

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: MAY 13, 2009
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KEITH C. NEUBERT, PRINCIPAL PLANNER
RE: LOM 560 TENTATIVE SUBDIVISION MAP
TIME EXTENSION

CONSENT CALENDAR:

(All items listed under Consent Calendar are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Commission votes on the motion to adopt).

CONSENT AGENDA ITEM NO. 1

A request for an extension of time submitted by Bobbi McGinnis of R & R Investments, for Tentative Subdivision Map LOM 560 to subdivide an existing 10,500 square-foot parcel of land to create five (5) residential parcels. The property is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District at 410 North K Street (Assessor Parcel Number: 89-232-10). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

SCOPE OF REVIEW:

The Planning Commission is being asked to consider:

- If the time extension is exempt from review pursuant to CEQA;
- If the Conditions of Approval are appropriate for the time extension; and
- If the required Findings of Fact can be made.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 649 (09) granting a two-year time extension of the Tentative Subdivision Map (LOM 560). If approved, the new expiration date for LOM 560 would be May 8, 2011. The time extension would be based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.

BACKGROUND:

- May 8, 2006 The Planning Commission adopted Resolution 481 (06) approving a request by Rebecca Gowing of R & R Investments, to subdivide an existing 10,500 square-foot parcel of land to create five (5) residential parcels.
- April 9, 2008 The Planning Commission adopted Resolution 590 (08) approving a time extension to May 8, 2009.

DISCUSSION:

The Subdivision Map Act allows the approval of a tentative map to be extended for a period not to exceed a total of eight (8) years. Generally, time extensions are granted by the Planning Commission in one-year increments. 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 five years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a).*

On July 15, 2008, Senate Bill 1185 was signed, granting an automatic one-year extension to all maps. The basis for the legislative extension is the current economic situation.

Attached is a copy of the correspondence from Bobbi McGinnis requesting the one-year time extension for LOM 560 (Attachment No. 4). The automatic one-year extension has been included with the applicant's one-year request to grant a two-year time extension.

If the Planning Commission approves or conditionally approves the request for a two-year time extension, the new expiration date for LOM 560 will be May 8, 2011 (COA P5).

Staff has determined that granting the time extension is appropriate since the project will still meet the requirements of the Zoning Ordinance as conditions on the site have not changed.

NOTICING:

On May 1, 2009:

- 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.

ATTACHMENTS:

- 1) [Draft Resolution No. 649 \(09\)](#) and [Conditions of Approval](#)
- 2) [Resolution No. 481 \(06\)](#) without Conditions of Approval
- 3) [Resolution No. 590 \(08\)](#) without Conditions of Approval
- 4) [Request for Time Extension dated April 7, 2009](#)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Arleen T. Pelster, AICP Community Development Director	Date	Lucille T. Breese, AICP Planning Manager	Date

RESOLUTION NO. 649 (09)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 560

WHEREAS, a request for an extension of time was submitted by Bobbi McGinnis of R & R Investments, for Tentative Subdivision Map LOM 560 to subdivide an existing 10,500 square-foot parcel of land to create five (5) residential parcels. The property is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District at 410 North K Street (Assessor Parcel Number: 89-232-10); and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on May 13, 2009; and

WHEREAS, at the meeting of May 13, 2009, _____, was present to answer Planning Commissioners' questions and address their concerns; and

WHEREAS, at the meeting of May 13, 2009, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the time extension is categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

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

SECTION 1: The time extension request for LOM 560 was made in a timely manner and the approved project still meets applicable City standards, therefore it can be found that:

Granting the extension of time will meet the provisions of the City Zoning Ordinance.

The foregoing resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the regular Planning Commission meeting of May 13, 2009 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

CONDITIONS OF APPROVAL
LOM 560 – TENTATIVE SUBDIVISION MAP TIME EXTENSION
410 NORTH K STREET – APN: 89-232-10

The following Conditions of Approval apply to the time extension for LOM 560, requested by Bobbi McGinnis of R & R Investments, received by the Planning Division and stamped on April 7, 2009 and reviewed by the Planning Commission on May 13, 2009.

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 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. 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. The conditions hereby imposed are in addition to the conditions imposed by PC Resolution No. 481 (06) and PC Resolution No. 590 (08). In the case of any conflicts, the conditions listed herein shall prevail.
- P5. The Tentative Subdivision Map expires on May 8, 2011, as a result of the approval of this time extension.

I, Bobbi McGinnis, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the time extension for Tentative Subdivision Map LOM 560. As applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Name

Date

RESOLUTION NO. 481 (06)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING TENTATIVE SUBDIVISION MAP LOM 560

WHEREAS, a request was submitted by Rebecca Gowing of R & R Investments, the property owner, for Planning Commission review and consideration of a Tentative Subdivision Map. The map would subdivide an existing approximately 10,500 square-foot parcel of land to create five (5) residential parcels. The site is located at 410 North K Street (Assessor Parcel Number: 89-232-10); and,

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on May 8, 2006; and

WHEREAS, at the meeting of May 8, 2006, Dave Gowing of R & R Investments, the property owner, and Angelo Caciola, the project architect, were present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of May 8, 2006, no one spoke in favor of, and Arlen Sechrest spoke in opposition to, the project.

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. Inasmuch as the proposed zoning for the project is *High Density Residential, Planned Development (R-3, PD)* with a General Plan Land Use designation of *High Density Residential*; and the data and analysis in the staff report addresses the project's consistency with General Plan policies, it can be found that:
 1. The proposed subdivision is consistent with the applicable General Plan designation and policies, and with the Zoning Ordinance.
 2. The design and improvements of the proposed subdivision, as conditioned, are consistent with the General Plan designation and policies, the Zoning Ordinance design criteria, and the Subdivision Review Ordinance.

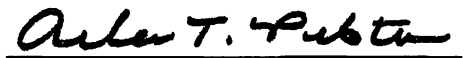
- B. Inasmuch as the proposed lot is of a reasonable size, it can be found that:
3. The site is physically suitable for the type of residential development proposed.
 4. The site is physically suitable for the proposed density of the development.
- C. Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Negative Declaration which have been prepared for the proposal show no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:
5. The proposed subdivision, as conditioned, does not have a significant effect on the environment; and
 6. Any effect of the proposed use upon fish and wildlife is de minimis and therefore no filing fee is required pursuant to the Fish and Game Code Section 711.4.

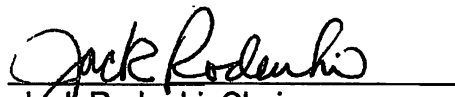
SECTION 2: Based upon the foregoing, the Planning Commission approves LOM 560 as proposed on May 8, 2006, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing resolution, on motion by Commissioner Ruhge, seconded by Commissioner Fink, was adopted at the regular Planning Commission meeting of May 8, 2006 by the following vote:

AYES: Commissioners Ruhge, Fink, Rodenhi, Harman

NOES: Commissioner Grames-Lyra


Arleen T. Pelster, AICP, Secretary


Jack Rodenhi, Chair

Attachment: Exhibit A - Conditions of Approval

RESOLUTION NO. 590 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 560

WHEREAS, a request for an extension of time was submitted by Bobbi McGinnis of R & R Investments, for Tentative Subdivision Map LOM 560 to subdivide an existing 10,500 square-foot parcel of land to create five (5) residential parcels. The property is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District at 410 North K Street (Assessor Parcel Number: 89-232-10); and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on April 9, 2008; and

WHEREAS, at the meeting of April 9, 2008, staff was present to answer Planning Commissioners' questions and address their concerns; and

WHEREAS, at the meeting of April 9, 2008, no one spoke in favor of, or in opposition to, the project; and

WHEREAS, the time extension is categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

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

SECTION 1: The time extension request for LOM 560 was made in a timely manner and the approved project still meets applicable City standards, therefore it can be found that:

Granting the extension of time will meet the provisions of the City Zoning Ordinance.

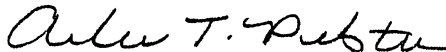
The foregoing resolution, on motion by Commissioner Lingl, seconded by Commissioner Grames-Lyra, was adopted at the regular Planning Commission meeting of April 9, 2008 by the following vote:

AYES: Commissioners Lingl, Grames-Lyra, Free

NOES: None

NOT PARTICIPATING: Commissioner Hain

ABSENT: Commissioner Rodenhi


Arleen T. Pelster, AICP, Secretary


Helen Free, Vice-Chair

ATTACHMENT 4

R & R Investments
6579 Cat Canyon Rd.
Santa Maria, Ca. 93458
805 310-3246

4/7/09

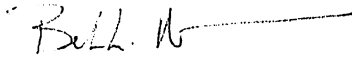
Lompoc Planning Commission
100 Civic Center Plaza
Lompoc, Ca 93436

Re: 410 N. K St., Lompoc, Ca. 93436
APN: 89-232-010

To Whom It May Concern:

R & R Investments ask the Lompoc City Council to give us an extension for one year of the Tentative Subdivision Map of the PUD development located at 410 N. K Street, Lompoc, California.

Thank you for your help,



Bobbi McGinnis
Partner

