



# PLANNING COMMISSION STAFF REPORT

**Planning Commission Meeting Date:** March 27, 2019

**TO:** Members of the Planning Commission

**FROM:** Brian Halvorson, Planning Manager  
b\_halvorson@ci.lompoc.ca.us

**RE:** Burton Ranch (Towbes)  
Vesting Tentative Map Time Extension – LOM 570

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## **AGENDA ITEM NO. 2**

A request for Planning Commission consideration of a two-year time extension for Vesting Tentative Map LOM 570 for the Towbes residential development at Burton Ranch to subdivide an approximately 100.9 acre site into 229 parcels. The proposed project site is located at the intersection of Harris Grade Road and Highway 1 within the Burton Ranch Specific Plan (SP) Zoning District. (Assessor Parcel Numbers: 097-250-050, 097-250-051, 097-250-083, and 097-250-084). This action is categorically exempt from CEQA pursuant to Section 65457 of the Government Code as the proposal is consistent with the adopted Burton Ranch Specific Plan for which a Program Environmental Impact Report (SCH#2002091045) was previously certified.

### **Scope of Review**

The Planning Commission is being asked to consider:

- If the required Findings of Fact in the Resolution can be made; and
- If the Conditions of Approval are appropriate for the project.

### **Planning Commission Action**

1. Adopt Resolution No. 902 (19) approving a two-year time extension for the Towbes Burton Ranch Vesting Tentative Map LOM 570, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval; or
2. Provide other direction.

**Background:**

On May 14, 2008, the Planning Commission adopted Resolution 599 (08) approving LOM 570 to subdivide a project site of approximately 100.96 acres of the 150 acre Burton Ranch Specific Plan area to create 210 lots and 19 open space lots or 229 parcels.

Additionally, the Preliminary/Precise Development Plan (DR 07-01) was approved for the project for 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.

In 2006, the City Council approved a Development and Annexation Agreement (DAA) for the Burton Ranch development, which includes the property subject to LOM 570. The DAA will expire on May 31, 2019, unless an extension is approved by the City Council.

**Discussion:**

The Subdivision Map Act allows the approval of a Tentative Map to be extended by the City for up to 6 years after its initial term, in addition to several one-time extensions by the State legislature in past years as shown below. Section 66452.6 of the *Subdivision Map Act* states:

- (a) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.*
  
- (e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.*

Sections 66452.21, 66452.22, 66452.23, and 66452.24 of the *Subdivision Map Act* provide for automatic extensions of vesting tentative tract maps for 1 year, 2 years, 2 years, and 2 years, respectively.

As mentioned in the past, the basis for the legislative extensions was that the state was in an economic crisis and allowing automatic map extensions would be beneficial for the economic recovery because developers would be able to build and not have to re-start the entitlement process at the beginning, thus saving time and money which could be passed on to the consumer.

LOM 570 had an initial term of two years, and qualified for seven years of automatic legislative extensions, as described above, for a total of nine years. In addition, a two-year time extension was approved by the Planning Commission in 2017 bringing the total to eleven years. Allowing two more years with this request will provide a thirteen year life for this map.

There are numerous changes to State and City requirements that would need to be considered if the LOM were presented as a new project. The Conditions of Approval for the original project in 2008 would need to be reviewed and re-evaluated and further extension would result in the Conditions of Approval for the project being more obsolete. Staff recommend conditioning the approval of the extension of LOM 570 on the City Council's approval of the extension of the Burton Ranch Development and Annexation Agreement until at least May 14, 2021 – the last day of the proposed map extension.

### **Environmental Determination**

A Final Revised Environmental Impact Report (EIR 02-01) for the Burton Ranch Specific Plan (SCH NO #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. Mitigation Measures were adopted as a part of the environmental process and were incorporated into the project approval. The time extension is exempt from further CEQA review pursuant to Government Code Section 65457, for residential development projects undertaken to implement, and consistent with, a specific plan. None of the events specified in Section 21166 of the Public Resources Code, triggering the need for a supplemental EIR, have occurred.

### **Noticing**


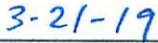
On March 15, 2019, notices were mailed to property owners within 300 feet by US mail, posted on the City's website and the project site was posted by City staff. In addition, on March 17, 2019, a notice of the Public Hearing was published in the Lompoc Record.

### **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**

- Exhibit A: Draft Resolution No. 902 (19)
- Exhibit B: Time Extension Request
- Exhibit C: Tentative Map

Staff Report has been reviewed and approved for submission to the Planning Commission	
	
Brian Halvorson Planning Manager	Date

## Exhibit A

### RESOLUTION NO. 902 (19)

#### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TWO-YEAR TIME EXTENSION FOR VESTING TENTATIVE MAP LOM 570 LOCATED WITHIN THE BURTON RANCH SPECIFIC PLAN AREA**

**WHEREAS**, a request was received from property owners Michelle Konoske from the The Towbes Group, Lompoc Ranch Joint Venture, John Gherini, Gus Thomas Signorelli, Stacey Signorelli and Joe A. Signorelli, JR., for consideration of a time extension for Vesting Tentative Map LOM 570 on a 100.9 acre project site for the creation of 229 parcels within the Burton Ranch Specific Plan area located north of the intersection of Harris Grade Road and Highway 1 (Purissima Road) in the Specific Plan (SP) Zoning District (Assessor Parcel Numbers: 097-250-050, 097-250-051, 097-250-083 and 097-250-084); and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on March 27, 2019; and

**WHEREAS**, at the meeting of March 27, 2019, \_\_\_\_\_ were present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of March 27, 2019, \_\_\_\_\_ spoke in opposition to and \_\_\_\_\_ spoke in support of, the project; and

**WHEREAS**, a Final Revised Environmental Impact Report (EIR 02-01) for the Burton Ranch Specific Plan (SCH NO #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. Mitigation Measures were adopted as a part of the environmental process and were incorporated into the project approval.

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

**SECTION 1:** The time extension is exempt from further CEQA review pursuant to Government Code Section 65457, for residential development projects undertaken to implement, and consistent with, a specific plan. None of the events specified in Section 21166 of the Public Resources Code, triggering the need for a supplemental EIR, have occurred.

**SECTION 2:** The time extension request for LOM 570 was made in a timely manner and the approved project still meets applicable City standards based upon the Development Agreement required to compensate the City for operation and maintenance of public improvements required for the project, therefore, the Planning Commission finds that granting the extension of time meets the provisions of the City Subdivision Ordinance and the legislative intent of the State and is consistent with the City's General Plan.

**SECTION 3:** Subject to the attached Conditions of Approval, LOM 570 is extended two years and will expire on May 14, 2021.

The foregoing Resolution, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, was adopted at the Planning Commission meeting of March 27, 2019 by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Brian Halvorson, Secretary

\_\_\_\_\_  
Nicholas Gonzales, Chair

Attachments:

Exhibit A: Draft Conditions of Approval

**CONDITIONS OF APPROVAL  
LOM 570 (TOWBES)  
BURTON RANCH SPECIFIC PLAN  
APN'S: 097-250-050, 097-250-051, 097-250-083, and 097-250-0084**

The following Conditions of Approval apply to the time extension requested by The Towbes Group for LOM 570, reviewed by the Planning Commission on March 27, 2019.

**I. PLANNING**

**Planning - General Conditions**

- P1. This time extension approval shall be null and void unless, prior to May 14, 2019, the Lompoc City Council approves an extension of the term of the Burton Ranch Development and Annexation Agreement until at least May 14, 2021.
- P2. 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.
- P3. 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 Section 1.24.010 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 to specifically enforce the Conditions of Approval. 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.
- P4. 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.

- P5. The applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of Certificates of Occupancy.
- P6. The conditions hereby imposed are in addition to the conditions imposed by PC Resolution No. 599 (08), in the case of any conflicts, the conditions listed herein shall prevail.
- P7. The name of the private streets shall be reviewed and approved by the City for consistency with City policy prior to approval of the Final map.
- P8. The map must be in substantial conformance with the Burton Ranch Specific Plan adopted by the City of Lompoc.
- P9. The applicant shall notify the City of Lompoc Planning Division of a change of ownership for the property or a change of project representative within 30 days of such change at any time during the City process prior to final Certificate of Occupancy.
- P10. The City and The Towbes Group agree that it is the intention of both parties to proceed with the creation of a Community Facilities District (CFD), in form and content agreeable to both parties, to fund the installation of the infrastructure required for the Burton Ranch Specific Plan (BRSP) area and the on-going fair share maintenance and operation of public roads adjacent to and within the BRSP area. Specific details of the scope of the CFD and funding calculations shall be determined as a part of the CFD.
- P11. Planning Commission approval of the LOM 570 time extension is valid for two (2) years. LOM 570 shall expire on May 14, 2021, unless the applicant requests a time extension as outlined in City standards.
- P12. Lompoc Municipal Code Section 17.006.030 allows any person to appeal a decision of the Planning Commission within 10 calendar days after the Planning



Commission's decision. No grading, building, demolition, or other ministerial permit, nor any other discretionary permit, shall be issued by the City for the Project until the later of (1) the expiration of the 10-day appeal period, or (2) the City Council's decision on the appeal, if a timely appeal is filed.

I, Michelle Konoske, John Gherini, Gus Thomas Signorelli, Stacey Signorelli and Joe A. Signorelli JR., on behalf of The Towbes Group and as project applicants do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in its approval of the proposed residential development at The Burton Ranch Specific Plan Area. As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Michelle Konoske, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
John Gherini, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gus Thomas Signorelli, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Stacey Signorelli, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joe A. Signorelli, JR., Applicant

\_\_\_\_\_  
Date



# The Towbes Group

Investment | Development | Construction | Property Management

Exhibit B

February 21, 2019

Mr. Brian Halvorson  
Planning Manager  
City of Lompoc  
100 Civic Center Plaza  
Lompoc, CA 93438

ELECTRONIC AND US MAIL

Re: Burton Ranch Tentative Map LOM 570 - Resolution 861 (17)

Dear Mr. Halvorson:

Please consider this our formal request for time extension on Tentative Map LOM 570 expiring May 31, 2019, and consent of the Owners below to such time extension request.

Sincerely,

THE TOWBES GROUP, INC., a California corporation

MICHELLE KONOSKE  
President

21 East Victoria Street, Suite 200, Santa Barbara, CA 93101

Telephone: (805) 962-2121 • Web: Towbes.com • Mailing Address: P.O. Box 20130 Santa Barbara, CA 93120-0130

BRE #01173601





# The Towbes Group

Investment | Development | Construction | Property Management

LOMPOC RANCH JOINT VENTURE, a California partnership

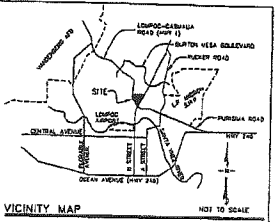
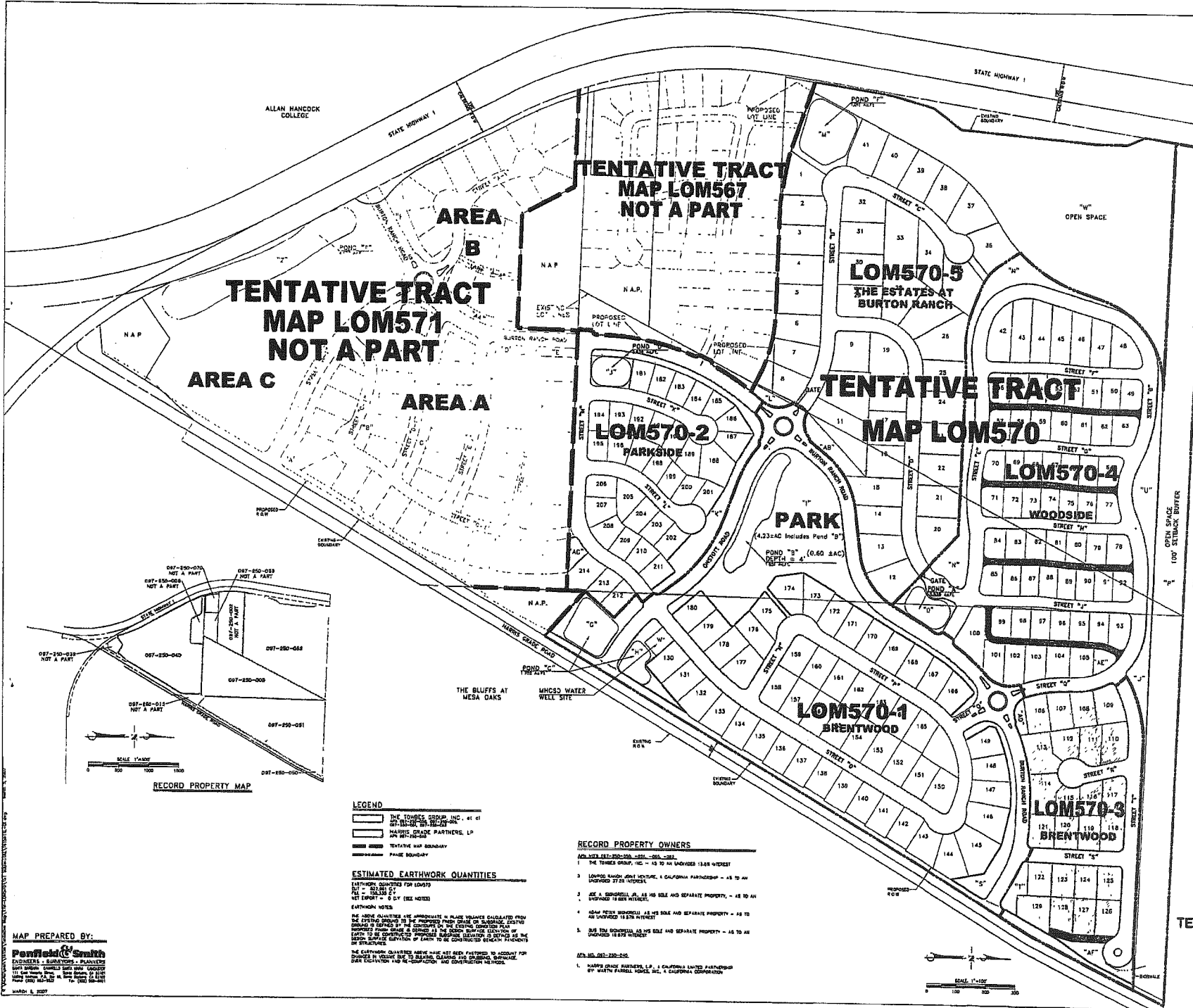
John Gherini, Managing Partner

GUS THOMAS SIGNORELLI

STACEY SIGNORELLI

JOE A. SIGNORELLI, JR.

vjr



**LEGAL DESCRIPTION**  
 A PORTION OF THE BURTON RANCH AS SHOWN ON THE MAP FILED IN BOOK 173 PAGE 25 OF RECORDS OF BURTON IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF SANTA BARBARA STATE OF CALIFORNIA

**PROJECT DESCRIPTION**  
 THE BURTON RANCH TENTATIVE MAP HAS BEEN PREPARED FOR THE AREA IN THE VENTURA COUNTY PALMS COMMUNITY ZONING DISTRICT "MPC" THE BURTON RANCH IS AN APPROXIMATELY 139 ACRE AREA BOUND BY HIGHWAY 101 TO THE SOUTH AND THE BURTON MESA WEST, HARRIS GRADE ROAD TO THE EAST AND THE BURTON MESA ECOLOGICAL RESERVE TO THE NORTH AND WEST.

**FLOOD HAZARD**  
 THE SUBJECT PROPERTY SHOWS FLOOD ZONE "X" (AREAS OF 1% ANNUAL CHANCE OF FLOOD) ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR SANTA BARBARA COUNTY, STATE OF CALIFORNIA, COMMUNITY FLOOD HAZARD DATA (CFM) EFFECTIVE DATE SEPTEMBER 30, 2005

**UTILITIES**

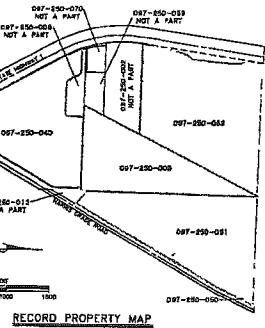
WATER	VENTURA COUNTY SERVICES DISTRICT 1200 E BURTON MESA BLVD LOUPOUC, CA 93148
SEWER	VENTURA COUNTY SERVICES DISTRICT 1200 E BURTON MESA BLVD LOUPOUC, CA 93148
ELECTRICAL	CITY OF LOUPOUC 100 QUIC CENTER PLAZA LOUPOUC, CA
TELEPHONE	VENTURA CALIFORNIA 1223 W. FAIRBANKS DRIVE SANTA BARBARA, CALIFORNIA 93103
CABLE	COMCAST 1165 BURTON STREET LOUPOUC, CA TELEPHONE (805) 758-5955
GAS	PACIFIC GAS AND ELECTRIC 2445 BRUNY DRIVE SANTA BARBARA, CALIFORNIA TELEPHONE (805) 346-2233
SOLID WASTE	CITY OF LOUPOUC 100 QUIC CENTER PLAZA LOUPOUC, CA TELEPHONE (805) 870-6074

**APPLICANT/SUBDIVIDER INFORMATION**  
 I HEREBY AFFIRM FOR THE APPROVAL OF THE BOARD OF REAL PROPERTY CONTROL, THAT I AM THE APPLICANT AND I AM THE SUBDIVIDER OF THE SUBJECT PROPERTY AND I AM THE OWNER OF THE PROJECT AND I AM THE APPLICANT AND I AM THE SUBDIVIDER OF THE PROJECT AND I AM THE OWNER OF THE PROJECT.

**SHEET INDEX**

SHEET NO.	DESCRIPTION
1	COVER SHEET - KEY MAP
2	TENTATIVE MAP
3	GRADING AND DRAINAGE PLAN - LOM570-1
4	GRADING AND DRAINAGE PLAN - LOM570-2
5	GRADING AND DRAINAGE PLAN - LOM570-3
6	GRADING AND DRAINAGE PLAN - LOM570-4
7	GRADING AND DRAINAGE PLAN - LOM570-5
8	STREET AND UTILITY PLAN
9	STREET AND UTILITY PLAN
10	METHODS AND DETAILS

**KEY MAP**  
**TENTATIVE TRACT MAP LOM570**  
**BURTON RANCH**  
 A SUBDIVISION OF ASSESSOR'S PARCELS 097-250-005, 097-250-050, 097-250-051, 097-250-052  
 CITY OF LOUPOUC  
 COUNTY OF SANTA BARBARA  
 STATE OF CALIFORNIA



**LEGEND**  
 THE TOMBES GROUP, INC. et al  
 MARYN FARRILL FONGE, LP  
 TENTATIVE MAP BOUNDARY  
 PARCEL BOUNDARY

**ESTIMATED EARTHWORK QUANTITIES**  
 EARTHWORK QUANTITIES FOR LOT 101  
 CUT = 12,000 CY  
 FILL = 10,000 CY  
 NET EXPORT = 2,000 CY (SEE NOTES)  
 EARTHWORK NOTES  
 THE ABOVE QUANTITIES ARE APPROXIMATE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GRADES TO THE PROPOSED FINISH GRADES ON SURROUNDING EXISTING GRADES AS SHOWN ON THE RECORDING PLANS. THE PROPOSED FINISH GRADES SHOWN ON THESE PLANS ARE BASED ON THE PROPOSED SURFACE ELEVATION AS SHOWN ON THE SURFACE ELEVATION PLAN. THE PROPOSED FINISH GRADES SHOWN ON THESE PLANS ARE BASED ON THE PROPOSED SURFACE ELEVATION AS SHOWN ON THE SURFACE ELEVATION PLAN.

**RECORD PROPERTY OWNERS**  
 AND/OR CO-OWNERS (SEE ALSO SHEET 2)  
 1. THE TOMBES GROUP, INC. - AS TO AN UNDIVIDED 1/333 INTEREST  
 2. THE TOMBES GROUP, INC. - AS TO AN UNDIVIDED 1/333 INTEREST  
 3. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST  
 4. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST  
 5. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST  
 6. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST  
 7. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST  
 8. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST  
 9. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST  
 10. JIM A. BOURDELL AS HIS SOLE AND SEPARATE PROPERTY - AS TO AN UNDIVIDED 1/333 INTEREST

MAP PREPARED BY:  
**Penfield & Smith**  
 ENGINEERS & SURVEYORS - PLANNERS  
 1000 W. SANTA ANA STREET, SUITE 200  
 SANTA ANA, CALIFORNIA 92701  
 PHONE (949) 444-4444 FAX (949) 444-4444

Exhibit C

NO 3/13/07