

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: November 13, 2013
TO: Members of the Planning Commission
FROM: Lucille T. Breese, AICP, Planning Manager
RE: TENTATIVE PARCEL MAP – LOM 598-P

AGENDA ITEM NO. 1

A request by John Ballinger, representative for Fagerdala USA – Lompoc, Inc., the applicant, for Planning Commission consideration of a proposal to subdivide an approximately 8.05 acre parcel of land into two (2) parcels. The project is located at 1017 West Central Avenue in the *Business Park (BP)* Zoning District (Assessor Parcel Number: 093-450-046). This action is exempt pursuant to the provisions of Class 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA).

Scope of Review:

The Planning Commission is being asked to consider:

- If the proposed Tentative Parcel Map is consistent with the City Zoning Ordinance and meets the requirements of the Subdivision Ordinance;
- If the Conditions of Approval are appropriate for the project; and
- If the required Findings of Fact in the Resolution can be made.

The Planning Commission has the authority to approve, conditionally approve, or deny a Tentative Parcel Map (Lompoc City Code Section 16.16.070).

Planning Commission Action:

- 1) Adopt Resolution No. 766 (13) based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval; or
- 2) Provide alternate direction.

Site Data:

1. Property Owner..... Fagerdala USA – Lompoc, Inc.
2. Site Location 1017 W Central Ave

3. Assessor Parcel Number 093-450-046
4. Site Zoning..... Business Park (BP)
5. General Plan Designation Business Park (BP)
6. Site Use Industrial
7. Surrounding Uses/Zoning North: Public Facilities / PF
South: Medium Density Residential / R-2
East: Industrial / PCD
West: Industrial / PCD

Background:

April 14, 2003 the Planning Commission adopted Resolution No. 265 (03) approving Tentative Parcel Map (LOM 523-P) and Resolution No. 266 (03) approving a Conceptual Development Plan (DR 03-04) with Conditions of Approval (COA). The action subdivided an existing 16.23 acre parcel into three (3) parcels. Development of a vacant site or in accordance with Architecture Review Guidelines.

Proposal:

The proposal is to subdivide an approximately 8.05 acre parcel into two (2) parcels. Parcel A would be approximately 6.205 acres in size and contain one (1) existing building (64,650 sq. ft.). Parcel B would be approximately 1.845 acres in size and could support one (1) building (20,000 sq. ft.) subject to a Development Permit. Planning Commission review and approval would be required (COA P5).

Once approved by the Planning Commission, the Tentative Parcel Map expires twenty-four months from the date of approval unless the applicant requests a time extension prior to the expiration. A condition of approval is included to advise the applicant of the map expiration date (COA P4).

Conformance with General Plan:

The General Plan designation for this property is *Business Park (BP)* and the stated purpose is:

To provide areas for clean and attractive, planned industrial centers on large, integrated parcels of land upon which all activities are conducted indoors.

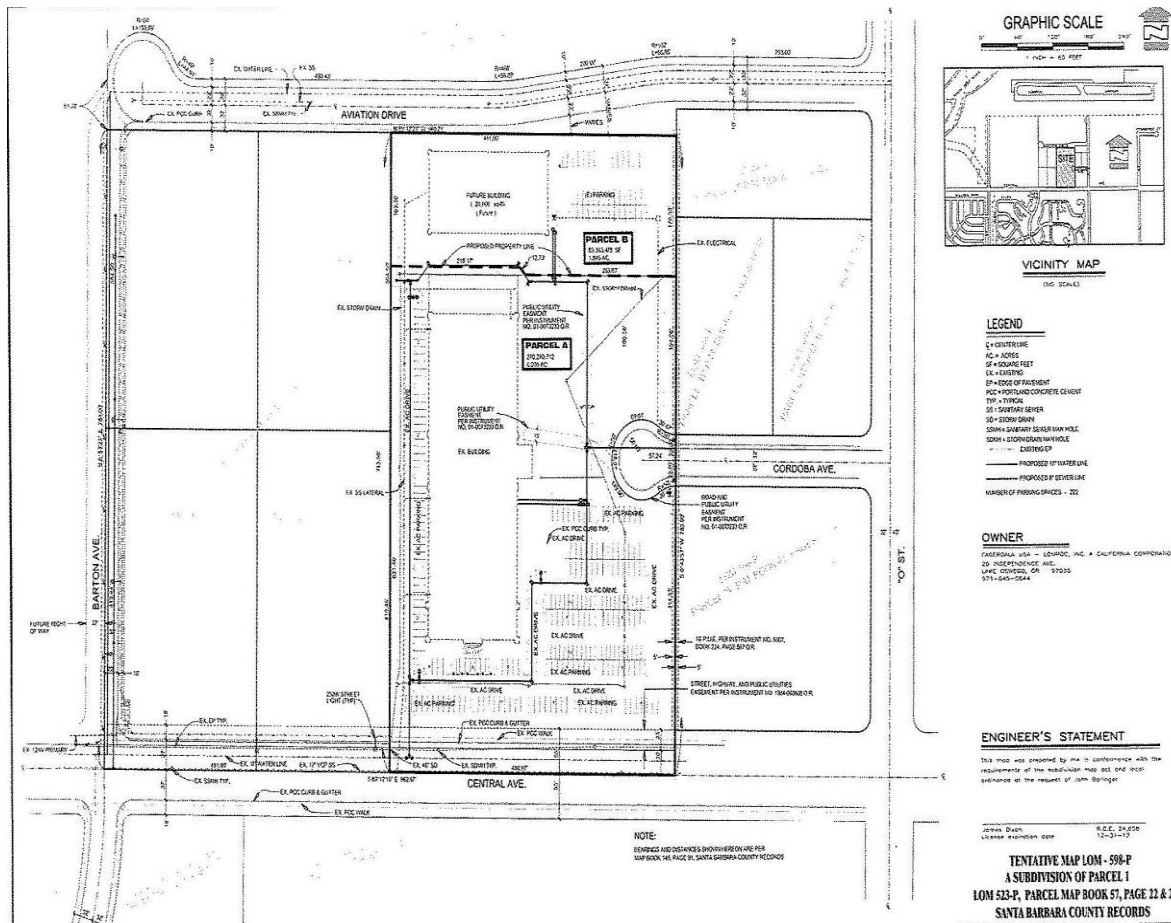
As conditioned, Tentative Parcel Map LOM 598-P will be in conformance with the General Plan.

Conformance with Zoning Ordinance:

The zoning of the site is *Business Park (BP)*. The stated purpose is:

To provide for planned industrial complexes in appropriate areas with sound development standards. The intent is to have primary users share common building complexes with common sign programs, building architecture, utility networks, and landscape areas in compatibly planned developments. The BP zoning district is consistent with the business park designation of the General Plan land Use Element.

Proposed Map



The purpose of the proposed map is to subdivide the property for industrial use.

As shown in the table below, the project meets Zoning Ordinance Standards for the *Business Park (BP)* Zoning District listed in Chapter 17.064:

Category	Required/Minimum	Proposed
Building Site Area	2 acres. Any proposed subdivision creating parcels of less than ten acres must be accompanied by conceptual development plan approval.	Parcel A – 270,280.7 sq. ft. (6.20 ac). Parcel B – 80,363.4 sq. ft. (1.84 ac). *
Minimum Lot Width	Minimum 150 Foot Frontage	Parcel A – 480.97 ft. (Central Ave) Parcel B – 481 ft. (Aviation Ave)

*The minimum requirement of 2 acres for a new parcel would be difficult to achieve due to the existing use on the adjacent site. The 1.84 acre parcel is substantially in conformance with the minimum required.

Based upon the information provided and the conditions of approval imposed upon the project, Tentative Parcel Map (LOM 598-P) will be in conformance with the Zoning Ordinance.

Conformance with Subdivision Ordinance:

Section 16.24.030 of the Subdivision Ordinance requires Development Review Board (DRB) review of subdivisions with development plans for conformance with the design criteria listed in the Ordinance. The DRB is required to report its findings to the Planning Commission; however, Tentative Parcel Map (LOM 598-P) alone is being considered at this time and a DRB meeting was not held. The applicant will submit a Development Permit for Commission review and approval at a later date.

Environmental Review:

The project is categorically exempt from review pursuant to Section 15315, Minor Land Divisions, of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed pursuant to CEQA requirements following the Commission action.

Noticing:

On November 3, 2013:

- 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; and
- 3) 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 days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

Attachments:

1. [Draft Resolution No. 766 \(13\)](#) and [Conditions of Approval](#)
2. Tentative Parcel Map
(Planning Commission only – plans available in Planning Division for review)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Lucille T. Breese, AICP Planning Manager			

RESOLUTION NO. 766 (13)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC
APPROVING A TENTATIVE PARCEL MAP (LOM 598-P)**

WHEREAS, a request was received by John Ballinger, an agent for Fagerdala USA-Lompoc, Inc., the project applicant, for Planning Commission consideration of a proposal to subdivide an approximately 8.05 acre parcel of land into two (2) parcels. The project is located at 1017 West Central Avenue in the Business Park (BP) Zoning District (Assessor Parcel Number: 093-450-046); and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on November 13, 2013; and

WHEREAS, at the meeting of November 13, 2013, _____ was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of November 13, 2013, _____ spoke in favor of _____ spoke in opposition to the project; and

WHEREAS, this project is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC 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 designation for the site is *Business Park (BP)* which is consistent with the *Business Park (BP)* zoning, and the staff analysis concludes the proposed Tentative Parcel Map is consistent with the applicable General Plan objectives, policies, land uses and programs; therefore, the proposed Tentative Parcel Map is consistent with the General Plan.
- B. The proposed site creates lots that are of reasonable size to support existing and future development; therefore, the subdivided land is physically suitable for the type and density of industrial development.
- C. The proposed subdivision is in general compliance with the City's policies and ordinances, as conditioned; therefore, the proposed Tentative Parcel Map is not likely to cause environmental damage or substantially and unavoidable injure fish or wildlife or their habitat or cause serious public health problems.

SECTION 2: The project is categorically exempt from review pursuant to Section 15315, Minor Land Divisions, of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed pursuant to CEQA requirements following the Commission action.

SECTION 3: Based upon the foregoing, LOM 598-P is approved as proposed on November 13, 2013, 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 regular Planning Commission meeting of November 13, 2013 by the following vote:

AYES:

NOES:

Lucille T. Breese, AICP, Secretary

Ron Fink, Chair

Attachment: [Exhibit A - Conditions of Approval](#)

**CONDITIONS OF APPROVAL
LOM 598-P TENTATIVE PARCEL MAP
1017 WEST CENTRAL AVENUE - APN: 093-450-046**

The following Conditions of Approval apply to the plans for LOM 598-P, received by the Planning Division and stamped on September 20, 2013, and reviewed by the Planning Commission on November 13, 2013.

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 598-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 598-P shall expire on November 13, 2015, unless the applicant requests a time extension as outlined by City standards.
- P5. A Development Plan is required for the first development of the vacant site and shall be reviewed and approved by the Planning Commission before permit issuance.

II. BUILDING (No General or Project Specific Conditions)

III. FIRE (No General or Project Specific Conditions)

IV. POLICE DEPARTMENT (No General or Project Specific Conditions)

V. ENGINEERING

- 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". "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 (any version); 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. A Parcel Map Application Fee per current fee schedule at time Parcel Map is filed.
3. Recording Fees and Duplicating Fees.
4. Monument Security (if required)
5. Proof "TAX BOND" has been posted with County of Santa Barbara.
6. Parcel Map delivered in a computer format readily compatible for transfer to the City Geographic Information System.

VI. SOLID WASTE (No General or Project Specific Conditions)

VII. ELECTRIC (No General or Project Specific Conditions)

VIII. STORM WATER

SW. New Post-Construction Storm Water Requirements applicable to new construction shall be incorporated into the project prior to project design and/or parcel development being reviewed by Planning Staff.

IX. WATER

WATER – PROJECT SPECIFIC CONDITIONS

W1. The existing waterline easement located along the proposed property line between Parcel A and Parcel B shall remain.

X. WASTEWATER (No General or Project Specific Conditions)

XI. WASTEWATER SOLID WASTE (No General or Project Specific Conditions)

I, John Ballinger, representative for Fagerdala USA, the project applicant, do hereby declare under penalty of perjury that the applicant accepts all conditions imposed by the Planning Commission in their approval of the Tentative Parcel Map and the applicant agrees to comply with these conditions and all other applicable laws and regulations at all times.

By: _____
Name

Date

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