

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**MEETING DATE:** AUGUST 13, 2007  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KEITH C. NEUBERT, PRINCIPAL PLANNER  
**RE:** LOM 533 – 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 for an extension of time submitted by Carlos Yanez, representing Coastal Vision Inc., for Vesting Tentative Subdivision Map LOM 533 to subdivide a 26.22 acre parcel of land into 146 parcels. The property is located in the *Medium Density Residential, Planned Development (R-2, PD)* and *Planned Commercial Development (PCD)* Zoning Districts at the intersection of East Laurel Avenue and Twelfth Street (Assessor Parcel Number 91-141-21). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

**COMMISSION REVIEW:**

The scope of Commission review of map time extensions is limited to questions of time and does not encompass a review of other issues.

**BACKGROUND:**

On August 16, 2005, the City Council adopted Resolution 5282 (05) approving a request by Carlos Yanez, representing Coastal Vision Inc., to subdivide a 26.22 acre parcel of land into 146 parcels.

**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 years. The applicant has requested an additional one-year time extension to allow for processing of the final map. Attached is a copy of the correspondence from Mr. Yanez, representing Coastal Vision Inc., requesting the time extension for LOM 533 (Attachment No. 3).

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).*

If the Planning Commission approves or conditionally approves the request for a one-year time extension, the new expiration date for LOM 533 will be August 16, 2008 (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 August 3, 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.

**RECOMMENDATION:**

**Staff recommends that the Planning Commission adopt Resolution No. 567 (07) granting a one-year time extension of Vesting Tentative Subdivision Map LOM 533, to August 16, 2008, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.**

**ATTACHMENTS:**

- 1) Draft Resolution No. 567 (07) and Conditions of Approval
- 2) City Council Resolution No. 5282 (05) without Conditions of Approval
- 3) Request for Time Extension dated July 12, 2007

Staff Report has been reviewed and approved for submission to the Planning Commission			
<b>Arleen T. Pelster, AICP Community Development Director</b>	<b>Date</b>	<b>Lucille T. Breese, AICP City Planner</b>	<b>Date</b>

**RESOLUTION NO. 567 (07)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 533**

**WHEREAS**, a request for an extension of time submitted by Carlos Yanez, representing Coastal Vision Inc., for Vesting Tentative Subdivision Map LOM 533 to subdivide a 26.22 acre parcel of land into 146 parcels. The property is located in the *Medium Density Residential, Planned Development (R-2, PD)* and *Planned Commercial Development (PCD)* Zoning Districts at the intersection of East Laurel Avenue and Twelfth Street (Assessor Parcel Number 91-141-21); and

**WHEREAS**, the request was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2007; and

**WHEREAS**, at the meeting of August 13, 2007, \_\_\_\_\_ was present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of August 13, 2007, \_\_\_\_\_ 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 533 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 August 13, 2007 by the following vote:

**AYES:**

**NOES:**

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

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

**CONDITIONS OF APPROVAL  
LOM 533 – VESTING TENTATIVE SUBDIVISION MAP TIME EXTENSION  
RIVER TERRACE – APN: 91-141-21**

The following Conditions of Approval apply to the time extension for LOM 533, requested by Carlos Yanez, representing Coastal Vision Inc., received by the Planning Division and stamped on July 13, 2007 and reviewed by the Planning Commission on August 13, 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 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 LOM 533, CC Resolution No. 5282 (05). In the case of any conflicts, the conditions listed herein shall prevail.
- P5. The Vesting Tentative Subdivision Map expires on August 16, 2008, as a result of the approval of this time extension.

I, Carlos Yanez, representing Coastal Vision Inc., 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 533. As project representative, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

## RESOLUTION NO. 5282 (05)

**A Resolution Of The Council Of The City Of Lompoc,  
County of Santa Barbara, State of California,  
Approving the Proposed Vesting Tentative Subdivision Map to  
Subdivide a 26.22-Acre Parcel For Residential/Commercial Development  
(Planning Division File No. LOM 533)**

WHEREAS, a request was received from Carlos Yanez representing Coastal Vision, Inc. for City of Lompoc consideration of a Vesting Tentative Subdivision Map for the River Terrace Development project as discussed in EIR 04-01 located on a 26.22 acre site adjacent to the Santa Ynez River in the southeastern portion of the City, immediately north of the intersection of East Laurel Avenue and Twelfth Street. The request is to subdivide the current site (Assessor Parcel Number: 99-141-21) into 146 lots available for resale; and

WHEREAS, the Planning Commission held a duly noticed public hearing for consideration of the Vesting Tentative Subdivision Map on July 25, 2005; and after considering the staff report, and hearing testimony from the applicant representative and members of the public, the Planning Commission adopted Resolution No. 429 (05) recommending that the City Council approve LOM 533; and

WHEREAS, a Final Environmental Impact Report (FEIR 04-01, SCH No. 2004061107) has been certified for this request in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on, August 16, 2005, the City Council has held public hearings to receive public input regarding the proposed Vesting Tentative Subdivision Map.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. Based upon the testimony and other evidence received at the public hearing, staff written and oral analysis and considering the recommendation made by the Planning Commission, the City Council finds:

- A. The General Plan designations for the site are: *Medium Density Residential* and *General Commercial*. The zoning is consistent with the General Plan: *Medium Density Residential, Planned Development (R-2, PD)* and *Planned Commercial Development (PCD)* and the staff analysis provides a basis for the recommendation; therefore, the design and improvements of the proposed subdivision, as conditioned, are consistent with the applicable General Plan designation and policies, the Zoning Ordinance design criteria, and the Subdivision Review Ordinance.

- 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. Based upon the foregoing, the City Council approves the Vesting Tentative Subdivision Map for the River Terrace Development project (LOM 533) as proposed, subject to the Conditions of Approval attached as Exhibit A which are incorporated by reference as if fully set forth herein.

SECTION 3. This Resolution shall take effect upon adoption.


SECTION 4. Judicial review of this decision shall be governed by the time limits of Code of Civil Procedure Section 1094.6.

The above and foregoing Resolution was proposed by Councilmember Holmdahl, seconded by Councilmember Siminski, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting of August 16, 2005, by the following electronic vote:

AYES: Councilmember: DeWayne Holmdahl, Janice Keller, Will Schuyler, Michael Siminski, and Mayor Dick DeWees.


NOES: Councilmember: None

ABSENT: Councilmember: None

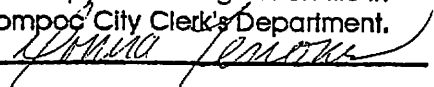


\_\_\_\_\_  
Dick DeWees, Mayor  
City of Lompoc

ATTEST:



\_\_\_\_\_  
Donna Terrones  
City Clerk, City of Lompoc

I HEREBY CERTIFY THAT THE  
 foregoing instrument is a true and  
 correct copy of the original on file in  
 the Lompoc City Clerk's Department.  
 ATTEST: 



1701 Laurel Ave., Lompoc, CA 93436  
(805) 737-4500 Fax (805) 737-4300  
e-Mail: Coastal@best1.net

COASTAL VISION, INC

July 12, 2007

Lucille T. Breese, City Planner  
City of Lompoc, Planning Department  
100 Civic Center Drive  
Lompoc, CA 93436

RE: Request for Extension of August 16, 2005 approvals.  
River Terrace Project (EIR 04-1, GP 04-01, DR 04-03, LOM 533)  
City Resolutions 5278, 5279, 5280, 5281 and 5282

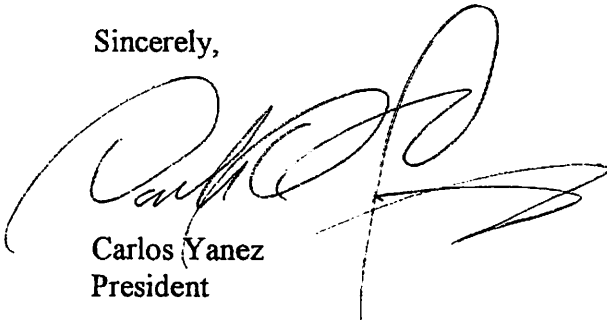
Dear Lucille,

As we discussed on the phone, it is now nearly 2 years since this project was approved. We have been working diligently to get the final map recorded and are nearly ready to submit our 4<sup>th</sup> revision to the final map.

Please accept this letter as our formal request for an additional ONE (1) year extension of all the approvals in place.

We look forward to your written confirmation of the extension and appreciate your continued assistance in this matter.

Sincerely,



Carlos Yanez  
President

Cc: Mario Alcorn  
Batta Vujicic  
Hunt Braly

