

**CONDITIONS OF APPROVAL
LOM 586-P – VESTING TENTATIVE PARCEL MAP
1420 EAST OCEAN AVENUE - APN: 85-150-17**

The following Conditions of Approval apply to the plans for LOM 586-P, received by the Planning Division and stamped on May 28, 2010, and reviewed by the City Council on July 6, 2010.

I. PLANNING

Planning - General Conditions

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 17.140.010, 17.152.010, and 17.152.020 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Sections 1.24.010 and 1.24.060 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

- P4. Planning Commission approval of LOM 586-P is valid for twenty-four (24) months, prior to the expiration of the Map the applicant may request a twelve (12) month extension. LOM 586-P shall expire on June 9, 2012, unless the applicant requests a time extension as outlined by City standards.
- P5. Approval of Vesting Tentative Parcel Map LOM 586-P is contingent upon City Council approval of the Density Bonus and Redevelopment Agency (RDA) review and approval.

II. BUILDING AND FIRE SAFETY

No General or Project Specific Conditions

III. POLICE DEPARTMENT

No General or Project Specific Conditions

IV. ENGINEERING

Engineering – General Conditions

- EN1. A Parcel Map shall be required for this project as per the Subdivision Map Act, Section 66463. Upon approval or conditional approval of the Tentative Map by the Planning Commission, a complete review by the Engineering Division of all plans and documentation required by the Subdivision Ordinance of the City of Lompoc shall be required before the acceptance of the Parcel Map by the City Engineer.
- EN2. The Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.
- EN3. After the Parcel Map has been prepared and is ready for review, the Applicant's Engineer shall submit three (3) sets of prints to the Engineering Division for first plan check.
- EN4. Parcel Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist for Completeness of Subdivision Maps," available at the Engineering Division. "Development Assistance Brochures" can be obtained at the Engineering Division or downloaded from the City Engineering web page (<http://www.cityoflompoc.com/departments/pworks/engineering.htm>).
- EN5. In conformance with Chapter 27, Section 2824 of the Lompoc City Code, the Parcel Map shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System by Record Of Survey filed August 22, 2003, in Book 172, Pages 4 through 7, Santa Barbara County Records. The Parcel Map shall indicate and identify the control monuments utilized in the preparation thereof. The Parcel Map shall be delivered in a computer format readily compatible for transfer to the City Geographic Information System at the time of map approval. The following computer formats are acceptable for delivery: DGN (native Microstation); DWG (same as or less than Version 14); DXF.
- EN6. Compliance with the Subdivision Map Act pertaining to monument security, Section 66496, is required if the interior monuments are not set at the time the Parcel Map is recorded. The Monument security shall be received and approved by the Engineering Division prior to final acceptance of the Parcel Map.

A cost estimate for setting the interior monuments shall be provided by the registered engineer or surveyor responsible for setting the monuments for determining the amount of the Monument Security.

The City will release the Monument Security after the Engineering Division has received the following: (reference Section 66497 of the Subdivision Map Act)

1. Written notice from the engineer or surveyor indicating that the final monuments have been set.
2. Evidence indicating payment has been made to the engineer or surveyor for setting the final monuments.

EN7. At completion of plan review and before final approval of the Parcel Map, the Engineering Division will submit a letter to the Applicant, or his/her representative, requesting the following documentation, fees, and submittals:

1. A Title Report current within the last ninety (90) days.
2. Recording Fees and Duplicating Fees.
3. Monument Security (if required)
4. Proof "TAX BOND" has been posted with County of Santa Barbara.
5. Parcel Map delivered in a computer format readily compatible for transfer to the City Geographic Information System.

Engineering – Project Specific Conditions

EN8. Applicant shall dedicate a Public Electric Easement to the City for public underground electric lines and pad mount equipment. Easement dedication will be by Parcel Map.

EN9. Applicant shall dedicate a 10-foot wide Public Wastewater Easement to the City for the proposed 6-inch wastewater line that runs easterly from the existing wastewater manhole at the northwest corner of the development to Seventh Street. Easement dedication will be by Parcel Map.

EN10. Applicant shall dedicate a Public Street Easement to the City for the additional street right-of-way required to construct a bus turnout on the west side of Seventh Street, immediately south of the driveway approach. The Public Street Easement will be dedicated on the Parcel Map.

EN11. Include an "Abandonment of Easement Statement" on the Parcel Map. Easement abandonment will include the portion of PUE that will no longer be used for public sewer main, easement per 528 O.R. 41 and 772 O.R. 84.

V. SOLID WASTE

No General or Project Specific Conditions

VI. ELECTRIC

No General or Project Specific Conditions

VII. WATER

No General or Project Specific Conditions

VIII. WASTEWATER

No General or Project Specific Conditions

I, Shellan Miller, the project applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the City Council in their approval of the Vesting Tentative Parcel Map. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Signature

Date