

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: March 12, 2014
TO: Members of the Planning Commission
FROM: Lucille T. Breese, AICP, Planning Manager
RE: **TIME EXTENSION REQUEST FOR THE BURTON RANCH SPECIFIC PLAN AREA DEVELOPMENT AGREEMENT**
(Planning Division File No. SP 04-01/DR 05-35)

Agenda Item No. 3

A request by Michael Towbes on the behalf of Harris Grade Partners, L.P.; Patrick J. McCarthy and Bridget M. McCarthy; Donald M. Jensen and Lynn D. Gray; Lompoc Ranch Joint Venture; Joe A. Signorelli, Jr.; Adam Peter Signorelli; Gus Thomas Signorelli; and The Towbes Group, Inc. for Planning Commission review and consideration of a five (5) year time extension for the Development Agreement (DA) for the Burton Ranch Specific Plan (BRSP) Area, scheduled to expire May 31, 2014. The Planning Commission will make a recommendation to the City Council regarding the requested time extension. The BASP area is located on approximately 150-acres at the intersection of Highway 1/Purisima Road/Harris Grade Road in the City of Lompoc (APN: 97-250-002, -005, -040, -050, -051, -062, and -069)

Scope Of Review:

The Planning Commission is being asked to consider:

- If the proposed time extension is consistent with the approved Burton Ranch Specific Plan; and
- If the required Findings of Fact can be made.

Recommendation:

Staff recommends that the Planning Commission:

- Consider the requested five (5) year time extension and adopt Resolution No. 772 (14) based upon the Findings of Fact in the Resolution; and
- Recommend the City Council approve the requested five (5) year time extension to the BRSP Development Agreement.

Background:

Previous Planning Division File Numbers:

- EIR 02-01 - Revised Final Environmental Impact Report Revised (FEIR)
- GP 02-01 – General Plan Amendment
- ZC 02-01 – Rezoning Request
- Annexation No. 70 – Request for Annexation
- SP 04-01 – Burton Ranch Specific Plan
- DR 05-35 – Development and Annexation Agreement
- DR 07-02 – Development Plan Review
- LOM 567 – Tentative Subdivision Map
- DR 07-01 – A Development Plan/Architectural Review
- LOM 570 – Tentative Subdivision Map

Feb 7, 2006: City Council certified the Revised Final Environmental Impact Report (Revised FEIR 02-01 -- SCH No. 2002091045) and adopted the Burton Ranch Specific Plan (SP 04-01).

May 31, 2007: Effective date of annexation to the City of Lompoc.

Sept 4, 2007: City Council adopted Amendment No. 1 to Burton Ranch Specific Plan to allow Asphalt Composition Shingle roofing on Craftsman Style Units.

May 14, 2008: Planning Commission adopted:

- Resolution No. 597 (08) and Conditions of Approval approving LOM 567 and requesting subdivision of an approximately 14.3 acre site to create 52 parcels;
- Resolution No. 598 (08) and Conditions of Approval approving DR 07-02 for the construction of 55 residential units to be known as The Cottages at Burton Ranch located on an approximately 14.3 acre site;
- Resolution No. 599 (08) and Conditions of Approval approving LOM 570 requesting subdivision of an approximately 100.96 acre site to create 210 numbered lots and 19 open space lots or 229 parcels; and
- Resolution No. 600 (08) and Conditions of Approval approving DR 07-01 for the construction of 210 residential units in four (4) distinct neighborhood areas, with approximately 27.89 acres of common open space and 23.59 acres of public and private streets.

The Burton Ranch Specific Plan:

The Burton Ranch Specific Plan (BRSP) was adopted by the City Council in February 2006. Amendment No. 1 was approved in September 2007. The BRSP was deemed consistent with the City's General Plan when it was adopted as required by State Law. Where the BRSP is contrary to the Zoning Ordinance, Subdivision Ordinance or other Development Standards, the BRSP regulations govern development in the Specific Plan (SP) Area.

The BRSP allows a maximum of 476 residential units comprised of Single-Family Residential and Multi-Family Residential units. The type of product marketed is left to the developer to determine. One of the objectives of the BRSP is to provide an overall community designed to meet a broad range of housing needs within a well-designed and coordinated identity. The design standards and architectural standards set out in the BRSP assure that the developments meet these objectives following review by the Planning Commission.

Discussion:

During the approval process for the Burton Ranch Specific Plan and annexation request, the City Council and the applicants agreed to a Development Agreement (DA) for the BRSP area (DR 05-35). The overall site consists of eleven assessor's parcels that are owned by seven (7) separate landowners. The eleven parcels comprise approximately 150 acres located in the City of Lompoc, between State Highway 1 to the west and south, Harris Grade Road to the east, and Burton Mesa Ecological Reserve to the north.

The City Council adopted Ordinance No. 1520 (06) approving the DA which became effective on May 31, 2007, with an expiration date of May 31, 2014. The DA vested the BRSP in the event the property or portions of the property were sold; adopted a Maintenance Annuity Fee to supplement City services of \$1,500 per unit; and, froze development impact fees at the 2007 rate for the term of the DA.

On December 30, 2013, the City received a request from Michael Towbes, representing The Towbes Group for a five (5) year time extension of the DA. The DA requires all parties give consent to any amendment of the DA, and all terms therein. To-date, the City has received consent from all seven (7) parties who originally signed the DA. The applicants are not requesting any change to the terms of the DA except to extend the expiration date. The applicants are requesting a five (5) year time extension of the DA with a new expiration date of May 31, 2019.

It should be noted:

- The previously-approved DA is in compliance with the requirements of the City of Lompoc General Plan, the Subdivision Ordinance, the appropriate Zoning Ordinance regulations, and the adopted Burton Ranch Specific Plan.

- The proposed time extension will allow the applicant to proceed with approved Development Plans, expanding housing options for the residents of the City of Lompoc.
- The recent economic downturn presented financial difficulties when attempting to proceed with a project of this magnitude. The housing market was not able to support large scale new developments in the past few years.
- With the positive economic indicators and the recent economic developments in the City, it is anticipated the developers will proceed with the existing land use entitlements and develop the project as it was approved.

A positive recommendation to the City Council will allow the applicants additional time to move forward with the approved development.

Environmental Review

A Final Revised Environmental Impact Report (EIR 02-01) for the Burton Ranch Specific Plan (SCH # 2002091045) was prepared by Science Applications International Corporation (SAIC) in September 2005. The City Council adopted Resolution No. 5299 (06) certifying FEIR 02-01, making the required California Environmental Quality Act (CEQA) findings of fact and making the necessary statement of overriding considerations on February 7, 2006. The document was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

Resolution No. 772 (14) includes a Finding of Fact stating there has been no new environmental information provided that would change the determinations for EIR 02-01.

Staff Review:

No additional Development Review Board hearings were required to process this request. Planning staff worked with the City Attorney to prepare the appropriate documentation.

Public Notice:

On February 24, 2014:

- 1) Parties to the Development Agreement were advised of the hearing by Certified Mail.

On February 28, 2014:

- 1) Notice of the Public Hearing was published in the Lompoc Record;
- 2) Notices were mailed to property owners within 300 feet by US mail;
- 3) Notice was placed on the City website; and
- 4) The project site was posted by City staff.

Appeal Rights:

Any person has the right to appeal the Planning Commission action to the City Council within ten (10) calendar days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80. When the Planning Commission is making a recommendation to the City Council, no appeal is necessary.

Attachments:

- 1) Request from Michael Towbes for Time Extension, dated December 30, 2013.
- 2) Draft Resolution No. 772 (14) including First Amendment to the Development Agreement.

Staff Report has been reviewed and approved for submission to the Planning Commission			
Teresa Gallavan	Date	Lucille T. Breese, AICP	Date
Economic Development Director / Assistant City Administrator		Planning Manager	