

RESOLUTION NO. 444 (05) A

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE A VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE AN APPROXIMATELY 11-ACRE PARCEL FOR RESIDENTIAL/COMMERCIAL DEVELOPMENT (LOM 544)**

**WHEREAS**, a request was received from Matt Woodruff representing JM Development, Inc., for consideration of a Vesting Tentative Subdivision Map for the Crown Laurel development located on an approximately 11-acre site at the northeast corner of Laurel Avenue and V Street. The request is to subdivide the current site (Assessor Parcel Number: 89-200-29) into seventy-three (73) residential parcels and one (1) commercial parcel for condominium purposes; and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on October 10, 2005; and

**WHEREAS**, at the meeting of October 10, 2005, \_\_\_\_\_ was present, and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of October 10, 2005, \_\_\_\_\_ spoke in favor of, and \_\_\_\_\_ spoke in opposition to, the project; and

**WHEREAS**, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration (SCH No. 2005081085) for the project as required by the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION RESOLVES AS FOLLOWS:**

**SECTION 1:** After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that:

- A. The General Plan designations for the site are: *Medium Density Residential* and *Light Industrial*. The zoning is consistent with the General Plan: *Medium Density Residential, Planned Development (R-2, PD)* and *Planned Manufacturing (PM)* and the staff analysis provides a basis for the recommendation; therefore, the design and improvements of the proposed subdivision are consistent with the applicable General Plan designation and policies.
- B. The proposed parcels are of reasonable size to support the type of development proposed by the applicant; therefore, the site is physically suitable for the type and density of the development proposed.
- C. The proposed subdivision of land is in compliance with the City's policies

and ordinances, as conditioned; therefore, the design of the proposed subdivision and improvements are not likely to cause environmental damage or substantially and unavoidable injure fish or wildlife or their habitat.

- D. The design of the proposed subdivision of land, as conditioned, and the type of improvements will not conflict with easements of record or established by judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision; therefore it can be found that the proposed conditions of approval are necessary to provide adequate access to the public.

**SECTION 2:** The Initial Environmental Study and Mitigated Negative Declaration prepared for the project show that there is no substantial evidence that the proposed project may have a significant effect on the environment, therefore, it can be found that:

- E. The proposed Zone Change does not have a significant effect on the environment; and
- F. Any effect of the proposed amendment upon fish and wildlife are de minimis and therefore no filing fee is required pursuant to Fish and Game Code Section 711.4 and Public Resources Code Section 21089.

**SECTION 3:** Based upon the foregoing it is recommended that the City Council approve LOM 544 as the Vesting Tentative Subdivision Map for the Crown Laurel project as reviewed on October 10, 2005, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing Resolution, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, was adopted at the Planning Commission meeting of October 10, 2005 by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Arleen T. Pelster, AICP, Secretary

\_\_\_\_\_  
Jack Rodenhi, Chair

**Attachment:** Exhibit A – Conditions of Approval

**CONDITIONS OF APPROVAL  
LOM 544 – TENTATIVE SUBDIVISION MAP  
NORTHEAST CORNER OF LAUREL AVENUE AND V STREET – APN: 89-200-29**

The following Conditions of Approval apply to the plans for LOM 544, prepared by J.B. Dixon Engineering & Surveying, Inc., received by the Planning Division and stamped on September 27, 2005, and reviewed by the Planning Commission on October 10, 2005.

**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 8900, 8935, and 8936 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 Section 0107 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 544 is valid for twenty-four (24) months, prior to the expiration of the Map the applicant may request a twelve (12) month extension. LOM 544 shall expire on October 10, 2007 unless the applicant requests a time extension as outlined by City standards.
- P5. The name of the private streets shall be reviewed and approved by the Community Development Director for consistency with City policy prior to approval of the final subdivision map.
- P6. Approval of Tentative Subdivision Map LOM 544 and Preliminary/Precise Development Plan (DR 04-35) are contingent upon City Council approval of General Plan Amendment (GP 04-05), Zone Change (ZC 04-07) and Text Amendment (TA 05-04), and Redevelopment Agency (RDA) review and approval.

**II. BUILDING AND FIRE SAFETY**

No General or Project Specific Conditions

**III. AVIATION/TRANSPORTATION**

No General or Project Specific Conditions

**IV. POLICE DEPARTMENT**

No General or Project Specific Conditions

**V. ENGINEERING**

**Engineering – General Conditions**

- EN1. A Final Map shall be prepared in accordance with the Subdivision Map Act, Section 66426. 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 Final Map by the City Engineer.
- EN2. The Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

- EN3. In conformance with Chapter 27, Section 2824 of the Lompoc City Code, the Final Map shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System, Record of Survey Book 142, Pages 82 and 83. The Final Map shall indicate and identify the control monuments utilized in the preparation thereof. The Final 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); DWX (same as or less than Version 14); DXF.
- EN4. After the Final 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.
- EN5. Final Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist For Completeness of Subdivision Maps," available at the Engineering Division.
- EN6. Final Map shall show street centerline monuments set in standard street monument wells per City Standards.
- EN7. At the completion of plan review for the Final Map, and before the City Counsel will consider acceptance of the Final Map, the required plans, fees and documentation shall be submitted to the Engineering Division. The fees and documentation typically include, but are not be limited to, the following:
- A Title Report current within the last ninety days
  - Final Map original mylars signed and notarized by the owner, and signed and stamped by the engineer
  - Improvement Plan original mylars signed and stamped by the engineer
  - Three sets of signed Improvement Agreement
  - Final Map Application and the Plan Check fee
  - Improvement Security:
    - Faithful Performance Security
    - Labor and Materials Security
    - Monuments Security
  - Final Map and Improvement Plans delivered in a computer format readily compatible for transfer to the City Geographic Information System
  - Certificate of Insurance
  - Encroachment Permit and Fee
  - Proof "Tax bond" has been recorded with the County of Santa Barbara
  - Recording Fee
  - Map Duplicating Fee

## **VI. SOLID WASTE**

No General or Project Specific Conditions

**VII. ELECTRIC**

No General or Project Specific Conditions

**VIII. WATER**

No General or Project Specific Conditions

**IX. WASTEWATER**

No General or Project Specific Conditions

I, Matt Woodruff of JM Development, Inc., project representative, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the Vesting Tentative Subdivision Map. As project representative, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_

Name

\_\_\_\_\_

Date