

**PLANNING COMMISSION  
MEETING**

In compliance with Americans with Disabilities Act, If you need special assistance to participate in this meeting, please contact the Community Development Director at (805) 524-1500 ext. 116, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memorandums: Memorandums relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 116 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

**AGENDA**

- | <b>ITEM</b>  | <b>REFERENCE</b> |
|--|------------------|
| <b>1. CALL TO ORDER</b>  |                  |
| <b>2. PLEDGE OF ALLEGIANCE</b>   |                  |
| <b>3. ORAL COMMUNICATIONS</b>  |                  |
| This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (Each speaker is limited to 5 minutes).  |                  |
| <b>4. PLANNING COMMISSION CONSENT CALENDAR</b>   |                  |
| 4a. Minutes of the January 15, 2014; Special Planning Commission meeting.  | <b>Copy</b>      |
| 4b. Minutes of the January 22, 2014: Regular Planning Commission meeting.  | <b>Copy</b>      |
| <b>5. PUBLIC HEARINGS</b>  |                  |
| <b>5a. Zoning Ordinance Amendment 14-01,</b>   | <b>Memo</b>      |
| An ordinance amending Fillmore Zoning Code Section 6.04.9610 and adding a new chapter 6.04.16 to prohibit the establishment or use of an existing business for the distribution, sale or cultivation of medical marijuana within the City.         |                  |
| <b>Purpose:</b><br>Prohibit distribution, sale or cultivation of medical marijuana   |                  |
| <b>Recommendation:</b><br>Approve Planning Commission Resolution No.14-874, recommending the City Council adopt proposed ordinance amending Zone Code Section 6.04.9610, prohibiting the distribution, sales and cultivation of medical marijuana. |                  |

**5b. Development Permit 13-04, Tract Map 4435 3&4.**

**Memo**

Proposed 45 single family residence units to Tract Map 4435, 3&4

**Project Location:** South of River St. between Central Ave. and Mountain View St.  
**Zoning:** Residential Planned Development Low (1-7 du/ac)  
**Applicant:** WH Fillmore 51, LLC, 21080 Centre Pointe Prkwy, Santa Clarita, CA 91350  
**Purpose:** Open the public hearing, receive public testimony, and take action  
**Recommendation:** Adopt Planning Commission Resolution No. 14-875, recommending The City Council approve proposed project subject to Conditions of Approval and adopt CEQA finding ...

**6. BUSINESS ITEM -None**

**7. REPORTS and COMMUNICATIONS**

**7a.** Planning Community Development Director

**Oral**

**7b.** Planning Commission

**Oral**

**8. ADJOURNMENT**

**8a.** The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for March 19, 2014, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**Next Regular City Council Meeting  
February 25, 2014**

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6.

**PLANNING COMMISSION  
MEETING MINUTES**

AGENDA ITEM# 4a

**CALL TO ORDER**

Chair Tim Holmgren called the Planning Commission meeting to order at 6:31 p.m. and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Tim Holmgren, Christopher Hoy, Robert Smith, and Jayme Laber. City Staff present was: Planning Director, Kevin McSweeney and Deputy City Attorney Kathrine Phelan. Housing Element Consultant Tom Fig was present.

**PLEDGE OF ALLEGIANCE**

**ORAL COMMUNICATIONS**

Commissioner Mark Greenwell relieves himself from his duties and is honored by Chair Tim Holmgren representing the City Council through a letter given to Mark Greenwell.

**PLANNING COMMISSION CONSENT CALENDAR - NONE**

**PUBLIC HEARINGS**

6:36 p.m. Kevin McSweeney gives an introduction for Housing Element Consultant Tom Fig highlighting how the Housing Element fits in with the General Plan, which is part of seven elements in the General Plan and recommends the Commissioners to adopt the resolution and move forward with the Housing Element.

Housing Element Consultant Tom Fig makes a presentation regarding the Housing Element.

After the presentation, Public Speaker Bob Bierig, Owner of Sespe Industrial Park makes a presentation encouraging the Commissioners to include his Site #1 to be included in the Housing Element in order to promote residential instead of industrial, which proves difficulties currently due being considerate to the El Dorado Mobile home park and no entrance to Highway 126. Bob Bierig also mentions his application filed with the City in 2007 and encourages the Commissioners to include him on the next agenda to be approved as part of the Housing Element.

Commissioner Smith discusses the Chevron Site with the idea of both the Sespe Industrial Park and the Chevron Site having entrances aligning in order to create a signal for access.

Bob Bierig explains that there is possibility for an exit and owns easement to create an exit in the future, however the El Dorado Mobile Home Park would have ability to drive through, which could create difficulties.

Commissioner Hoy mentions he has to recues himself due to living in the El Dorado Mobile Home Park.

Chair Holmgren asks why Bob Bierig's property was not originally on the Housing Element.

Kevin McSweeney explains that it was because they had already met the State's numbers.

Commissioner Smith asks what happens when the City exceeds RHNA numbers.

Kevin McSweeney passes the question to Consultant Tom Fig.

Consultant Tom Fig says that the inventory of land would be reduced, but there would be no penalty and State would look at that as an above and beyond measure.

Chair Holmgren asks if that affects numbers if we do not use all the available land.

Consultant Tom Fig says City will not be penalized.

Chair Holmgren asks what recommendation should be.

Consultant Tom Fig recommends the allocation of unit level doing a cut off number unless you move threshold via council and commissioners in the future.

Commissioner Hoy asks whether to be certified by State or self-certified.

Consultant Tom Fig says just meeting law if self-certified if State disapproves and being certified by State gives the State's approval.

Chair Holmgren asks financial repercussions.

Consultant Tom Fig says less access to State funding if you do not have a Housing Element.

Commissioner Hoy asks about Community involvement.

Consultant Tom Fig says by having public meetings the Community is encouraged to be involved.

Commissioner Smith asks whether to suggest overlay or zone change with the Sespe Industrial Park.

Consultant Tom Fig suggests the Sespe Industrial Park to have an overlay with CBD or RM. However, Tom Fig suggests RM overlay to be seen as an option.

Commissioner Smith brings up a property to be included in the Housing Element. It is the storage lot behind Ernie's store at Highway 126 and Central Avenue suggested.

Consultant Tom Fig suggests that Smith is thinking strategically.

Tim Holmgren suggests would be beneficial to be overlaid for residential because it is walking distance in downtown and shopping center.

Commissioner Smith thinks this property would be highly beneficial to be overlaid and can see housing with a courtyard and common restaurant in the future.

Chair Holmgren likes the overlay option and not forcing it to become residential.

Consultant Tom Fig asks the acreage of the property.

Kevin McSweeney says no notice has been given and needs to talk to the property owner, but all property owners included in the overlay have been in support.

Chair Holmgren doesn't want to do anything at 11<sup>th</sup> hour to delay of process

Commissioner Laber agrees with no delaying the Housing Element.

Kevin McSweeney suggests that it can be done as an amendment to the General Plan in the future.

Chair Holmgren wants the Sespe Industrial Park on the agenda and does not want to self-certify, but go through the State.

Commissioner Hoy agrees because it is beneficial to the City and recues himself to make a motion due to the conflict of living in the El Dorado mobile home park.

Commissioner Laber makes a motion to adopt Planning Commission Resolution 14-873, recommending the City Council approve the revised Draft Housing Element; and (ii) approve Addendum #1 to the 2003 General Plan Update FEIR and in addition include property located at the 136-220 E. Telegraph Road, the Sespe Industrial Park to be included in the City's Housing Element update to be overlaid with Residential Medium Zoning.

Commissioner Smith seconds. Chair Holmgren favors. Resolution 14-873 approved.

## **BUSINESS ITEM-NONE**

## **REPORTS and COMMUNICATIONS**

Community Development Director- None  
Planning Commission- None

## **ADJOURNMENT**

The Planning Commission adjourns at 7:28 p.m. to the next regular Planning Commission meeting scheduled for January 22, 2014, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**This page intentionally blank**

**PLANNING COMMISSION  
MEETING MINUTES**

AGENDA ITEM #

4b.

**CALL TO ORDER**

Chair Tim Holmgren called the Planning Commission meeting to order at 6:36 p.m. and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Tim Holmgren, Christopher Hoy, Robert Smith, and Jayme Laber. Planning and Community Development Director, Kevin McSweeney and Deputy City Attorney Kathrine Phelan were present.

**PLEDGE OF ALLEGIANCE**

**ORAL COMMUNICATIONS-NONE**

**PLANNING COMMISSION CONSENT CALENDAR**

Approved minutes to November 20, 2013 with corrections to comments made during Oral communications to add "neighbors complained about toxic dust" and add comments from Hoy requesting Code Enforcement along Hwy 126.

**PUBLIC HEARINGS -NONE**

**BUSINESS ITEM-NONE**

Downtown Specific Plan Design Guideline Review Chapter 4 and 5.  
City staff presented the staff report.

Planning Commissioners discussed the appreciation for the Specific Plan and the Design Guidelines.

Commissioner recommendation that a Checklist be created to assist applicants and developers to comply with the design guideline.

**REPORTS and COMMUNICATIONS**

Community Development Director- None  
Planning Commission- None

**ADJOURNMENT**

The Planning Commission adjourns at 7:00 p.m. to the next regular Planning Commission meeting scheduled for February 19, 2014, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**This page intentionally blank**



**CITY OF FILLMORE**  
CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-5707

TO: Chair and Planning Commission

FROM: Tiffany J. Israel, City Attorney  
Kathryn Phelan, Assistant City Attorney

DATE: February 19, 2014

**RE: AN ORDINANCE AMENDING FILLMORE ZONING CODE SECTION 6.04.9610 AND ADDING A NEW CHAPTER 6.04.16 TO PROHIBIT THE ESTABLISHMENT OR USE OF AN EXISTING BUSINESS FOR THE DISTRIBUTION, SALE OR CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY**

**Recommendation**

That the Planning Commission conduct a public hearing and adopt a Resolution providing a recommendation to the City Council regarding proposed amendments to the Fillmore Zoning Ordinance to prohibit the sale and cultivation of medical marijuana within the City of Fillmore.

**Discussion**

A. Medical Marijuana Under California Law

In 1996, California voters passed Proposition 215, now codified as the Compassionate Use Act of 1996 ("CUA") in the Health & Safety Code. Under the CUA, patients and their "primary caregivers" are protected from criminal prosecution for personal possession and cultivation of marijuana. Distribution or sale to others remains unlawful. A "primary caregiver" is defined as "the individual, designated by a qualified patient or person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person . . . ."

The CUA does not legalize marijuana per se; it merely allows individuals who are "seriously ill" to possess and cultivate marijuana for his/her own medical needs upon a doctor's recommendation. In 2004, Senate Bill 420, also known as "The Medical Marijuana Program Act" or "MMPA," expanded upon the CUA. The MMPA clarifies the amounts of marijuana a patient or caregiver may keep and establishes a voluntary program for identification cards for qualified patients and primary caregivers and confidentiality and privacy restrictions. The MMPA expressly allows collective or cooperative cultivation of medical marijuana, provided that those who collectively or cooperatively cultivate are (1) qualified patients, (2) persons with valid identification cards, or (3) primary caregivers of the aforementioned groups.

B. Medical Marijuana under Federal Law

Federal law prohibits the cultivation, possession or distribution of marijuana. The main governing federal statute is the Controlled Substances Act ("CSA"). In the CSA, Congress classified marijuana as a "Schedule I" drug, which means that it has a high potential for abuse, lacks any accepted medical use, and has not been accepted for safe use in

medically supervised treatment. As a result of this classification, the manufacture, distribution, or possession of marijuana is a criminal offense, with the sole exception being use of the drug as part of an FDA pre-approved research study. The Department of Justice recently released a memorandum to United States Attorneys in response to the states of Colorado and Washington legalizing recreational marijuana. In that memorandum, the Department of Justice provides guidance to its attorneys and federal law enforcement to focus their efforts and resources on marijuana activity that interferes with a number of defined priorities, and to rely on state and local law enforcement to address other marijuana activity. The memorandum does not, however, change the status of marijuana as a Schedule I drug under federal law.

While federal law continues to prohibit the legal use or possession of marijuana, it has not invalidated state laws permitting the use of medical marijuana. Shortly after implementation of the MMPA, in June 2005, the United States Supreme Court decided *Gonzales v. Raich* (2005) 545 U.S. 1. In the *Raich* case, federal agents seized and destroyed marijuana plants that were being grown in California by qualified patients for personal medical use. The plaintiffs sued to prohibit enforcement of the Controlled Substances Act to the extent that it interfered with their medical use of marijuana as permitted under California law. The Supreme Court held that the commerce clause empowers Congress to prohibit cultivation or use of marijuana for medical purposes as authorized by California law. However, it did not go so far as to invalidate California law permitting the medicinal use of marijuana and, to this point, no federal appellate court has invalidated California law.

C. The Authority of Local Governments to Allow or Ban Medical Marijuana Distribution Facilities and Cultivation.

Hence, the City has the broad authority to impose zoning regulations under its "police power." "Police power" regulations are those designed to protect and promote the public's health, safety and welfare. Regulations that would ban medical marijuana distribution facilities and cultivation for safety reasons fall within this category.

State law does not preempt local governments' police power with respect to medical marijuana except in limited ways. As mentioned above, the CUA and MMPA are limited in scope. These state laws provide an affirmative defense to criminal prosecution under state law for the possession and distribution of marijuana in certain situations for certain qualifying individuals. Nowhere do the CUA or MMPA require local governments to affirmatively permit the establishment of medical marijuana cooperatives, collectives or dispensaries.

In fact, the City's ability to ban medical marijuana distribution facilities has been recently confirmed by the California Supreme Court in *City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729. In that case, the City of Riverside passed an ordinance banning medical marijuana dispensaries and invoked that ordinance to bring a nuisance case against a dispensary operated by defendants Inland Empire Patients Health and Wellness Center. The Center argued that Riverside's ordinance banning dispensaries was preempted by the state CUA and MMPA. The California Supreme Court rejected that argument and upheld the Riverside ordinance as a valid exercise of the city's zoning authority.

In upholding Riverside's ban, the court emphasized the narrow scope of both the CUA and MMPA while recognizing that the CUA "broadly states an aim to 'ensure' a 'right' of seriously ill persons to 'obtain and use' medical marijuana," the court reiterated that "its substantive provisions created no 'broad right to use [medical] marijuana without hindrance or inconvenience." The court stated that the MMPA "is framed in similarly narrow and modest

terms." In conclusion, the court again emphasized the limited scope of the CUA and MMPA, stating that they "remove state-level criminal and civil sanctions from specified medical marijuana activities, but they do not establish a comprehensive state system of legalized medical marijuana; or grant a 'right' of convenient access to marijuana for medicinal use; or override the zoning, licensing, and police powers of local jurisdictions; or mandate local accommodation of medical marijuana cooperatives, collectives, or dispensaries." The Court therefore held that "neither the CUA nor the MMP expressly or impliedly preempts the authority of California cities and counties, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude facilities that distribute medical marijuana, and to enforce such policies by nuisance actions."

### III. City Actions and Regulations Relating to Medical Marijuana

The City's zoning ordinance does not currently permit medical marijuana distribution facilities or cultivation. The City's zoning ordinance prohibits uses that are not expressly permitted. Medical marijuana distribution facilities and cultivation are not expressly permitted by the zoning ordinance, and are therefore currently prohibited.

### IV. Overview of the Proposed Ordinance

The proposed ordinance adds a new chapter to the Fillmore Zoning Ordinance to ban medical marijuana distribution facilities and limit marijuana cultivation to that allowed by state law. Notable aspects of the proposed ordinance discussed below include the placement of the regulations in Chapter 6.04, the definition of medical marijuana distribution facilities and the limits placed on cultivation.

### **Financial Impact**

The adoption of this change to the Zoning Code is not anticipated to have a financial impact.

### **ATTACHMENTS**

1. Resolution No. 14-874
2. Draft Ordinance

RESOLUTION 14-074

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FILLMORE, CALIFORNIA RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE FILLMORE MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT OR USE OF AN EXISTING BUSINESS FOR THE DISTRIBUTION, SALE OR CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY**

**WHEREAS**, the Fillmore Zoning Code describes the uses that are allowed, conditionally allowed and prohibited within the City; and

**WHEREAS**, the Planning Commission is charged with the responsibility of reviewing proposed modifications to the Zoning Code; and

**WHEREAS**, this matter was agendized and properly noticed for a public hearing before the Planning Commission on February 19, 2014; and

**WHEREAS**, evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the Planning Commission has reviewed, analyzed and studied said proposal.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** That the proposed addition of Chapter 6.04.16 to the Fillmore Zoning Code as set forth in the Draft Ordinance attached hereto and incorporated herein as Exhibit "A", is consistent with all provisions of the adopted General Plan.

**Section 2.** That the Planning Commission recommends to the City Council that the City Council determine that the project is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment.

**Section 3.** That the proposed addition of Chapter 6.04.16 to the Fillmore Zoning Code is intended to benefit city residents and businesses as these regulations will eliminate threats to the public health, safety and welfare in the City.

**Section 4.** That the Planning Commission recommends that the City Council adopt the Draft ordinance attached hereto as Exhibit "A," to prohibit the establishment or use of an existing business for the distribution, sale or cultivation of medical marijuana within the City of Fillmore.

**PASSED, APPROVED AND ADOPTED** this 19th day of February, 2014.

\_\_\_\_\_  
Chair

ORDINANCE NO. 14-8\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA, AMENDING FILLMORE ZONING CODE SECTION TO ADD A NEW CHAPTER 6.04.16 TO PROHIBIT THE ESTABLISHMENT OR USE OF AN EXISTING BUSINESS FOR THE DISTRIBUTION, SALE OR CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY AND FINDING THAT THIS PROJECT IS NOT SUBJECT TO CEQA**

**WHEREAS**, California Health and Safety Code Section 11362.5 (adopted as Proposition 215, the “Compassionate Use Act of 1996” or “Act”) legalized the use of medical marijuana for medical purposes; and

**WHEREAS**, the intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law; and

**WHEREAS**, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program, codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the Penal Code; and

**WHEREAS**, as a result of Proposition 215 and the Medical Marijuana Program, many individuals have established storefront medical marijuana dispensaries in various cities and counties throughout the State; and

**WHEREAS**, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 841, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

**WHEREAS**, the United States Supreme Court in *Gonzales v. Raich*, 545 U.S. 1 (2005), confirmed that the Controlled Substances Act does not contain a “compassionate” use exemption and that possession or distribution of marijuana, regardless of medical purpose, is a violation of federal law; and

**WHEREAS**, the California Supreme Court recently held, in *City of Riverside v. Inland Empire Patients Health & Wellness Center* (2013) 56 Cal4<sup>th</sup> 1729, that neither the Act nor the Medical Marijuana Program prevents local government from adopting a complete zoning ban on medical marijuana dispensaries, collectives, or cooperatives (however phrased), and that neither compels local governments to accommodate such uses; and

**WHEREAS**, while the experiences in the regulation and policing of medical marijuana dispensaries have varied from city to city, several California cities have reported an increase in crime, such as burglary, robbery, loitering, sale of illegal drugs,

including the illegal resale of marijuana, and an increase in pedestrian and vehicular traffic and noise, in the vicinity of medical marijuana dispensaries; and

**WHEREAS**, based on the experience of other cities, it is reasonable to conclude that similar negative effects on the public health, safety, and welfare may occur in the City of Fillmore due to the establishment and operation of medical marijuana dispensaries; and

**WHEREAS**, marijuana plants, as they begin to flower and for a period of two months or more, produce an extremely strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors; and

**WHEREAS**, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of collective or cooperative cultivation, or in the case of a caregiver growing for numerous patients, a very large number of plants could be cultivated on the same legal parcel, or parcels, within the City; and

**WHEREAS**, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery; and

**WHEREAS**, it is the purpose and intent of this ordinance to implement state law by providing a means for regulating the cultivation of medical marijuana in a manner that is consistent with state law and balances the needs of medical patients and their caregivers and promotes the health, safety, morals and general welfare of the residents and businesses within the City. Nothing in this ordinance shall be construed to allow the use of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal; and

**WHEREAS**, it is the purpose and intent of this ordinance is to ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets; and

**WHEREAS**, the cultivation of marijuana within a residence has potential adverse effects to the structural integrity of the residence and the use of high wattage grow lights within a residence increases the chances of a fire which presents a clear and present danger to the occupants; and

**WHEREAS**, the indoor cultivation of substantial amounts of marijuana also requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation; and

**WHEREAS**, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the concentration of marijuana in any location or premises without adequate security increases the risk that

surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

**WHEREAS**, the Fillmore Municipal Code, including the Fillmore Zoning Code, does not currently include any regulations to specifically address medical marijuana dispensaries or the sale or distribution of medical marijuana by an existing business; and

**WHEREAS**, the potential establishment of medical marijuana dispensaries and marijuana cultivation uses in the City without regulation poses a threat to the public health, safety, and welfare in the City due to the negative land use and other impacts of such dispensaries as described above; and

**WHEREAS**, at a public hearing held on \_\_\_\_\_, 2014, the City's Planning Commission studied this issue and forwarded a recommendation that the City Council revise the Fillmore Municipal Code to prohibit the establishment or use of an existing business for the distribution or sale of medical marijuana within the City; and

**WHEREAS**, at a public hearing held during a regular meeting on \_\_\_\_\_, 2014, evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the City Council has reviewed, analyzed and studied said proposal.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** A new Chapter 6.04.16, "Medical Marijuana Dispensaries and Cultivation" is hereby added to the Fillmore Municipal Code and shall read in its entirety as follows:

Chapter 6.04.16 - Medical Marijuana Dispensaries and Cultivation

Sec. 6.04.1601 - Purpose and Intent.

Sec. 6.04.1605 - Definitions.

Sec. 6.04.1610 - Medical Marijuana Dispensaries Prohibited.

Sec. 6.04.1615 - Medical Marijuana Cultivation.

Sec. 6.04.1620 - Penalties.

Sec. 6.04.1625 - Nuisance.

Sec. 6.04.1630 - Interpretation.

Sec. 6.04.1635 - Validity and Severability.

**Sec. 6.04.1601 - Purpose and Intent.**

- A. The purpose of this Chapter is to prohibit medical marijuana distribution facilities from operating in the City and to regulate medical marijuana cultivation to promote the public health, safety and welfare by:

- 1) Protecting citizens from the secondary impacts and effects associated with medical marijuana and related activities, including, but not limited to, sales of medical marijuana to minors, drug sales, robbery, burglaries, assaults and other violent crimes, and fraud in obtaining or using medical marijuana identification cards.
- 2) Decreasing demands on police and other valuable and scarce City administrative, financial, or personnel resources.

B. This Chapter is not intended to conflict with federal or State law. It is the intention of the City Council that this Chapter be interpreted to be compatible with federal and State enactments and in furtherance of the public purposes which those enactments encompass.

#### **Sec.6.04.1605 - Definitions.**

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases hereinafter set forth shall have the meaning given them in this section:

“‘Marijuana’ means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. This definition includes marijuana infused in foodstuff but does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant incapable of germination.’

‘Medical marijuana dispensary’ means any for profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess and distribute marijuana for any purpose, or allows others to possess and distribute marijuana for any purpose. “Medical marijuana dispensary” includes a “collective,” “cooperative,” or other entity that complies with Health and Safety Code Section 11362.775.”

*Primary Caregiver* shall have the same meaning as set forth in California Health and Safety Code Section 11362.5 et seq.

*Qualified Patient* shall have the same meaning as set forth in California Health and Safety Code Section 11362.5 et seq.

#### **Sec. 6.04.1610 - Medical Marijuana Dispensaries Prohibited.**

Medical Marijuana Dispensaries, are prohibited in the City.

#### **Sec. 6.04.1615 - Medical Marijuana Cultivation.**

The cultivation of medical marijuana by qualified patients and primary caregivers shall not exceed the limits imposed by Health and Safety Code Section 11362.77.

**Sec. 6.04.1620 - Penalties.**

The violation of any of the provisions of this Chapter shall constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Chapter.

**Sec.6.04.1625 - Public Nuisance.**

Any medical marijuana dispensary operated, conducted, or maintained contrary to the provisions of this Chapter shall be, and the same is hereby declared, to be unlawful and a public nuisance, and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law.

**Sec. 6.04.1630 - Interpretation.**

No provision of this Chapter shall be deemed, whether directly or indirectly, to authorize any act which is otherwise prohibited by any law of the State of California or the United States, or to require any act which is otherwise prohibited by any law of the State of California or the United States. No provision of this Chapter is intended to or shall be interpreted to, either directly or indirectly, prohibit any act or acts which are prohibited by any law of the State of California or the United States.

**Sec. 6.04.1635 - Validity and Severability.**

If any section, subsection, sentence, clause, phrase, provision or portion of this Chapter, or the application thereof to any person or circumstances; is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Chapter or their applicability to distinguishable situations or circumstances. In enacting this Chapter, it is the desire of the City Council to regulate validly to the full measure of its legal authority and in the public interest, and to that end, the City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, provision or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof might be declared invalid or unconstitutional in whole or in part, as applied to any particular situation or circumstances, and to this end the provisions of this Chapter are intended to be severable.”

SECTION 2. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment.

**SECTION3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION4.** The City Clerk shall cause a summary of this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Fillmore Gazette*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

**SECTION 5.** This Ordinance shall become effective on the thirty-first (31st) day after its passage.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Manuel Minjares, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Nancy Blendermann-Meyer, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Tiffany J. Israel, City Attorney

**This page intentionally blank**



CITY OF FILLMORE  
CENTRALPARKPLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-7058

TO: Planning Commission

FROM: Kevin McSweeney,  
Planning and Community Development Director *M*

DATE: February 19, 2014

RE: **Public Hearing: Development Permit 13-04, Modification #3 to Tentative Tract Map 4435: 45 single family detached units**

---

**REQUEST**

Review, comment and recommend approval of the proposed 45 unit development.

**DISCUSSION**

The original Tentative Tract Map (TTR) 4435 was approved by the City Council in March 1994 with a Mitigated Negative Declaration to reduce biological impacts. The project was approved for 63 residential units and 28 residential units were constructed.

The applicant, Intercal, was approved for Modification #1 in May 2001 to include the following;

1. Add 10 lots,
2. Increase lot size from 6,000 sq.ft to 10,000 sq.ft.,
3. Provide custom homes rather than tract housing,
4. Improve bank protection beyond the 100 year flood,
5. Improve bank protection from 6" concrete embankment top combination soil-cement and rip-rap embankment,
6. Adjust land use designation approximately 1.13 acres from Open Space to Residential Low (1-7 du/ac)
7. Relocate a bike path from on top of the bank protection to the toe,
8. Remove the linear Park,
9. Provide landscape treatment under the Greenbridge at Central Ave, right of way per City Council direction.

Due to the death of the Intercal company owner in October 2001, the project could not be completed. In 2005, Griffin Homebuilding Group purchased the project.

Griffin Homebuilding Group was approved on March 22, 2006 for Development Permit 05-14, Modification #2 to TTR 4435 consisting of the following;

1. Homes from Heritage Valley Parks Specific Plan on the subject site,

2. Recognition of Heritage Valley Parks Specific Plan development surrounding the project and removing biological environmental mitigation issues from the subject project.
3. Proposed Edgewood Street connection to Central Ave. rather than a cul-de-sac.

Griffin Homes recorded Tract Map 4435, 3&4 and the Public Improvement plans were approved by the Fillmore Engineering Department.

## ANALYSIS

### Current Project Description:

In the summer of 2013, Williams Homes purchased the property from Griffin Homebuilding Group and proposed new homes to the approved Tract Map 4435. The new proposed units consists of 3 floor plans ranging from 2,300-2,600 s.f. with 3 architectural style; Farmhouse, Traditional and Santa Barbara/Spanish/mission.

The Williams Homes proposed project was reviewed by the Planning Commission and City Council as a Screening Application 13-02 on September 25, 2013 with the following comments about the proposed residential units.

1. Garage door needs to be deemphasized,  
Applicant's response:  
Garage doors are decorative in design and vary in design from unit to unit. A trellis was added to one of the single story units and decorative stucco columns will be presented in the revised architectural plans.
2. Emphasize a luxury feel to the homes,  
Applicant's response:  
The Santa Barbara/Spanish/mission style homes will be presented with a revised roof material more authentic to the Santa Barbara roof, all units will have decorative exterior light fixture mounted to the walls, a Julian window and exterior railing is being explored for the plan 3.
3. Provide space for RV/boat parking on side yards.  
Applicant's response  
The Plot plan has been revised to create 16 lots out of 45 with side yards larger than 10' in width to accommodate RVs/boats.
4. Provide decorative gates to the side yards for the RV/Boat parking,  
Applicant's response:  
Exhibit Sheet A5.0 illustrates the side yard gate that is provided to the property owner as an option.
5. Provide wrap-around porches for houses on Street corners.  
Applicants' response:  
Wrap-around porches at 8' in depth have been added to all 10 corners of the project.

### California Environmental Quality Act

The proposed project was reviewed in accordance to the California Environmental Quality Act (CEQA) in that the City Council approved a Mitigated Negative Declaration in 1994 and the mitigation measures are added as conditions of approval to the project. The street layout, number of units, size of the project is substantially the same as the original project except that architectural styles are different. No further environmental review is necessary.

### Conditions of Approval:

The Tract Map 4435, 3-4 has existing conditions imposed with Mitigation Measures attached. Added condition to the proposed residential units will be inserted as an addendum to the existing Conditions of Approval and will only address architecture and site planning only.

### FISCAL IMPACT

The proposed project was reviewed by the City Council in June 2013 and determined that the proposed project will pay the most current Development Impact Fee at the time of Building Permit issuance. The applicant is not protesting nor asking for fee deferrals. The estimated DIFs about \$36,000.00 per unit.

### RECOMMENDATION

The Planning Department staff recommends the Planning Commission take the following action:

- Adopt Planning Commission 14-875, recommending the City Council approve Development Permit 13-04 to Modification #3 to Tentative Tract Map 4435 subject to Conditions of Approval.

### ATTACHMENTS

1. PC Resolution 14-875,
2. Conditions of Approval
3. DIF estimate
4. Architectural plans

**CITY OF FILLMORE  
PLANNING COMMISSION  
RESOLUTION 14-875**

**APPROVING  
DEVELOPMENT PERMIT 13-04**

**FOR  
MODIFICATION #3 TO  
TENTATIVE TRACT MAP 4435, 3-4**

**WILLIAMS HOMES, APPLICANT**

WHEREAS, The Planning Commission has been petitioned to act on a request for a Development Permit 13-04 in order to construct 45 single family residential units located on the southeast corner of Central Ave. and River Street; and

WHEREAS, The Planning and Community Development Director caused a notice of date, hour and place for a public hearing on February 19, 2014, before the Planning Commission to be published in the Fillmore Gazette and mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the subject property in accordance with Section 6.04.8025 of the Fillmore Zoning Ordinance; and

WHEREAS, Based upon the evidence presented, the City Council makes the following findings of fact:

1. The subject property contains a total of 13.62 acres on 45 parcels and is identified as Assessor Parcel Numbers 053-0-170-015 to 053-170-465
2. The properties are currently owned by the WH Fillmore 51.LLC, 21080 Centre Pointe Pkwy, Santa Clarita, CA 91350.
3. The Applicant is WH Fillmore 51.LLC, 21080 Centre Pointe Pkwy, Santa Clarita, CA 91350.
4. The proposed project is located on approximately 13.62 acres of vacant land.
5. The proposed use is in conformance with the adopted elements of the 2005 General Plan Update.
6. The Development Permit 13-04 is authorized pursuant to Section 6.04.7020 of the Fillmore Municipal Code per the required findings.
  - a. The proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of the Zoning Ordinance, including prescribed development/site standards/guidelines and any applicable design guidelines, as Zoning Ordinance Code Section 6.04.1805, in that the proposed

project meets all setback, lot coverage, landscaping, and land use standards;

- b. The proposed use is consistent with the intent of the General Plan, in that residential uses are permitted in the Residential Low designation;
  - c. The proposed development would be harmonious and compatible with existing and future developments within the zoning district and general area, as well with the land uses adjacent to the subject property, in that the project is designed and conditioned to ensure compatibility with the residential neighborhood to the north, west and east;
  - d. The approval of the Development Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA), in that a Mitigated Negative Declaration (MND) was reviewed and approved per CEQA for the Project on March 1994, and the City is unaware of any new or changed circumstances that would require a subsequent MND under CEQA Guidelines, Section 15192
  - e. There will be no potential significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored, in that a Mitigated Negative Declaration was approved by the City Council in March 1994 with Mitigation Measures;
  - f. The subject site is physically suitable for the type and density/intensity of the use being proposed, in that the building scale is compatible with the adjacent residential subdivision;
  - g. There are adequate provisions for public access, water, sanitation and services to ensure that the proposed use would not be detrimental to public health and safety, in that services are existing in and adjacent to the site; and
  - h. The design, location, size and operating characteristics of the proposed use are compatible with the existing and future land uses and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses operating nearby or adverse to the public interest, health, safety, convenience or welfare of the City, in that the site is properly conditioned and in compliance with all zoning and General Plan requirements, and is compatible with the surrounding neighborhood.
7. As mentioned above, a duly noticed public hearing was held before the Planning Commission on February 19, 2014 for the purpose of considering the applicant's proposal for the above property. All interested persons were given the opportunity to be heard on the matter.
8. The Planning Commission reviewed and considered all oral and written testimony. Such testimony/comment has been appropriately incorporated into the project.
9. According to the certified MND approved on March, 1994 for the project and, the

design or proposed improvements are not expected to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, or cause serious public health problems.

10. The certified MND prepared for the project have been adequately prepared and are adequate for the provisions of CEQA.

NOW THEREFORE, be it resolved, that the Planning Commission does hereby recommend to the City Council to approve Development Permit 13-05 based on the above-mentioned information, public review, documentation, and Exhibit "MMRP" and subject to Exhibit "COA" (conditions of Approval).

PASSED AND ADOPTED by the Planning Commission this 19th day of February 2014, by the following votes:

Ayes:

Noes:

Abstain:

Absent:

---

Tim Holmgren, Chair

ATTEST:

---

Kevin McSweeney  
Planning and Community Development Director

EXHIBIT "COA"

CONDITIONS OF APPROVAL

DEVELOPMENT PERMIT 05-14

FOR  
MODIFIED TENTATIVE TRACT MAP4435

RECITALS

A. AUTHORITY FOR THIS DOCUMENT

The conditions and terms contained in this exhibit are applied to permit "Tentative Tract Map TTR 4435 and Development Permit, DP 05-14, (this PERMIT) and are applied under the City's authority regarding discretionary permits (Section 6.04.66 Development Permits, Section 6.04.76 Development Agreement of the Fillmore Municipal Code).

B. IDENTIFICATION OF THE SUBJECT PROPERTY

The subject property is generally located between the River St. and east Central Ave. and is identified as Assessor Parcel Number(s) 053-170-010,020,030,050,060,070,080,090 010, 041-0290-045. The subject property is subject to the conditions and terms contained in this exhibit.

C. DESCRIPTION OF PROJECT AUTHORIZED BY THIS PERMIT

The "PROJECT" consists of completing the remaining 3 phases of the original 5 phases. The said remaining 3 phases consists of Phase III (9 lots) which has been approved for development by Minor Modification to Tentative Tract Map 4435 and the remaining 2 phases (36 lots) which shall be subject to all conditions of this permit unless so specified in this document.

D. RESPONSIBILITY OF Applicant

The following conditions are the responsibility of the Applicant (The Griffin Homebuilding Group, LLC), or any of their successors or assigns.

E. BASIS UPON GRAPHIC ILLUSTRATIONS (the "PLANS")

This PERMIT is based on the following graphic illustrations referred to as Exhibits "TTR" (Tentative Tract Map), "AE" (Architectural Elevations & Floor Plan), "STF" (Staff Report). These exhibits represent the minimum information that is to be expected on subsequent construction documents that are used to implement the project. All interpretations and construction documents shall be based on the above Exhibits unless otherwise described in these written conditions of development.

F. BASIS UPON WRITTEN DOCUMENTS

This PERMIT is based on the following written documents referred to as EXHIBITS "COA" (Conditions of Approval), "MMP" (Mitigation Monitoring Program) and "STF" Staff Report (March 22, 2006). All activity in the Project is to be in compliance with all requirements and direction, as set forth in the above Exhibits.

The conditions and terms in this document shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections and the like, which may or may not be shown on the PLANS.

**G. LIFE OF THIS DOCUMENT**

The conditions and terms contained in this document apply to the subject property indefinitely or, until such time that this document is modified according to the process identified in paragraph "I" of this document. THIS PERMIT IS NOT TRANSFERRABLE TO ANOTHER PROPERTY.

**H. TIME TO EXERCISE PERMIT**

This PERMIT shall be substantially initiated or it shall expire, on March 22, 2008. Substantial initiation of this Permit shall be determined at the reasonable discretion of the City. Any extension of this Permit shall be processed per Section 6.04.6645 of the Fillmore Municipal Code.

**I. PROCEDURE FOR MODIFICATION OF THIS DOCUMENT**

Any proposed modification of this document shall be processed per Section 6.04.6650 of the Fillmore Municipal Code.

**J. INDEMNIFICATION AND HOLD-HARMLESS STATEMENT**

The Applicant shall indemnify, exonerate and hold harmless, the City and all officers and employees thereof, against all claims, demands and causes of action arising out of improvements.

Any activity or structure pursued by the Applicant, authorized by this Permit shall constitute acceptance of all conditions and obligations imposed by the City on this Permit. The Applicant, by said acceptance, waives any challenges as to the validity of these conditions.

**K. COMPLIANCE WITH THIS DOCUMENT PRIOR TO AUTHORIZED ACTIVITY/USE**

The Applicant shall comply with and satisfy all applicable conditions of this permit prior to being authorized to begin construction activity or prior to being allowed to occupy any structures.

Authorization to begin construction shall be granted by the Building Official upon presenting the Administrative Clearance Form to the Building Official with all required signatures.

Authorization for occupancy shall be granted by the Building Official upon having a final occupancy inspection conducted by the Project Planner, the Building Inspector, and the Fire Chief, and then having the Building Official issue a Certificate of Occupancy. Any applicable and required public improvements are to be completed to the satisfaction of the City Engineer prior to the Building Official issuing a Certificate of Occupancy.

Authorization shall not be granted if the proper and requested information is not presented in a neat and timely manner.

**L. COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS**

All activity and construction pursuant to this permit shall comply with all applicable codes and regulations, as provided in the DA.

**M. PAYMENT OF FEES/DEPOSITS**

All Fees associated with the Tract map shall be paid by the Applicant prior to the issuance of a building permit. All fees associated with units in the subdivision shall be borne by the property owner.

**CONDITIONS**

The following conditions are organized by City Department.

**ENGINEERING AND PUBLIC WORKS**

**GENERAL**

- E1. Separate public improvement plans shall be prepared by a registered California Civil Engineer and shall be subject to the review and approval of the City Engineer. The plans shall include, but not be limited to, grading, street, drainage, sewer, water, plot plans and appurtenant improvements. Landscape and irrigation plans may be submitted and approved separately from the public improvement plans and shall show irrigation mainlines, controllers and valves in their actual locations. The submittal shall also include construction cost-estimates, plan check fees, a soil report and all pertinent engineering design calculations.
- E2. All design, material workmanship and construction shall conform to the standards and specifications set forth in the Heritage Valley Parks Specific Plan DA, and to the extent not in conflict with the Heritage Valley Parks Specific Plan DA, to the latest version of (1) the City of Fillmore Standard Specifications, (2) the City of Fillmore Standard Plans (3) the Standard Specifications for Public Works Construction (4) Standard Plans for Public Works Construction (5) County of Ventura Standards (6) and Caltrans Standards, except as provided in the DA. The improvement plans shall include and conform to the items listed in the City of Fillmore Improvement Plan Checklist and City of Fillmore General Notes for construction, except as provided for in the DA. The above items are listed in order of precedence.
- E3. For each Final Map the Applicant shall enter into a contract with the City to perform the installation and construction of all public improvements and landscaping as contained in the conditions of approval and as shown on the Tentative Map. Applicant shall post a bond guaranteeing the installation and construction of all required public improvements and landscaping within the time period specified herein. The Performance Bond shall be for 100% of the public improvements cost, the Labor and Materials Bond shall be for 50% of the public improvement cost estimate and the Monument Bond shall be for 100% of the cost to set monuments. In lieu of the foregoing, the Applicant may build the public improvements contained in the approved plans at their own risk prior to recordation of the Final Map.

- E4. A registered California Civil Engineer shall be retained by the applicant to: 1) assure that the construction work conforms to the approved public improvement plans and specifications and, 2) to provide certified as-built plans after project completion. As-builts shall be prepared for all public improvement plans in both mylar and AutoCAD format for approval by the City Engineer. Submittal of the certified as-built plans will be required prior to, and as a condition of, the final acceptance of the development by the City.
- E5. Public improvements shall be completed prior to the City's acceptance of the improvements and the development. Temporary occupancy permits may be permitted in the sole discretion of the City.
- E6. If the City contributes funds for public improvement, the Applicant shall comply with law for public works contracts. The documents shall be approved by the City Engineer prior to award of contract by Applicant.
- E7. The City of Fillmore reserves the right to upgrade or add to City Standard Land Development Specifications related to public improvements in accordance with the Heritage Valley Parks Specific Plan DA. If the required parcel improvements are not completed within the specified term of the Heritage Valley Parks Specific Plan DA, the Applicant shall be responsible for conformance with any and all upgraded and/or revised City Standards and Specifications.
- E8. The Applicant shall be responsible for all actions of their contractor and subcontractor until such time as the improvements defined in the Subdivision Map Act have been accepted by the City. The Applicant shall designate, in writing, before starting such improvement work, an authorized representative who shall have complete authority to represent and act for the Applicant. Said authorized representative shall be on call at all times while such work is actually in progress on the subdivision. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work, which may be required. Whenever the Applicant or their authorized representative is not present on any particular part of the work where it may be desired to be give direction, orders will be given by the City Engineer which shall be received and obeyed by the superintendent or foreman who may have charge of the particular work in reference to which orders are given. Whenever orders are given to the Applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public because of inclement weather or any other cause and such orders are not immediately acted upon by such person, the City may do or have such work done by others at the Applicant's expense.
- E9. The Applicant shall submit the actual costs of each of the sewer and water improvements to the City Engineer within thirty (30) days of the final acceptance of each tract or parcel map by the City of Fillmore. The detail cost breakdown shall be in accordance with the format approved by the City Engineer.
- E10. The Applicant shall not commence any construction until a pre-construction conference has been held between the Applicant, the Applicant's engineer, contractor and subcontractors,

and the City Engineer or his appointee.

- E11. The Applicant shall repair any street, alley, sidewalk, curb or other public facility that is damaged by the Applicant or the applicants' agent(s)/employees prior to acceptance by the City of Fillmore.
- E12. Within 90 days of the completion of construction of the public improvements for each tract map the Applicant shall submit the as-built drawings and pay the cost of revising or providing revisions to the City's Water, Sewer, Storm Drain Atlas and City GIS Base Map to reflect the new public improvements constructed by this project and the new parcel data created by this subdivision. Content and form of revisions shall be approved by the City Engineer. Compliance with this Condition shall not be used to withhold occupancy of homes or issuance of building permits.
- E13. Prior to obtaining any building permits for each individual lot, the Applicant shall pay Development Impact Fees as required in accordance with the Heritage Valley Parks Specific Plan DA. Said Development Impact Fees may be deferred until close of escrow or issuance of the Certificate of Occupancy on each unit by separate agreement between the City and the lot owner, provided said agreement is executed by the lot owner and approved by the City Council prior to issuance of building permits.
- E14. The Applicant shall secure permits from all agencies having jurisdiction over any portion of the project including the City of Fillmore and shall file the permits with the City prior to issuance of grading permits. The Applicant shall comply with all conditions of the permits.
- E15. All utility distribution facilities shall be placed underground except for surface mounted transformers, pedestal mounted terminals boxes, meter cabinets. Appropriate easements shall be provided to facilitate these installations.

#### **GRADING**

- E16. Prior to submission of the Final Map, the Applicant shall file with the Building Official a soils report prepared by a Geotechnical Engineer, who is registered in the State of California. The recommendations contained within the report shall be made part of these conditions.
- E17. The soils report shall include at a minimum geotechnical investigation of liquefaction, expansive soils, seismic safety, and R-value testing. The grading plan shall incorporate the recommendations of the approved soils report.
- E18. All grading shall be done per the approved grading plan, and conform to U.B.C. Appendix Chapter 33 of the Uniform Building Code and/or as recommended by the Soils Report submitted for the project, with the prior approval by the City.
- E19. All grading work shall be shown on the grading plan incorporated in the improvement plans. Grading sections, details, typical sections, and spot elevations shall be sufficient to

delineate the existing and finished extents of grading.

- E20. The grading plan shall clearly show all existing survey monuments and property corners. All existing monuments shall be protected or shall be tied and reset by registered land Surveyor or Engineer qualified to practice surveying in the State of California.
- E21. All abandoned irrigation lines, and other obstructions, shall be removed and properly disposed of from the site. Proper backfill and compaction of voids shall be subsequently accomplished to provide protection against settlement.
- E22. It is the contractor's responsibility to use watering, dust fences or other methods to control dust throughout the construction operation.
- E23. All grading/construction debris shall be removed from the project site and disposed into a dump site prior to any exaction or fill operations and/or as directed by the City Engineer. The Applicant, his agents or employees shall be responsible for the removal and cleanup of any spill of materials or debris on public streets during the entire grading operation.
- E24. Where the difference in average elevations between adjacent lots is in excess of six (6) inches, a retaining wall or 4 to 1 slope shall be required. The retaining wall shall extend at least four (4) inches above the higher finished grade. Should the retaining wall exceed four (4) feet in height, a double wall with a minimum three (3) foot wide planter strip will be required. This condition shall not apply to the rear property line when the rear setback is greater than 15 feet to the toe of slope for the lower elevation home.

#### **SEWER**

- E25. The method of sewage and waste disposal shall be by means of a community disposal system. All sewer system improvements shall meet or exceed the City's standards, and the necessary separations between water mains and sanitary sewers shall be maintained as required by the State Department of Health and as directed by the City Engineer.
- E26. All sewer mains shall be video taped after backfilling but prior to street paving. All sags deeper than ½" shall be removed and reconstructed. Off site sewer pipes in public rights of way shall be tested for deflection using a properly calibrated deflection mandrel. Deflections greater than 5% shall be removed and reconstructed.
- E27. All sewer mains, laterals and manholes shall be sealed and pressure tested per City Engineer's pressure testing requirements.
- E28. Manholes shall be placed at all changes in sewer alignments. Manholes shall be placed at a minimum of every 400 feet. Dead end sewers over 200 feet shall terminate in a manhole. Five foot diameter manholes shall be provided on all sewer mains greater than 7-foot deep.

#### **WATER**

- E29. All on-site wells that will not be used for a City water system shall be filled, capped, and

abandoned in conformance with Fillmore Municipal Code Section 8.12 prior to acceptance of the tract.

- E30. The Applicant shall install looped on-site boundary water mains, fire hydrants, and services in conformance with Engineering Department requirements.
- E31. The Applicant shall install adequately sized water services and water meters per City of Fillmore Public Works standards. Water meters shall be purchased through the City of Fillmore.
- E32. Backflow prevention devices shall be installed per requirements of the Superintendent of Public Works. Applicant shall contact the Ventura County Cross-Connected Control to identify location and obtain inspection.
- E33. The locations of water services shall be marked on the curb face in conformance with the City of Fillmore Public Works requirements.
- E34. No dual water laterals shall be used and each meter shall have a separate water lateral unless otherwise approved by the City Engineer and Public Works Superintendent. Laterals shall be installed perpendicular to the street and shall not run parallel to the sidewalk. Each meter shall be located in front of the property that the meter services. No meters shall be located in areas that experience vehicular traffic.
- E35. The Applicant shall complete all water main improvements, including pressure and bacterial testing prior to connection to the City water system. The testing procedure for water facilities shall be provided by the City of Fillmore.
- E36. Mainline water valves shall be installed at all pipe junctions and will be located at the face of curb extension were feasible. A minimum of three (3) mainline valves are required for tee junctions and four (4) valves are required for cross junctions, unless otherwise approved by the City Engineer. Valves within 250 feet of a junction may be considered a junction valve.
- E37. Midblock fire hydrants shall be placed between adjacent driveways or other locations to minimize parking impacts.

#### **DRAINAGE**

- E38. Prior to recordation of the first Final or Parcel Map, the Applicant shall consent to the formation of a Storm Drain Maintenance Assessment District over the Tentative Tract Map area and shall reimburse the City all costs associated with the annexation. .

The Applicant may enter into a reimbursement agreement with the City for drainage improvements and facilities which provide public benefit.

- E39. The applicant may request the formation of a Storm Drain Maintenance Assessment District

which may include properties contained within the Specific Plan, the White Ranch Property, the Sespe Industrial Park Property, the Townhomes at the River Property, and / or any other properties which receive protection from drainage, flooding, or storm water flows as a result of the Pole Creek Channel improvements, Pole Creek Basin improvements, and / or levee improvements along the Santa Clara River and / or Pole Creek, or share in storm water treatment. The District if formed, would allocate a fair share cost to each of the properties in the District for payment or reimbursement of construction and long term maintenance of the District Improvements. As many properties as possible which receive benefit due to the District shall be made part of a new District, including but not limited to Assessor Parcel Numbers 053-140-02, 053-140-16, and 041-290-64 owned by the Applicant.

- E40. On-site and off-site drainage facilities, compatible with the adopted City of Fillmore Drainage Master Plan, shall be provided and constructed in accordance with the special conditions herein.
- E41. The Applicant shall install the required NPDES and erosion drainage facilities concurrently with rough grading operations. Erosion control measures shall be in place and maintained for the period of October 15 through April 15 every year.
- E42. On-site and off-site drainage plans, all pertinent engineering analysis and design calculations shall be prepared in accordance with the Ventura County Watershed Protection District design manual.
- E43. The Applicant shall submit to the City for review and approval, drainage plans, hydrologic and hydraulic calculations prepared by registered civil engineer. All catch basins shall intercept a 50-year flow. The 10-year hydraulic grade line for the storm drain system shall be a minimum of two feet below the gutter flow line unless otherwise approved by the City Engineer because of physical constraints.
- E44. Each finished floor shall be at least one foot above a 100-year frequency storm. Collector streets shall have 24 feet of dry access during a 10-year frequency storm. A top-of-curb to top-of-curb access shall be provided on all interior streets during a 10-year frequency storm.
- E45. The Applicant shall provide a permanent safe overland flow path for the 100 year storm flows unless otherwise provided in the special conditions.
- E46. Each parcel shall be designed to drain into a street, alley or approved drain in such a manner that there will not be any undrained depressions of land within the development.
- E47. No permanent overland flow of cross-lot drainage will be permitted unless approved by the City Engineer in which case documents providing storm water acceptance between the lots acceptable to the City Attorney, must be provided by the property owner. Private storm water pipes between properties shall be provided with easements in favor of all upstream parcels connected to the storm drain pipes. Easements shall have size, location and

language acceptable to the City Attorney. All City Attorney fees will be the responsibility of the Applicant.

- E48. No cross gutters will be permitted in the subdivision unless otherwise approved by the City Engineer in areas of minimal nuisance water and a street slope of at least 0.7%.
- E49. The Applicant shall procure easements or consents from all affected adjacent landowners downstream for any diversion of historical flows, changes in drainage conditions or acceptance of any additional water flowing over the subject property. Easements and consent documents shall be reviewed and approved acceptable to the City Attorney. City Attorney fees will be the responsibility of the Applicant.
- E50. Drainage gradients for all building pad areas shall not be less than 1% percent nor greater than 1.5% percent. If flat pads are utilized, lots will have drainage swales at not less than one percent and shall connect to the required yard drains.
- E51. Prior to grading the applicant shall submit a Notice of Intent to the Regional Water Quality Control Board (RWQCB) and obtain all required permits as required by RWQCB for construction of the Project. Applicant shall submit SWPCP or SWPPP as required for approval by the City.
- E52. Prior to construction, the Applicant shall submit, as necessary, a storm water NPDES plan in conformance with the current SQUIMP for the permanent storm water best management practices that will be implemented with this development.
- E53. Storm drain manholes shall be provided as required by the Ventura County Watershed Protection District Design Manual.
- E54. Two (2) yard drains shall be installed for each lot from the curb face to the back yard per City Engineer standard plate 601 unless an alternative design for adequate drainage and access around the sides of the home is approved by the City Engineer.
- E55. All runoff from paved areas shall be drained into landscaped areas (bio filters) prior to leaving the site. The minimum biofilter area shall be 1,000 square feet per acre of impervious area. Biofilters shall be designed to control mosquitoes. The design flow rate through storm water treatment devices shall be 0.2 cfs per acre. This shall not be required if permanent storm water treatment as required by the SQUIMP is installed.

### **STREETS**

- E56. Prior to recordation of the first Final Map, the Applicant shall consent to the annexation of this Project into the City's Street Light and Landscape Maintenance Assessment District. The Applicant shall pay all annexation costs. The district shall pay for all public landscape maintenance costs associated with the project including: parks, medians, street trees, curb and gutter and sidewalk maintenance due to tree damage, green bridges, bike paths, street sweeping and graffiti removal. ~~The District may also contribute a fair share cost for the~~

~~maintenance of City regional parks.~~

- E57. The stub ends of all streets planned for future continuation shall be signed in accordance with Ventura County Standard Plate F-1 or as approved by the City Engineer.
- E58. The City will not accept chipped curbs. Curbs that have been chipped or damaged by the construction shall be removed and replaced by section or to the satisfaction of the City Engineer prior to final overlay of the streets.
- E59. All streets shall be designed and constructed in conformance with the County of Ventura Road Standards and except as noted in the special conditions.
- E60. Soil reports, "R" value, and compaction tests will be required on all proposed streets. Determination of actual structural sections to be constructed shall be based on Ventura County design procedure, with the specified traffic index in the current Ventura County Road Standards designed for a 40-year life. A 1.5 -inch thick rubberized asphalt wearing surface shall be added on top of the structural section. The top twelve (12) inch portion of soil (more if necessary) of the subgrade shall be reworked and recompacted to 90% density. The rubberized asphalt specifications shall be as required by the City Engineer.
- E61. Sidewalks shall be widened around obstructions in accordance with Ventura County Standard plate D-10. The Applicant shall offer to dedicate right-of-way as necessary to accommodate the sidewalk widening around obstructions.
- E62. The Applicant shall pay for and install street name signs, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. All signs shall conform to the City of Fillmore Public Works Department requirements. Striping and signing plans shall be made a part of the improvement plans.
- E63. All striping shall be thermoplastic except for centerline markings.
- E64. Sidewalks shall be scored with square score marks with a score mark in the center of the sidewalk parallel to the street. Each square shall be 2.5 feet by 2.5 feet for a 5-foot wide sidewalk.
- E65. Twenty feet long, 18-inch deep tree-root barriers, shall be cast into the concrete of the driveway, curb and sidewalk whenever trees are within ten feet of the sidewalk or curb. Two perforated irrigation pipes 3-foot in length and 4-inches in diameter shall be installed adjacent to the tree and irrigated with a bubbler.
- E66. Curb ramps shall be per Standard Plans for Public Works Construction, Standard Plan 111-2, Type 3 at curb returns.

#### **GAS, ELECTRIC, CABLE, TELEPHONE AND OTHER UTILITIES**

- E67. All utility plans shall be coordinated with the respective utility companies. Preliminary

utility designs shall be submitted for review and approval by the City Engineer prior to final utility design. Cable, electric and telephone utilities shall be placed in conduit and not be direct burial wire. All utility boxes shall be precisely located on the utility plans. The applicant shall provide a 2" blank conduit for future fiber optics to each property.

~~E68. Utilities shall typically be located in a 3-foot wide public utility easement behind the sidewalk. Utility boxes except water meter boxes shall be located in the Public Utilities Easement. The public utility easement shall be stated in the owner's certificate for dedication to the City and shall contain language (3 feet behind sidewalk) as directed by the City Engineer.~~

~~E69. Existing overhead power lines 16KV or smaller, telephone lines, cable lines and overhead street light wires shall be placed underground. The undergrounding shall extend along the project street frontage to the nearest utility pole(s) outside of the project site. Feed points shall be as approved by the City Engineer. This undergrounding requirement shall apply to all areas within the tract and on both sides of all streets around the perimeter of the tract except on the north side of Hwy 126. The Applicant may enter into a reimbursement agreement with the City for utility undergrounding on perimeter streets in accordance with Condition SM6.~~

E70. Streetlights shall be installed in accordance with a street lighting plan prepared by the Applicant and approved by the City Engineer. The Street Lighting plan shall be made a part of the Master Utility Plan. Interior street lights shall be Edison Nostalgic with a height of 17'9" poles with 333 color (green) and amershield coating. The luminare shall be 208 volts and 150 Watts. In general the lighting pattern shall be I.E.S. type III illumination pattern. Refractor shall be placed to shield housing. Lights shall be staggered at 150 foot spacing. Intersections shall be lighted with two dual luminare nostalgic poles.

E71. A master Utility Map shall be made a part of the improvement plans. The map shall indicate the location of all of the public and private utilities. Natural gas, electric, telephone, street trees, and CATV lines shall be shown on the plan prior to obtaining the encroachment permits for the installation of these utilities. No utilities shall be constructed prior to obtaining a separate encroachment permit for each utility from the City of Fillmore Public Works Department.

E72. All new utilities shall be installed underground and shall be extended to all tract boundaries unless otherwise approved by the City Engineer.

E73. All underground utilities within the street such as: water, natural gas, sewer, electrical, CATV, telephone, or drain lines shall be installed prior to paving any street or portion of a street. Utility stub connections to property boundaries of each lot may be omitted only with the expressed written permission of the City Engineer.

#### **FINAL MAP**

E74. Final Map as defined in the State Subdivision Map Act and prepared by a licensed land

surveyor or engineer, showing all parcels, right-of-way and easement(s) shall be filed with the City of Fillmore Engineer's Office. The Final Map shall conform to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance. Said filed map shall be mylar. An electronic copy of the approved map shall be submitted to the City Engineer.

E75. All lot corners of lots within the subdivision shall be monumented with no less than 1-20" long by ½" diameter galvanized steel pipe imbedded no less than 18" into the earth. Lot corners shall not be located in the public sidewalk, curb, or parkway. Street monuments shall conform to Ventura County monument well standards and be located at all intersections, middle of cul-de-sacs and beginning and end of curves. All monuments shall be shown on the map with a distinct symbol for each type of monument.

E76. The Final Map shall show the following:

- (a) Total area of land being subdivided (in acres).
- (b) Total number of lots and parcels being created.

E77. The Final Map shall also contain and provide all information shown on the City of Fillmore Final Map checklist.

E78. The Final Map certificates shall conform to the City of Fillmore Engineer's Office requirements.

E79. Public Utility Easements shall be provided as requested by the Public Utility Agencies and the City. The easements shall be offered for dedication on the map. The language of the Public Utility Easement shall be acceptable to the City Engineer.

E80. The Applicant shall provide all necessary dedications in fee or easement as required by City Engineer for streets, highways, sidewalks, parkways, landscaping, alleys, sewers, water facilities, utilities, drainage facilities and other facilities as required by the City. These dedications are to be shown on the Final Tract Map.

E81. All offsite easements for sewer, water and storm drainage shall be no less than 15 feet in width and centered over the utility. Utility easement shall be contained on one property if possible and additional width may be required for easements that straddle property lines.

E82. To ensure municipal water service to this development, the water rights for this property shall be dedicated to the City of Fillmore by Title Sheet Dedication at the time of filing the Final Map with the City.

E83. The Applicant shall set all monuments as required by the State Subdivision Map Act and the City of Fillmore.

E84. This subdivision shall consist of 3 phases as modified by this Tentative Map and these Conditions of Approval. This subdivision may be created by recordation of two or more Final Tract Maps if concurrence by the Agency is provided per Subdivision Map Act

Section 66456.1(b).

**BUILDING & SAFETY**

- B1. With the first submittal of construction documents, a reproduction of this document (Exhibit "COA"), shall be incorporated as a full-sized page into all sets of the construction documents.
- B2. Before starting any work, the Applicant shall designate in writing, an authorized representative who shall have complete authority to represent and act for the applicant. Such written authorization shall be submitted to the Community Development Department. Said authorized representative shall be available on call at all times while work is actually in process on the development. During periods when work is suspended, arrangements acceptable to the City shall be made for any emergency work, which may be required.

**URGENT WORK** - Whenever orders are given by the City to the applicant's representative, Superintendent, or Foreman, to do work required for the convenience and safety of the general public because of inclement weather or any other dangerous condition, and said orders are not immediately acted upon by such person, the City may do, or have such work done, by others at the applicant's expense.

**NUISANCE WORK** - When the project causes a nuisance to the public and the City notifies the Applicant in writing of the nuisance, the Applicant shall resolve the problem causing the nuisance within 36 hours. If the Applicant fails to correct the nuisance in a timely manner, the City may do or have such work done by others at the Applicant's expense.

**FIRE**

- F1. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and Ventura County Environmental Health Department, the Fire Department, the Sheriff's Department and the City Inspector shall be notified immediately. Work shall not proceed until the clearance has been issued by all these agencies.
- F2. The Applicant shall obtain two certified fire flow tests at the Applicant's expense to determine and check for compliance with fire flow requirements. The first test shall be conducted prior to approval of improvement plans and the second test after construction of the subject improvements but prior to issuance of a certificate of occupancy. The tests must be certified by a Fire Protection Engineer. A minimum fire flow of 1,500 gallons per minute shall be provided at the subject site. The foregoing is subject to reduction or modification by the City Fire Chief.
- F3. Fire hydrants shall be installed and be in service prior to any combustible construction and shall conform to the minimum standards of the City of Fillmore Engineering Department Standards.

Residential hydrants shall be brass Clow model 2050 or Jones J3700R, or equivalent, with one 2 ½ inch outlet and one 4-inch outlet. Commercial hydrants shall be brass Clow model

2060 or Jones J3765R with two, 2 ½ inch outlets and one, 4-inch outlet. Required flow shall be achieved at no less than 20 psi (pounds per square inch) residual pressure. Fire Hydrants shall be spaced 500 feet on center, and so located that no structure will be farther than 250 feet from one hydrant. Hydrants shall be located no less than three (3) feet nor more than five (5) feet from any curb.

- F4. All roof-covering materials shall consist of State Fire Marshall-approved, noncombustible, fire retardant materials.
- F5. Address numbers, a minimum of six (6) inches in height shall be installed prior to occupancy and shall be internally illuminated.
- F6. All required street signs shall be installed prior to occupancy.
- F7. Prior to combustible construction, the Applicant shall provide fire protection, as determined by the Fire Chief. Adequate fire protection shall be installed and be in service, prior to combustible construction. The builder shall maintain passable vehicular access to all buildings and fire hydrants as required by the Fire Chief.
- F8. Smoke detectors, approved by the State Fire Marshall, shall be installed in all areas leading to sleeping rooms.
- F9. All brush and grass determined to be a fire hazard by the Fire Chief, shall be cleared to a minimum distance of 100 feet from all proposed structures, prior to beginning framing of any combustible construction.
- F10. In accordance with the California Administrative Code, Title 24, Section B1419, an approved spark arrester shall be installed on the chimney of any structure.
- F11. Fire hydrant valves shall be maintained free of all obstructions in a manner deemed satisfactory by the Fire Chief.
- F12. No burning of combustible refuse material shall be permitted on the subject property.
- F13. A permit shall be obtained from the Fillmore Fire Chief and the Ventura County Air Pollution Control District (APCD) for the handling, storage and use of all flammable, combustible and hazardous materials.
- F14. Prior to final acceptance each fire hydrant shall be flow tested in the presence of the Fire Chief or his representative.

#### **SOLID WASTE DISPOSAL**

- W1. As part of initial application the applicant shall provide a letter from a City-approved waste stream hauler addressing all waste stream material management and disposition as pertaining to the project. This should include any recycling, reuse, and trash programs. This

letter overview will provide the initial basis for all resource recovery recycling and trash plans to follow. The program shall be subject to review and approval of the Solid Waste Coordinator and/ or Community Development Director.

- W2. For construction and demolition, a Resource Recovery Recycling and Trash plan is required prior to building permit issuance.
- W3. Prior to occupancy, a Resource Recovery Recycling and Trash plan shall be required for operations.
- W4. All Resource Recovery Recycling and Trash plans shall include any specific conditions from other departments.
- W5. The plans for individual residences shall provide adequate source separation, waste disposal and storage areas pursuant to the requirements of the City's zoning ordinance. Trash and recycling container areas shall be adequately screened from public and private view corridors.
- W6. Where feasible, the use of recycled building and/or packing materials shall be included in the project design and execution.

### **PLANNING**

- P1. Landscaping and automatic irrigation shall be installed in all landscaped areas, per an approved landscaping and irrigation plan which shall be prepared by a registered landscape architect and biologist (or similar qualified specialist) licensed to work in California. Building permits will not be issued, and no landscaping is to be installed until the City's landscape architect approves the subject landscaping plans. Prior to the issuance of a certificate of occupancy, all public landscaping associated with the applicable construction phase shall be installed, and its installation inspected by the Building Inspector and City Landscape Architect,.
- P2. A minimum size of 24 inch box with a minimum 2 inch trunk diameter shall be required for each street tree, and each street tree shall be 8 to 12 feet tall with a minimum 4 foot wide head at the time of planting. All shrubs and vines shall be 5-gallon size (minimum) except as specified by the Community Development Director. All plant materials shall remain tagged with the species type until inspection of landscaping occurs.
- P3. All garages shall be equipped with roll-up doors.
- P4. The developer shall identify the "envelope" for each parcel in the neighborhood that is available for patio covers, balconies, pools, etc. This information shall be made available to all future buyers of homes in the neighborhood.

### **SPECIAL CONDITIONS**

## **ENGINEERING AND PUBLIC WORKS**

### **PROCESS**

- S1. This Permit is granted subject to the recordation of a Final Tract Map for each phase. Building permits shall be issued only after recordation of said map. All conditions shall be agreed to prior to the recordation of the Final Tract Map for each phase unless otherwise specified. The Applicant shall provide a separate map showing the street address and the square footage of the individual lots certified by a land surveyor.
- S2. This permit is granted for phase IV & V. Public improvements and bank protection shall be installed or bonded with each phase prior to building permit issuance for homes for each phase.

### **STREET**

- S3. Bridlewood and Wildwood Lanes street improvements shall be constructed in accordance with County Standard Plate B5-C modified with a 34-foot pavement width, T.I. of 5.0, 5 foot sidewalk, 15' curb returns and 48-foot Right of Way. There will be no parkway, street trees or parkway landscaping.
- S4. Edgewood Drive street improvements shall be constructed in accordance with County Standard Plate B-3(D) modified with a 34-foot pavement width, 4-foot sidewalk, 7-foot parkway and 56-foot street right of way. Street trees and parkway landscaping shall be irrigated with an automatic system from the adjacent home.
- S5. The south side of River Street extended along the project frontage shall be improved per Ventura County Standard Plate B-3(D) modified with a minimum of 30-feet of temporary pavement width, 4-foot sidewalk, 8-foot parkway, curb and gutter. The future permanent pavement width shall be 36-feet with a 60-foot Right of Way. The sidewalk and parkway widths shall transition from the end of the existing improvements to Wildwood Lane.
- S6. The intersection of River Street – Wildwood Lane and shall have a 95,000 lumen street light on a 30' marbolite pole.
- S7. The applicant shall install London Plane Sycamore trees in the grass parkway along River Street and Edgewood planted 40 feet on center prior to occupancy.
- S8. The west side of Mountain View Street along the project frontage shall be improved per Ventura County Standard Plate B-5 with a minimum of 18-feet of pavement between River Street and Edgewood Dr., have a 4-foot sidewalk, 8-foot parkway, curb and gutter. The future permanent pavement width shall be 36-feet with a 60-foot Right of Way.

### **WATER**

- SW1. The Applicant shall install the applicable portions of a looped water transmission main system. The transmission main sizes shall be sufficient to provide a maximum day demand plus fire flow velocity of 10 fps. Head loss during maximum daily demand shall not exceed 3 feet per 1,000 feet. The transmission mains shall be extended to the eastern edge of the

project.

SW2. The Applicant shall install a separate irrigation system to irrigate all public landscaping within the project. The water mains in the system shall be sized to serve the ultimate public landscaping irrigation needs within the sphere of influence of the City for all City and school system landscaping. The system shall be designed as a reclaimed water system and to operate efficiently for nighttime irrigation. Until such time as reclaimed water is available to the project, the irrigation system may use domestic water or well water sources. The permanent source of water shall be reclaimed water from the City's plant or wells provided for by the Applicant. A credit shall be applied in accordance with the Heritage Valley Parks Specific Plan DA.

SW3. Subject to Section 4 of Exhibit "C" of the Heritage Valley Parks Specific Plan DA, the City may amend its Water Development Impact Fee to add a new Reclaimed Water Irrigation Development Impact Fee. This project will receive a credit or pay the development impact fee depending on the value of the portion of the control equipment, transmission mains and appurtenances for the reclaimed water system constructed by the project.

SW4. The Applicant shall install a CIMIS (California Irrigation Management Information System), or similar water conservation irrigation control system for all public and private irrigation with Phase IA of the project. All homes and public and private water systems shall be provided radio irrigation controllers that receive data from the CIMIS weather station. When the linear park in Phase Ib is completed the CIMIS station shall be relocated into the park and an interpretive plaque installed explaining how the CIMIS station broadcasts weather information and conserves water.

Or if approved by the City Engineer the Applicant may, as an alternative, provide public and private irrigation ET (Evapotranspiration) controllers with weather sensors and programmable with seasonal adjustment for water conservation or other suitable water conservation technology.

#### **SEWER**

SS1. Prior to issuance of building permits, the Waste Water Treatment Plant shall have adequate capacity to serve the requested permits. In the event that the Plant does not have adequate capacity, the Applicant may submit proposals for consideration by the City Manager for alternatives that will allow for adequate sewage treatment.

#### **DRAINAGE**

SD1. Prior to the issuance of a Certificate of Occupancy, for any of the units in Phase IV or Phase V, the Applicant shall construct mass soil cement bank protection to the limits shown on the Tentative Tract Map 4435 for each phase. The bank protection toe shall be extended 10-feet below the lowest record river flow line elevation. The bank protection shall be one foot above the ultimate 100-year design flow as set by the Ventura County Flood Control District (VCFCD) and calculated using the highest record flow line and river bed elevation.

The soil cement shall have a minimum 7 day compressive strength of 750 PSI, be a minimum of 8-feet thick measured horizontally and shall be mixed by a method approved by the City Engineer. The bank protection may have a 1:1 front face slope and shall not be trimmed to create a smooth front face. The upper 6-feet (plus or minus) of the bank protection may be constructed with buried concrete slope protection as shown on the Exhibit TTR. The design and construction of the bank protection shall be to the satisfaction of the City Engineer. The Applicant shall use an engineer experienced with soil cement levee design and construction that is acceptable to the City.

- SD2. All existing storm drains and drainage swales upstream of the Project shall be conveyed through or around the project.
- SD3. All sump areas shall be designed for a Q-50 and have a safe overland escape route for the Q-100.
- SD4. Storm drain pipe under streets shall be reinforced concrete, under parkland it may be other material types as identified in the American Public Works Association Standard Specifications, latest edition.
- SD5. Prior to any Certificate of Occupancy the Applicant shall implement a flood warning system throughout the project to warn of possible dam failure in accordance with established city-wide procedures. The flood warning system shall meet the Fire Chief's requirements. In the event the City has not established city-wide procedures the Applicant may post a performance bond for the system to facilitate the acceptance of the improvements. A description of the flood warning system shall be included in the disclosure statement.

#### **TECHNOLOGY**

- SY1. For basic services each home shall be provided with dual RG6 Quad or Tri shielded coax cable and dual CAT5e from demarcation block panel.
- SY2. For satellite services each home shall be provided with a minimum of two dual RG6 with ground wire from structured wiring panel terminating in a weather tight J-Box. J-Box location should be located towards rear of home on the south side of the structure.
- SY3. For wireless services each home shall be provided with a minimum of dual RG6 and dual CAT5e with ground wire from structured wiring panel terminating in a weather tight J-Box. J-Box location shall be located facing designated area for wireless antennas that serve the area.
- SY4. For inside the home dual RG6 Quad or Tri shielded coax cable and Dual CAT5e shall be installed to at least one location per room.
- SY5. All wiring shall be terminated, tested and labeled from structured wiring panel to the end of the line.

SY6. Structured wiring panel with modules shall be installed to support basic services. All panels shall have at least one duplex installed, on a dedicated circuit.

SY7. A surround sound system must be wired for the entertainment center by means of one (1) pair of 16 gauge speaker wire. It shall be installed in a location approved by the Building Official.

#### **MISCELLANEOUS ITEMS**

SM1. The Applicant shall notify all home buyers and submit to the Planning Department with the homeowner signature acknowledging that: a) public access and public use of the bike path will occur and is permitted through the neighborhood, b) emergency procedures in the event of dam failures, c) each homeowner shall maintain the grass parkway along the frontage of their home, d) the property is in a Lighting and Landscaping Assessment District, e) the property is in a Storm Drain Assessment District, f) Hwy 126 is projected to be widened to 7 lanes within the next 20 years, and g) adjacency of existing rail road tracks and working agriculture.

SM2. Street parkways shall have automatic irrigation from the most adjacent lot and be maintained by the homeowner or other maintenance district to the satisfaction of the City.

SM3. Mail box pedestals shall be of unique design and vary throughout the development.

SM4. The Applicant shall consent to the formation of a Community Facilities District over the entire Tentative Tract Map. The District shall provide funding for Flood Control and School Facilities.

SM7. Notwithstanding anything in these Conditions of Approval to the contrary, City shall not delay the approval or recording of any map, shall not delay issuance of building permits to applicant, and shall not delay the start of construction of any part of the Project, due to the failure to fully and completely form any maintenance district, facilities district, Mello Roos district or any other assessment district required to be formed under these Conditions of Approval that has not been fully and completely formed prior to applicant's request for any of the foregoing, provided that applicant shall have consented to the anticipated formation of each such required district. Such consent form shall have been reviewed and approved by the City Attorney.

Notwithstanding anything in these Conditions of Approval to the contrary, City shall not delay issuance of certificates of occupancy (or equivalent) due to the failure to fully and completely form any maintenance district, facilities district, Mello Roos district or any other assessment district required to be formed under these Conditions of Approval that has not been fully and completely formed prior to applicant's request for certificates of occupancy, provided that applicant shall have consented to the anticipated formation of each such required district and further provided that applicant shall provide City with a copy of a written notice, signed by each homeowner for which a certificate of occupancy is requested, which sets forth a complete disclosure of the anticipated formation of each such maintenance, facilities, Mello Roos, or assessment district in form approved by the

City Attorney. Such consent form shall have been reviewed and approved by the City Attorney.

### **MITIGATION MEASURES APPLIED TO THE PROJECT**

The mitigation measures from the Environmental Impact Report that are specifically incorporated into the project to adequately address the identified potential adverse effects on the environment, as listed below. The Applicant is fully responsible for the diligent implementation of said mitigation measures with monitoring of said implementation to be done by the City of Fillmore, or as appointed by the City, at the expense of the Applicant. Said measures are equally binding on any successors in interest or assigns on the project.

#### **I. Land Use**

- (1) To offset the impacts of the 1.13 acre reduction in the City's inventory of Open Space lands, the remainder lands within the Open Space designation shall be maintained in a vegetated state. This area shall not be developed into active recreational uses. No recreational uses, other than passive recreation, shall be permitted within the remaining open space. In addition, prior to the final grading permit the applicant shall prepare a native grass and/or plant restoration plan for all graded areas, including slopes, where disturbances will occur as a result of site preparation, grading, or drainage construction.
- (2) The development of the bike path corridor shall include planning landscape restoration which will conform to recommended landscape mitigation guidelines. All restoration efforts shall incorporate bouganvillea plants known to grow successfully in shallow well-graded riparian sandy soils and silts (particularly for the restoration of exposed slopes). The final landscape restoration program shall be reviewed and approved by the Community Development Director prior to the final Grading Plan. The restoration program may be incorporated into the landscape plans for the project or may be prepared as a separated document. The landscaping shall be installed consistent with the approved plans.

#### **II. Biological Resources**

- (1) The applicant shall not incorporate any plant material invasive to riparian eco-systems into their proposed landscaping plan contiguous to a riparian area.
- (2) A native grass or plant restoration program shall be incorporated into the NPDES strips that are constructed as a component of the stormwater control facilities for the project. The applicant shall be required to consult with the Department of Fish & Game prior to the initiation of bank protection construction. The consultation shall involve the implementation of protective measures designed

to ensure that the potential impacts of the project to endanger and special interest species are properly addressed. This consultation process could be formal or informal depending on the ultimate extent of impacts resulting from bank protection construction and the jurisdiction delineation negotiated with the Department.

- (3). The applicant shall be required to consult with the Department of Fish & Game prior to the initiation of bank protection construction. The consultation shall involve the implementation of protective measures designed to ensure that the potential impacts of the project to endanger and special interest species are properly addressed. This consultation process could be formal or informal depending on the ultimate extent of impacts resulting from bank protection construction and the jurisdiction delineation negotiated with the Department.
- (4) The applicant shall obtain an "after-the-fact" permit to address impacts associated with the modification of the streambed along Santa Clara River resulting from vegetation conversion within the scope of impacts of the Tract Modification. This permit should provide for vegetation/restoration consistent with Department guidelines. The restoration location should be consistent with the initially conceived restoration areas depicted in the City Council approved Biological Resource Assessment of Tract 4435 (dated August 16, 1993).

### **III. Air Quality**

- (1) All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is completed for the day.
- (2) All clearing, filling, grading, earth moving, or excavation activities shall cease during period of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Construction grading shall be discontinued on days forecasted for first stage ozone alerts (concentration of 0.20 ppm) as indicated at the County APCD air quality monitoring station closest to the City of Fillmore. Grading and excavation operations shall not resume until the first stage smog alert expires.
- (3) All fill material being transported to the site and/or any material removed from the site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust. Fill materials, to the degree feasible, shall be obtained from appropriate sources close to the site to minimize construction emissions. A haul plan (including routes and hours of delivery) shall be submitted to the City Engineer for review prior to commencement of the fill program. The report

shall be subject to the approval of the City Engineer. The project shall be constructed in a manner consistent with the approved report.

- (4) Streets adjacent to the project site shall be swept as needed to remove silt, which may have accumulated from construction activities so as to prevent excessive amounts of dust.
- (5) Construction vehicles entering and exiting unpaved roads onto paved roads during the grading period shall be washed off prior to leaving the site, or cleaned by an alternative method approved by the City Engineer.

#### **IV. Cultural Resources**

- (1) The initial grading of the project area and deep excavation shall be monitored by a City inspector to determine if any historic deposits of significance associated with the early dump and disposal site situated at the end of Central Avenue is present within the grading boundary. If such deposits are identified, the grading program shall be adjusted to permit the reasonable recovery of materials from these historic deposits. The scope of the project shall be consistent with CEQA Guidelines. Funding for any data recovery shall be the responsibility of the applicant. This funding shall be deposited with the City. If data recovery is required, a qualified archeologist shall prepare a brief letter report of findings consistent with State Historic Preservation Office guidelines to the City and the state.

#### **V. Geophysical Impacts**

- (1) The applicant shall comply with all requirements of the City Building Code unless modifications are approved by the City Building Official.
- (2) The applicant shall eliminate all geologic hazards associated with the proposed development, or delineate a restricted use area subject to review and approval by the City Engineer. The applicant shall dedicate to the City the right to prohibit the erection of buildings or other structure within the restricted use areas.
- (3) All grading shall conform to City's Grading Ordinance.
- (4) A site grading plan shall be submitted for review and acceptance by the City Engineer. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Guidelines for Geotechnical and Geological Reports in the City of Fillmore and signed by a California Registered Civil Engineer or a California Registered Geologist. Hydraulic design shall conform to the current Hydraulic Design Manual of Ventura County. The Study shall demonstrate that all

structures shall be protected from 100-year frequency storm flows. All finish floors shall be a minimum of one foot above the 100-year high water level.

- (5) For any proposed storm drain and catch basin improvements proposed, plans for these facilities shall be reviewed and approved by the City Engineer.
- (6) Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) that shall be subject to approval by the City Engineer. A Notice of Intent (NOI) shall be submitted to the State Water Resources Control Board. The applicant shall complete preparation of a local SWPPP document to ensure proper management of construction impacts and long-term water quality effects. The plan shall identify pollutant sources, and shall include project design measures and construction activity measures to reduce pollutants in storm water discharges from the construction site during the construction period and after construction as required. Permanent prevention measures shall be in accord with the California Municipal Compliance Handbook and may include pervious pavement, filters, grass swales and other remediation methods.

#### **VI. Noise**

- (1) To minimize construction noise effects, all stationary construction noise sources shall be sited or enclosed to minimize adverse effects on adjacent neighborhoods. When feasible, generators and pneumatic compressors shall be placed in a manner to minimize noise inconvenience on adjacent residences. Construction shall be prohibited in accordance to existing zoning between 7:00 pm and 7:00 am on weekdays and 8:00 pm to 7:00 am on Saturday.
- (2) Materials storage and work areas shall be situated to the degree feasible, on portions of parcels that will minimize impacts on adjacent residential areas. Adjacent neighbors shall be notified of the construction schedule for the project.

#### **VIII. Public Service**

- (1) The applicant shall be required to pay all mandatory statutory Development Impact Fees for school, sewer, everything else: water, traffic, etc, and fire service impact fees prior to the issuance of the Certificate of Occupancy.

#### **IX. Utilities and Service Systems**

- (1) The applicant shall comply with all planning, design, and implementation procedures for water, sewer, and flood control facilities set forth in the Water and Sewer Conditions of Approval

recommended by the City Engineer. These conditions may address the need to obtain encroachment permits for storm water conveyance facilities and to design, install and repair a number of improvements to provide for site integration with the surrounding utility grid.

- (2) Prior to approval of the issuance of building permits for the project, adequate source separation, and waste disposal shall be incorporated into the site plan. The location and appearance of any source separation facilities shall be reviewed and approved by the Community Development Director.

\_\_\_\_\_  
Ernie Villegas, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger Myers, City Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Niec, Griffin Industries  
Applicant

\_\_\_\_\_  
Date

END OF CONDITIONS

ADDENDUM  
EXHIBIT "COA"  
CONDITIONS OF APPROVAL  
DEVELOPMENT PERMIT 13-04  
FOR  
MODIFICATION #3  
TRACT MAP4435

A. AUTHORITY FOR THIS DOCUMENT

The conditions and terms contained in this exhibit are applied to permit Development Permit, DP 13-04, (this PERMIT) and are applied under the City's authority regarding discretionary permits (Section 6.04.66 Development Permits).

B. IDENTIFICATION OF THE SUBJECT PROPERTY

The subject property is generally located between the River St. and east Central Ave. and is identified as Assessor Parcel Number(s) 053-0-170-015 to 053-0-170-465. The subject property is subject to the conditions and terms contained in this exhibit.

C. DESCRIPTION OF PROJECT AUTHORIZED BY THIS PERMIT

The "PROJECT" consists of completing the remaining 3 & 4 phase of Tract Map 4435. The said remaining phases consists of ( 45 lots).

D. RESPONSIBILITY OF Applicant

The following conditions are the responsibility of the Applicant (WH Fillmore 51, LLC ), or any of their successors or assigns.

E. BASIS UPON GRAPHIC ILLUSTRATIONS (the "PLANS")

This PERMIT is based on the following graphic illustrations referred to as Exhibits "A" (Architectural Elevations & Floor Plan), "SP" (Site Plan), "L" (Landscape Plan) and "STF" (Staff Report). These exhibits represent the minimum information that is to be expected on subsequent construction documents that are used to implement the project. All interpretations and construction documents shall be based on the above Exhibits unless otherwise described in these written conditions of development.

F. BASIS UPON WRITTEN DOCUMENTS

This PERMIT is based on the following written documents referred to as EXHIBITS "COA" (Conditions of Approval), "MMP" (Mitigation Monitoring Program) and "STF" Staff Report (February 19, 2014). All activity in the Project is to be in compliance with all requirements and direction, as set forth in the above Exhibits.

The conditions and terms in this document shall prevail over all omissions, conflicting notations,

specifications, dimensions, typical sections and the like, which may or may not be shown on the PLANS.

G. LIFE OF THIS DOCUMENT

The conditions and terms contained in this document apply to the subject property indefinitely or, until such time that this document is modified according to the process identified in paragraph "I" of this document. THIS PERMIT IS NOT TRANSFERRABLE TO ANOTHER PROPERTY.

H. TIME TO EXERCISE PERMIT

This PERMIT shall be substantially initiated or it shall expire, on February 19, 2015. Substantial initiation of this Permit shall be determined at the reasonable discretion of the City. Any extension of this Permit shall be processed per Section 6.04.6645 of the Fillmore Municipal Code.

I. PROCEDURE FOR MODIFICATION OF THIS DOCUMENT

Any proposed modification of this document shall be processed per Section 6.04.6650 of the Fillmore Municipal Code.

J. INDEMNIFICATION AND HOLD-HARMLESS STATEMENT

The Applicant shall indemnify, exonerate and hold harmless, the City and all officers and employees thereof, against all claims, demands and causes of action arising out of improvements.

Any activity or structure pursued by the Applicant, authorized by this Permit shall constitute acceptance of all conditions and obligations imposed by the City on this Permit. The Applicant, by said acceptance, waives any challenges as to the validity of these conditions.

K. COMPLIANCE WITH THIS DOCUMENT PRIOR TO AUTHORIZED ACTIVITY/USE

The Applicant shall comply with and satisfy all applicable conditions of this permit prior to being authorized to begin construction activity or prior to being allowed to occupy any structures.

Authorization to begin construction shall be granted by the Building Official upon presenting the Administrative Clearance Form to the Building Official with all required signatures.

Authorization for occupancy shall be granted by the Building Official upon having a final occupancy inspection conducted by the Project Planner, the Building Inspector, and the Fire Chief, and then having the Building Official issue a Certificate of Occupancy. Any applicable and required public improvements are to be completed to the satisfaction of the City Engineer prior to the Building Official issuing a Certificate of Occupancy.

Authorization shall not be granted if the proper and requested information is not presented in a neat and timely manner.

L. COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS

All activity and construction pursuant to this permit shall comply with all applicable codes and regulations, as provided in the DA.

M. PAYMENT OF FEES/DEPOSITS

All Fees associated with the Tract map shall be paid by the Applicant prior to the issuance of a building permit. All fees associated with units in the subdivision shall be borne by the property owner.

SPECIAL CONDITIONS

SP1. The applicant shall install a Juliet window on Plan 3B top Bedroom #2.

SP2. The applicant shall install Spanish tile roof per Exhibit XXXXXX for all Santa Barbara architectural style homes.

SP3. The applicant shall provide decorative exterior wall mounted light fixtures on each side of the garage door representative of the architectural style for the unit.

SP4. The applicant shall install stucco columns on each side of the garage door for all units.

SP5. The applicant shall provide wrap-around porches to all units on corner lots.

SP6. The applicant shall provide as an option to buyers to install decorative side yard gates per exhibit A on Sheet A5.

SP 7. The applicant shall substantially comply with Exhibit "A" date February 19, 2014.

In Agreement

---

Manuel Minjares,  
Mayor

---

Lance William,  
President  
Williams Homes



## Our Team

### Developer:

Contact: Joseph Yoon Williams Homes Inc.  
 Business: (661) 222-9207 21080 Centre Pointe Parkway, Suite 101  
 www.williamshomes.com Santa Clarita, CA 91350

### Architect/Planner:

Contact: Mike Cantrell William Hezmalhalch Architects, Inc.  
 Business: (949) 250-0607 2850 Redhill Ave., Suite 200  
 www.wharchitects.com Santa Ana, CA 92705

## Vicinity Map



## City Submittal

JANUARY 31, 2014

Conceptual Site Plan	SP.1
Technical Site Plan	SP.2
Project Analysis	PA
Plan 1 - Floor Plan	A1.0
Plan 1 - Front Elevations 'A', 'B', 'C'	A1.1
Plan 1 - Exterior 'C' Elevations	A1.2
Plan 1 - Porch Extension at Corner Lot	A1.3
Plan 2 - Floor Plan	A2.0
Plan 2 - Front Elevations 'A', 'B', 'C'	A2.1
Plan 2 - Exterior 'B' Elevations	A2.2
Plan 2 - Porch Extension at Corner Lot	A2.3
Plan 3 - Floor Plan	A3.0
Plan 3 - Front Elevations 'A', 'B', 'C'	A3.1
Plan 3 - Exterior 'A' Elevations	A3.2
Plan 3 - Porch Extension at Corner Lot	A3.3
Plans 1,2,3 - Roof Plans	A4.0
Sidyard Gate for RV Parking	A5.0
'A' Elevation Color Schemes	A6.0
'B' Elevation Color Schemes	A6.1
'C' Elevation Color Schemes	A6.2



Surrounding Uses  
**EDGEWOOD**  
Fillmore, California

**Site Plan**

Total Homes: 45 homes



- Notes:**
1. Site plan is for conceptual purposes only and should not be used for construction.
  2. Site plan must be reviewed by planning, building, and fire departments for code compliance.
  3. Base information per civil engineer.
  4. Civil engineer to verify all setbacks and grading information.
  5. Building Footprints might change due to the final design elevation style.
  6. Open space area is subject to change due to the balcony design of the elevation.
  7. Building setbacks are measured from property lines to building foundation lines.

**Project Summary**

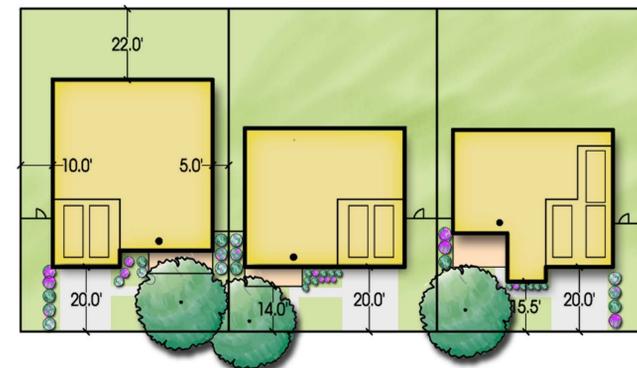
Total Site Area: 12.2 Acres

Total Homes: 45 Homes

- Plan 1: 13 Homes
- Plan 2: 13 Homes
- Plan 3: 19 Homes

Density: 4.2 Homes/Acre

**Typical Plotting Diagram**



January 31, 2014

Conceptual Site Plan  
**EDGEWOOD**  
 Fillmore, California



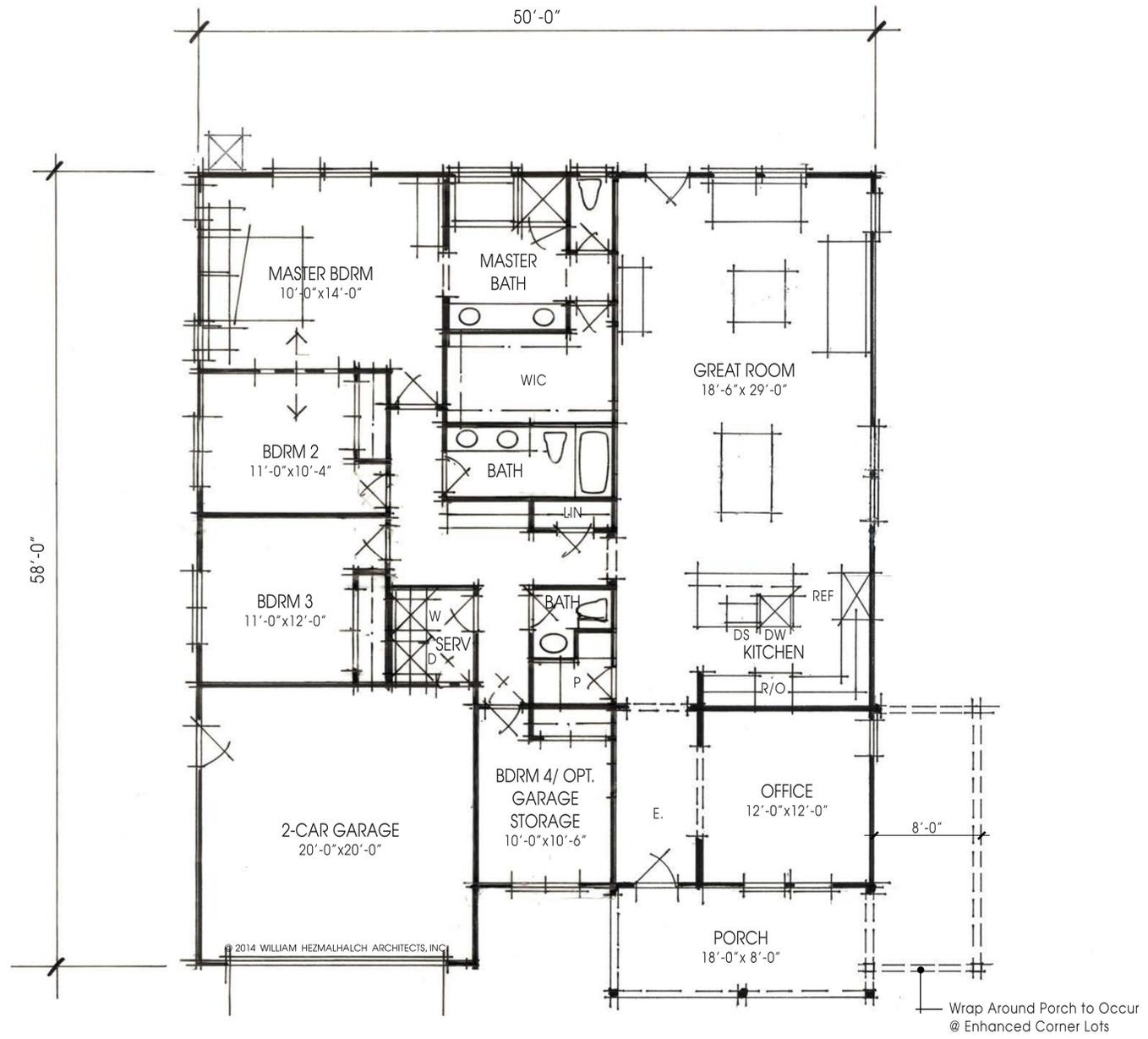
- Notes:**
1. Site plan is for conceptual purposes only and should not be used for construction.
  2. Site plan must be reviewed by planning, building, and fire departments for code compliance.
  3. Base information per civil engineer.
  4. Civil engineer to verify all setbacks and grading information.
  5. Building footprints might change due to the final design elevation style.
  6. Open space areas is subject to change due to the balcony design of the elevation.
  7. Building setbacks are measured from property lines to building foundation lines.

January 27, 2014

Technical Site Plan  
**EDGEWOOD**  
 Fillmore, California

Model Complex	LOT	PLAN	FOOT-PRINT	LOT	BUILDING
Tract #	NO.	NO.	SQ FT	SQ FT	COVERAGE
4435-3	29	3B	2,188	6,471	34%
4435-3	30	1C	2,983	7,265	41%
4435-3	31	3A	2,188	7,111	31%
4435-3	32	2B	2,384	7,157	33%
4435-3	33	1A	2,888	7,424	39%
4435-3	34	3C	2,188	8,400	26%
4435-3	35	1C	2,888	8,400	34%
4435-3	36	2B	2,294	8,400	27%
4435-3	37	3A	2,278	8,564	27%
4435-4	38	3B	2,278	9,408	24%
4435-4	39	3C	2,188	8,490	26%
4435-4	40	1B	2,888	8,173	35%
4435-4	41	3A	2,188	9,031	24%
4435-4	42	2C	2,384	7,424	32%
4435-4	43	1B	2,983	7,407	40%
4435-4	44	3A	2,188	7,480	29%
4435-4	45	1C	2,888	7,670	38%
4435-4	46	2A	2,384	7,500	32%
4435-4	47	1C	2,888	7,649	38%
4435-4	48	2B	2,294	7,663	30%
4435-4	49	3C	2,188	9,102	24%
4435-4	50	1A	2,888	7,294	40%
4435-4	51	3B	2,188	9,123	24%
4435-4	52	2A	2,294	8,055	28%
4435-4	53	1C	2,888	7,330	39%
4435-4	54	3A	2,188	8,487	26%
4435-4	55	3B	2,188	8,688	25%
4435-4	56	1A	2,983	7,221	41%
4435-4	57	2C	2,294	7,277	32%
4435-4	58	3C	2,188	6,732	33%
4435-4	59	2B	2,384	6,871	35%
4435-4	60	3C	2,188	9,164	24%
4435-4	61	1A	2,888	8,470	34%
4435-4	62	2C	2,294	8,385	27%
4435-4	63	3B	2,188	7,749	28%
4435-4	64	2A	2,384	7,519	32%
4435-4	65	2B	2,294	7,899	29%
4435-4	66	3C	2,188	7,360	30%
4435-4	67	1B	2,888	7,527	38%
4435-4	68	2A	2,294	8,937	26%
4435-4	69	3B	2,188	7,466	29%
4435-4	70	2C	2,294	9,056	25%
4435-4	71	3A	2,188	11,330	19%
4435-4	72	1B	2,888	9,638	30%
4435-4	73	3C	2,278	11,133	20%

Project Analysis  
**EDGEWOOD**  
Fillmore, California



Plan 1R - Floor Plan

2318 S.F.  
 4 BDRM/2.5 BA  
 2-CAR GARAGE

**EDGEWOOD**  
 Fillmore, California



'C'

- STYLE ELEMENTS**
- |                       |                                      |
|-----------------------|--------------------------------------|
| Roof:                 | Concrete Flat Tile                   |
| Fascia:               | 2x6 Wood Fascia                      |
| Gable:                | Lap Siding                           |
| Exterior:             | Stucco (Sand Finish)                 |
| Window and Door Trim: | 2x Decorative Foam Trim              |
| Garage Door:          | Decorative Metal Roll-Up Garage Door |
| Entry Door:           | Decorative Front Entry Door          |
| Column Base:          | Stone Veneer                         |



Note: Artist's conception; colors, materials and application may vary.

'B'

- STYLE ELEMENTS**
- |                       |                                      |
|-----------------------|--------------------------------------|
| Roof:                 | Concrete S - Tile                    |
| Fascia:               | 2x6 Wood Fascia                      |
| Gable:                | Pre - Manufactured Pipe Detail       |
| Exterior:             | Stucco (Sand Finish)                 |
| Window and Door Trim: | 2x Decorative Foam Trim              |
| Garage Door:          | Decorative Metal Roll-Up Garage Door |
| Entry Door:           | Decorative Front Entry Door          |

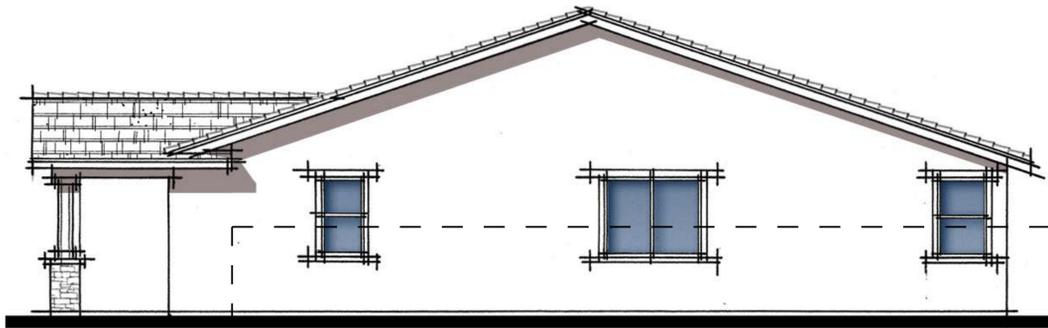


© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

'A'

- STYLE ELEMENTS**
- |                       |                                      |
|-----------------------|--------------------------------------|
| Roof:                 | Composition Shingle Roof             |
| Fascia:               | 2x6 Wood Fascia                      |
| Gable:                | Board & Batton                       |
| Siding:               | Lap Siding                           |
| Exterior:             | Stucco (Sand Finish)                 |
| Window and Door Trim: | 2x Decorative Foam Trim              |
| Garage Door:          | Decorative Metal Roll-Up Garage Door |
| Entry Door:           | Decorative Front Entry Door          |

Plan 1R - Front Elevations

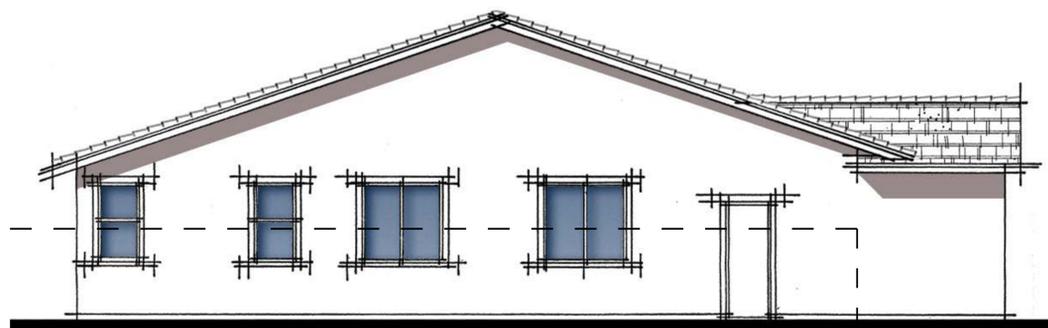


RIGHT



REAR

© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.



LEFT

Note: Artist's conception; colors, materials and application may vary.

Plan 1 'C' - Elevations

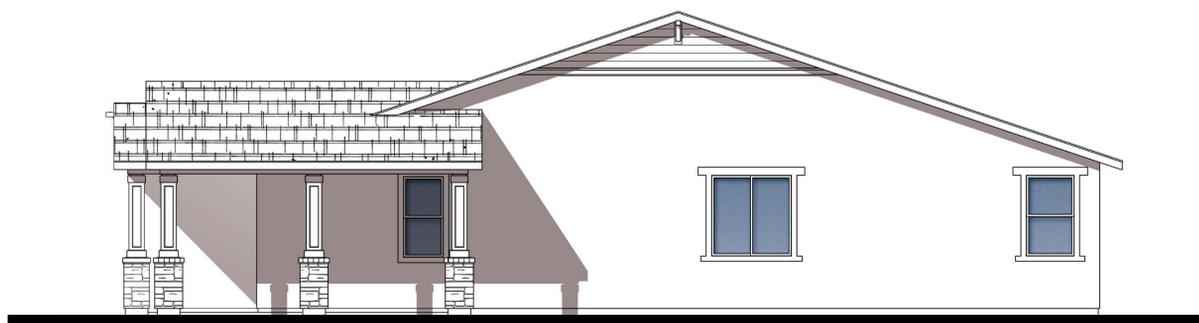


ENHANCED RIGHT

PLAN 1 'A'



PARTIAL FRONT



ENHANCED RIGHT

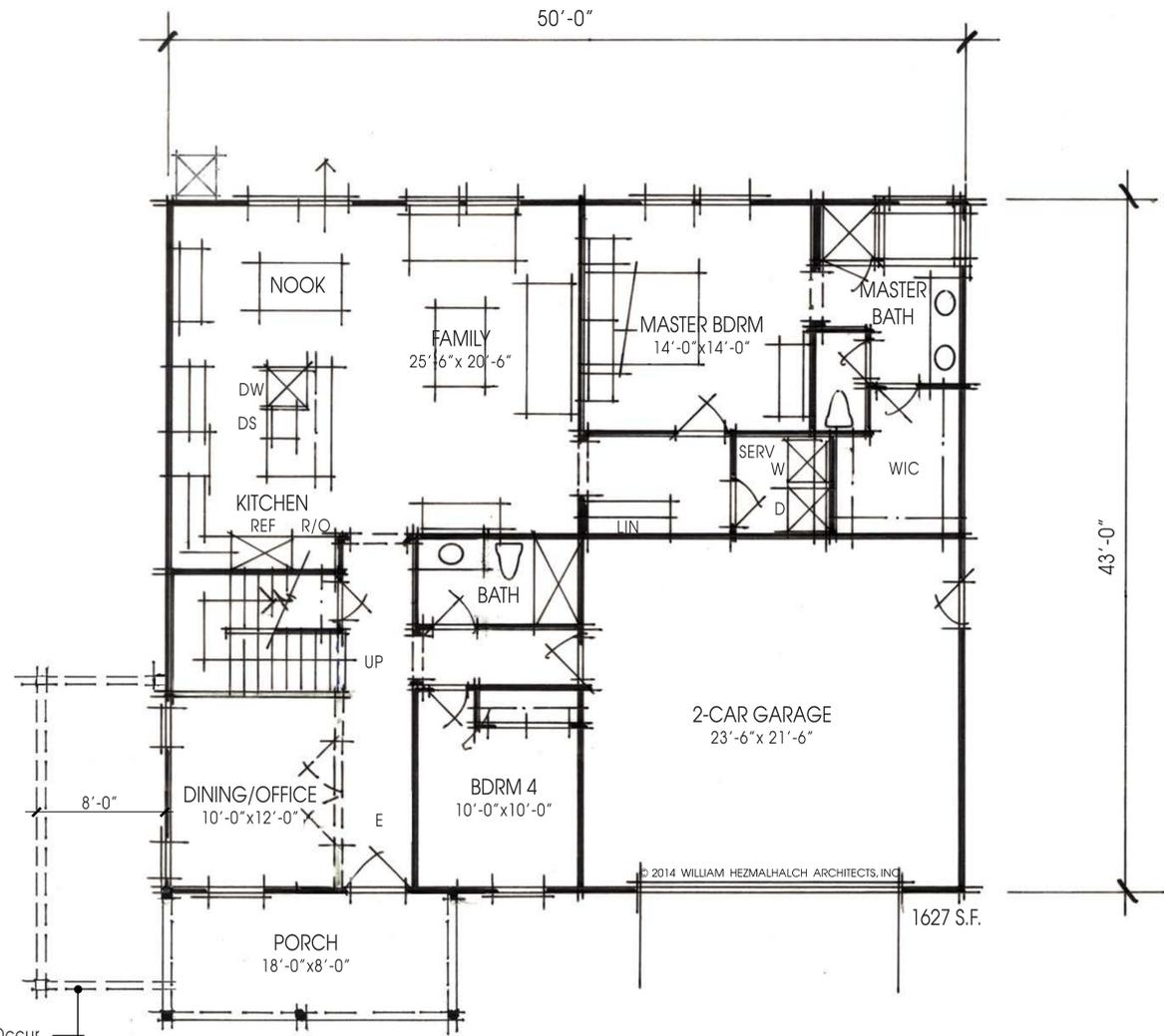
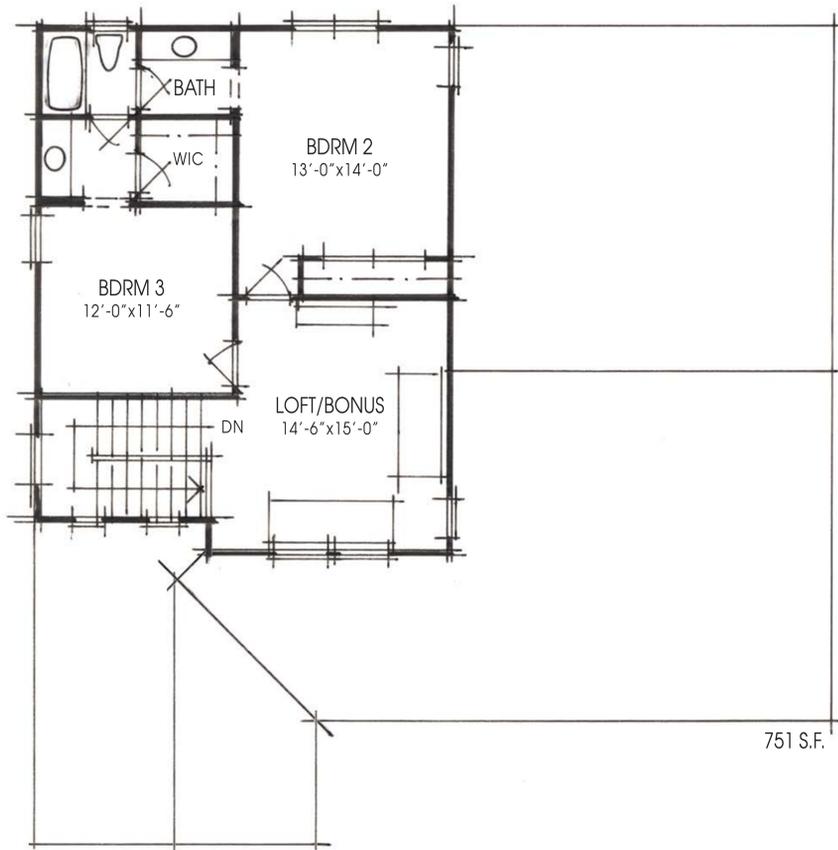
PLAN 1 'C'



PARTIAL FRONT

© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

Plan 1 - Porch Extension at Corner Lot Condition



Wrap Around Porch to Occur  
@ Enhanced Corner Lots

Plan 2 - Floor Plan

2378 S.F.  
4 BDRM/3 BA/Loft  
2-CAR GARAGE

**EDGEWOOD**  
Fillmore, California



'C'

STYLE ELEMENTS	
Roof:	Concrete Flat Tile
Fascia:	2x6 Wood Fascia
Gable:	Lap Siding
Exterior:	Stucco (Sand Finish)
Window and Door Trim:	2x Decorative Foam Trim
Garage Door:	Decorative Metal Roll-Up Garage Door
Entry Door:	Decorative Front Entry Door
Column Base:	Stone Veneer



Note: Artist's conception; colors, materials and application may vary.

'B'

STYLE ELEMENTS	
Roof:	Concrete S - Tile
Fascia:	2x6 Wood Fascia
Gable:	Pre - Manufactured Pipe Detail
Exterior:	Stucco (Sand Finish)
Window and Door Trim:	2x Decorative Foam Trim
Garage Door:	Decorative Metal Roll-Up Garage Door
Entry Door:	Decorative Front Entry Door



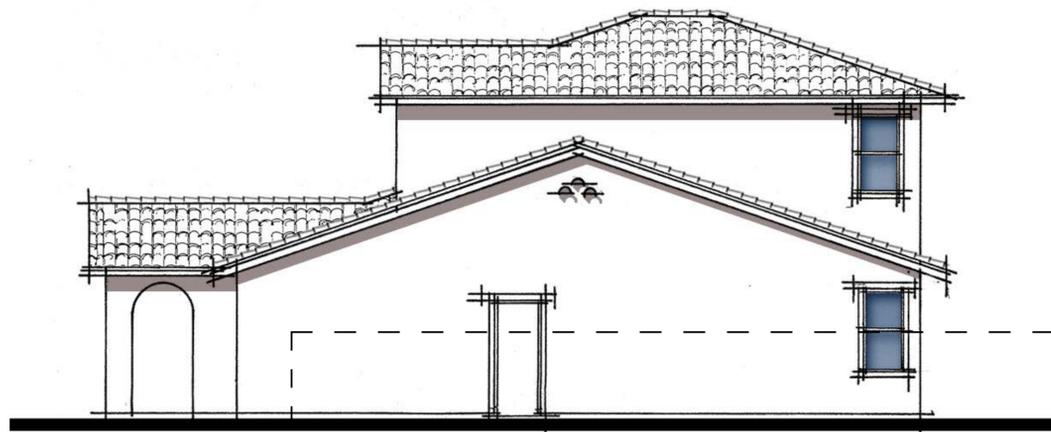
© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

'A'

STYLE ELEMENTS	
Roof:	Composition Shingle Roof
Fascia:	2x6 Wood Fascia
Gable:	Board & Batton
Siding:	Lap Siding
Exterior:	Stucco (Sand Finish)
Window and Door Trim:	2x Decorative Foam Trim
Garage Door:	Decorative Metal Roll-Up Garage Door
Entry Door:	Decorative Front Entry Door

## Plan 2 - Front Elevations

**EDGEWOOD**  
Fillmore, California



RIGHT



REAR

© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.



LEFT

Plan 2 'B' - Elevations



ENHANCED LEFT

PLAN 2 'A'



PARTIAL FRONT



ENHANCED LEFT

PLAN 2 'B'



PARTIAL FRONT



ENHANCED LEFT

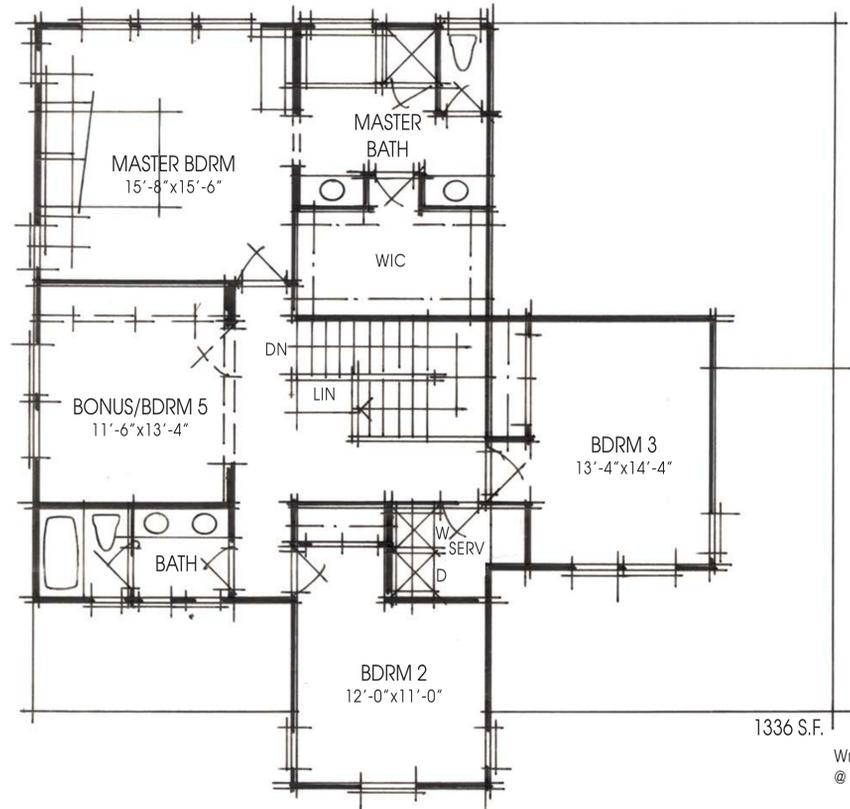
PLAN 2 'C'



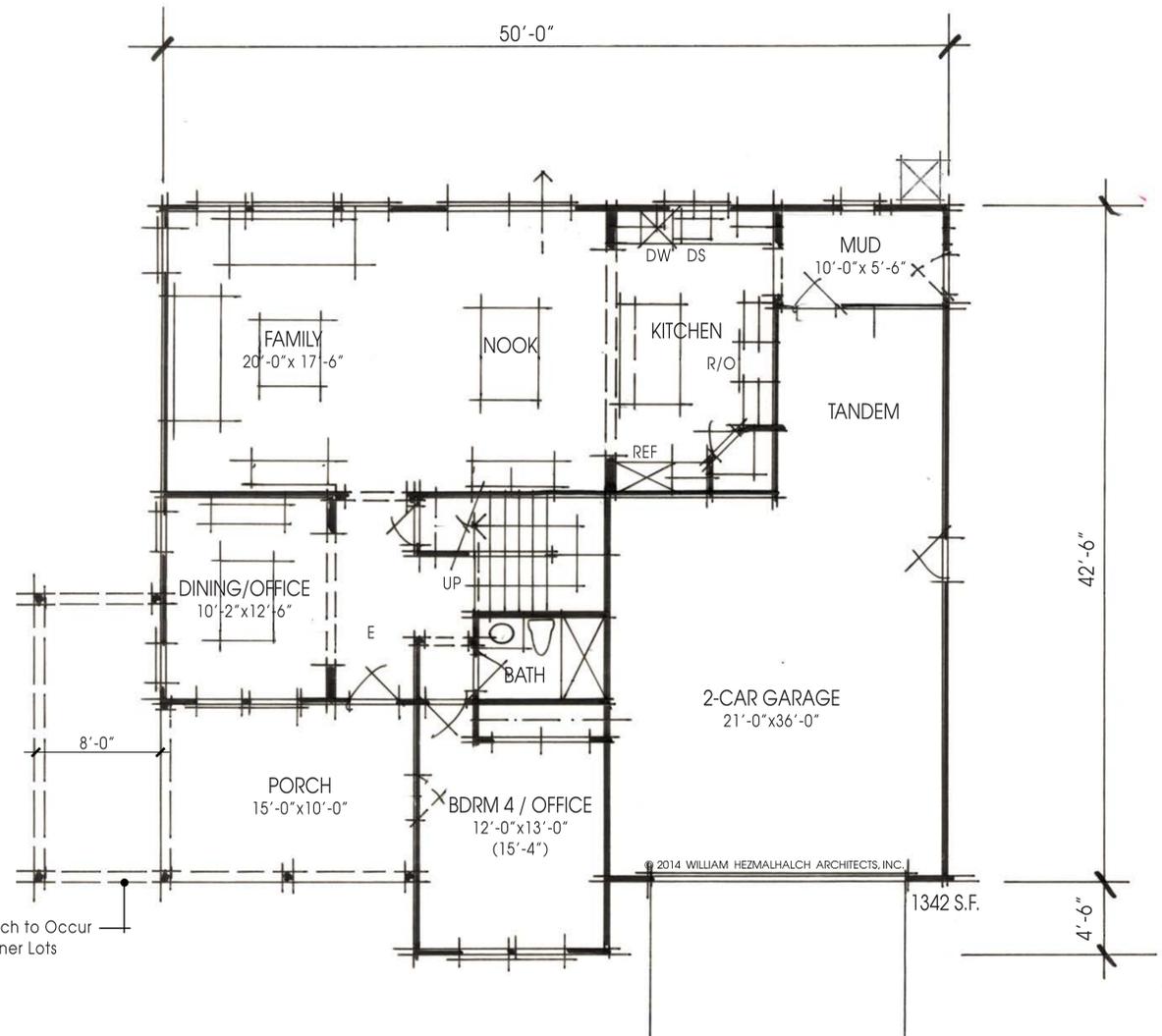
PARTIAL FRONT

© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

Plan 2 - Porch Extension at Corner Lot Condition



UPPER LEVEL



LOWER LEVEL

Wrap Around Porch to Occur @ Enhanced Corner Lots

Plan 3 - Floor Plan  
 2678 S.F.  
 4 BDRM/3 BA/LOFT/OPT. BD.5  
 3-CAR GARAGE

**EDGEWOOD**  
 Fillmore, California



'C'

STYLE ELEMENTS

- Roof: Concrete Flat Tile
- Fascia: 2x6 Wood Fascia with Brace and Outlookers
- Gable: Lap Siding
- Exterior: Stucco (Sand Finish)
- Window and Door Trim: 2x Decorative Foam Trim
- Garage Door: Decorative Metal Roll-Up Garage Door
- Entry Door: Decorative Front Entry Door
- Column Base: Stone Veneer



Note: Artist's conception; colors, materials and application may vary.

'B'

STYLE ELEMENTS

- Roof: Concrete S - Tile
- Fascia: 2x6 Wood Fascia
- Gable: Pre - Manufactured Pipe Detail
- Exterior: Stucco (Sand Finish)
- Window and Door Trim: 2x Decorative Foam Trim
- Garage Door: Decorative Metal Roll-Up Garage Door
- Entry Door: Decorative Front Entry Door



© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

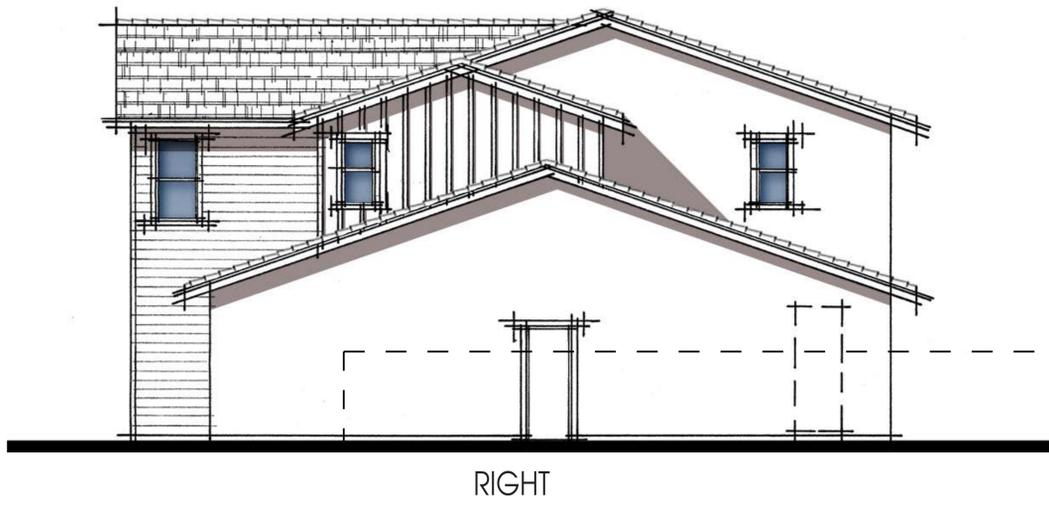
'A'

STYLE ELEMENTS

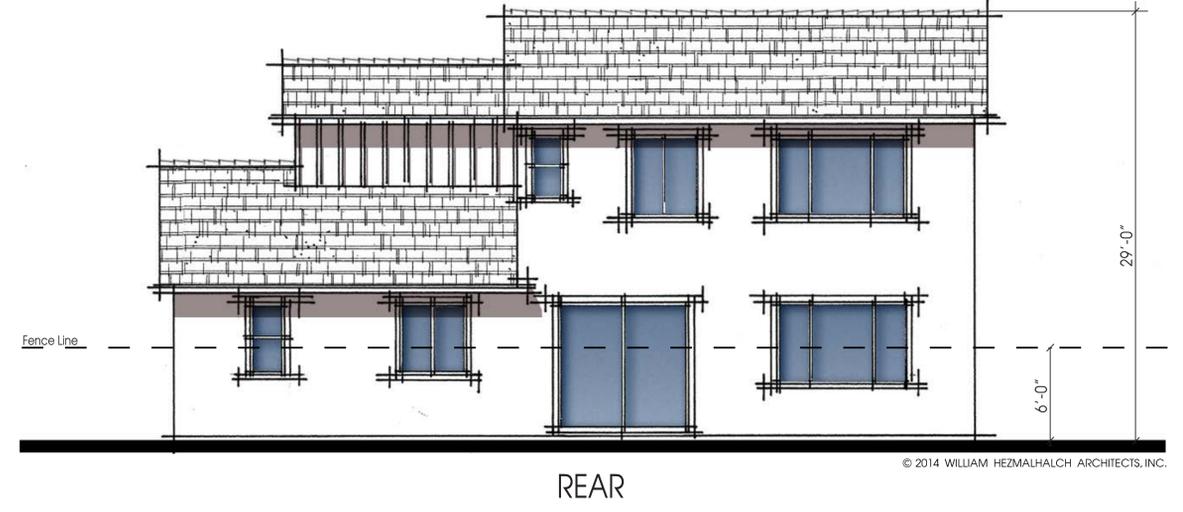
- Roof: Composition Shingle Roof
- Fascia: 2x6 Wood Fascia
- Gable: Board & Batton
- Siding: Lap Siding
- Exterior: Stucco (Sand Finish)
- Window and Door Trim: 2x Decorative Foam Trim
- Garage Door: Decorative Metal Roll-Up Garage Door
- Entry Door: Decorative Front Entry Door

Plan 3 - Front Elevations

EDGEWOOD  
Fillmore, California

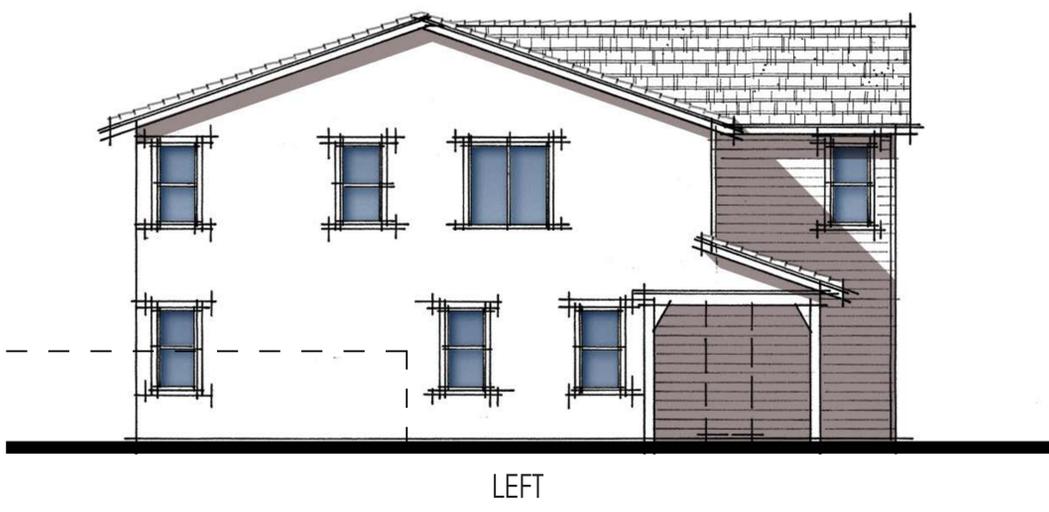


RIGHT



REAR

© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.



LEFT

Plan 3 'A' - Elevations

EDGEWOOD  
Fillmore, California



ENHANCED LEFT



PARTIAL FRONT

PLAN 3 'A'



ENHANCED RIGHT

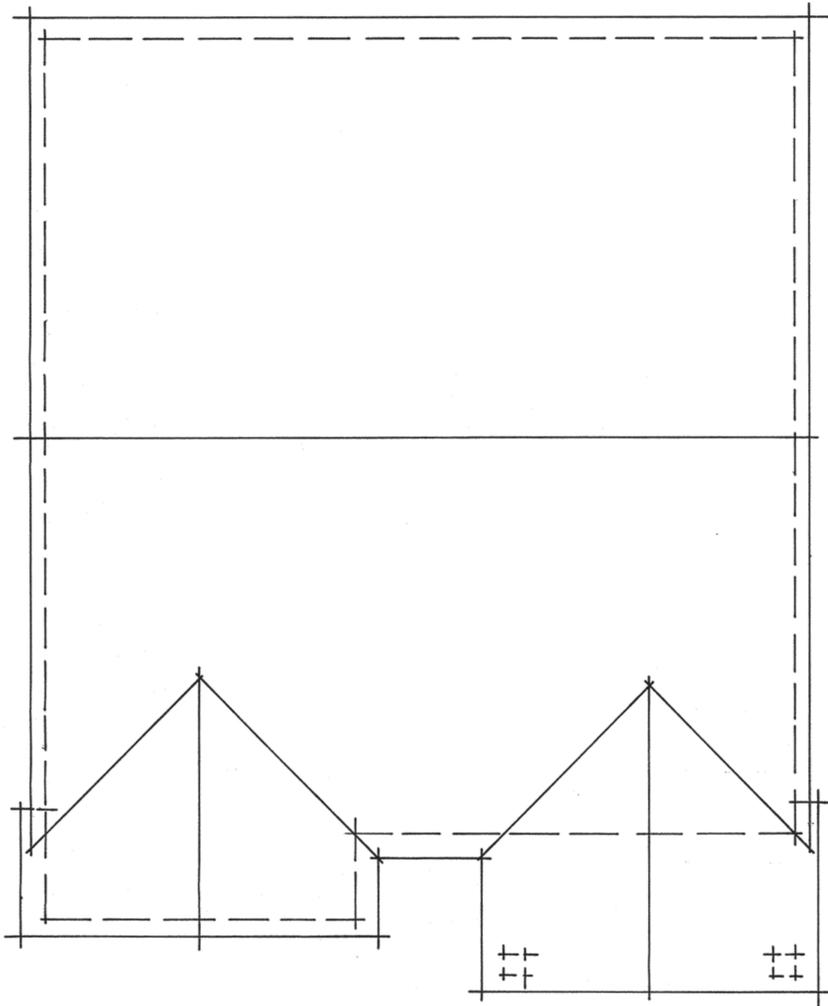


PARTIAL FRONT

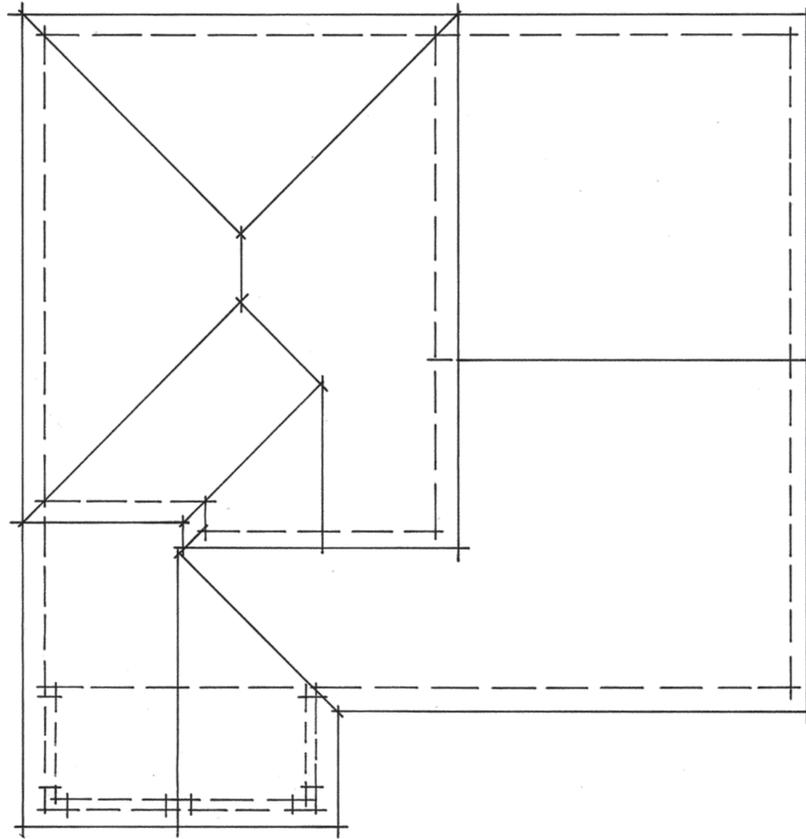
© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

PLAN 3 'C'

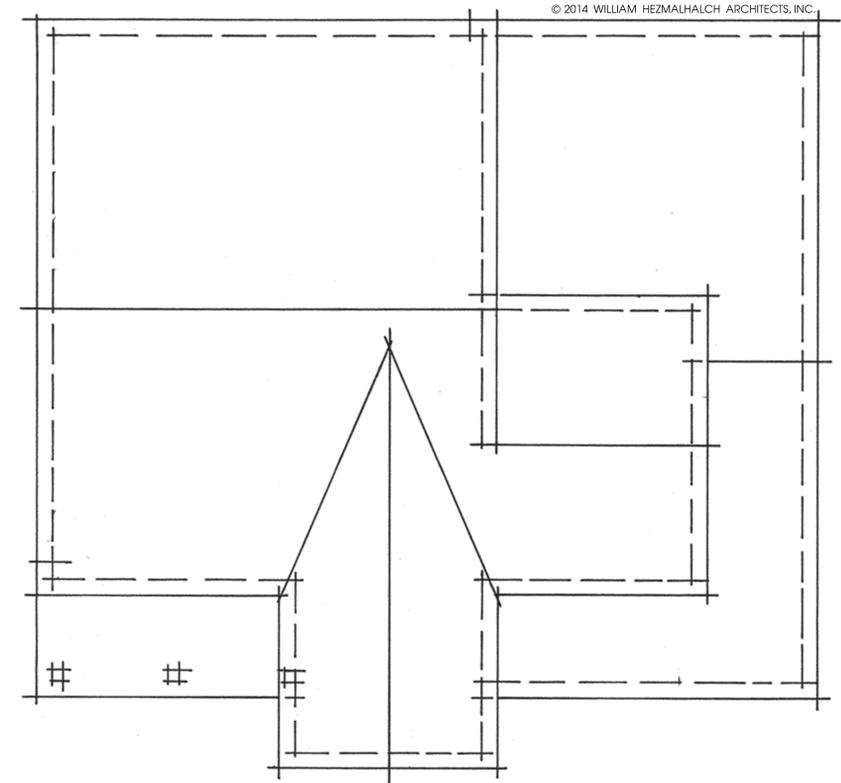
Plan 3 - Porch Extension at Corner Lot Condition



PLAN 1C



PLAN 2B



PLAN 3A

© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

Roof Plans

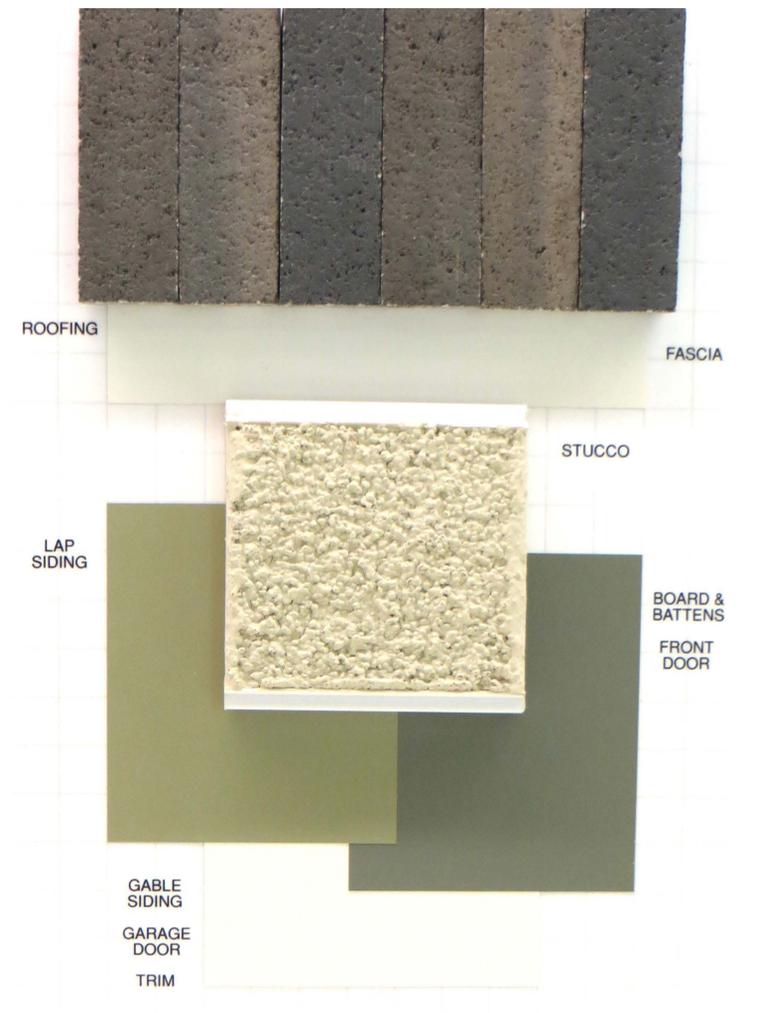
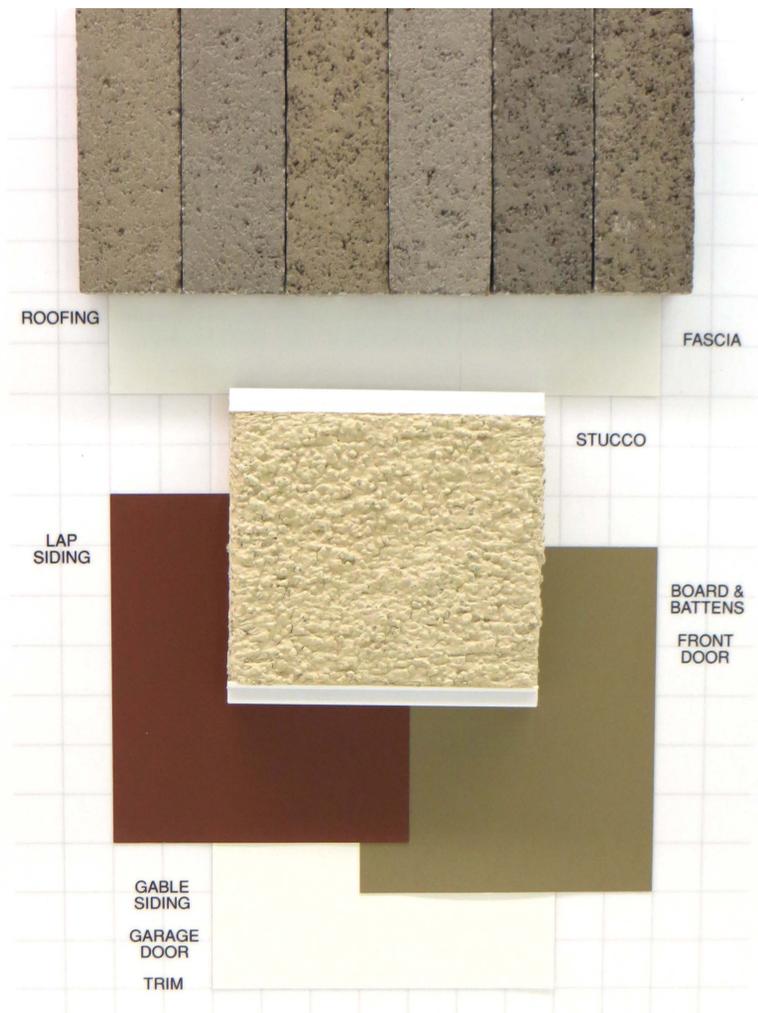
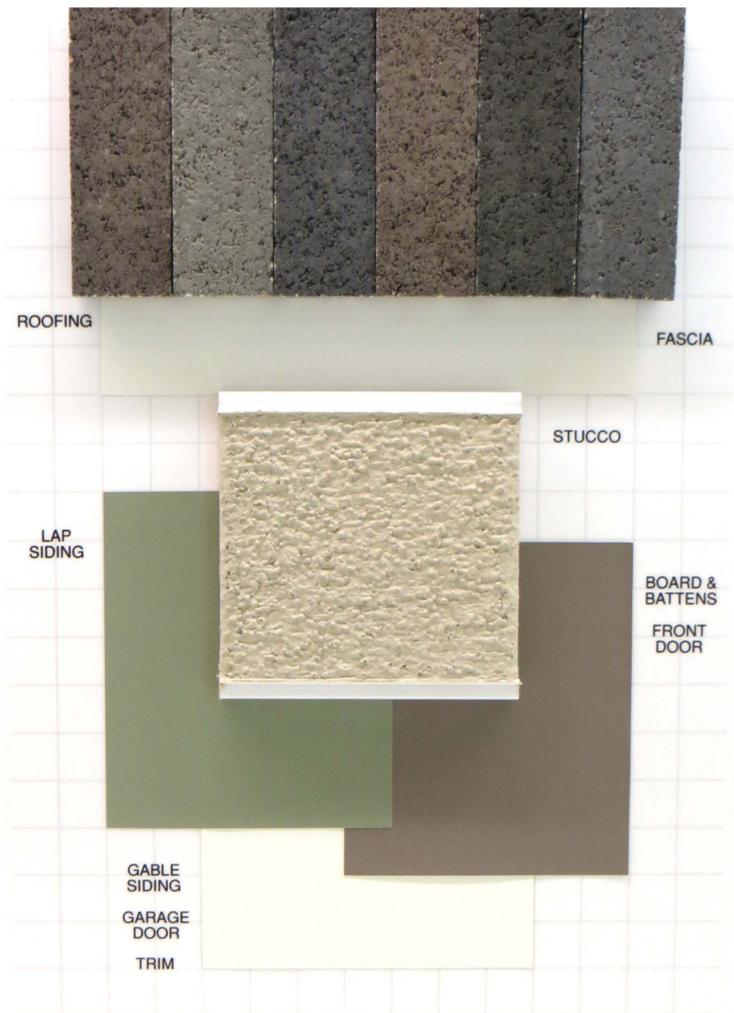
**EDGEWOOD**  
Fillmore, California



© 2014 WILLIAM HEZMALHALCH ARCHITECTS, INC.

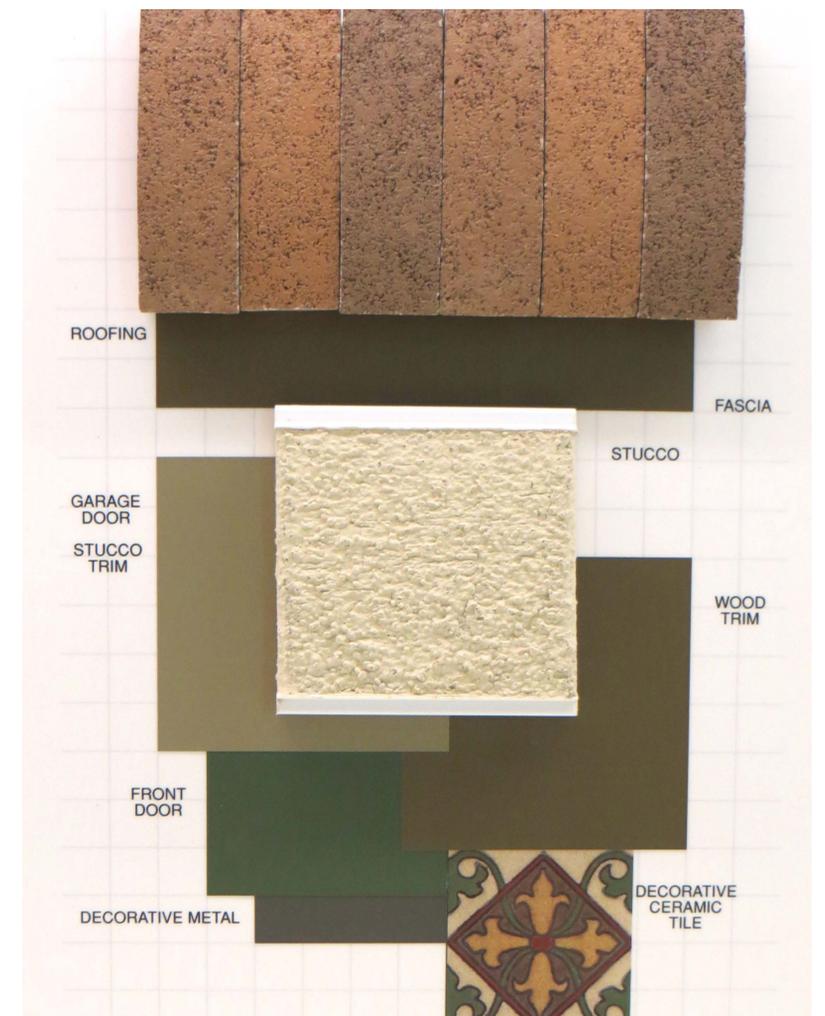
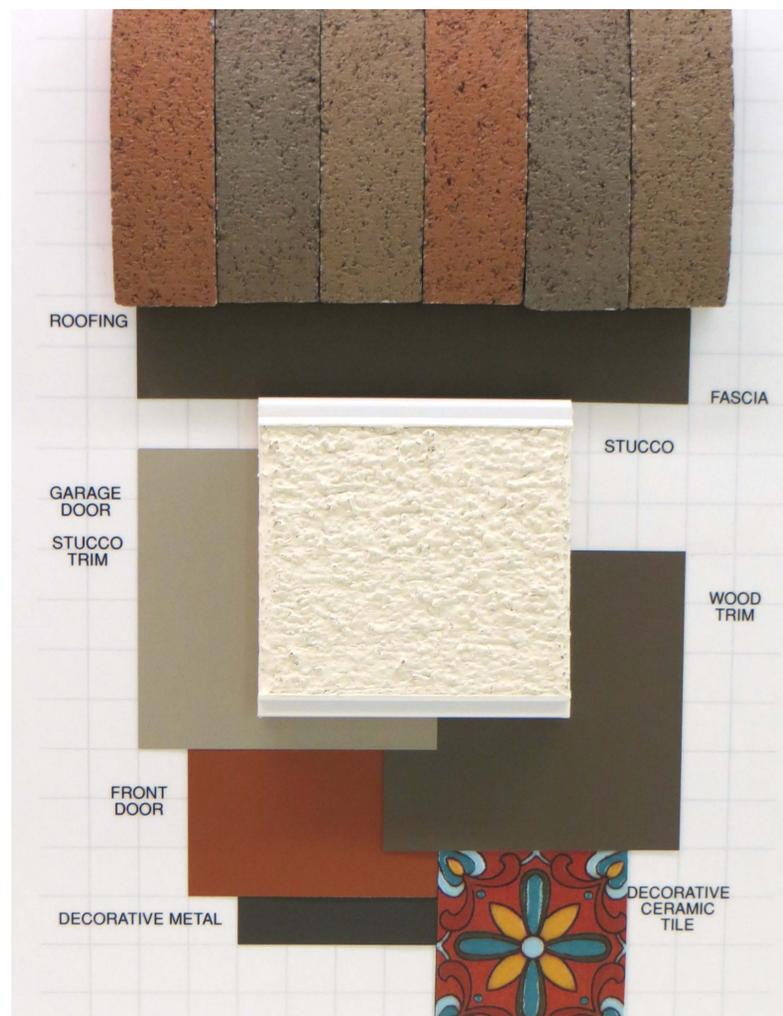
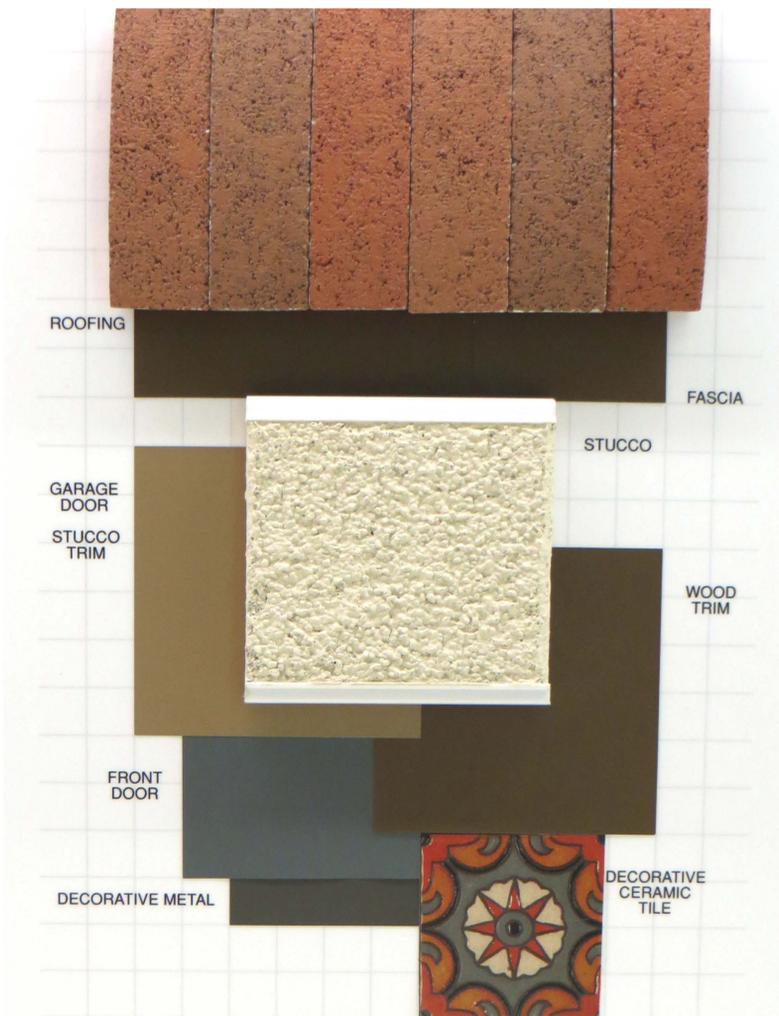
Sideyard Gate for RV Parking

**EDGEWOOD**  
Fillmore, California



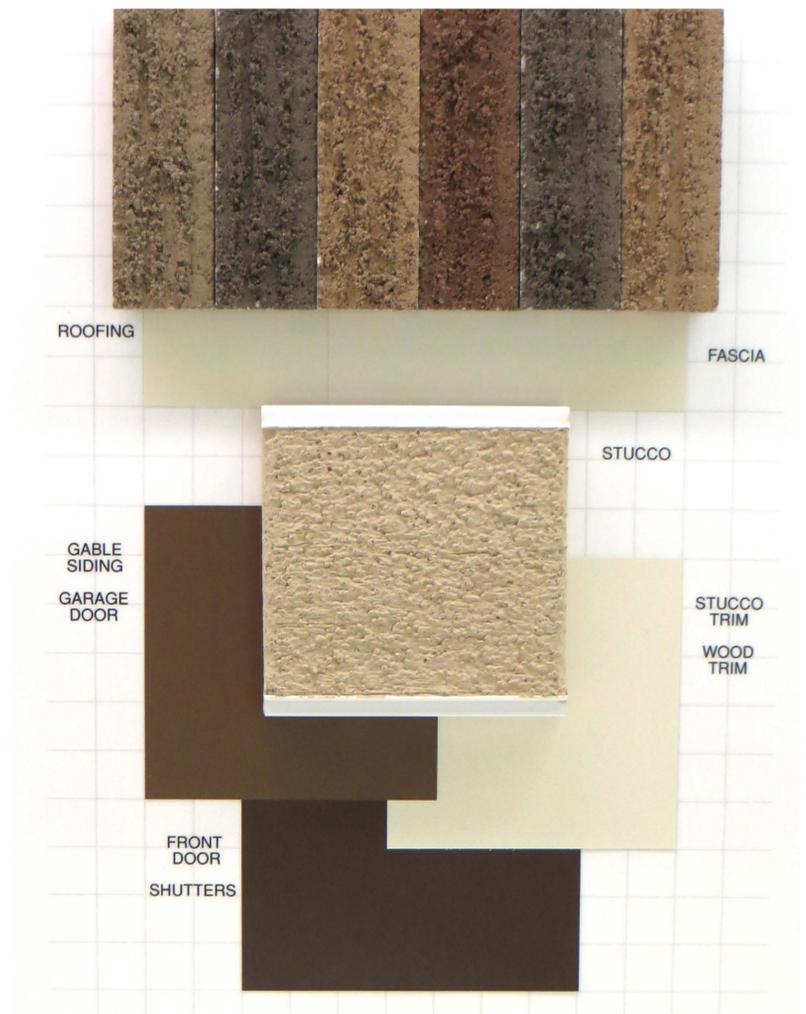
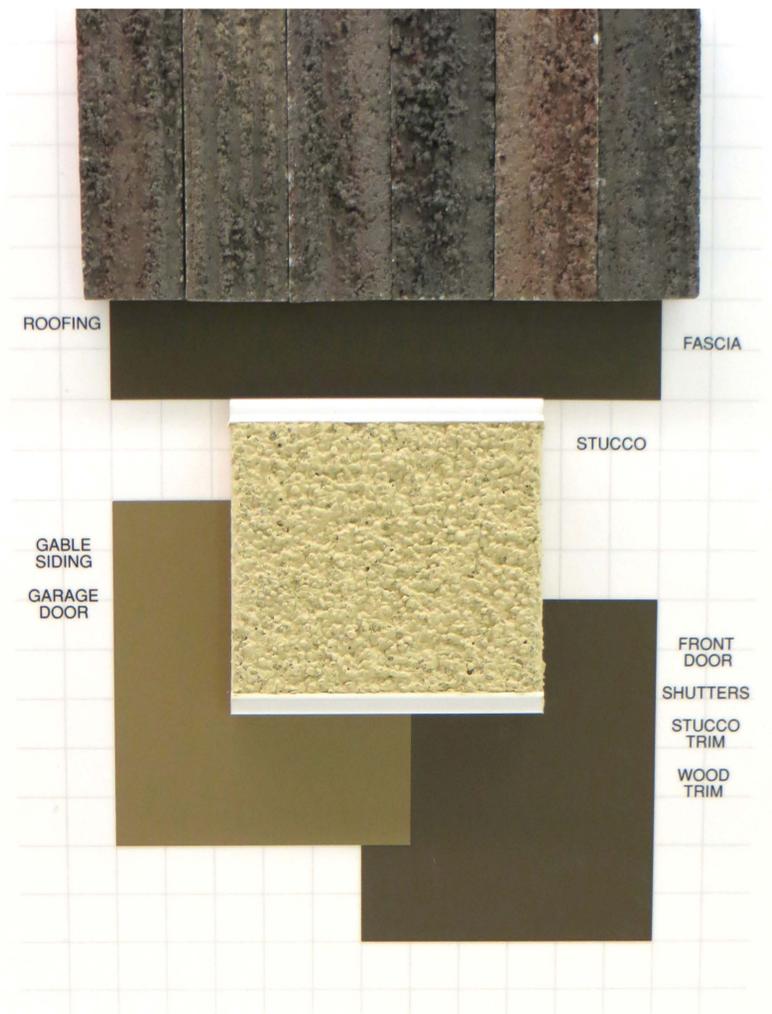
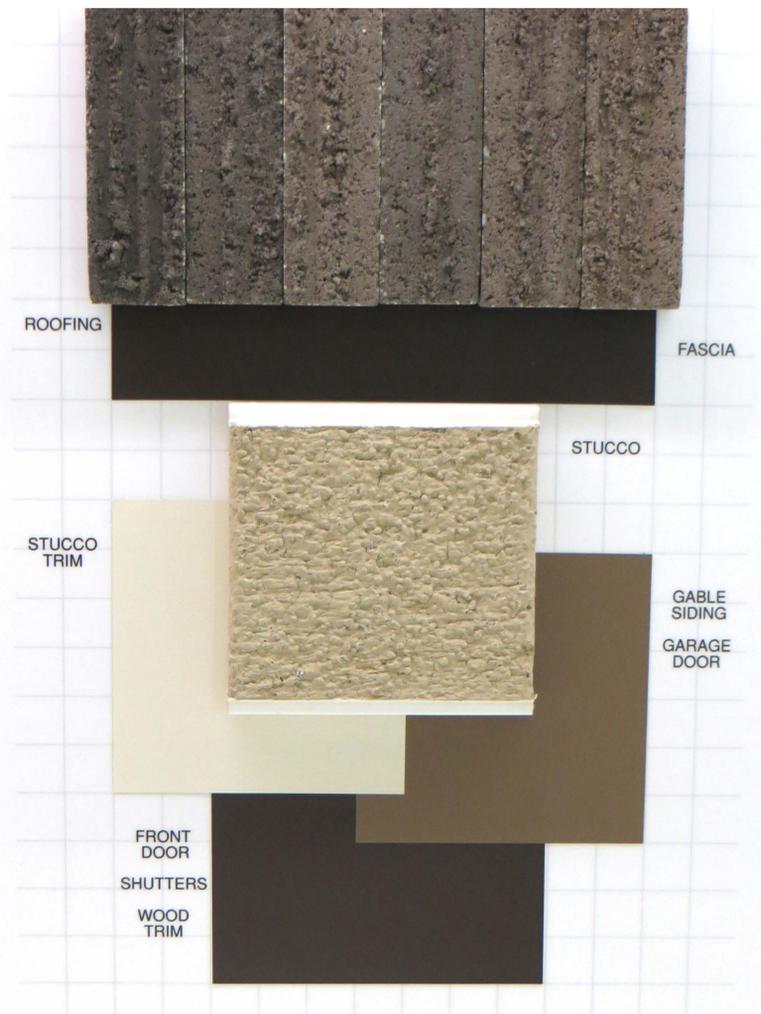
'A'  
Color Schemes

EDGEWOOD  
Fillmore, California



'B'  
Color Schemes

EDGEWOOD  
Fillmore, California



'C'  
Color Schemes

EDGEWOOD  
Fillmore, California



REVISION:

NO.	DATE	DESCRIPTION
1		ISSUE FOR PERMITS
2		ISSUE FOR PERMITS
3		ISSUE FOR PERMITS

NOTES:

- 1. SEE SHEET 41 FOR LANDSCAPE PLAN
- 2. SEE SHEET 42 FOR LANDSCAPE PLAN
- 3. SEE SHEET 43 FOR LANDSCAPE PLAN

CHKBY:

DATE:

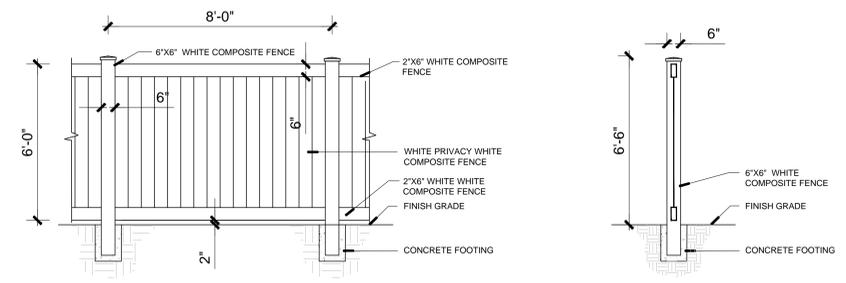
DRAWING TITLE:  
**STREET TREE PLAN**



DATE: 1/31/14  
 SCALE: 1:40  
 DRAWN BY: PL  
 JOB NUMBER: 1325400  
 SHEET:



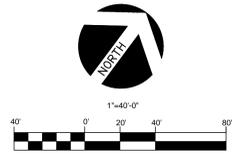
PICTURES OF EXISTING WHITE COMPOSITE FENCE ON EDGWOOD SITE



**A** WHITE COMPOSITE FENCE  
 N.T.S.

**PLANT SCHEDULE**

TREES	BOTANICAL NAME	COMMON NAME	CONT	QTY	REMARKS	
	PLATANUS X ACERIFOLIA	LONDON PLANE TREE	24"BOX	13	STREET TREE	
	PODOCARPUS MACROPHYLLUS	YEW PINE	24"BOX	42	STREET TREE	
	QUERCUS AGRIFOLIA	COAST LIVE OAK	24"BOX	3	STREET TREE	
	SYAGRUS ROMANZOFFIANA	QUEEN PALM	24"BOX	5	STREET TREE	
GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY	REMARKS
	TURF MARATHON II	MARATHON II	SOD		19,265 SF	
	ROOT BARRIER					PLACE ROOT BARRIER ADJACENT TO CURB ON ALL STREET TREES

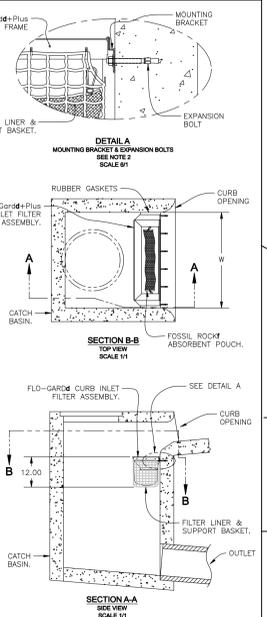


**LEGEND:**

- 54 LOT NUMBER
- 3A HOUSE PLAN NUMBER
- SWALE
- RETAINING WALL
- F.F. FINISHED FLOOR ELEVATION
- F.P. FINISHED PAD ELEVATION
- INV. INVERT ELEVATION

FGP-2002

Model No.	Curb Opening Width	Storage Capacity (cu ft)	Filter Flow Rate (gpm)	Basin Flow Rate (gpm)
FGP-24C1	2' (24")	95	338 / 75	2,813 / 6.6
FGP-30C1	2' (30")	120	450 / 100	3,000 / 6.7
FGP-36C1	3' (36")	150	563 / 125	3,567 / 7.9
FGP-42C1	3' (42")	180	675 / 150	3,951 / 8.8
FGP-48C1	4' (48")	210	788 / 175	4,445 / 9.9
FGP-54C1	4' (54")	240	900 / 200	5,000 / 11.3
FGP-60C1	6' (72")	305	1,135 / 251	6,196 / 13.8
FGP-72C1	7' (84")	385	1,390 / 301	7,139 / 15.9
FGP-84C1	8' (96")	425	1,575 / 351	8,062 / 18.0
FGP-102C1	10' (120")	485	1,980 / 421	9,831 / 21.9
FGP-120C1	12' (144")	610	2,282 / 502	11,764 / 26.2
FGP-140C1	14' (168")	730	2,700 / 602	13,919 / 30.1
FGP-160C1	16' (192")	855	3,150 / 702	16,440 / 34.4
FGP-180C1	18' (216")	945	3,480 / 778	17,152 / 38.2
FGP-210C1	21' (252")	1,095	4,050 / 902	19,891 / 44.3
FGP-240C1	24' (288")	1,440	5,400 / 1,133	26,311 / 58.8



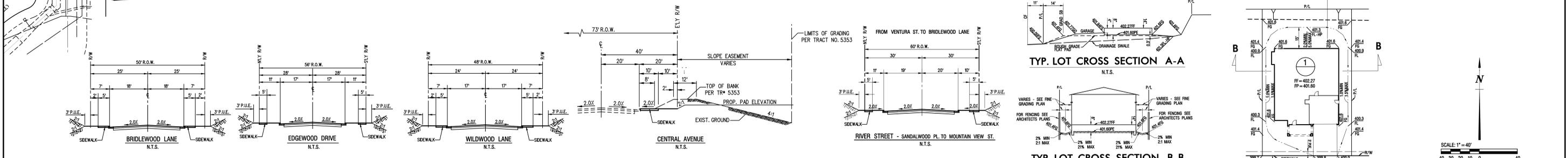
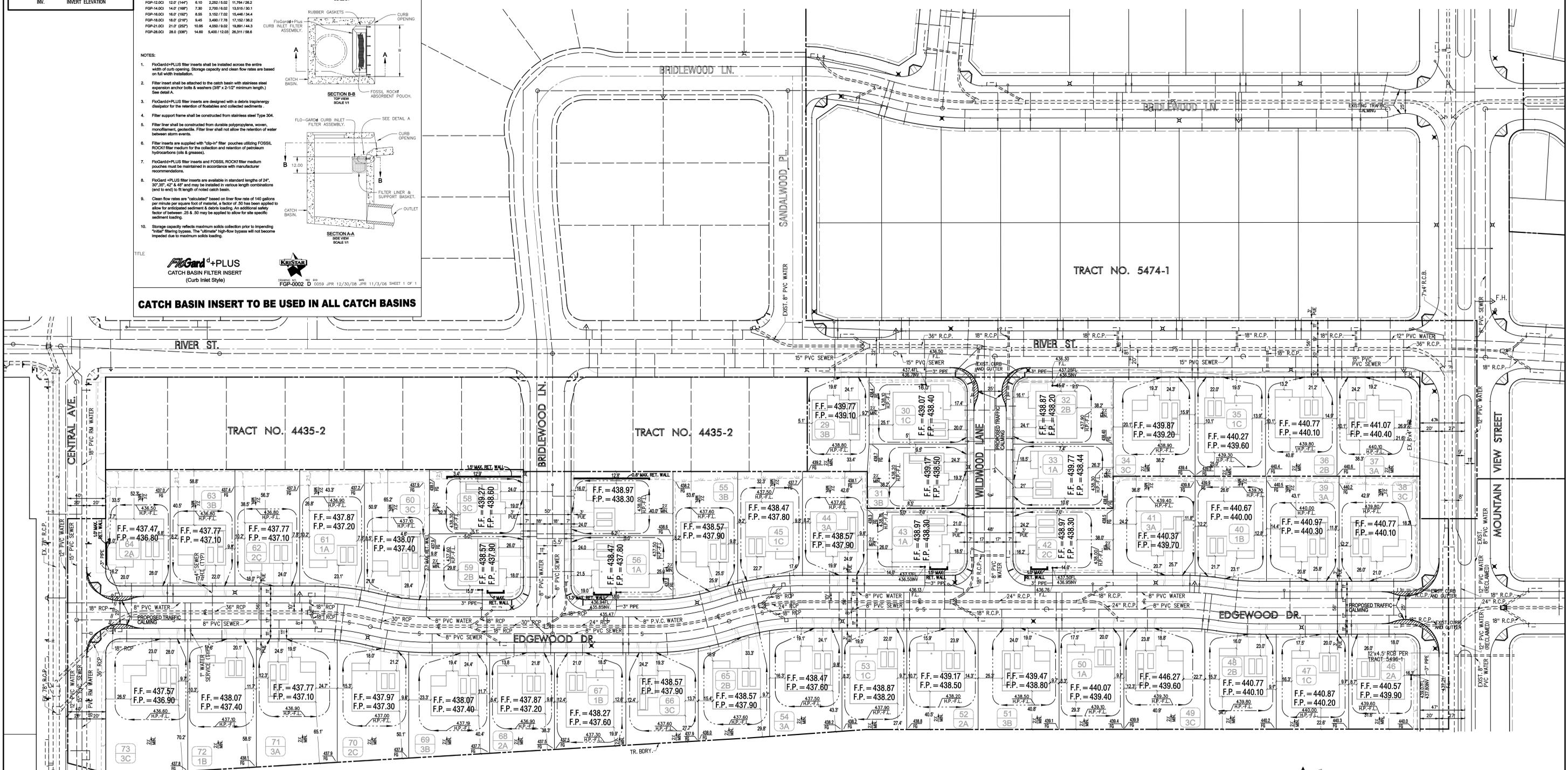
- NOTES:**
- FGP-PLUS filter inserts shall be installed across the entire width of curb opening. Storage capacity and clean flow rates are based on full width installation.
  - Filter insert shall be attached to the catch basin with stainless steel expansion anchor bolts & washers (3/8" x 2-1/2" minimum length.) See detail A.
  - FGP-PLUS filter inserts are designed with a debris trap/energy dissipator for the retention of floatables and collected sediments.
  - Filter support frame shall be constructed from stainless steel Type 304.
  - Filter liner shall be constructed from durable polypropylene, woven, monofilament, geotextile. Filter liner shall not allow the retention of water between storm events.
  - Filter inserts are supplied with "rip-in" filter pouches utilizing FOSSIL ROCK® filter medium for the collection and retention of petroleum hydrocarbons (oil & grease).
  - FGP-PLUS filter inserts and FOSSIL ROCK® filter medium pouches must be maintained in accordance with manufacturer recommendations.
  - FGP-PLUS filter inserts are available in standard lengths of 24", 30", 36", 42" & 48" and may be installed in various length combinations (end to end) to fit length of noted catch basin.
  - Clean flow rates are "calculated" based on liner flow rate of 140 gallons per minute per square foot of material. A factor of 50 has been applied to allow for anticipated sediment & debris loading. An additional safety factor of between .25 & .50 may be applied to allow for site specific sediment loading.
  - Storage capacity reflects minimum solids collection prior to impeding "inlet" trapping bypass. The "ultra" high-flow bypass will not become impeded due to maximum solids loading.

**FGP-PLUS CATCH BASIN FILTER INSERT (Curb Inlet Style)**

DATE: 05/09 APR 12/30/08 APR 11/3/06 SHEET 1 OF 1

**CATCH BASIN INSERT TO BE USED IN ALL CATCH BASINS**

# PRELIMINARY FINE GRADING, DRAINAGE AND UTILITY PLANS FOR TRACTS 4435-3 AND 4435-4



REV	DESCRIPTION	DATE
1	REV PER DC COMMENTS & ADD UTILITY INFORMATION	01-30-14