

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**MEETING DATE:** JANUARY 8, 2007

**TO:** MEMBERS OF THE PLANNING COMMISSION

**FROM:** KEITH C. NEUBERT, ASSOCIATE PLANNER

**RE:** DR 04-28 – MINOR MODIFICATIONS TO A PRELIMINARY/PRECISE DEVELOPMENT PLAN

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**AGENDA ITEM NO. 4**

A request by Shawn Reed of Centex Homes, for Planning Commission review and consideration of minor modifications to the approved Preliminary/Precise Development Plan for the architecture and unit sizes/footprints for the 81 single family residences currently named The Courtyards at Briar Creek. The project was formerly named Seabreeze Estates North and is located at the southeast intersection of Bailey Avenue and West Central Avenue (Assessor Parcel No: 93-070-62). This action is exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

**PROJECT BACKGROUND:**

August 17, 2004	The City Council adopted Resolution No. 5184 (04) certifying the Final EIR (EIR 01-01) and amendment to the Final EIR for the northern and southern parcels of the Seabreeze Estates project.
November 16, 2004	The City Council adopted Resolution No. 5112 (04) approving the Preliminary Development Plan (DR 04-28) for the northern parcel of the Seabreeze Estates project.
March 14, 2005	The Planning Commission adopted Resolution No. 402 (05) approving the Precise Development Plan (DR 04-28) for the northern parcel of the Seabreeze Estates project.

**PROPOSAL:**

The applicant is requesting consideration of minor modifications to a previously approved Preliminary/Precise Development Plan for an 81 single family residential project currently named The Courtyards at Briar Creek. The primary change is the reduction in size of each unit, which in turn reduces the footprint and mass of each plan. The table below shows the approved and proposed square footage, number of bedrooms, and number of bathrooms for each plan.

	Plan No. 1		Plan No. 2		Plan No. 3	
	Approved	Proposed	Approved	Proposed	Approved	Proposed
<b>Square Footage</b>	1,693	1,104	1,909	1,429	2,148	1,647
<b>Bedrooms</b>	3	2	4	3	3	4
<b>Bathrooms</b>	2-1/2	2-1/2	2-1/2	2-1/2	2-1/2	2-1/2

Though the same architectural styles are utilized, the elevations have changed to accommodate the smaller units. No changes have been made to the colors or materials. The revised plans are provided as Attachment 2.

Because this project was approved as a Preliminary/Precise Development Plan, minor changes must be returned to the Planning Commission for review pursuant to Section 7707 of the Zoning Ordinance.

**STAFF REVIEW:**

A Development Review Board (DRB) meeting was not held for this project as the requested modifications are minimal.

Staff recommends approval of the minor modifications to the previously approved Preliminary/Precise Development Plan (DR 04-28), subject to the attached Conditions of Approval.

**ENVIRONMENTAL DETERMINATION:**

A Final EIR and amendment to the Final EIR were prepared for this project and certified by the City Council on August 17, 2004. Review of the minor modifications is exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

**NOTICING:**

On December 29, 2006:

- 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 \$36.70.

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. 537 (07) approving the minor modifications to the approved Preliminary/Precise Development Plan (DR 04-28) for the 81-unit single-family residential project based on the Findings of Fact noted in the Resolution and subject to the attached Conditions of Approval.

**ATTACHMENTS:**

1. [Draft Resolution No. 537 \(07\) and Conditions of Approval](#)
2. Revised Plans  
(Planning Commission only – plans available in Planning Division for review)

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 City Planner	Date

**RESOLUTION NO. 537 (07)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING MINOR MODIFICATIONS TO A PRELIMINARY/PRECISE DEVELOPMENT PLAN (DR 04-28) FOR AN 81 UNIT SINGLE FAMILY RESIDENTIAL PROJECT FORMERLY KNOWN AS SEABREEZE NORTH**

**WHEREAS**, a request was received from Shawn Reed of Centex Homes, for Planning Commission review and consideration of minor modifications to the approved Preliminary/Precise Development Plan for the architecture and unit sizes/footprints for the 81 single family residences currently named The Courtyards at Briar Creek. The project was formerly named Seabreeze Estates North and is located at the southeast intersection of Bailey Avenue and West Central Avenue (Assessor Parcel No: 93-070-62); and

**WHEREAS**, the request was considered by the Planning Commission at a duly-noticed public meeting on January 8, 2007; and

**WHEREAS**, at the meeting of January 8, 2007, \_\_\_\_\_, was present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of January 8, 2007, \_\_\_\_\_ spoke in favor of, and \_\_\_\_\_ spoke in opposition to, the project; and

**WHEREAS**, this project is 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 the proposed minor modifications to the previously approved Preliminary/Precise Development Plan (DR 04-28) for 81 single-family residences located at the southeast intersection of Bailey Avenue and West Central Avenue, meet the requirements of the Zoning Ordinance and are minor in nature, therefore it can be found that the changes are in substantial conformance with the Preliminary Development Plan approved by the City Council on November 16, 2004 and the Precise Development Plan approved by the Planning Commission on March 14, 2005.



**CONDITIONS OF APPROVAL  
DR 04-28 -- MINOR MODIFICATIONS  
THE COURTYARDS AT BRIAR CREEK (FORMERLY SEABREEZE-NORTH)  
(APN: 93-070-62)**

The following Conditions of Approval apply to the plans for the minor modifications to DR 04-28, prepared by the Ritner Group, received by the Planning Division and stamped on December 11, 2006, and reviewed by the Planning Commission on January 8, 2007.

**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 and 0128 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.
- P3. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P4. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the City Council and approved if acceptable.

- P5. 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.

- P6. The conditions hereby imposed are in addition to the conditions imposed by City Council Resolution No. 5112 (04) and Planning Commission Resolution No. 402 (05). In the case of any conflicts, the conditions listed herein shall prevail.
- P7. The architecture of the proposed units shall be as shown in Exhibit C; the site plan shall be as shown in Exhibit B; the size of the units shall be: Plan 1 – 1,104 square feet, Plan 2 – 1,429 square feet, and Plan 3 – 1,647 square feet; colors and materials are per the original approval.

- II. BUILDING / FIRE SAFETY – no additional conditions**
- III. AVIATION/TRANSPORTATION – no additional conditions**
- IV. POLICE DEPARTMENT – no additional conditions**
- V. ENGINEERING – no additional conditions**
- VI. SOLID WASTE – no additional conditions**
- VII. ELECTRIC – no additional conditions**

**VIII. WATER – no additional conditions**

**IX. WASTEWATER – no additional conditions**

I, Shawn Reed of Centex Homes, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the proposed minor modifications to a Preliminary/Precise Development Plan (DR 04-28). As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date