



PLANNING COMMISSION STAFF REPORT

Planning Commission Meeting Date: July 14, 2021

TO: Members of the Planning Commission

FROM: Brian Halvorson, Planning Manager
b_halvorson@ci.lompoc.ca.us

Jake Raper, Project Planner
j_raper@ci.lompoc.ca.us

RE: LOM 601 – Transit Facility Tentative Parcel Map 2-Year Time Extension

AGENDA ITEM NO. 1

A request for Planning Commission consideration of a two-year time extension submitted by Michael Luther representing the City of Lompoc for the Transit Operation/Fleet Maintenance Facility Tentative Parcel Map to combine seven (7) lots into three (3) lots. The property is located in the Industrial zoning district at the northeast corner of Chestnut Avenue and D Street (APN's: 085-033-001, -004, -005, -006, -007 and 085-040-001, -002, and a portion of the abandoned area of C Street). A Mitigated Negative Declaration (SCH# 2017051010) ("MND") for the Tentative Parcel Map was previously adopted and an Addendum to the MND has been prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines.

Scope of Review

The Planning Commission is being asked to consider:

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

Staff Recommendation

1. Adopt Resolution No. 950 (21) based upon the findings in the Resolution and subject to the attached draft Conditions of Approval; or
2. Provide other direction.

Background:

On June 14, 2017, the Planning Commission adopted Resolution 866 (17) approving LOM 601 to combine seven (7) lots into three (3) lots and the abandonment of a section of right of way adjacent to the project site. The original expiration date of the map was June 14, 2019 but on May 8, 2019, the Planning Commission adopted Resolution No. 908 (19) approving a 2-year time extension to June 14, 2021.

Discussion:

The Subdivision Map Act (Section 66452.6) allows the approval of a Tentative Parcel Map to be extended by the City for up to 6 years after its initial term. The tentative map approval for the Transit Facility map occurred on June 14, 2017, which provided an initial 24-month time period for the map to be recorded. On May 8, 2019, the Planning Commission approved a two-year time extension to June 14, 2021. Subsequently, on May 21, 2021, the applicant submitted a request for an additional two-year time extension as authorized by Government Code Section 66452.6 (e). If approved, the map would expire on June 14, 2023 and the applicant would still be eligible for one additional two-year time extension.

If the project is not approved for the requested extension there are City requirements that would need to be considered if the LOM were presented as a new project. Additionally, the Conditions of Approval for the original project in 2017 would need to be reviewed and re-evaluated.

Environmental Determination

A Mitigated Negative Declaration for the City of Lompoc Transit Operation and Fleet Maintenance (SCH NO #2017051010) was prepared by staff on May 2, 2017 and adopted by the Planning Commission on June 14, 2017. A copy of the Mitigated Negative Declaration is available at the Community Development Department/Planning Division. The Mitigation Measures in the MND were adopted as a part of the environmental review process and were incorporated into the project approval. An Addendum, in accordance with State CEQA Guidelines Sections 15162 and 15164, has been prepared for the previously adopted Mitigated Negative Declaration, and is attached as Exhibit A to the Resolution.

Noticing

On June 30, 2021, a notice of the public hearing was published in the Lompoc Record newspaper. In addition, on July 2, 2021, a notice was mailed to property owners within 300 feet by US mail, and the project site was posted by City staff.

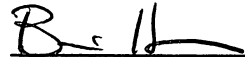
Appeal Rights

Any person adversely affected by the decision of the Planning Commission 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 the required filing fee of \$257.80.

Attachments

1. Resolution No. 950 (21)
2. Project Vicinity Map
3. Time Extension Request
4. Approved Tentative Parcel Map

Respectfully submitted,



Brian Halvorson
Planning Manager

APPROVED FOR SUBMITTAL TO THE PLANNING COMMISSION:



Christie Alarcon
Community Development Director

RESOLUTION NO. 950 (21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TWO-YEAR TIME EXTENSION FOR THE TRANSIT OPERATION/FLEET MAINTENANCE FACILITY TENTATIVE PARCEL MAP (LOM 601)

WHEREAS, a request for Planning Commission consideration of a two-year time extension was submitted by Michael Luther representing the City of Lompoc for the Transit Operation/Fleet Maintenance Facility Tentative Parcel Map (LOM 601) to combine seven (7) lots into three (3) lots with an abandonment of right of way adjacent to the project site. The property is in the Industrial zoning district located at the northeast corner of Chestnut Avenue and D Street (Assessor Parcel Number's: 085-033-001, -004, -005, -006, -007, 085-040-001, -002, and a portion of -003, -004 and a section of right-of-way to be abandoned).

WHEREAS, a Mitigated Negative Declaration (SCH# 2017051010) for the Tentative Parcel Map was previously adopted and an Addendum was prepared in accordance with State CEQA Guidelines Sections 15162 and 15164; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on July 14, 2021; and

WHEREAS, at the meeting of July 14, 2021, _____ spoke in opposition to the project and _____ spoke in support of the project.

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

SECTION 1: The time extension does not require a subsequent Negative Declaration 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 MND, have occurred. An Addendum to the Mitigated Negative Declaration, attached to this Resolution as Exhibit A, is approved.

SECTION 2: The time extension request for LOM 601 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 2030 General Plan.

SECTION 3: Subject to the Conditions of Approval attached hereto as Exhibit A, LOM 601 is extended two years and will expire on June 14, 2023.

The foregoing Resolution was adopted, on motion by Commissioner _____, seconded by Commissioner _____, at the Planning Commission meeting of July 14, 2021, by the following vote:

AYES:

NOES:

Brian Halvorson, Secretary

,Chair

Attachments:

Exhibit A – Addendum to Mitigated Negative Declaration

Exhibit B – Draft Conditions of Approval

**ADDENDUM
TO
MITIGATED NEGATIVE DECLARATION (SCH NO. 201751010)**

Background:

The Lompoc Planning Commission adopted the Mitigated Negative Declaration (MND) for the Transit Operation/Fleet Maintenance Facility Tentative Parcel Map on June 14, 2017. The applicant has applied for a time extension of two (2) years. From the original approval to the current request, there has been a time lapse of approximately four (4) years.

In accordance with State 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 adoption of the MND.

Project Description:

No changes to the proposed project description or design have been made. No changes to the environmental and regulatory setting have occurred. The application at issue is a two-year extension of the approved Tentative Parcel Map.

Environmental Determination:

The Mitigated Negative Declaration (SCH No. 201751010) is hereby incorporated by reference.

Section 15164(b) of the CEQA Guidelines states, *“An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”*

Section 15162(a) of the CEQA Guidelines limits the preparation of a subsequent Negative Declarations 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 MND, staff has determined that:

1. The additional 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 MND 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 additional 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 MND are required.

**DRAFT CONDITIONS OF APPROVAL
TRANSIT OPERATION/FLEET MAINTENANCE FACILITY
PARCEL MAP (LOM 601) TWO YEAR TIME EXTENSION
NORTHEAST CORNER OF CHESTNUT AVENUE AND D STREET
APN'S: 085-033-001, -004, -005, -006, -007, 085-040-001,
-002 (and a portion of -003 and -004) and a section of right-of-way to be abandoned**

The Conditions of Approval apply for a Tentative Parcel Map (LOM 601) two-year time extension to combine seven (7) lots into three (3) lots. The LOM extension request was submitted by the City of Lompoc's Public Works Department to the Planning Division on May 24, 2021 and reviewed by the Planning Commission on July 14, 2021.

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 17.1.624 Enforcement and 17.628 Property Nuisances 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.

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. 866 (17), in the case of any conflicts, the conditions listed herein shall prevail.
- P5. 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.
- P6. Planning Commission approval for the LOM 601 time extension is valid for two years and prior to the expiration of the Map the applicant may request another two year time extension. LOM 601 shall expire on June 14, 2023 unless the applicant requests a time extension as outlined by City standards.
- P7. Lompoc Municipal Code Section 17.612.030 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.

PLANNING – PROJECT SPECIFIC CONDITIONS

- P8. A reciprocal access, drainage and parking agreement or easement shall be recorded or shown on the parcels prior to recordation of the map.

II. ENGINEERING

ENGINEERING – GENERAL CONDITIONS

- EN1. A Final Map shall be prepared in accordance with the Subdivision Map Act. Upon approval or conditional approval of the Tentative Map by the Planning Commission, a complete review by the Engineering Division of all plans and documentation required by the Subdivision Ordinance of the City of Lompoc shall be required before the acceptance of the Final Map by the City Engineer.
- EN2. The Final Map shall be prepared by or under the direction of a licensed land surveyor.
- EN3. After the Final Map has been prepared and is ready for review, the Applicant's Engineer shall submit three (3) sets of prints to the Engineering Division for the first plan check.
- EN4. In conformance with Chapter 16.20.020 Final Maps of the Lompoc City Code, the Final Map shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System by Record of Survey filed August 22, 2003, in Book 172, Pages 4 through 7, Santa Barbara County Records. The Final Map shall indicate and identify the control monuments utilized in the preparation thereof. The Final Map shall be delivered in a computer format readily compatible for transfer to the City Geographic Information System at the time of map approval. The following computer formats are acceptable for delivery: DGN (native Micro-station); DWG; DXF.
- EN5. Final Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist for Completeness of Subdivision Maps." Development Assistance Brochures can be downloaded from the City Engineering web page (<http://www.cityoflompoc.com/departments/pworks/engineering.htm>).
- EN6. At the completion of plan review for the Final Map, and before the City Council will consider acceptance of the Final Map, the required plans, fees and documentation shall be submitted to the Engineering Division. The fees and documentation typically include, but are not limited to, the following:
- A Title Report current within the last ninety days.
 - Final Map original mylars signed and notarized by the Owner, and signed and stamped by the engineer.
 - Final Map Application and the Plan Check fee. Project must pay any outstanding invoices for staff review time.
 - Monuments Security.

- Final Map and Improvement Plans delivered in a computer format readily compatible for transfer to the City Geographic Information System.
- Certificate of Insurance
- Encroachment Permit and Fee.
- Proof "Tax Bond" has been recorded with the County of Santa Barbara.
- Recording Fee.

ENGINEERING – PROJECT SPECIFIC CONDITIONS

EN7. Proposed easements, as necessary, shall be shown on the Final Map. Easements shall include access, reciprocal access and parking, drainage, and utilities as needed per the final design.

EN8. Portion of "C" Street to be abandoned to be shown on the Final Map.

I do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the project. As the project applicant/owner, I agree to comply with these conditions and all other applicable laws and regulations at all times.

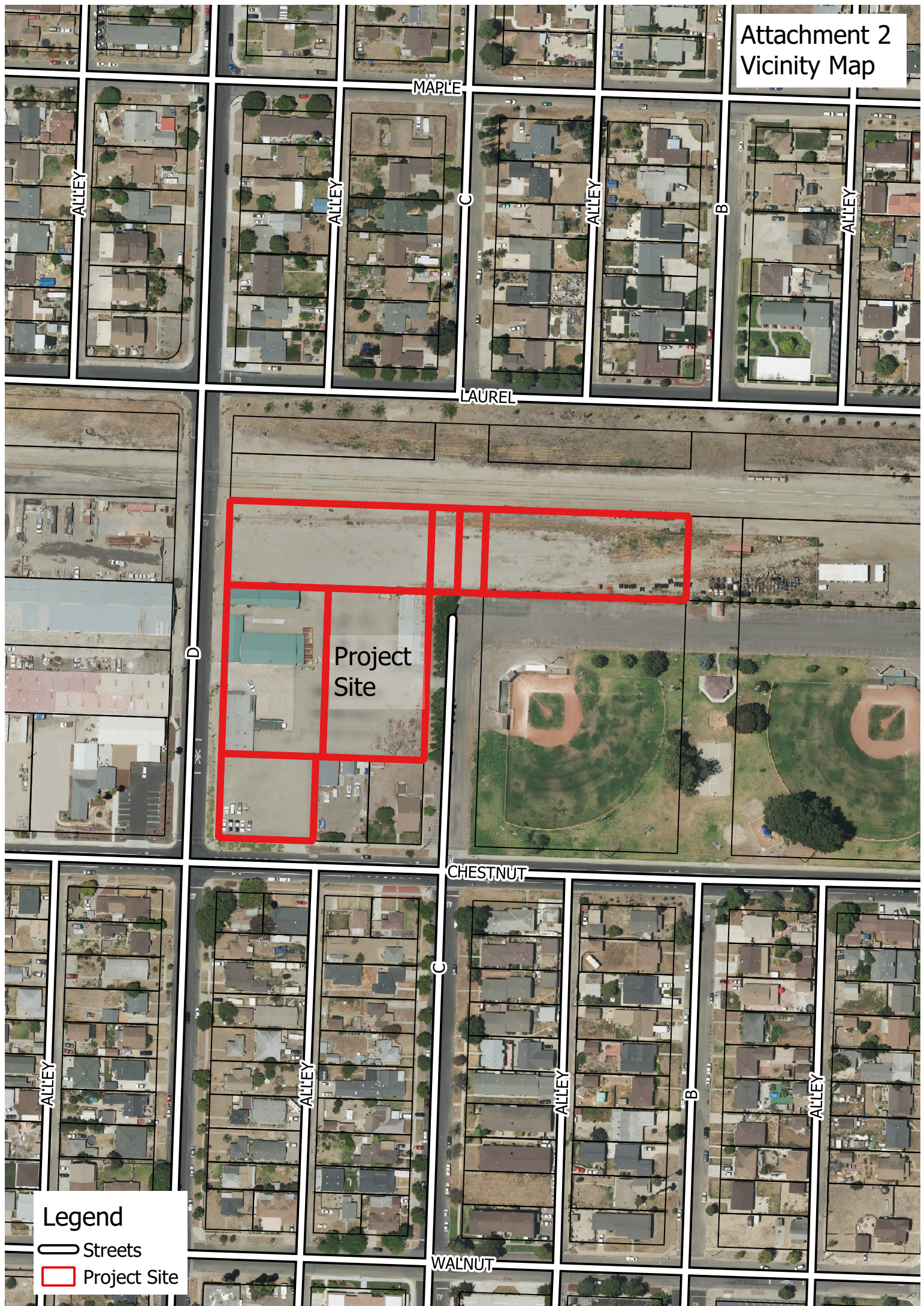
Michael Luther, Applicant

Date

James Throop, City Manager
City of Lompoc, Property Owner

Date

Attachment 2 Vicinity Map



MAPLE

C

B

LAUREL

Project Site

CHESTNUT

C

B

WALNUT

Legend

Streets

Project Site



RECEIVED

MAY 24 2021

Planning Division

May 24, 2021

Mr. Brian Halvorson
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93436

Subject: Time Extension Request for Tentative Parcel Map (LOM 601)

Dear Mr. Halvorson:

In accordance with *Title 16.04.110 Expiration of Tentative Map Approval* of the Lompoc Municipal Code, the Public Works Department is requesting a two year extension. The requested extension will provide the additional time needed to complete the Project documents necessary for the completion of the Tentative Parcel Map (LOM 601).

Sincerely,

A handwritten signature in black ink that reads "Michael W. Luther".

Michael W. Luther, P.E.
Public Works Director

Attachment: General Application

LOM 601

