

RESOLUTION NO. 902 (19)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TWO-YEAR TIME EXTENSION FOR VESTING TENTATIVE MAP LOM 570 LOCATED WITHIN THE BURTON RANCH SPECIFIC PLAN AREA

WHEREAS, a request was received from property owners Michelle Konoske from the The Towbes Group, Lompoc Ranch Joint Venture, John Gherini, Gus Thomas Signorelli, Stacey Signorelli and Joe A. Signorelli, JR., for consideration of a time extension for Vesting Tentative Map LOM 570 on a 100.9 acre project site for the creation of 229 parcels within the Burton Ranch Specific Plan area located north of the intersection of Harris Grade Road and Highway 1 (Purisima Road) in the Specific Plan (SP) Zoning District (Assessor Parcel Numbers: 097-250-050, 097-250-051, 097-250-083 and 097-250-084); and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on March 27, 2019; and

WHEREAS, at the meeting of March 27, 2019, Derek Hansen and Don Jensen, property owners, were present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of March 27, 2019, none spoke in opposition to or spoke in support of the project; and

WHEREAS, a Final Revised Environmental Impact Report (EIR 02-01) for the Burton Ranch Specific Plan (SCH NO #2002091045) was prepared by Science Applications International Corporation (SAIC) in September 2005. The City Council adopted Resolution No. 5299 (06) certifying FEIR 02-01, making the required California Environmental Quality Act (CEQA) findings of fact and making the necessary statement of overriding considerations on February 7, 2006. Mitigation Measures were adopted as a part of the environmental process and were incorporated into the project approval.

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

SECTION 1: The time extension is exempt from further CEQA review pursuant to Government Code Section 65457, for residential development projects undertaken to implement, and consistent with, a specific plan. None of the events specified in Section 21166 of the Public Resources Code, triggering the need for a supplemental EIR, have occurred.

SECTION 2: The time extension request for LOM 570 was made in a timely manner and the approved project still meets applicable City standards based upon the Development Agreement required to compensate the City for operation and maintenance of public improvements required for the project, therefore, the Planning Commission finds that granting the extension of time meets the provisions of the City Subdivision Ordinance and the legislative intent of the State and is consistent with the City's General Plan.

SECTION 3: Subject to the attached Conditions of Approval, LOM 570 is extended two years and will expire on May 14, 2021.

The foregoing Resolution, on motion by Commissioner Leach, seconded by Commissioner Cioni, was adopted at the Planning Commission meeting of March 27, 2019 by the following vote:

AYES: Commissioners Braxton, Cioni, Gonzales, Keller and Leach

NOES: None



Brian Halvorson, Secretary



Nicholas Gonzales, Chair

Attachments:

Exhibit A: Final Conditions of Approval

**CONDITIONS OF APPROVAL
LOM 570 (TOWBES)
BURTON RANCH SPECIFIC PLAN
APN'S: 097-250-050, 097-250-051, 097-250-083, and 097-250-0084**

The following Conditions of Approval apply to the time extension requested by The Towbes Group for LOM 570, reviewed by the Planning Commission on March 27, 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 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 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. 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 applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of Certificates of Occupancy.
- P5. The conditions hereby imposed are in addition to the conditions imposed by PC Resolution No. 599 (08), in the case of any conflicts, the conditions listed herein shall prevail.
- P6. The name of the private streets shall be reviewed and approved by the City for consistency with City policy prior to approval of the Final map.
- P7. The map must be in substantial conformance with the Burton Ranch Specific Plan adopted by the City of Lompoc.
- P8. The applicant shall notify the City of Lompoc Planning Division of a change of ownership for the property or a change of project representative within 30 days of such change at any time during the City process prior to final Certificate of Occupancy.
- P9. The City and The Towbes Group agree that it is the intention of both parties to proceed with the creation of a Community Facilities District (CFD), in form and content agreeable to both parties, to fund the installation of the infrastructure required for the Burton Ranch Specific Plan (BRSP) area and the on-going fair share maintenance and operation of public roads adjacent to and within the BRSP area. Specific details of the scope of the CFD and funding calculations shall be determined as a part of the CFD.
- P10. Planning Commission approval of the LOM 570 time extension is valid for two (2) years. LOM 570 shall expire on May 14, 2021, unless the applicant requests a time extension as outlined in City standards.

P11. Lompoc Municipal Code Section 17.006.030 allows any person to appeal a decision of the Planning Commission within 10 calendar days after the Planning Commission's decision. No grading, building, demolition, or other ministerial permit, nor any other discretionary permit, shall be issued by the City for the Project until the later of (1) the expiration of the 10-day appeal period, or (2) the City Council's decision on the appeal, if a timely appeal is filed.

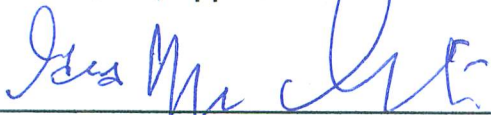
I, Michelle Konoske, John Gherini, Gus Thomas Signorelli, Stacey Signorelli and Joe A. Signorelli JR., on behalf of The Towbes Group and as project applicants do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in its approval of the proposed residential development at The Burton Ranch Specific Plan Area. As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.


Michelle Konoske, Applicant

7/31/19
Date


John Gherini, Applicant


7/30/2019
Date


Gus Thomas Signorelli, Applicant

7.30.19
Date

Stacey Signorelli, Applicant

Date


Joe A. Signorelli, JR., Applicant

7-30-19
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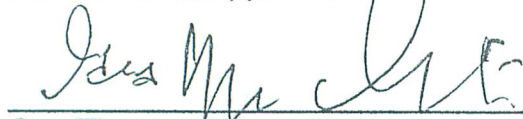
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Date


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