

### PLANNING COMMISSION STAFF REPORT

**DATE:** October 12, 2022

**TO:** Members of the Planning Commission

**FROM**: Greg Stones, Principal Planner

**RE:** Vesting Tentative Parcel Map & Waiver Request

Coast Hills Credit Union (LOM 635)

#### AGENDA ITEM NO 1.

Planning Commission consideration of a Vesting Tentative Parcel Map and Map Waiver request (LOM 635) to subdivide one 2.5-acre lot into two (2) lots (1.57 acres and 0.93 acres) located at 1320 North H Street (APN: 087-011-057) in the Planned Commercial Development (PCD) and H Street Overlay (HSO) zones. This action is categorically exempt from environmental review pursuant to Section 15315 (Minor Land Division) of the California Environmental Quality Act (CEQA) Guidelines.

#### Scope of Review

The Planning Commission is being asked to consider:

- If the parcel map can be waived in accordance with Lompoc Municipal Code 16.24.060; or
- If the proposed map is consistent with and meets applicable requirements in Lompoc Municipal Code Title 16 (Subdivisions) and Title 17 (Zoning);
- If the required Findings in the Resolution can be made; and
- If the Conditions of Approval are appropriate for the project.

#### **Staff Recommendation**

- 1. Adopt Resolution No. 971 (22) approving the Tentative Parcel Map (LOM 635); or
- 2. Adopt Resolution No. 972 (22) approving a Tentative Parcel Map Waiver; or
- Provide other direction.

#### Site Data

1. Applicant/Property Owner: Coast Hills Credit Union

2. Location: 1320 North H Street

3. Assessor Parcel Number: 087-011-057

4. General Plan Designation: General Commercial

5. Zoning Districts: Planned Commercial Development and

H Street Overlay

6. Current Use: Financial Institution (Coast Hills Credit Union)

7. Surrounding Uses/Zoning: North - Commercial / PCD

South - Commercial / PCD

East - Church / R1

West - Commercial / PCD

8. Property Size: 2.5 acres

#### **Proposal**

The project site is currently developed land fronting and with access on North H Street and East Central Avenue. The proposal is to subdivide one 2.5-acre lot into two (2) lots (1.57 acres and 0.93 acres).

The applicant is requesting a Parcel Map Waiver under Lompoc Municipal Code Section 16.24.060. The Planning Commission, upon the written request of the property owner, may waive the requirement of a parcel map only in the following circumstances:

- For division of real property or interests therein created by probate, eminent domain procedures, partition by judgment or other civil judgment or decree; or
- When the Planning Commission finds that the proposed division of land complies with such requirements as may have been established by the Subdivision Map Act and local ordinances enacted pursuant thereto as to area, improvement and design, floodwater drainage control, appropriate dedicated and improved public roads and easements, sanitary disposal facilities, water supply availability, environmental protection, and such other requirements of the Map Act or ordinances enacted pursuant thereto.

Staff does not support the Parcel Map Waiver request because the project does not comply with section 16.24.060(2) as stated above regarding "...improvement and design, floodwater drainage control, ...environmental protection...".

Furthermore, the map does not meet these requirements because upon the creation of two independent parcels, the following issues would still remain:

- Parcel 1 will drain across Parcel 2 without securing a drainage easement
- The proposed parcel line bisects the existing drive aisle, impeding access to existing parking facilities for both parcels
- The Parcel Map Waiver does not allow the City to require any onsite conditions and the approval of the Waiver will allow the creation of two lots that appear independent of each other, but are, in fact, not
- There is no method to obtain the access, parking and drainage easements after the property division records via the Waiver

The applicant has stated that a private real estate agreement could address some of the issues above. That being said, a private agreement is not required to be reviewed by staff and may not be enforced by the City if the City is not a party to the agreement.

Therefore, staff recommends processing this project with a Parcel Map instead of the Parcel Map Waiver in order to condition the project accordingly to ensure that proper access, parking, and drainage are maintained between the two parcels that will be created. Specifically, conditions that address access and drainage are provided as Engineering Conditions EN9, EN10 and EN11. The preparation of a Parcel Map (with conditions) by placing easements on the map for recordation can accommodate the above concerns.

#### **Conformance with Zoning Code/Subdivision Ordinance**

The proposed lots would meet development standards set forth in Lompoc Municipal Code Title 17 (Zoning) and would not create non-conformities. The map also conforms to the provisions for Tentative Maps as provided by the Subdivision Map Act and Lompoc Municipal Code Title 16 (Subdivisions). Prior to development of new buildings or structures on any of the proposed lots, Architectural Design and Site Development Review is required in accordance with Lompoc Municipal Code Chapter 17.512.

#### **Subdivision Review Board**

A Development Review Board (DRB) meeting was held on September 13, 2022. The application was circulated to city departments, and Conditions of Approval were drafted, providing both standard and project specific requirements as necessary.

The applicant and project representative were present at the meeting and given the opportunity to discuss draft Conditions of Approval with staff. As conditioned, the project satisfies the development standards of the zoning code, and therefore, staff recommends that the Planning Commission adopt the attached Resolution (with conditions) approving the project based on the Findings in the Resolutions and subject to the attached draft Conditions of Approval.

#### **Environmental Determination**

The project is categorically exempt from review pursuant to Section 15315, Minor Land Division, of the CEQA Guidelines because (i) the property is in an urbanized area, (ii) it is zoned for residential, commercial, or industrial use, (iii) no variances or exceptions are required, (iv) all services and access to the proposed parcels are available in accordance with City standards, (v) the parcel has not been involved in the division of a larger parcel in the last two years, and (vi) the parcel does not have an average slope greater than 20 percent. A Notice of Exemption will be filed for the project following the Planning Commission action.

#### Noticing

On September 28, 2022, a notice of the public hearing was published in the Lompoc Record newspaper. In addition, On September 30, 2022, notices were mailed to property owners within 300 feet and a notice was posted to the project site.

#### 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 the required fee is \$257.80.

#### **Attachments**

- 1. Resolution No. 971 (22) Parcel Map with Conditions
- 2. Resolution No. 972 (22) Parcel Map Waiver
- 3. Vicinity Map
- 4. Parcel Map

Respectfully submitted,

Brian Halvorson Planning Manager

APPROVED FOR SUBMITTAL TO THE PLANNING COMMISSION:

Christie Alarcon

Community Development Director

#### **RESOLUTION NO. 971 (22)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A VESTING TENTATIVE PARCEL MAP (LOM 635) FOR COAST HILLS CREDIT UNION LOCATED AT 1320 NORTH H STREET (APN: 087-011-057)

WHEREAS, the City received a request from Morgan Benevedo (applicant) for Planning Commission consideration of a Vesting Tentative Parcel Map (LOM 635) to subdivide one 2.5-acre lot into two (2) lots (1.57 acres and 0.93 acres) located at 1320 North H Street (APN: 087-011-057) in the Planned Commercial Development (PCD) and H Street Overlay (HSO) zones; and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on October 12, 2022; and

**WHEREAS**, at the meeting of October 12, 2022, staff was present, and answered Planning Commissioner questions and addressed their concerns; and

WHEREAS, at the meeting of October 12,	2022,	and
spoke in favor of the project and	spoke in opposition of the	e project.

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

- SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposal, as conditioned, meets the requirements of the Lompoc Municipal Code and is consistent with the applicable policies and development standards, as conditioned. Therefore the Planning Commission finds that:
  - A. The proposed subdivision is consistent with the applicable policies and development standards, as conditioned, set forth in Lompoc Municipal Code Title 16 (Subdivisions), Title 17 (Zoning), and other plans and policies of the City.
  - B. The proposed subdivision is consistent with the applicable General Plan objectives, policies, land uses and programs; therefore, the proposal is consistent with the General Plan.
  - C. The proposed site is of reasonable size to support existing and future development.

D.	The conditions stated in Exhibit A to this Resolution are necessary to
protect the public health, safety, and welfare.	

SECTION 3:	The project is categorically exempt from review pursuant to Section 15315, Minor Land Division, of the CEQA Guidelines because (i) the property is in an urbanized area, (ii) it is zoned for residential, commercial, or industrial use, (iii) no variances or exceptions are required, (iv) all services and access to the proposed parcels are available in accordance with City standards, (v) the parcel has not been involved in the division of a larger parcel in the last two years, and (vi) the parcel does not have an average slope greater than 20 percent. A Notice of Exemption will be filed for the
	project following the Planning Commission action.

**SECTION 4:** Based upon the foregoing, the proposal is approved on October 12, 2022, subject to the conditions attached as Exhibit A, which are incorporated by reference as if fully set forth herein.

	notion by Commissioner, seconded by ommission meeting of October 12, 2022 by the
AYES:	
NOES:	
ABSENT:	
Brian Halvorson, Secretary	Federico Cioni, Chair

Exhibit A – Draft Conditions of Approval

#### **RESOLUTION NO. 972 (22)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A VESTING TENTATIVE PARCEL MAP WAIVER (LOM 635) FOR THE COAST HILLS CREDIT UNION LOCATED AT 1320 NORTH H STREET (APN: 087-011-057)

WHEREAS, the City received a request from Morgan Benevedo (applicant) for Planning Commission consideration of a Vesting Tentative Parcel Map Waiver (LOM 635) to subdivide one 2.5-acre lot into two (2) lots (1.57 acres and 0.93 acres) located at 1320 North H Street (APN: 087-011-057) in the Planned Commercial Development (PCD) and H Street Overlay (HSO) zones; and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on October 12, 2022; and

**WHEREAS,** at the meeting of October 12, 2022, staff was present, and answered Planning Commissioner questions and addressed their concerns; and

**WHEREAS,** at the meeting of October 12, 2022, \_\_\_\_ spoke in favor of the project and \_\_\_\_ spoke in opposition of the project.

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

- After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposal meets the requirements of the Lompoc Municipal Code and is consistent with the applicable policies and development standards. Therefore, the Planning Commission finds that a Waiver of Parcel Map may be granted based on the following:
  - A. The proposed subdivision is consistent with the applicable policies and development standards set forth in Lompoc Municipal Code Title 16 (Subdivisions).
  - B. The proposed subdivision is consistent with the applicable General Plan objectives, policies, land uses and programs; therefore, the proposal is consistent with the General Plan.
  - C. The proposed site is of reasonable size to support existing and future development.

D. The proposed division of land complies with the requirements established by the Subdivision Map Act and local ordinances enacted pursuant thereto as to area, improvement and design, floodwater drainage control, appropriate dedicated and improved public roads and easements, sanitary disposal facilities, water supply availability, environmental protection, and such other requirements of the Map Act or ordinances enacted pursuant thereto.

**SECTION 2:** 

Brian Halvorson, Secretary

The project is categorically exempt from review pursuant to Section 15315, Minor Land Division, of the CEQA Guidelines because (i) the property is in an urbanized area, (ii) it is zoned for residential, commercial, or industrial use, (iii) no variances or exceptions are required, (iv) all services and access to the proposed parcels are available in accordance with City standards, (v) the parcel has not been involved in the division of a larger parcel in the last two years, and (vi) the parcel does not have an average slope greater than 20 percent. A Notice of Exemption will be filed for the project following the Planning Commission action.

Federico Cioni, Chair

SECTION 3:	Based upon the foregoing, the proposal is approved on October 12, 2022.
0 0	Resolution was adopted, on motion by Commissioner, seconded by, at the Planning Commission meeting of October 12, 2022 by the
AYES:	
NOES:	
ABSEN	Т:

# DRAFT CONDITIONS OF APPROVAL COAST HILLS CREDIT UNION VESTING TENTATIVE PARCEL MAP (LOM 635) 1320 NORTH H STREET (APN: 087-011-057)

The following Conditions of Approval apply to the Vesting Tentative Parcel Map for the Coast Hills Credit Union to subdivide a 2.5 acre lot into two (2) lots located at 1320 North H Street in the Planned Commercial Development (PCD) zone and H Street Overlay zone.

<u>Expiration</u>: The Vesting Tentative Parcel Map approval granted by the Planning Commission is valid for twenty-four (24) months from the date of approval and will expire on October 12, 2024. A time extension may be granted pursuant to Lompoc Municipal Code Chapter 17.552.070 if the applicant files a written request for an extension prior to the expiration of the map.

#### 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 LMC Sections 1.24.060, 17.104.040, and 17.628.010, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc Municipal Code. In conformity with LMC Section 1.24.010, a violation of the Lompoc Municipal Code is punishable as an infraction, unless specifically declared to be a misdemeanor. 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 and Applicant jointly and severally agree 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 and Applicant further agree, jointly and severally, 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. Lompoc Municipal Code Chapter 17.006.030 allows any person to appeal a decision of the Planning Commission within ten (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.
- 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.
- P6. The map shall comply with all applicable sections of the Lompoc Municipal Code Title 16 (Subdivisions).

#### PLANNING - PROJECT SPECIFIC CONDITIONS

- P7. Planning Commission approval of LOM 635 is valid for twenty-four (24) months, prior to the expiration of the Map, and the applicant may request a twelve (12) month extension. LOM 635 shall expire on October 12, 2024, unless the applicant requests a time extension as outlined by City standards.
- P8. Prior to development of new buildings or structures on any of the lots, Architectural Design/Site Development and Preliminary Development Plan Review is required in accordance with the Lompoc Municipal Code Chapters 17.512 and 17.532.

#### II. BUILDING AND FIRE SAFETY

No General or Project Specific Conditions

#### III. POLICE DEPARTMENT

No General or Project Specific Conditions

#### IV. ENGINEERING

#### **ENGINEERING - GENERAL CONDITIONS**

- EN1. A Parcel Map shall be required for this project as per the Subdivision Map Act, Section 66463. 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 Parcel Map by the City Engineer.
- EN2. The Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.
- EN3. After the Parcel 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 first plan check.
- EN4. Parcel Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist For Completeness of Subdivision Maps," available at the Engineering Division. "Development Assistance Brochures" can be obtained at the Engineering Division or downloaded from the City Engineering web page:

#### http://www.cityoflompoc.com/PublicWorks/pdf/E90.pdf

- EN5. In conformance with Title 16, Chapter 16.16.010 of the Lompoc City Code, the Parcel 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 Parcel Map shall indicate and identify the control monuments utilized in the preparation thereof. The Parcel 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 Microstation); DWG
- EN6. Compliance with the Subdivision Map Act pertaining to monument security, Section 66496, is required if the interior monuments are not set at the time the Parcel Map is recorded. The Monument security shall be received and approved by the Engineering Division prior to final acceptance of the Parcel Map.

A cost estimate for setting the interior monuments shall be provided by the registered engineer or surveyor responsible for setting the monuments for determining the amount of the Monument Security.

The City will release the Monument Security after the Engineering Division has received the following: (reference Section 66497 of the Subdivision Map Act)

- 1. Written notice from the engineer or surveyor indicating that the final monuments have been set.
- 2. Evidence indicating payment has been made to the engineer or surveyor for

setting the final monuments.

- EN7. At completion of plan review and before final approval of the Parcel Map, the Engineering Division will submit a letter to the Applicant, or his/her representative, requesting the following documentation, fees, and submittals:
  - 1. A Title Report current within the last ninety (90) days.
  - 2. A Parcel Map Application Fee per current fee schedule at time Parcel Map is filed.
  - 3. Recording Fees and Duplicating Fees.
  - 4. Monument Security (if required)
  - 5. Proof "TAX BOND" has been posted with County of Santa Barbara.
  - 6. Parcel Map delivered in a computer format readily compatible for transfer to the City Geographic Information System.

#### **ENGINEERING - PROJECT SPECIFIC CONDITIONS**

- EN8. Dimensions of lots shall reflect net and gross area as defined below, where applicable. The net and gross area of each lot shall be shown in square feet. All lots over one acre shall be expressed in both square feet and acre.
  - (a) "Gross Area" shall mean the total land area of a parcel or parcels including portions that cannot be developed (e.g., right-of-way, open space).
  - (b) "Net Area" shall mean the total land area of a parcel or parcels exclusive of area within any existing or proposed public or private street, road, or easement for ingress and egress and exclusive of the area within any existing or proposed easement wherein the owner of the parcel is prohibited from using the surface of the ground. Included in the "net area" is the area laying within public utility easements, sanitary sewer easements, landscaping easements, and public service and tree maintenance easements.
- EN9. The Parcel Map for recordation shall show a reciprocal parking easement between proposed Parcel 1 and Parcel 2.
- EN10. The Parcel Map for recordation shall show the reciprocal access between proposed Parcel 1 and Parcel 2. The reciprocal access, at a minimum, shall provide for a two-way drive aisle along the north side of Parcel 1 and south side of Parcel 2 to allow access for proposed Parcel 2 to the existing parking stalls on the east side of Parcel 2. The easement shall also provide for a two-way drive aisle in this same location such that proposed Parcel 1 can access their existing parking lot south of the existing building.
- EN11. Due to the creation of cross-parcel drainage with the proposed Parcel Map, the Parcel Map for recordation shall show the reciprocal drainage between Parcel 1 and Parcel 2. At a minimum, proposed Parcel 1 must be granted a drainage easement on proposed Parcel 2 due to the existing drainage through the existing gutter outlet on Parcel 2 to North H Street.

V.	STORMWATER			
	No General or Project Specific Conditions			
VI.	SOLID WASTE			
	No General or Project Specific Conditions			
VII.	ELECTRIC			
	No General or Project Specific Conditions			
VIII.	WATER			
	No General or Project Specific Conditions			
IX.	WASTEWATER			
	No General or Project Specific Conditions			
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.				
	d Salm, Property Owner st Hills Credit Union	Date		
_	gen Benevedo, Applicant st Hills Credit Union	Date		



