



PLANNING COMMISSION STAFF REPORT

Planning Commission Meeting Date: June 12, 2019

TO: Members of the Planning Commission

FROM: Hannah Nguyen, Assistant Planner
h_nguyen@ci.lompoc.ca.us

RE: Santa Rita Hills Wine Facility
Tentative Parcel Map Time Extension (LOM 582)

AGENDA ITEM NO. 1

A request for Planning Commission consideration of a two-year time extension submitted by Stephen Zotovich representing Peregrine Realty Partners for the Santa Rita Hills Wine Facility Tentative Parcel Map to subdivide approximately 9.4 acres into four (4) lots. The property is located at the northeast corner of the intersection of North Twelfth Street and Highway 246 (APN: 099-141-034). An Environmental Impact Report (SCH #2008081067) was previously prepared for this project pursuant to Section 15074 of the California Environmental Quality Act (CEQA) and an Addendum to the EIR has been prepared for the proposed time extension pursuant to CEQA.

Scope of Review

The Planning Commission is being asked to consider:

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

Planning Commission Action

1. Adopt Resolution No. 909 (19) approving a two-year time extension and adopting an addendum to the EIR for the Santa Rita Hills Wine Facility Tentative Parcel Map (LOM 582) based upon the Findings in the Resolution and subject to the attached Conditions of Approval; or
2. Provide other direction.

Background:

On July 7, 2009, the City Council adopted Resolution No. 5569 (09) approving LOM 582 to subdivide approximately 9.4 acres into four (4) lots as shown on Attachment 2. The property is located at the northeast corner of the intersection of North Twelfth Street and Highway 246. In addition, the City Council also adopted Resolution No. 5567 (09), 5568 (09), 5569 (09), 5570 (09), and Ordinance 1559 (09) on July 7, 2009 to certify the EIR and approve the General Plan Amendment, Development Plan and Zone Change for the Santa Rita Hills Wine Facility. Phase 1 of the project, which includes conversion of an industrial building, has been completed. Subsequent phases of new construction will be submitted and reviewed at a later date.

On March 14, 2012, the Planning Commission adopted Resolution No. 714 (12) for a Tentative Parcel Map (LOM 593) that subdivides the 9.4 acre site into a different four (4) lot configuration. However, LOM 593 expired on March 14, 2016. Therefore, the applicant is requesting a time extension (Attachment 3) for LOM 582, the previously approved map.

Discussion:

The Subdivision Map Act allows the approval of a Tentative Parcel Map to be extended by the City for up to six (6) years after its initial term. 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.*

As shown in the table below, LOM 582 has had an initial two-year term, six (6) years of automatic legislative extensions, and one two-year time extension request granted by the City for a total of ten (10) years. The legislative extensions occurred when the state was in an economic crisis. As such, automatic map extensions would be beneficial for economic recovery since developers are able to build without needing to re-start the entitlement process.

Actions	Effective	Duration	Expiration Date
City Approval Date	July 7, 2009	24 months	July 7, 2011
AB 333 Auto Extension	July 15, 2009	24 months	July 7, 2013
AB 208 Auto Extension	July 15, 2011	24 months	July 7, 2015
AB 116 Auto Extension	July 11, 2013	24 months	July 7, 2017
First Request	September 13, 2017	24 months	July 7, 2019
Second (Current) Request	June 12, 2019	24 months	July 7, 2021
Total		12 years	

The applicant has filed a timely request for a time extension to extend LOM 582 for a two-year period, which will provide a twelve (12) year life for this map. If the Planning Commission approves this two-year time extension request, the map would expire on July 7, 2021, and be eligible for only one more two-year time extension granted by the City.

Environmental Determination

An Environmental Impact Report (EIR) was previously prepared and approved by the City on July 7, 2009 for this project pursuant to Section 15074 of the California Environmental Quality Act (CEQA). An Addendum, in accordance with State CEQA Guidelines Sections 15162 and 15164, has been prepared for the previously certified EIR, and is attached to Draft Resolution No. 909 (19). The Addendum finds the time extension is not a substantial change that would result in new significant environmental effects or a substantial increase in severity of significant environmental effects.

Noticing

On May 31, 2019, notices were mailed to property owners within 300 feet by US mail, posted on the City's website and at the project site by City staff. In addition, on June 2, 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 and a fee of \$257.80.

Attachments

- Attachment 1: Draft Resolution No. 909 (19)
- Attachment 2: Tentative Parcel Map
- Attachment 3: Time Extension Request

Staff Report has been reviewed and approved for submission to the Planning Commission			
Christie Alarcon Community Development Director	Date	Brian Halvorson Planning Manager	Date

RESOLUTION NO. 909 (19)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TWO YEAR TIME EXTENSION FOR THE SANTA RITA HILLS WINE FACILITY TENTATIVE PARCEL MAP (LOM 582)

WHEREAS, a request for Planning Commission consideration of a two-year time extension submitted by Stephen Zotovich representing Peregrine Realty Partners for the Santa Rita Hills Wine Facility Tentative Parcel Map to subdivide approximately 9.4 acres into four (4) lots. The property is located at the northeast corner of the intersection of North Twelfth Street and Highway 246 (APN: 099-141-034); and

WHEREAS, an Environmental Impact Report (SCH #2008081067) for the Tentative Parcel Map was previously adopted and an Addendum was prepared in accordance with State California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164; and

WHEREAS, the matter was considered by the Planning Commission at a duly noticed public meeting on June 12, 2019; and

WHEREAS, at the meeting of June 12, 2019, _____ was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of June 12, 2019 _____ spoke in support of, and _____ in opposition to the project.

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

SECTION 1: The time extension does not require a subsequent Environmental Impact Report (EIR) pursuant to State CEQA Guidelines Sections 15162 and 15164. None of the events specified in Section 15162 of the CEQA Guidelines, triggering the need for a supplemental EIR, has occurred. The Addendum to the EIR, attached hereto as Exhibit A, is adopted.

SECTION 2: The time extension request for LOM 582 was made in a timely manner and the approved project still meets applicable City standards; therefore, the Planning Commission finds that granting the extension of time meets the provisions of the City's Subdivision Ordinance and the legislative intent of the State, and is consistent with the City's General Plan.

SECTION 3: Subject to the Conditions of Approval attached hereto as Exhibit B, LOM 582 is extended two years and will expire on July 7, 2021.

The foregoing Resolution was adopted, on motion by Commissioner _____, seconded by Commissioner _____, at the Planning Commission meeting of June 12, 2019 by the following vote:

AYES:

NOES:

Brian Halvorson, Secretary

Nicholas Gonzales, Chair

Attachments:

Exhibit A – Addendum to Environmental Impact Report (SCH #2008081067)
Exhibit B – Conditions of Approval

**ADDENDUM TO ENVIRONMENTAL IMPACT REPORT
FOR THE SANTA RITA HILLS WINE FACILITY,
FOR TIME EXTENSION OF LOM 582 – TENTATIVE PARCEL MAP
APN: 099-141-034
SCH #2008081067**

Background:

The Lompoc City Council certified the Environmental Impact Report (EIR) for the Santa Rita Hills Wine Facility project on July 7, 2009. The applicant has applied for a second two-year time extension. From the original approval to the current request, there has been a time lapse of approximately ten (10) years.

In accordance with State California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, this Addendum serves to analyze and disclose any environmental effects due to changes in the environmental baseline or revisions to the project since the certification of the EIR.

Project Description:

The applicant is requesting a two-year time extension for the tentative parcel map.

Environmental Determination:

The Santa Rita Hills Wine Facility EIR (SCH #2008081067) is hereby incorporated by reference.

Section 15164(a) of the State CEQA Guidelines states, *“The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”*

Section 15162(a) of the State CEQA Guidelines limits the preparation of a subsequent EIR to three situations:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

After review of the current environmental conditions and review of the Santa Rita Hills Wine Facility EIR, staff has determined that:

1. The two-year time extension is not a substantial change to the project and will not create new significant environmental effects or substantially increase the severity of previously identified significant effects;
2. No substantial changes have occurred with respect to the circumstances in which the project will be undertaken which would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
3. No new information has become available since the preparation of the EIR which would result in new significant impacts, an increase in severity of significant impacts, affect the feasibility of mitigation measures, or provide for different methods of mitigating significant impacts; and
4. The two-year time extension is only a minor change or addition to the project.

Therefore, this Addendum is prepared to affirm that no changes to the analysis which was conducted in the EIR are required.

**DRAFT CONDITIONS OF APPROVAL
SANTA RITA HILLS WINE FACILITY – LOM 582 TWO YEAR TIME EXTENSION
APN: 099-141-034**

The Draft Conditions of Approval apply for the Santa Rita Hills Wine Facility Tentative Parcel Map (LOM 582) two year time extension to subdivide an approximately 9.4 acre site into four (4) lots. The time extension was submitted by Stephen Zotovich of Peregrine Realty Partners on April 23, 2019 and reviewed by the Planning Commission on June 12, 2019.

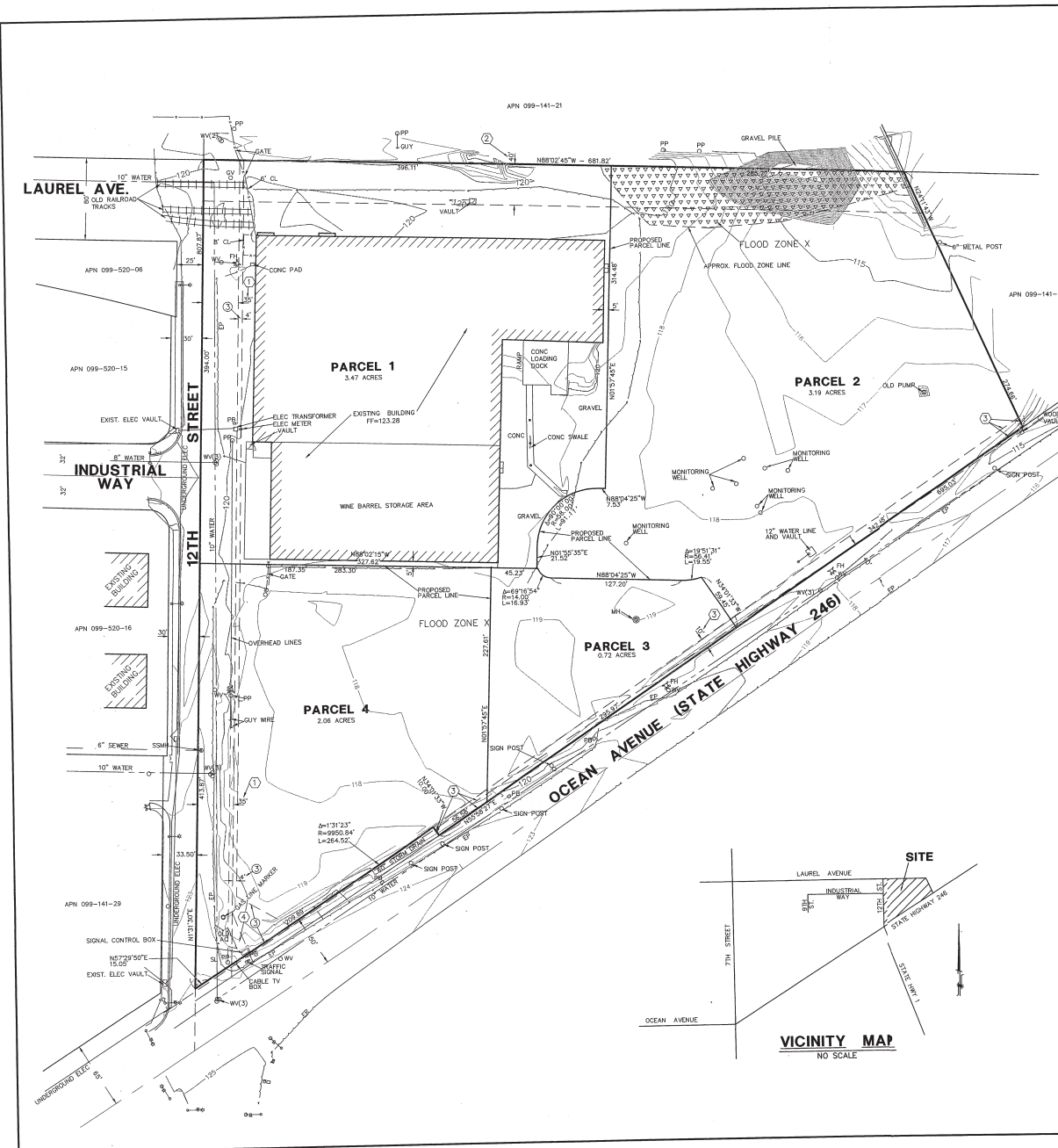
I. PLANNING

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 Sections 1.24.010 and 1.24.060 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.



PROPOSED EASEMENTS

1. RECIPROCAL EASEMENT FOR DRAINAGE PURPOSES FOR THE BENEFIT OF ALL PARCELS.
2. RECIPROCAL EASEMENT AGREEMENT FOR ACCESS AND PARKING FOR THE BENEFIT OF ALL PARCELS.
3. RIGHT-OF-WAY DEDICATION FOR STREET WIDENING AND IMPROVEMENTS.

EXISTING EASEMENTS

1. ROAD EASEMENT PER 5-DEEDS-203 & 983-OR-326 GRANTED TO THE COUNTY OF SANTA BARBARA AND RECORDED NOV. 8, 1884 AND APRIL 10, 1951 RESPECTIVELY.
2. RAILROAD EASEMENT PER 75-DEEDS-43 GRANTED TO SOUTHERN PACIFIC RAILROAD COMPANY AND RECORDED NOV. 26, 1900.
3. PUBLIC DRAINAGE EASEMENT PER 485-OR-198 GRANTED TO THE COUNTY OF SANTA BARBARA AND RECORDED JAN. 25, 1940.
4. PRIVATE UTILITY EASEMENT PER 2041-OR-823 GRANTED TO THE PACIFIC GAS & ELECTRIC COMPANY AND RECORDED MARCH 23, 1964.

OWNERS CERTIFICATE

(I, WE) HEREBY APPLY FOR THE DIVISION OF REAL PROPERTY AS SHOWN ON THIS PLAT AND CERTIFY THAT (I, WE) (AM/ARE) THE LEGAL OWNER(S) OR THE AUTHORIZED AGENT(S) OF THE LEGAL OWNER(S) AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF (MY/OUR) BELIEF AND KNOWLEDGE.

SANTA RITA HILLS WINE CENTER LLC
 ADDRESS: 107 WEST OCEAN AVENUE
 LOMPOC, CA 93435
 PHONE: (805) 331-3487

GENERAL NOTES

1. PROJECT DESCRIPTION: A PROPOSED DIVISION OF 9.44 ACRES INTO 4 PARCELS WITH A MINIMUM PARCEL SIZE OF 0.72 ACRES.
2. ASSESSORS PARCEL NO.: 99-141-22
3. ADDRESS: 300 NORTH 12TH STREET, LOMPOC
4. UTILITY COMPANIES SERVING AREA:
 WATER: CITY OF LOMPOC
 SEWER: CITY OF LOMPOC
 ELECTRIC: CITY OF LOMPOC
 GAS: SOUTHERN CALIFORNIA GAS
 TELEPHONE: VERIZON
 CABLE TV: COMCAST
5. DATUM FOR ELEVATIONS SHOWN HEREON ARE BASED ON NOV. 1929 AS PER GS NETWORK FOR CITY OF LOMPOC.
6. SEE DEVELOPMENT PLAN FOR PROPOSED GRADES AND CONTOURS.

FLOOD PLAIN INFORMATION:

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 0608300743F, DATED SEPT. 30, 2005, AND CLASSIFIED AS FOLLOWS:

- Zone X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- Zone X: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVES FROM 1% ANNUAL CHANCE FLOOD.

LEGEND

PROJECT BOUNDARY	---
CENTERLINE	---
EXIST. CURB LINE	---
EXIST. SEWER MAIN	---
EXIST. WATER MAIN	---
EXIST. STORM DRAIN	---
FENCE	x x x

ABBREVIATIONS

AC	ASPHALT	GM	GAS METER
BLDC	BUILDING	GRD	GROUND
CATV	CABLE TELEVISION BOX	INV	INVERT ELEVATION
CB	CATCH BASIN	JP	JOINT POL.
CF	CURB FACE	OH	OVERHANG(AVES)
CL	CENTERLINE	PF	POWER POLE
CL	CHAIN LINK FENCE	PP	PLASTIC PIPE
CMP	CORRUGATED METAL PIPE	RCP	REINFORCED CONC PIPE
CO	CLEAN OUT(SEWER)	RR	RAILROAD
CONC	CONCRETE	R/W	RIGHT OF WAY
DI	DROP INLET	SL	STREET LIGHT
DIA	DIAMETER	SW	SIDEWALK
DWY	DRIVEWAY	SDMH	STORM DRAIN MANHOLE
ELEC	ELECTRIC	SSMH	SANITARY SEWER MANHOLE
EP	EDGE OF PAVEMENT	TC	TOP OF CURB
EUC	EUCALYPTUS	TELE	TELEPHONE
FF	FENCE	TOG	TOP OF GRATE
FG	FINISH FLOOR	TOW	TOP OF WALL
FL	FINISH GRADE	TYP	TYPICAL
FH	FIRE HYDRANT	WM	WATER METER
FL	FLOW LINE	WW	WATER VALVE
FS	FINISH SURFACE	WB	WATER BREAK
GB	GRADE BREAK		

NOTE: ABBREVIATIONS SHOWN ABOVE MAY OR MAY NOT BE EVIDENT ON MAP.

TENTATIVE PARCEL MAP LOM 582

A PROPOSED DIVISION OF A PORTION OF FARM LOT 101 OF RANCHOS LOMPOC MISSION VIEJA, IN THE CITY OF LOMPOC, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA PER BOOK 1, PAGE 45 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SURVEYORS STATEMENT

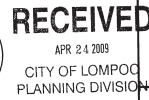
I HEREBY STATE THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION UNDER THE PROVISIONS OF SECTION 8726 OF THE LAND SURVYOR'S ACT AND THAT SAID SURVEY CORRECTLY SHOWS THE TOPOGRAPHIC FEATURES, THE CONTOURS ARE COMPUTER GENERATED.

Kenny L. Fargen 4-14-09
 KENNY L. FARGEN / L6/4597 DATE



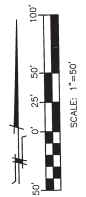
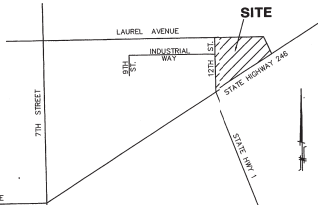
FARGEN SURVEYS INC.

2624 AIRPARK DRIVE
 SANTA MARIA, CALIFORNIA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: APRIL, 2009



CITY OF LOMPOC
 PLANNING DIVISION
 JOB: 05135 05135 NEW TENT.DWG
 SHEET 1 OF 1

VICINITY MAP
 NO SCALE



Approved by
ed 7/1/09

RECEIVED

APR 23 2019

Planning Division



PEREGRINE
REALTY PARTNERS

April 16, 2019

City of Lompoc
Attn: Hannah Nguyen, Planning Division
100 Civic Center Plaza
Lompoc, California 93438-8001

**Re: Santa Rita Hills Wine Center- Time Extension for Tentative Subdivision
Map (LOM 582)
300 N. 12th Street
Lompoc, California 93436**

Dear Hannah,

Santa Rita Hills Wine Center would like to submit a request to extend the Tentative Subdivision Map (LOM 582) located at 300 N. 12th Street, Lompoc. Enclosed with this letter is the General Application and fee of \$480.

Please feel free to contact me with any questions.

Sincerely,

Santa Rita Hills Wine Center Investors, LP

By: PRP SRH, LLC General Partner

Signature:

Stephen M. Zotovich
Managing Member
949-271-1775
1201 Dove Street, Suite 650
Newport Beach, CA 92660

Date:

4/16/19