights-of-way and easements pertaining to the property to be subdivided, and containing a legal description of the property to be subdivided;

2. Types of street improvements and utilities proposed to be installed. (Ord. 142 Art. 3 §2, 1974)

17.20.030 Review procedures A. Within five working after the filling of the tentative map, the city clerk shall set a date for review of the tentative map at a regular meeting of the planning commission, and transmit one copy of the tentative map, along with a notice of the date of review, to each of the following:

1. City engineer;
2. Fire chief;
3. Water department;
4. Sanitation department;
5. Lighting district;
6. Telephone company;
7. Gas company;
8. Electric power company;
9. Such other agencies that may be affected by the proposed design of the subdivision.

B. The date of review shall not be less than ten working days and not more than forty-five days after the filing date of the tentative map. (Ord. 142 art. 3 §3, 1974)

17.20.040 Planning commission investigation and recommendations. A. The city planning commission shall be the advisory agency referred to in the Subdivision Map Act, and shall make such investigations, reports and recommendations as are necessary to accomplish the intent and purpose of this title.

B. Within fifty days after the tentative map filing date, the planning commission shall recommend in writing to the city council that the tentative map be approved subject to certain conditions, or disapproved.

C. The planning commission shall submit in writing to the subdivider one copy of its recommendations to the city council. (Ord. 142 Art. 3 §4, 1974)

17.20.050 Requests for continuation. At any time, a subdivider or his authorized representative may request in writing that action upon a tentative map be postponed to a specified date, and the planning commission or city council may reschedule review and action on the tentative map if such a request is made. (Ord. 142 Art. 3 §5, 1974)

17.20.060 Approval criteria--City council authority. A. The city council shall approve, conditionally approve or disapprove the tentative map at its next regular meeting after receiving the report from the planning commission,

unless a request for continuation has been filed.

B. The city council shall deny approval of a tentative map if it makes any of the following findings (required by State Subdivision Map Act):

1. That the proposed map is not consistent with applicable general and specific plans;

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

3. That the site is not physically suitable for the type of development;

4. That the site is not suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision;

8. That the design of the subdivision or the proposed improvements do not meet minimum standards established by the city council. (Ord. 142 Art. 3 §6, 1974)

Chapter 17.24

VESTING TENTATIVE MAPS

Sections:

- 17.24.010 Title for citation--Statutory authority.
- 17.24.020 Purpose of provisions.
- 17.24.030 Definitions.
- 17.24.040 Consistency with other plans and regulations.
- 17.24.050 Applicability--Residential developments only.
- 17.24.060 Filing and processing procedures.
- 17.24.070 Fee.
- 17.24.080 Expiration of approval.
- 17.24.090 Rights conferred upon approval--Conditions.
- 17.24.100 Developments inconsistent with zoning provisions--Conditional approval.
- 17.24.110 Applications inconsistent with other current policies.

17.24.010 Title for citation--Statutory authority. The ordinance codified in this chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with section 66498.1) of Division 2 of Title 7 of the Government Code of the state (hereinafter in this chapter referred to as the "Vesting Tentative Map Statute"), and may be cited as the "Vesting Tentative Map Ordinance." (Ord. 85-260 §1-1, 1985)

17.24.020 Purpose of provision. A. It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act, and the subdivision Ordinance codified in the Title 17 of this code shall apply to the vesting Tentative Map Ordinance.

B. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. 85-260 §1-2, 1985)

17.24.030 Definitions. As used in this chapter: A. "Vesting tentative map" means a "tentative map" for a residential subdivision, as defined in the city Subdivision Ordinance, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 17.24.060, and is thereafter processed in accordance with the provisions of this chapter.

B. All other definitions set forth in Title 17 of this code are applicable. (Ord. 85-260 §1-4, 1985)

17.24.040 Consistency with other plans and regulations. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any specific plan, or not permitted by the Zoning Ordinance or other applicable provisions of this code. (Ord. 85-260 §1-3, 1985)

17.24.050 Applicability--Residential developments only. A. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplement by the city Subdivision Ordinance, requires the filing of a tentative map, a vesting tentative map instead be filed, in accordance with the provision of this chapter.

B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. 85-260 §1-5, 1985)

17.24.060 Filing and processing procedures. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in the city Subdivision Ordinance for a tentative map, except as provided in this section:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map";

B. At the time a vesting tentative map is filed, a subdivider shall also supply the following information: The same information as is now required for preliminary and tentative tract maps, as per Chapter 17.20 of this title. (Ord. 85-260 §2-1, 1985)

17.24.070 Fee. Upon filing a vesting tentative map, the subdivider shall pay the fees required by ordinance or resolution for the filing and processing

of a tentative map. (Ord. 85-260 §2-2, 1985)

17.24.080 Expiration of approval. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map. (Ord. 85-260 §2-3, 1985)

17.24.090 Rights conferred upon approval--Conditions.

A. 1. The approval or conditional approval of a vesting tentative map shall confer a vesting right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vesting right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A of this section, a permit approval, extension or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;

2. The condition or denial is required, in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map, as provided in Section 17.24.080 of this chapter. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of eighteen months. (Note: This must be not less than twelve months nor more than twenty-four months beyond the recording of the final map.) Where various final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

2. The initial time period set forth in subsection C1 of this section shall be automatically extended by any time used for processing a complete application for a grading permit, or for design or architectural review, if such processing exceeds thirty days from the date a complete application is filed.

3. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection C1 of this section expires. If the extension is denied, the subdivider may appeal that denial to the legislative body within fifteen days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections C1 through C3 of this section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. 85-260 §3-1, 1985)

17.24.100 Developments inconsistent with zoning provisions--Conditional approval. A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map, or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved, or conditionally approved vesting tentative map shall, notwithstanding subsection A of Section 17.24.090, confer the vesting right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

B. The rights conferred by this section shall be for the time periods set forth in subsection C of Section 17.24.090.
(Ord, 85-260 §3-2, 1985)

17.24.110 Applications inconsistent with other current policies. Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in subsection A of Section 17.24.090, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 85-260 §3-3, 1985)

Chapter 17.28

FINAL MAPS

Sections:

- 17.28.010 Preparation and recordation.
- 17.28.020 Checking and recording fees.
- 17.28.030 Parcel map--Final preparation and recordation procedures.
- 17.28.040 Subdivision map--Final preparation and recordation procedures.

17.28.010 Preparation and recordation. A. A final parcel map or final subdivision map shall be recorded within a period of eighteen months after the approval of the tentative map by the city council.

B. A final map shall be:

1. Prepared as a parcel map if the division of property is not a "Subdivision," as defined in the Subdivision Map Act of the Business and Professions Code of the state; or

2. Prepared as a subdivision map if the division of property is a "Subdivision," as defined in the Subdivision Map Act. (Ord. 142 Art. 4 §1, 1974)

17.28.020 Checking and recording fees. At the time of submittal of prints of a final map for checking, the city engineer shall estimate all costs of

checking the map, calculations and improvement plans, the cost of any field inspection, and the cost of recording the map. This estimate shall be deemed the final fee for these services, and shall be paid to the city clerk. In the event that the subdivider does not agree to the amount of the fees, the fee shall be determined by the city council at its next regular meeting. (Ord. 142 Art. 4 §2, 1974)

17.28.030 Parcel map--Final preparation and recordation procedures. A.

To record a parcel map, a registered engineer or licensed surveyor shall submit to the city engineer two prints of the proposed parcel map, and pay to the city clerk the checking and recording fee.

B. The parcel map shall be prepared in conformance with Sections 11575 through 11580, inclusive, of the State Business and Professions Code; and, in the case of a parcel map showing a division of land into five or more parcels, as authorized under Section 11535 © (1), © (2) and © (3) of the Business and Professions Code, the parcel map shall be based upon a survey which has been monumented in the same manner as required for a final subdivision map. All parcel maps shall show the area of all parcels to the nearest square foot for parcels less than one acre, or to the nearest hundredth acre for all parcels one acre or larger in size.

C. When the city engineer is satisfied that the map is technically correct, conforms to the approved tentative map or any proposed alterations thereof, complies with all applicable laws and regulations, that all conditions of approval have been satisfied, and that any bonds or cash deposits have been received by the city clerk, the city engineer shall notify in writing the engineer or surveyor who prepared the map and request delivery of the original tracings of the parcel map. The city engineer shall execute his certification on the original tracings of the parcel map, as provided in Section 11575 of the Business and Professions Code, and shall transmit the same to the county recorder. (Ord. 142 Art. §3; 1974)

17.28.040 Subdivision map--Final preparation and recordation procedures.

A. To record a final subdivision map, a registered engineer or licensed surveyor shall submit to the city engineer two prints of the proposed final map, together with a fee for checking, inspection and recording, and traverse sheets giving latitudes and departures, showing the mathematical closure within allowable limits of error of the exterior boundaries of the tract, blocks to the center of adjoining streets, and all lots whose closure is not ascertainable from the map without trigonometric calculations.

B. The city engineer shall examine the map as to its technical accuracy, conformity with the approved tentative map, and compliance with all applicable laws and regulations. In the event the city engineer determines that there is a noncompliance, the subdivider shall cause the map to conform, and shall comply with the regulations.

C. The city engineer shall determine that all conditions of approval have been satisfied, and that all required bonds or cash deposits have been received.

D. When the city engineer is satisfied that the map is technically correct, conforms to the approved tentative map and any conditions of approval,

and complies with all applicable laws and regulations, the city engineer will notify in writing the registered engineer or licensed surveyor who prepared the map and request delivery of the original tracings of the final map. Upon receipt of the final map, the city engineer shall execute his certificate on the original tracing of the final map, as provided in Section 11593 of the Business and Professions Code, and will transmit the same to the city clerk. The city council shall approve the map at its next regular meeting, if it conforms with all the requirements of applicable laws and regulations made thereunder.

E. The city council shall, at that time, also accept or reject any or all offers of dedication and shall, as a condition precedent to the acceptance of any streets or easements or other dedications for public improvements proposed, require the subdivider to make or agree to make such improvements as are required by law and regulations adopted pursuant thereto.

F. When the final map and all cash deposits and bonds, and all conditions have been approved, the city clerk shall execute his certificate on the final map as provided in Section 11591 of the Business and Professions Code, and shall transmit such final map to the county recorder of Santa Barbara County for recording, as provided in Sections 11625 to 11628, inclusive, of the Business and Professions Code. (Ord. 142 Art. §4, 1974)

Chapter 17.32

DESIGN AND IMPROVEMENT STANDARDS

Sections:

- 17.32.010 Applicability of chapter provisions.
- 17.32.020 Block lengths.
- 17.32.030 Lot area, depth and access to street.
- 17.32.040 Streets and alleys.
- 17.32.050 Public utilities and drainage structures.
- 17.32.060 Parks, schools and other public uses.
- 17.32.070 Trees.

17.32.010 Applicability of chapter provisions. The following regulations set out in this chapter shall apply to all divisions of land or subdivisions, regardless of the number of lots or parcels being created. (Ord. 142 Art. 3 §1, 1974.)

17.32.020 Block lengths. Blocks shall not be longer than one thousand feet between intersecting streets, except where unusual design conditions require longer blocks. (Ord. 142 Art. 3 §2, 1974)

17.32.030 Lot area, depth and access to street. A. The minimum area of lots shall be six thousand square feet, with a minimum width of sixty feet, except in cases of R-1-M and planned unit developments.

B. Lots having an average depth of more than three times the average width shall not be approved.

C. All lots shall have vehicular access to a street. (Ord. 86-264, 1986; Ord. 142 Art. 3 §3, 1974)

17.32.040 Streets and alleys. A. The street arrangement shall conform with the General Plan in respect to the alignment and type of streets.

B. The alignment of streets shall provide for the direct continuation of centerline of the existing streets in adjoining subdivided areas.

C. Street names shall be subject to the approval of the city council.

D. A corner radius of twenty feet or more shall be provided at intersecting street right-of-way lines.

E. Where necessary to provide for the orderly subdivision of adjoining land, dead-end stub streets shall be provided. Where four or more lots front upon a dead-end street, a temporary cul-de-sac turnaround shall be provided.

F. Narrow reserve strips of land controlling access to streets from adjoining property may be provided; however, ownership and control of the use of the strips shall be placed under the jurisdiction of the city council.

G. An alley shall be provided in the rear of all lots zoned or intended to be used for industrial or commercial uses, and may be required by the city council in other areas.

H. All streets and alleys, including curbs, gutters, sidewalks, driveway entrances and signs, shall be designed and constructed to standards adopted by resolution of the city council. (Ord. 142 Art. 3 §4, 1974)

17.32.050 Public utilities and drainage structures. Public utilities, including but not limited to sewer lines, manholes, pumping stations, storm drains, water lines, valves, fire hydrants, storm drains, electrical facilities, telephone lines, gas lines and cable TV, shall be provided as required by the city council. Electrical distribution telephone and cable TV lines shall be placed underground. Public utilities and drainage structures shall be designed and constructed to standards adopted by resolution of the city council. (Ord. 142 Art. 3 §7, 1974)

17.32.060 Parks, schools and other public uses. The city council may require the provision of land for parks, schools or other public uses as a condition of approval of a tentative subdivision or parcel map. (Ord. 142 Art. 3 §5, 1974)

17.32.070 Trees. The city council may require, as a condition of approval, the planting of trees on lots or within street rights-of-way at the time of approval of a tentative subdivision or parcel map. (Ord. 142 Art. 3 §6, 1974)

Chapter 17.36

CONDOMINIUMS

Sections:

17.36.010 Map processing requirements.

17.36.010 Map processing requirements. The procedure and requirements for processing a tentative and final map of a condominium shall be the same as set forth in this chapter for a parcel map or subdivision, whichever may apply to the particular case. (Ord. 142 Art. 1 §5, 1974)

Chapter 17.40

VARIANCES

Sections:

17.40.010 Authorized when-- City council authority.
17.40.020 Temporary variances.

17.40.010 Authorized when-- City council authority. A. The city council may authorize a conditional variance from the regulations set out in this title when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the council shall prescribe only conditions that it deems necessary to or desirable for the public interest, and which have a direct relation to the granting of the variance. In making its findings, as required herein below, the city council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

B. No variance shall be granted unless the city council finds:

1. That there are special and unique circumstances or conditions affecting the property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land. Special circumstances may include, but shall not be limited to, unusual shape or limited size of original parcel, extreme topography, unusual drainage problems, or design difficulties created by the pattern of existing recorded subdivisions of contiguous properties;

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

3. That the granting of the variance will not be detrimental to the public welfare, or injurious to other property in the territory in which the

property is situated, and will not alter the essential character of the neighborhood. (Ord. 142 Art. 5 §1, 1974)

17.40.020 Temporary variances. The city council may authorize temporary variances from the requirements of this title, subject to conditions which shall assure, as a matter of law, full compliance with the requirements of this title within a reasonable period of time. Such conditions may include, but shall not be limited to:

A. Irrevocable offers of dedication of road rights-of-way;

B. The posting of bonds to assure compliance with any provision of this title; and

C. The condition that the applicant and his successors in title shall limit or abstain from requesting certain further actions of the city that he might otherwise be entitled to with respect to the property. (Ord. 142 Art. 5 §2, 1974)