

**CERTIFIED COPY
RESOLUTION NO. 5775 (12)**

**A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Approving a Request submitted by Caleb Roope of Pacific West Communities, Inc., to Revise the Approved Phasing and Site Plan for the Cypress Court Development and to Amend Resolution No. 5464 (10) and Resolution No. 5763 (12).
(Assessor Parcel Number: 85-150-17) (Planning Division File No. CUP 08-05)**

WHEREAS, the City Council, at its February 7, 2012, meeting adopted Resolution No. 5763 (12) conditionally approving the Cypress Court development to proceed in two-phases and to amend the conditions of approval set forth in Resolution No. 5654 (10) and Resolution No. 5763 (12); and

WHEREAS, on March 1, 2012, Caleb Roope of Pacific West Communities requested City Council consideration of revisions to the approved phasing and site plan; and

WHEREAS, the City Council held a duly noticed public hearing on March 20, 2012, to consider the staff report, hear testimony from the applicant and members of the public, and to receive admissible evidence.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AND DETERMINES AS FOLLOWS:

SECTION 1. Based upon the staff reports, the admissible evidence, and the testimony received at the public hearing of the requested revisions to the approved phasing and site plan, the City Council finds that:

a) Supported by the evidence presented, the requested revisions including:

- the project description revised to remove the 2,500 square foot commercial building,
- the 12,000 square foot commercial building, with use restrictions on the first floor, to be constructed prior to occupancy for the residential building,
- delete Conditions of Approval P75 and P76 to Resolution No. 5654 (10) removing requirement for reciprocal access agreement and additional loading zone,
- amend Conditions of Approval P-5 & P-6 to Resolution No. 5763 (12) addressing project phasing,
- direct staff to enter into an agreement regarding issuance of a "conditional" building permit, and
- remove the requirement to quickclaim easements shown on the approved Vesting Tentative Parcel Map – LOM 586-P,

would be consistent with the General Plan Land Use Designation and Zoning District designation for the property, with the inclusion of the attached Conditions of Approval; and

b) All utilities and project infrastructure shall be installed with the residential construction prior to any certificate of occupancy for the residential units; and

- c) Any proposed development of the site must be constructed in accordance with State Building and Fire Codes to provide a safe environment for the proposed residents; and
- d) Additional Conditions of Approval as required for the health, safety, and welfare of the community are included in the attached additional Conditions of Approval.

SECTION 2. Based upon the findings contained in Section 1, the revised project for Conditional Use Permit (CUP 08-05) is approved per the attached Conditions of Approval and thereby:

- a) Resolution No. 5763 (12) adopted on February 7, 2012, is hereby amended by amending the conditions upon which Conditional Use Permit (CUP 08-05) was approved, as noted on the Conditions of Approval attached to this Resolution; and
- b) Resolution No. 5654 (10) adopted on July 6, 2010, is hereby amended by amending the conditions upon which Conditional Use Permit (CUP 08-05) was approved, as noted on the Conditions of Approval attached to this Resolution.

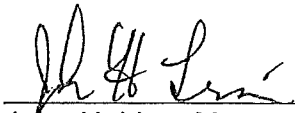
SECTION 3. Judicial review of this decision shall be governed by the time limits of Code of Civil Procedure Section 1094.6.

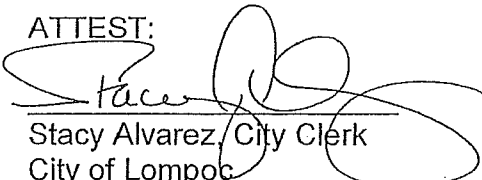
SECTION 4. This Resolution is effective upon adoption.

The foregoing Resolution was proposed by Councilmember Starbuck, seconded by Councilmember Costa, and duly passed and adopted by the City Council of the City of Lompoc at its regular meeting on April 3, 2012, by the following electronic vote:

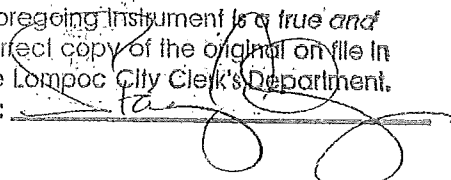
AYE: Councilmember(s): Dirk Starbuck, Ashley Costa, and Mayor John Linn.
 NO: Councilmember(s): None

ABSTAIN: Councilmember(s): Bob Lingl
 ABSENT: Councilmember(s): Cecilia Martner


 John H. Linn, Mayor
 City of Lompoc

ATTEST:

 Stacy Alvarez, City Clerk
 City of Lompoc

Attachment: Exhibit A – Conditions of Approval
 Exhibit B – Site Plan

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: 

**CONDITIONS OF APPROVAL
CUP 08-05 – CYPRESS COURT PROJECT
1420 EAST OCEAN AVENUE – APN: 85-150-17**

The following Conditions of Approval apply to the Cypress Court Project (CUP 08-05) reviewed by the City Council March 20, 2012.

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.

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.

Planning – Project Specific Conditions

- P4. The conditions hereby imposed are in addition to the conditions imposed by Conditional Use Permit CUP 08-05 and Vesting Tentative Parcel Map LOM 586-P. In the case of any conflicts, the conditions listed herein shall prevail.
- P5. City Council Resolution No. 5763 (12) – delete:
~~Phase 1 of the project will include Building 2, the residential building and Building 1, the approximately 2,500 square foot commercial building (see attached site plan). Prior to any certificate of occupancy for Building 2, Building 1 shall be constructed and issued at least a temporary certificate of occupancy; provided that interior improvements, including a finished floor, need not be completed. Phase 2 of the project will be Building 3, an approximately 12,000 square foot commercial building, which may be constructed as part of Phase 1.~~
- P6. City Council Resolution No. 5763 (12) – delete:
~~Prior to any certificate of occupancy for any part of Phase 1, the Phase 2 pad shall be secured in a safe manner with no exposed utility stub-outs or other exposed above ground facilities that would provide an unsafe environment for the residents of the complex and all infrastructure, curb, gutter and parking lot improvements shall be completed. The Building 3 pad shall be landscaped with sod and properly maintained.~~

New Conditions of Approval:

The project description for CUP 08-05 is hereby amended to remove the 2,500 square foot commercial building at the north east corner of the parcel as shown on the attached site plan (APN: 85-15-016).

The portion of the parcel at the north east corner shall be improved and maintained with landscaping. The landscape plan shall be approved at staff level and landscaping installed prior to any certificate of occupancy for the residential units.

Prior to any certificate of occupancy for any of the residential units, the 12,000 square foot commercial building shall be constructed and issued at least a temporary certificate of occupancy; provided, that interior improvements, including a finished floor, need not be completed.

The uses permitted on the first floor of the 12,000 square-foot commercial building shall be limited to uses that are sales tax generating. That condition shall remain in effect until a commercial building of at least 6,000 gross leasable square feet is constructed on the property, fronting onto Ocean Avenue and Seventh Street on the north east corner of the Cypress Court project site. If a smaller gross leasable building is constructed at that location, then the restriction shall remain in place for the square footage difference between that smaller footprint that has been constructed and 6,000 square feet.

The driveway at the south entrance to the Cypress Court development shall be restricted to right turn only. A sign shall be shown on the grading plans and the location approved by staff.

City Council Resolution No. 5654 (10) - delete

~~P75. A reciprocal parking and access agreement, between all parcels containing the required shared parking, shall be recorded with the County of Santa Barbara Recorder's Office. The agreement shall be in a form acceptable to the City Attorney and recorded prior to the issuance of building permits for the project.~~

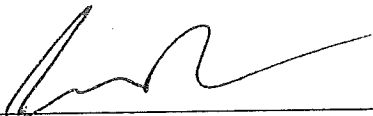
~~P76. An additional loading zone, meeting the requirements of Section 17.112.030 of the City Zoning Ordinance, shall be provided to the south of Building 1. The precise location shall be reviewed and approved by Planning Division staff during grading plan check.~~

City Council Resolution No. 5654 (10) - delete

~~EN44. The existing parking lot proposed to be improved north of the project (APN 085-150-016), that is noted on the Preliminary Grading and Drainage Plans "to be provided and approved by the City," shall be included with and be a part of the development Improvement Plans.~~

I, Caleb Roope, representing the Pacific West Communities, the project applicant, do hereby declare under penalty of perjury that the applicant accepts all conditions imposed by the Planning Commission in their approval of the project phasing for CUP 08-05 and the applicant agrees to comply with these conditions and all other applicable laws and regulations at all times.

Pacific West Communities

By: 
Name

4/25/12
Date

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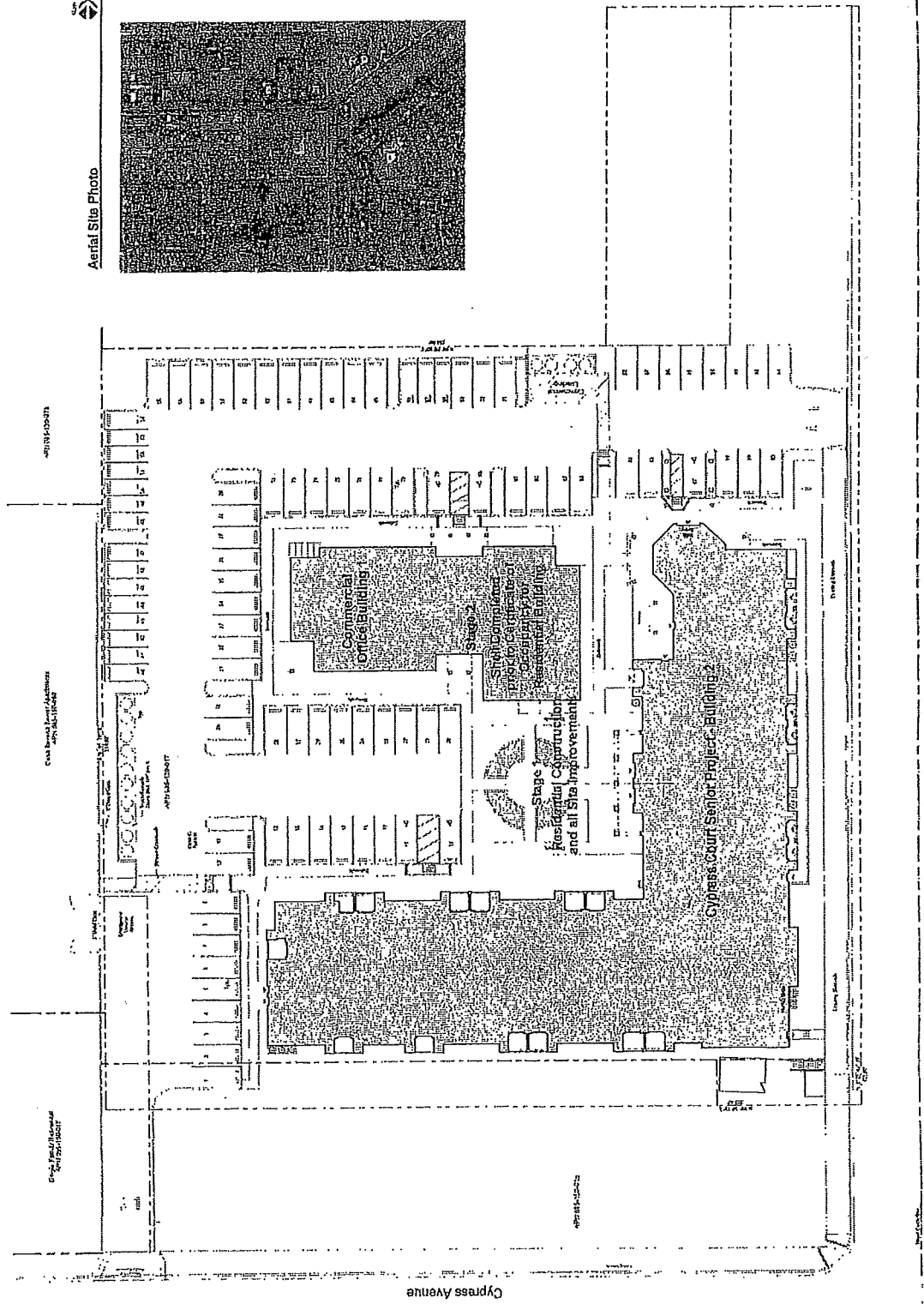
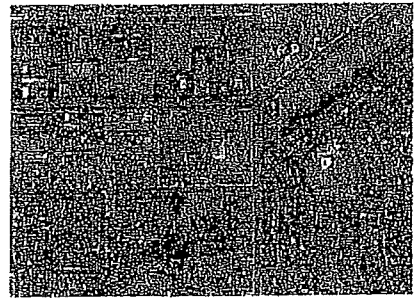
Cypress Court Building 2
 1425 E. Ocean Ave
 Long Beach, California 90805
 Lennar Pacific Architects & California Lennar Partnership



Project No.	142722
Client	
Architect	
Engineer	
Contractor	
Construction	
Staging Plan	
Date	03.13.2012

Construction Staging Plan
 03.13.2012
A1.11

Aerial Site Photo



Construction Staging Plan
 03.13.2012

Seventh Street

Cypress Avenue