

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**MEETING DATE:** JULY 8, 2009  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KEITH C. NEUBERT, PRINCIPAL PLANNER  
**RE:** LOM 557 VESTING TENTATIVE SUBDIVISION  
MAP – TIME EXTENSION

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**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. 3**

A request submitted by Carlos Yanez of Coastal Vision, Inc., the applicant, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 557) to subdivide an existing 3.09 acre parcel of land to create 40 residential units for condominium purposes. The project is known as Coastal Meadows and is located in the *Medium Density Residential, Planned Development (R-2, PD)* Zoning District at 1275 North V Street (Assessor Parcel Number: 93-070-36). 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 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. 653 (09) granting a two-year time extension of the Vesting Tentative Subdivision Map (LOM 557). If approved, the new expiration date for LOM 557 would be June 12, 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:**

- June 12, 2006      The Planning Commission adopted Resolution No. 493 (06) approving a request by Carlos Yanez of Coastal Vision, Inc., to subdivide an existing 3.09 acre parcel of land to create 40 residential units for condominium purposes.
- July 9, 2008      The Planning Commission adopted Resolution No. 608 (08) approving a one (1) year Time Extension for LOM 557.

**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 Carlos Yanez of Coastal Vision, Inc. requesting the one-year time extension for LOM 557 (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 557 would be June 12, 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 June 26, 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. 653 \(08\) and Conditions of Approval](#)
- 2) [Resolution No. 493 \(06\) without Conditions of Approval](#)
- 3) [Resolution No. 608 \(08\) without Conditions of Approval](#)
- 4) [Request for Time Extension dated May 27, 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. 653 (09)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 557**

**WHEREAS**, a request was submitted by Carlos Yanez of Coastal Vision, Inc., the applicant, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 557) to subdivide an existing 3.09 acre parcel of land to create 40 residential units for condominium purposes. The property is located in the *Medium Density Residential, Planned Development (R-2, PD)* Zoning District at 1275 North V Street (Assessor Parcel Number: 93-070-36); and

**WHEREAS**, the request was considered by the Planning Commission at a duly-noticed public meeting on July 8, 2009; and

**WHEREAS**, at the meeting of July 8, 2009, \_\_\_\_\_, was present to answer Planning Commissioners' questions and address their concerns; and

**WHEREAS**, at the meeting of July 8, 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 557 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 July 8, 2009 by the following vote:

**AYES:**

**NOES:**

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Arleen T. Pelster, AICP, Secretary

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Jack Rodenhi, Chair

**CONDITIONS OF APPROVAL**  
**LOM 557 – VESTING TENTATIVE SUBDIVISION MAP TIME EXTENSION**  
**1275 NORTH V STREET – APN: 93-070-36**

The following Conditions of Approval apply to the time extension for LOM 557, requested by Carlos Yanez of Coastal Vision, Inc., received by the Planning Division and stamped on May 28, 2009 and reviewed by the Planning Commission on July 8, 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. 493 (06) and PC Resolution No. 608 (08). In the case of any conflicts, the conditions listed herein shall prevail.
- P5. The Vesting Tentative Subdivision Map expires on June 12, 2011, as a result of the approval of this time extension.

I, Carlos Yanez of Coastal Vision, Inc., 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 Vesting Tentative Subdivision Map LOM 557. As applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**RESOLUTION NO. 493 (06)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE AN APPROXIMATELY 3.09-ACRE PARCEL FOR RESIDENTIAL DEVELOPMENT (LOM 557)**

**WHEREAS**, a request was received from Carlos Yanez representing Coastal Meadows, Inc., for consideration of a Vesting Tentative Subdivision Map for the Coastal Meadows development located on an approximately 3.09-acre site at 1275 North V Street. The request is to subdivide the current site (Assessor Parcel Number: 93-070-36) into forty (40) residential parcels for condominium purposes; and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on June 12, 2006; and

**WHEREAS**, at the meeting of June 12, 2006, Carlos Yanez project applicant representing Coastal Vision, Mario Alarcon project engineer of Triad Holmes, and Mark Austin Environmental Consultant of Impact Sciences were present, and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of June 12, 2006, Leroy Scolari, Jim Raggio, Fred Cross, Denny Anderson, Marno Goetsch, Alice Milligan, and Gloria Gaitan-Terrones spoke in favor of the project and Valerie George introduced letters of support from Benjamin F. Hernandez and Frank M. Signorelli ; and

**WHEREAS**, at the meeting of June 12, 2006, Richard Jenkins, Steve Hay, Deborah Fettig, expressed concerns with the project; and

**WHEREAS**, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration (SCH No. 2006031092) 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 *Open Space*. The zoning is consistent with the General Plan: *Medium Density Residential, Planned Development (R-2, PD)* and *Open Space (OS)* 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:

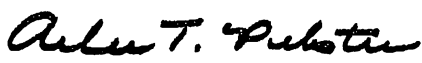
- E. The proposed Vesting Tentative Subdivision Map does not have a significant effect on the environment; and
- F. Any effect of the proposed map upon fish and wildlife are de minimis and therefore no filing fee is required pursuant to Fish and Game Code Section 711.4 and Public Resources Code Section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

**SECTION 3:** Based upon the foregoing it is recommended that the Planning Commission approve LOM 557 as the Vesting Tentative Subdivision Map for the Coastal Meadows project as reviewed on June 12, 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 Grames-Lyra, seconded by Commissioner Ruhge, was adopted at the Planning Commission meeting of June 12, 2006 by the following vote:

**AYES:** Commissioners Grames-Lyra, Ruhge, Fink, Rodenhi

**NOES:** Commissioner Harman

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

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

Attachment: Exhibit A – Conditions of Approval



**RESOLUTION NO. 608 (08)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
LOMPOC APPROVING A TIME EXTENSION FOR LOM 557**

**WHEREAS**, a request was submitted by Carlos Yanez of Coastal Vision, Inc., the applicant, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 557) to subdivide an existing 3.09 acre parcel of land to create forty residential units for condominium purposes. The property is located in the *Medium Density Residential, Planned Development (R-2, PD)* Zoning District at 1275 North V Street (Assessor Parcel Number: 93-070-36); and

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

**WHEREAS**, at the meeting of July 9, 2008, City Staff was present and available to answer Planning Commissioners' questions and address their concerns; and

**WHEREAS**, at the meeting of July 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:**

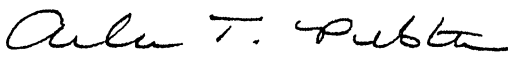
**SECTION 1:** The time extension request for LOM 557 was made in a timely manner and the approved project still meets applicable City standards, therefore it can be found that:


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 July 9, 2008 by the following vote:

**AYES:** Commissioners Lingl, Grames-Lyra, Free, Hain, Rodenhi

**NOES:** None

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

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



**ATTACHMENT 4**

31826 Village Center Road Suite C  
Westlake Village, CA 91361  
(818) 991-6629 Fax (818) 991-0450  
e-Mail: Coastal@best1.net

May 27, 2009

Via US Mail, Hand Delivery & Email

City of Lompoc  
Keith Neubert, Planner  
100 Civic Center Plaza  
Lompoc, CA 93438

RE: 1275 North V Street, Lompoc, CA - Coastal Meadows, LOM 557,  
Request for Time Extension of Approvals

Dear Keith,

Pursuant to the letter received last week from Cherridad Weigel, dated May 14, 2009, please accept this letter as our formal request for a time extension of all of the approvals granted in regard to our Coastal Meadows project, identified as vesting tentative map LOM 557. This request is for a time extension of all of the approvals including but not limited to the Vesting Subdivision Map, architectural design, and specific plan approvals.

Thank you for your courtesy and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Yanez", is written over a large, faint circular stamp.

Carlos Yanez  
President

**RECEIVED**

MAY 28 2009

CITY OF LOMPOC  
PLANNING DIVISION

cc: Batta Vujicic, Marco Vujicic Via Email  
Hunt Braly, Esq., Chairman of the Board Via Email