



PLANNING COMMISSION STAFF REPORT

DATE: March 9, 2022

TO: Members of the Planning Commission

FROM: Greg Stones, Principal Planner
g_stones@ci.lompoc.ca.us

RE: Request for a one-year time extension for the Mosaic Walk Vesting Tentative Tract Map (LOM 554)

AGENDA ITEM NO. 2

Planning Commission consideration of a one-year time extension for the Mosaic Walk Vesting Tentative Map (LOM 554) for the subdivision of a 1.36 acre site into 13 residential lots with one common lot located at 1038 West Ocean Avenue (Assessor Parcel Number: 091-110-047) in the Medium Density Residential (R-2) zone and the Planned Development (PD) Overlay zone. A Mitigated Negative Declaration (SCH# 2006051017) for the Vesting Tentative Tract Map was certified and an Addendum to the MND for the time extension has been prepared pursuant to the California Environmental Quality Act (CEQA).

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. 962 (22) based upon the findings in the Resolution and subject to the attached draft Conditions of Approval; or
2. Provide other direction.

Background:

On July 10, 2006, the Planning Commission adopted Resolution 503 (06) approving LOM 554 to subdivide a 1.36 acre site into 13 residential lots with one common lot. This map has received multiple time extensions from the Commission and the State of California through various legislative extensions due to the economy. On January 10, 2022, the applicant requested a one-year time extension for the map.

Discussion:

The Subdivision Map Act (Section 66452.6) allows the approval of a Tentative Map to be extended by the City for up to 6 years after its initial term. The Vesting Tentative Map approval occurred on July 10, 2006 which provided an initial 24-month time period for the map to be recorded. Below is a summary table of various extensions for this map.

	Effective	Duration	Expiration Date
Vesting Date	Dec 20, 2005	--	--
City Approval Date	July 10, 2006	24 months	July 10, 2008
PC time extension (included SB 1185 – Automatic 1 yr extension)	October 8, 2008	24 months	July 10, 2010
AB 333 auto extension	January 28, 2010	24 months	July 10, 2012
AB 208 auto extension	September 26, 2011	24 months	July 10, 2014
AB 116 auto extension	October 21, 2013	24 months	July 10, 2016
PC time extension	September 14, 2016	48 months	July 10, 2020
SB 281 auto extension	Maps approved prior to and in effect on March 4, 2020	18 months	January 10, 2022
Current Request	March 9, 2022	12 months	January 10, 2023
Total		16.5 years	

If approved, the map would expire on July 10, 2023 and the applicant is not eligible for any additional time extensions. If the map extension is not approved for the requested extension there would be 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 development project would also need to be re-evaluated (permit amendment) accordingly.

Environmental Determination

A Mitigated Negative Declaration for the Mosaic Walk project (SCH NO #200651017) was adopted/certified by the City Council on August 1, 2006. 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 February 23, 2022, a notice of the public hearing was published in the Santa Maria Times newspaper. In addition, on February 25, 2022, 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 is \$257.80.

Attachments

1. Resolution No. 962 (22)
2. Project Vicinity Map
3. Approved Vesting Tentative Tract Map
4. Extension Request

Respectfully submitted,



Brian Halvorson
Planning Manager

APPROVED FOR SUBMITTAL TO THE PLANNING COMMISSION:



Christie Alarcon
Community Development Director

RESOLUTION NO. 962 (22)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A ONE-YEAR TIME EXTENSION FOR THE MOSAIC WALK VESTING TENTATIVE TRACT MAP (LOM 554)

WHEREAS, a request for Planning Commission consideration of a one-year time extension for the Mosaic Walk Vesting Tentative Map (LOM 554) for the subdivision of a 1.36 acre site into 13 residential lots with one common lot located at 1038 West Ocean Avenue (Assessor Parcel Number: 091-110-047) in the Medium Density Residential (R-2) zone and the Planned Development (PD) Overlay zone.

WHEREAS, a Mitigated Negative Declaration (SCH# 2006051017) for the Vesting Tentative Tract 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 March 9, 2022; and

WHEREAS, at the meeting of March 9, 2022, _____ spoke in opposition to the project and _____ spoke in favor 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. The Addendum to the Mitigated Negative Declaration attached to this Resolution as Exhibit A is approved.

SECTION 2: The time extension request for the map 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 B, LOM 554 is extended one year and will expire on January 10, 2023.

The foregoing Resolution was adopted, on motion by Commissioner _____, seconded by Commissioner _____, at the Planning Commission meeting of March 9, 2022, by the following vote:

AYES:

NOES:

Brian Halvorson, Secretary

Federico Cioni, Chair

Attachments:

Exhibit A – Addendum to Mitigated Negative Declaration

Exhibit B – Draft Conditions of Approval

**ADDENDUM
TO MITIGATED NEGATIVE DECLARATION (SCH NO. 2006051017)
MOSAIC WALK VESTING TENTATIVE TRACT MAP (LOM 554)**

Background:

The Lompoc City Council adopted the Mitigated Negative Declaration (MND) for the Mosaic Walk Vesting Tentative Tract Map on August 1, 2006. The applicant has applied for a time extension of one (1) year. From the original approval to the current request, there has been a time lapse of approximately fifteen and one half 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. The application is for a one-year extension of the approved Mosaic Walk Vesting Tentative Tract Map (LOM 554).

Environmental Determination:

The Mitigated Negative Declaration 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 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 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
MOSAIC WALK VESTING TENTATIVE TRACT MAP (LOM 554)
ONE YEAR TIME EXTENSION
1038 WEST OCEAN AVENUE
APN: 091-110-047**

The Conditions of Approval apply for a Vesting Tentative Tract Map (LOM 554) one-year time extension to subdivide a 1.36 acre site into 13 residential lots with one common lot. The LOM extension request was submitted by the applicant on January 10, 2022 and reviewed by the Planning Commission on March 9, 2022.

Expiration: This approval granted by the Planning Commission is valid for one (1) year and will expire on July 10, 2023. No time extensions may be granted after this expiration.

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. 503(06) and PC Resolution No. 628(08). 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 554 time extension is valid for one year and prior to the expiration of the Map **the applicant may not request another time extension. LOM 554 shall expire on January 10, 2023.**
- 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. The applicant shall enter into a Development Agreement in a form acceptable to the City to compensate the City for the Project’s share in the cost of operation and maintenance of the R Street project frontage. The Project’s share of such operation and maintenance costs will be calculated as a percentage of project generated PM peak hour traffic trips generated vs. total PM peak hour traffic trips.

- P9. A Community Facilities District (CFD) shall be established prior to recordation of the final Subdivision Map to fulfill the requirements of the approved Development Agreement.

I do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of a one-year time extension for LOM 554. As the project applicant/owner, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Katie Levy, Applicant

Date

T.N. Price & Associates, Property Owner

Date

Attachment 2
Vicinity Map



Project Site

- Legend**
- Streets
 - Project Site

DEVELOPER:

THE OLSON COMPANY
1701 N. LOMBARD ST. STE-100
OXNARD, CA 93030
TELEPHONE: 805-981-6840
ATTENTION: CHANDRA PESHECK

EASEMENT NOTES:

- (8) AN EASEMENT FOR INGRESS AND EGRESS AS SHOWN ON MAP LOM-P-135.
- (9) AN EASEMENT FOR STREET AND HIGHWAY PURPOSES PER INSTRUMENT NO. 2594, B.C. 214, PG. 137 O.R.
- (11) AN EASEMENT FOR PUBLIC UTILITIES AS SHOWN ON MAP LOM-P-135.
- (12) AN EASEMENT FOR PUBLIC UTILITIES PER INSTRUMENT NO. 15175, BOOK 2150, PAGE 687 O.R.
- (13) AN EASEMENT FOR INGRESS AND EGRESS PER INSTRUMENT NO. 18156, BOOK 2153, PAGE 687 O.R.

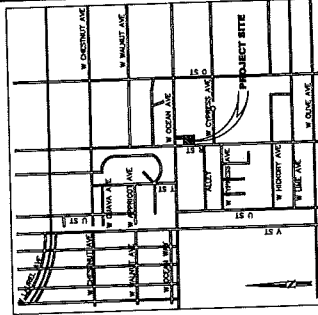
GENERAL NOTES:

- 1. EXISTING LAND USE: VACANT
- 2. PROPOSED LAND USE: RESIDENTIAL
- 3. EXISTING ZONING: R-2-PD
- 4. WATER SERVICE PROVIDED BY: CITY OF LOMPOC
- 5. SEWER SERVICE PROVIDED BY: CITY OF LOMPOC
- 6. GAS SERVICE PROVIDED BY: CITY OF LOMPOC
- 7. TEMPORARY CONSTRUCTION PURPOSES.
- 8. ELECTRIC SERVICE PROVIDED BY: CITY OF LOMPOC
- 9. TELEPHONE SERVICE PROVIDED BY: VERIZON
- 10. CABLE TELEVISION SERVICE PROVIDED BY: COMCAST SCHOOL DISTRICT.
- 11. ROADWAY SERVICE PROVIDED BY: CITY OF LOMPOC.
- 12. ALL UTILITIES SHALL BE DEVELOPED IN ACCORDANCE WITH THE CITY OF LOMPOC STANDARDS AND MASTER PLAN OF DRAINAGE.
- 13. STREET IMPROVEMENTS SHOWN HEREON SHALL MEET THE REQUIREMENTS OF THE CITY OF LOMPOC.
- 14. ALL LOTS SHALL BE OWNED OR ASSOCIATION MAINTAINED.
- 15. ASSESSOR'S PARCEL NUMBERS: 091-110-047

LEGAL DESCRIPTION:

PARCEL TWO
Parcel 2 of Parcel Map LOM-P-135 in the City of Lompoc, County of Santa Barbara, State of California as shown on map filed in Book 1, Page 44 of Parcel Maps in the Office of the County Recorder of Santa Barbara County.
Assessor's Parcel No.: 091-110-047

LOT NO.	AREA/LOT	SUB-TOTAL	USE
1, 3, 4, 6, 7, 8, 9, 11, 12, 13	5,880	5,880	RESIDENTIAL
2, 5, 10	2,145	2,145	RESIDENTIAL
	31,244	31,244	OPEN SPACE
		59,265	TOTAL



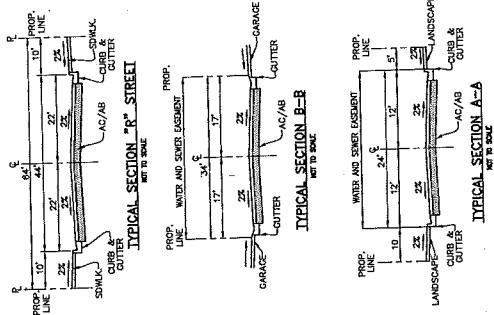
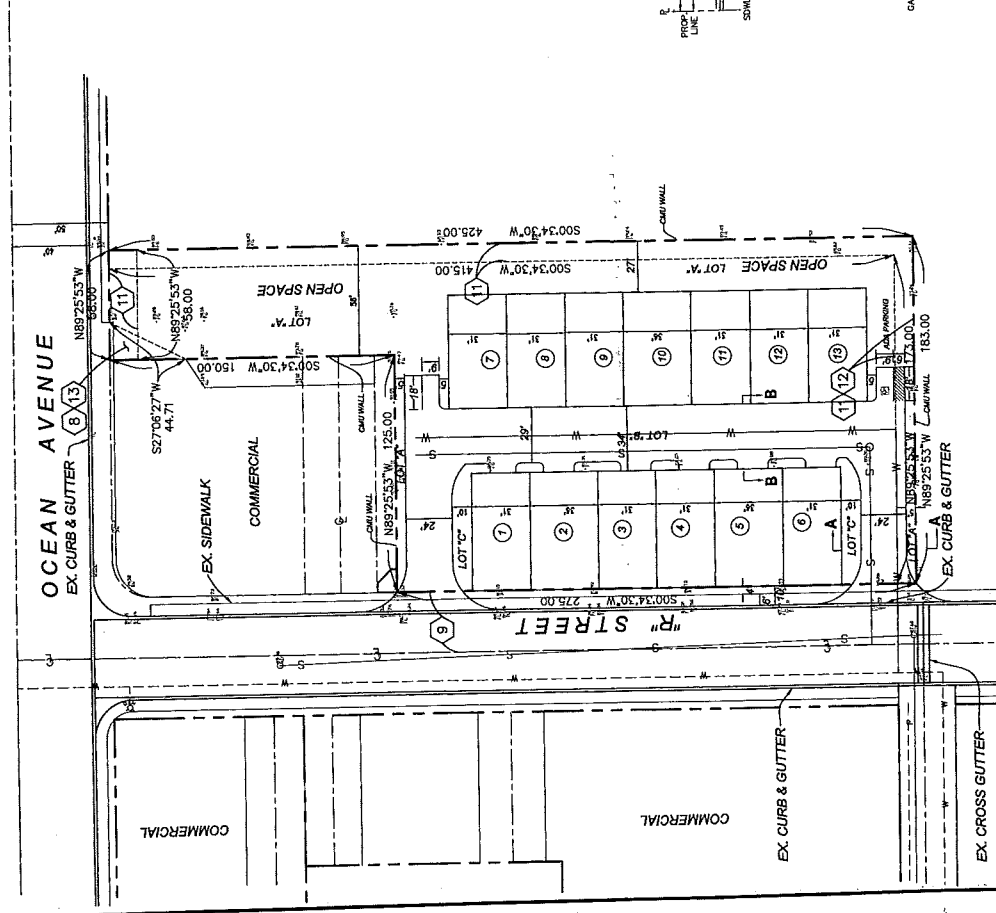
LEGEND

- - - EXISTING TRACT BOUNDARY
- - - TENTATIVE TRACT BOUNDARY
- - - EX. GAS LINE
- - - EX. WATER LINE
- - - EX. SEWER
- - - EX. POWER LINE
- - - PROPOSED WATER LINE
- - - STREET CENTERLINE
- - - EASEMENT
- LOT NUMBER

APPROVED BY: [Signature] W/COA
7/10/06

DX-05-29

VESTING TENTATIVE TRACT MAP No. LOM554
IN THE CITY OF LOMPOC, CA
COUNTY OF SANTA BARBARA
CITY OF LOMPOC
PLANNING DIVISION
JUN 30 2006
COM-554



Warner Youngs
WARNER YOUNGS P.E.



1701 N. LOMBARD ST., STE. 100
OXNARD, CA 93030

FILED IN BOOK 2000-003-012 LOT 14, R 14 and Description 091-110-047, LOM-P-135, LAST SAVED ON 11-29-2005 8:40am PLotted by ADOPTATION ON 12-29-2005 10:09am CR



LGS Architects, Inc.
architecture • land planning • forensic

January 10, 2022

**City of Lompoc
Planning Division**

Time Extensions Request:

1038 W. Ocean Ave.
Lompoc, CA
APN#: 091-110-047
Zoning: R2-PD Zone
Land Use: Multi-Family Residential
Resolution No. 840 (16)
Vesting Subdivision Tentative Map (LOM 554)
"Mosaic Walk"

Thank you to the planning commission for granting a time extension, pursuant to the conditions of approval P5. That time extension, with an additional 18 month extension, was valid until January 10, 2022. Per Lompoc Municipal Code Sections 17.552.060.A.2 and 17.552.060.C we would like to request an additional time extension.

Please note we will continue with this process and pay the associated fees of \$480. Additionally, attached is a general application.

Please feel free to contact me with any questions.

Sincerely,

Katie Levy
Vice President, Architecture
LGS Architects, Inc.