

PLANNING COMMISSION STAFF REPORT



MEETING DATE: September 13, 2017

TO: Members of the Planning Commission

FROM: Cody Graybehl, Assistant Planner

RE: LOM 599 – Central Coast Business Park – Time Extension Request

AGENDA ITEM NO. 1

A request for Planning Commission consideration of a one-year time extension submitted by Chad Penrod, representing the McGaelic Group, for the Central Coast Business Park Tentative Subdivision Map LOM 599 to subdivide an existing forty (40) acre parcel of land into twelve (12) parcels. The property is located in the *Business Park (BP)* Zoning District on West Central Avenue, between V Street and Barton Avenue (Assessor Parcel Numbers: 093-450-014,-015,-016). A Final Environmental Impact Report for the Central Coast Business Park Vesting Tentative Subdivision Map (SCH # 2014021048) was prepared by Meridian Consultants, LLC in September 2015. An addendum 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 time extension; and
- If the required Findings of Fact can be made.

Planning Commission Action:

- 1) Adopt Resolution No. 867(17) granting a one (1) year time extension for the Central Coast Business Park Tentative Subdivision Map (LOM 599) based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval;
- 2) Provide alternative direction.

Background/Discussion:

Time Extension Request

As described by the Subdivision Map Act below, a Tentative Map shall expire 24 months after its approval and can be extended by the City for up to six (6) years after its initial term.

Section 66452.6 of the *Subdivision Map Act* states:

- (a) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.*

- (e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.*

On September 9, 2015, the Planning Commission adopted Resolution No. 813 (15) recommending City Council approve LOM 599. Since this map was associated with the Central Coast Business Park Specific Plan, the City Council reviewed the map on October 20, 2015 and adopted Resolution No. 6011 (15) approving LOM 599. Therefore, the initial two-year term for LOM 599 will expire on October 20, 2017.

The applicant has filed a timely request for a time extension to extend LOM 599 for one (1) year which will provide a three (3) year life for this map (Attachment 2).

There are changes to State and City requirements that would be considered if this map were presented as a new project. The Conditions of Approval (COA) for the original project in 2015 would need to be reviewed and reevaluated as noted in COA P1.

If the Planning Commission approves a one (1) year time extension, the map would expire on October 20, 2018.

Environmental Determination

A Final Environmental Impact Report (EIR) was previously prepared and certified by the City Council on October 20, 2015 (Resolution (6010 15) for this project pursuant to Section 15074 of the California Environmental Quality Act (CEQA).

An Addendum to the EIR has been prepared for the time extension and is included as Attachment 3. The Addendum finds the time extension is not a substantial change that would result in new significant environmental effects or a substantial increase in severity of significant environmental effects. The proposed Planning Commission resolution for approval of the time extension contains a section adopting the EIR Addendum.

Noticing:

September 1, 2017-

- Notices were mailed to property owners within 300 feet by US mail;
- Notice was posted on the City website; and
- The project site was posted by City staff.

September 3, 2017 -

- Notice of the Public Hearing was published in the Lompoc Record

Attachments:

- 1) [Resolution No. 867 \(17\) and Conditions of Approval](#)
- 2) [Request for Time Extension dated July 28, 2017](#)
- 3) [Addendum to Final Environmental Impact Report](#)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Teresa Gallavan Economic Development Director / Assistant City Manager		Lucille T. Breese, AICP Planning Manager	
Date		Date	

RESOLUTION NO. 867 (17)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 599

WHEREAS, a request for a time extension was submitted by Chad Penrod, representing the McGaelic Group, for Tentative Subdivision Map LOM 599, to subdivide an existing forty (40) acre parcel of land to create twelve (12) parcels. The property is located in the *Business Park (BP)* Zoning District located on West Central Avenue between V Street and Barton Avenue (Assessor Parcel Numbers: 093-450-014, -015, -016) and;

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on September 13, 2017; and

WHEREAS, at the meeting of September 13, 2017, ___ was present to answer Planning Commissioners' questions and address their concerns; and

WHEREAS, at the meeting of September 13, 2017, ___ spoke in favor of or spoke in opposition to the project; and

WHEREAS, a Final Environmental Impact Report (SCH#2014021048) for the Central Coast Business Park Tentative Subdivision Map was prepared by Meridian Consultants, LLC and the City Council adopted Resolution No. 6010 (15) certifying the Final Environmental Impact Report on October 20, 2015, making the required California Environmental Quality Act (CEQA) findings of fact. Mitigation Measures were adopted as a part of the environmental process and were incorporated into the project approval. An addendum to the EIR has been prepared pursuant to CEQA for the time extension.

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

SECTION 1: The Planning Commission has reviewed and hereby accepts the findings and determinations in the Final Environmental Impact Report Addendum, Attachment 3 to the staff report for this agenda item, and hereby adopts the Final Environmental Impact Report Addendum.

SECTION 2: The time extension request for LOM 599 was made in a timely manner and the approved project meets applicable City standards; therefore, granting the time extension 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 599 is extended for one (1) year and will expire on October 20, 2018.

The foregoing Resolution was adopted, on motion by Commissioner ___ seconded by Commissioner ___, at the Planning Commission meeting of September 13, 2017 by the following vote:

AYES:

NOES:

Lucille T. Breese, AICP, Secretary

Ron Fink, Chair

Attachment: [Exhibit A – Conditions of Approval](#)

**ADDENDUM TO SANTA RITA HILLS LOM 582
ENVIRONMENTAL IMPACT REPORT
SCH #2008081067**

Background:

The City Council certified the Environmental Impact Report (EIR) for the Santa Rita Hills commercial development project on July 7, 2009. The applicant has applied for a time extension. From the original approval to the current request there has been a time lapse of eight 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 certification of the FEIR.

Project Description:

No changes to the proposed project description or design have been made. Pursuant to Government Code Section 66474.2.(a), "in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code." Therefore the discrepancy in time between the certification of the EIR in 2006 (when the tentative map application was submitted and deemed complete) to present day, would not change the standards that apply to the map.

Environmental Determination:

The Santa Rita Hills EIR (SCH No. 2008081067) is hereby incorporated by reference.

Section 15164 of the CEQA Guidelines states "*The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*"

Section 15162(a) of the State CEQA Guidelines limits the preparation of a subsequent EIR 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 measures 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 Santa Rita Hills EIR, staff has determined that:

1. The revisions are not a substantial change to the project and will not create new significant impacts;
2. No substantial changes have occurred with respect to the circumstances in which the project will be undertaken which would involve new significant environmental impacts resulting from the project; and
3. No new information has become available since the preparation of the previous EIR for the project which would result in new significant impacts, an increase in severity of significant impacts, or affect the feasibility of mitigation measures, or provide for different methods of mitigating significant impacts.

Therefore, this Addendum is prepared to affirm no changes to the analysis which was conducted in the Santa Rita Hills EIR (SCH No. 2008081067) are required.



July 28, 2017

Ms. Lucille Breese
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93438

RE: 1401 West Central Ave/Central Coast Business Park
EIR 14-01, SP 14-01, DR 13-14, LOM 599
Lompoc, CA

Dear Ms. Breese:

At this time, we are requesting a one (1) year time extension for the Central Coast Business Park approvals (EIR 14-01, SP 14-01, DR 13-14, LOM 599).

Should you have any questions or need additional information, please do not hesitate to contact our offices.

Sincerely,
PARKSTONE COMPANIES
As Agent for the McGaelic Group

A handwritten signature in blue ink, appearing to read "CDP", is written over the typed name.

Chad Penrod

Enclosure

RECEIVED

JUL 31 2017

Planning Division

**CONDITIONS OF APPROVAL
LOM 599 – TENTATIVE SUBDIVISION MAP TIME EXTENSION
CENTRAL COAST BUSINESS PARK
WEST CENTRAL AVENUE – APN: 093-450-014, -015, -016**

The following Conditions of Approval apply to the time extension for LOM 599, requested by Chad Penrod, representing the McGaelic Group, received by the Planning Division and stamped July 31, 2017, reviewed by the Planning Commission on September 13, 2017.

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. 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 City Council Resolution No. 6011 (15). In the case of any conflicts, the conditions listed herein shall prevail.
- P5. The Tentative Subdivision Map expires on October 20, 2018, as a result of the approval of this time extension.
- P6. 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.
- P7. 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, Chad Penrod, representative for the McGaelic Group, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the time extension for Tentative Subdivision Map LOM 599. As the applicant representative, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Chad Penrod, Representative
The McGaelic Group, LLC

Date