

# PLANNING COMMISSION STAFF REPORT



**DATE:** June 14, 2017  
**TO:** Members of the Planning Commission  
**FROM:** Cody Graybehl, Assistant Planner  
**RE:** LOM 557 – Coastal Meadows – Time Extension Request

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## **AGENDA ITEM NO.1**

A time extension request submitted by Marco Vujcic for the Coastal Meadows Vesting Tentative Subdivision Map LOM 557 to subdivide an existing 3.14 acre parcel of land to create 40 residential lots. The property is located in the *Medium Density Residential, Planned Development (R-2-PD)* Zoning District located at 1275 North V Street (Assessor Parcel Number: 093-070-036). A Mitigated Negative Declaration for the Coastal Meadows Vesting Tentative Subdivision Map (SCH # 2006031092) was prepared by Impact Sciences in March 2006. 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. 863(17) granting a two (2) year time extension for the Coastal Meadows Vesting Tentative Subdivision Map (LOM 557) 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**

The Subdivision Map Act allows the approval of a Vesting Tentative Map to be extended by the City for up to six (6) years after its initial term, in addition to several one-time extensions by the State legislature over the past decade as shown below and in the summary table that follows.

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 June 12, 2006, the Planning Commission adopted Resolution 493 (06) approving a request by Carlos Yanez of Coastal Vision to subdivide an existing 3.14 acre parcel of land to create 40 residential lots. Following is a chronology of time extensions for the project.

<b>Actions</b>	<b>Effective</b>	<b>Duration</b>	<b>Expiration Date</b>
<b>City Approval Date</b>	June 12, 2006	24 Months	June 12, 2008
<b>PC time extension</b>	July 9, 2008	12 Months	June 12, 2009
<b>PC time extension + S.B. 1185</b>	July 8, 2009	24 Months	June 12, 2011
<b>A.B. 333 auto extension</b>	June 12, 2011	24 Months	June 12, 2013
<b>A.B. 208 auto extension</b>	June 12, 2013	24 Months	June 12, 2015
<b>A.B. 116</b>	June 12, 2015	24 Months	June 12, 2017
<b>Current Request</b>	June 12, 2017	24 Months	June 12, 2019
<b>Total</b>		13 Years	

The basis for the legislative extensions was that the state was in an economic crisis and allowing automatic map extensions would be beneficial for the economic recovery because developers would be able to build and not have to re-start the entitlement process at the beginning, thus saving time and money which could be passed on to the consumer.

LOM 557 has had seven (7) years of automatic legislative extensions, two years of City-approved extensions, and its initial two-year term, for a total of eleven (11) years. Allowing two more years with this request will provide a thirteen (13) year life for this map.

There are numerous 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 2006 would need to be reviewed and re-evaluated as noted in COA P1. Given that no specific timetable was requested for the LOM extension, staff proposes a two-year time extension expiring on June 12, 2019.

Environmental Determination

A Mitigated Negative Declaration was previously prepared and certified by the City Council on August 1, 2006 (Ordinance 1529 (06)) for this project pursuant to Section 15074 of the California Environmental Quality Act (CEQA).

An Addendum to the Mitigated Negative Declaration 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 Mitigated Negative Declaration Addendum.

Noticing:

- June 2, 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.
- June 4, 2017 - Notice of the Public Hearing was published in the Lompoc Record

Attachments:

- 1) [Resolution No. 863 \(17\) and Conditions of Approval](#)
- 2) [Request for Time Extension dated April 6, 2017](#)
- 3) [Addendum to Mitigated Negative Declaration](#)

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

**RESOLUTION NO. 863 (17)****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 557**

**WHEREAS**, a request for an extension of time was submitted by Marco Vujicic, for Tentative Subdivision Map LOM 557, to subdivide an existing 3.14 square-foot parcel of land to create 40 residential parcels. The property is located in the *Medium Density Residential, Planned Development (R-2PD)* Zoning District located at 1275 North V Street (Assessor Parcel Number: 093-070-036) and;

**WHEREAS**, the request was considered by the Planning Commission at a duly-noticed public meeting on June 14, 2017; and

**WHEREAS**, at the meeting of June 14, 2017, \_\_\_\_\_ were present to answer Planning Commissioners' questions and address their concerns; and

**WHEREAS**, at the meeting of June 14, 2017, \_\_\_\_\_ spoke in favor of and \_\_\_\_\_ spoke in opposition to the project; and

**WHEREAS**, a Mitigated Negative Declaration (SCH#2006031092) for the Coastal Meadows subdivision map was prepared by Impact Sciences on June 12, 2006. The City Council adopted Ordinance No. 1529 (06) certifying the Mitigated Negative Declaration, 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. The time extension is exempt from further CEQA review pursuant to Government Code Section 65457. An addendum has been prepared pursuant to CEQA.

**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 Mitigated Negative Declaration Addendum, Attachment 3 to the staff report for this agenda item, and hereby adopts the Mitigated Negative Declaration Addendum.

**SECTION 2:** The time extension request for LOM 557 was made in a timely manner and the approved project meets applicable City standards. Therefore, the Planning Commission finds that granting the extension of time 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 557 is extended for two years and will expire on June 12, 2019.

The foregoing Resolution was adopted, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at the Planning Commission meeting of June 14, 2017 by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Lucille T. Breese, AICP, Secretary

\_\_\_\_\_  
Ron Fink, Chair

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

**CONDITIONS OF APPROVAL**  
**LOM 557 – TENTATIVE SUBDIVISION MAP TIME EXTENSION**  
**1275 North V Street – APN: 093-070-036**

The following Conditions of Approval apply to the time extension for LOM 557, requested by Marco Vujicic, received by the Planning Division and stamped April 10, 2017 and reviewed by the Planning Commission on June 14, 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 Planning Commission Resolution No. 493 (06), Planning Commission Resolution No. 608 (08), and Planning Commission Resolution No. 653 (09). In the case of any conflicts, the conditions listed herein shall prevail.
- P5. The Tentative Subdivision Map LOM 557 expires on June 12, 2019, 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, Marco Vujicic, the applicant, 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 557. As applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Marco V, President  
Coastal Springs, LLC

\_\_\_\_\_  
Date

31826 Village Center Road Suite C  
Westlake Village, CA 91361  
(818) 991-6629 Fax (818) 991-0450

Coastal Springs, LLC

April 6, 2017

Via Email & US Mail  
L\_BREESE@ci.lompoc.ca.us

City of Lompoc  
Lucille Breeze, Planning Manager  
100 Civic Center Plaza  
Lompoc, CA 93438

RE: 1275 North V Street, Lompoc, CA - Coastal Meadows, LOM 557,  
Request for Time Extension of Approvals

Dear Lucille,

As per the City of Lompoc letter dated 10-21-13 our Vesting Tract Map expires on June 12, 2017. Per your email and our discussions, please accept this letter as our formal request for a time extension of the approvals granted in regards to our Coastal Meadows project, identified as Vesting Tentative Map LOM 557. The project was placed on hold due to the major economic meltdown that our Country experienced during the 2008-2014 great recession. As a result, the State and City have granted extensions to give our approved project the opportunity to be developed without the tremendous loss of investment and cost which we as property owners had incurred. Our project was not an exception to Nationwide and Statewide hardships which we in Lompoc continue to experience to date. Since there are tremendous economic and political uncertainties nationally and globally as well as our difficulties to date in securing an operator backed with a capital lender committed to invest in the Lompoc market, we are herein requesting a time extension to be processed by a Development Agreement, identical as the City has recently approved on our River Terrace project.

We trust that economy and the local market will gain stabilization and strength as the time unfolds. We are confident that with the City's help we will find a suitable operator to buildout this project.

This request is for an extension of all the approvals including but not limited to the Vesting Subdivision Map, architectural design, and specific plan.

The time is of the essence, because the current approval expires on June 12, 2017; please let us know when is the next available date for our request to be placed on the Planning Commission's consent Agenda.

Thank you for your courtesy and cooperation in this matter.

Sincerely,

Marco Vujicic  
President

cc: Batta Vujicic, Via Email  
Hunt Braly, Chairman of the Board; Via Email

**RECEIVED**

APR 10 2017

**Planning Division**



**ADDENDUM TO LOM 557 – 1275 NORTH V STREET  
MITIGATED NEGATIVE DECLARATION**

**Background:**

The Lompoc City Council certified the Mitigated Negative Declaration (MND) for the LOM 557 Vesting Tentative Subdivision Map on August 1, 2006. The applicant has applied for a 2-year time extension. From the original approval to the current request there has been a time lapse of eleven 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 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.

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 MND 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 LOM 557 MND 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 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 mitigated 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 mitigated 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 mitigated 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 mitigated 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 LOM 557 MND, staff has determined that:

1. The two year time extension is 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 MND 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.
4. The two year time extension is only a minor change or addition to the LOM 557 project.

Therefore, this Addendum is prepared to affirm no changes to the analysis which was conducted in the LOM 557 MND are required.