

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**MEETING DATE:** SEPTEMBER 11, 2006  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KEITH C. NEUBERT, ASSOCIATE PLANNER  
**RE:** LOM 528 – VESTING TENTATIVE  
SUBDIVISION MAP TIME EXTENSION

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**CONSENT CALENDAR:**

(All items listed under Consent Calendar are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Commission votes on the motion to adopt).

**CONSENT AGENDA ITEM NO. 1**

A request for an extension of time submitted by Kerry Moriarty, the property owner, for Vesting Tentative Subdivision Map LOM 528 to subdivide a 41,650 square-foot parcel of land into 16 parcels. The property is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District at 115 South Third Street (Assessor Parcel Number: 85-150-47). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

**COMMISSION REVIEW:**

The scope of Commission review of map time extensions is limited to questions of time and does not encompass a review of other issues.

**BACKGROUND:**

On August 11, 2003, the Planning Commission adopted Resolution 285 (03) approving a request by Peikert Group Architects, LLP, representing the property owner, to subdivide an existing 41,650 square foot parcel of land into 16 parcels.

On September 12, 2005, the Planning Commission adopted Resolution 435 (05) approving a time extension to August 11, 2006.

**DISCUSSION:**

The Subdivision Map Act allows the approval of a tentative map to be extended for a period not to exceed a total of eight years. The applicant has requested an additional one-year time extension to allow for processing of the final map. Attached is a copy of the correspondence from Mr. Moriarty, the property owner, requesting the time extension for LOM 528 (Attachment No. 3).

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 five years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a).*

If the Planning Commission approves or conditionally approves the request for a one-year time extension, the new expiration date for LOM 528 will be August 11, 2007 (COA P5).

Staff has determined that granting the time extension is appropriate since the project will still meet the requirements of the Zoning Ordinance as conditions on the site have not changed.

**NOTICING:**

On September 1, 2006:

- 1) Notice of the Public Hearing was published in the Lompoc Record;
- 2) Notices were mailed to property owners within 300 feet by US mail; and
- 3) The project site was posted by City staff.

**RECOMMENDATION:**

**Staff recommends that the Planning Commission adopt Resolution No. 513 (06) granting a one-year time extension of Vesting Tentative Subdivision Map LOM 528, to August 11, 2007, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.**

**ATTACHMENTS:**

- 1) Draft Resolution No. 513 (06) and Conditions of Approval
- 2) Resolution No. 285 (03) without Conditions of Approval
- 3) Resolution No. 435 (05) without Conditions of Approval
- 4) Request for Time Extension dated July 10, 2006

<b>Staff Report has been reviewed and approved for submission to the Planning Commission</b>			
<b>Arleen T. Pelster, AICP Community Development Director</b>	<b>Date</b>	<b>Lucille T. Breese, AICP City Planner</b>	<b>Date</b>

RESOLUTION NO. 513 (06)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 528

**WHEREAS**, a request for an extension of time submitted by Kerry Moriarty, the property owner, for Vesting Tentative Subdivision Map LOM 528 to subdivide an existing 41,650 square foot parcel of land into 16 parcels. The property is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District located at 115 South Third Street (Assessor Parcel Number: 85-150-47); and

**WHEREAS**, the request was considered by the Planning Commission at a duly-noticed public meeting on September 11, 2006; and

**WHEREAS**, at the meeting of September 11, 2006, \_\_\_\_\_ was present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of September 11, 2006, \_\_\_\_\_ spoke in favor of, and \_\_\_\_\_ spoke in opposition to, the project; and

**WHEREAS**, the time extension is categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

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

**SECTION 1:** The time extension request for LOM 528 was made in a timely manner and the approved project still meets applicable City standards, therefore it can be found that:

Granting the extension of time will meet the provisions of the City Zoning Ordinance.

The foregoing resolution, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, was adopted at the regular Planning Commission meeting of September 11, 2006 by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Arleen T. Pelster, AICP, Secretary

\_\_\_\_\_  
Jack Rodenhi, Chair

**CONDITIONS OF APPROVAL  
LOM 528 – VESTING TENTATIVE SUBDIVISION MAP TIME EXTENSION  
115 SOUTH THIRD STREET – APN: 85-150-47**

The following Conditions of Approval apply to the time extension for LOM 528, requested by Kerry Moriarty, the property owner, received by the Planning Division and stamped on July 12, 2006 and reviewed by the Planning Commission on September 11, 2006.

**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 8900, 8935, and 8936 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 0107 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 LOM 528, PC Resolution No. 285 (03) and PC Resolution No. 435 (05). In the case of any conflicts, the conditions listed herein shall prevail.
- P5. The Vesting Tentative Subdivision Map expires on August 11, 2007, as a result of the approval of this time extension.

I, Kerry Moriarty, the property owner, 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 Vesting Tentative Subdivision Map LOM 528. As property owner, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

## RESOLUTION NO. 285 (03)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
LOMPOC APPROVING TENTATIVE SUBDIVISION MAP LOM 528

WHEREAS, a request was submitted by Peikert Group Architects, LLP, representing the property owner, for Planning Commission review and consideration of a Tentative Subdivision Map. The map would subdivide an existing approximately 41,650 square-foot parcel of land into 16 parcels. The site is located at 115 South Third Street and is currently vacant (Assessor Parcel Number; 85-150-47); and,

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on August 11, 2003; and

WHEREAS, at the meeting of August 11, 2003, Kerry Moriarty of KSM Enterprises, Detlev Peikert and Theresa Dolotta of Peikert Group Architects LLP, and Jim Dixon of J.B. Dixon Engineering, were present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 11, 2003, no one spoke in favor of, or in opposition to, the project.

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

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that:

- A. Inasmuch as the proposed zoning for the project is High Density Residential, Planned Development (R-3, PD) with a General Plan Land Use designation of High Density Residential; and the data and analysis in the staff report addresses the project's consistency with General Plan policies, it can be found that:
  1. The proposed subdivision is consistent with the applicable General Plan designation and policies, and with the Zoning Ordinance.
  2. The design and improvements of the proposed subdivision, as conditioned, are consistent with the General Plan designation and policies, the Zoning Ordinance design criteria, and the Subdivision Review Ordinance.

- B. Inasmuch as the proposed lots are of a reasonable size, it can be found that:
  - 3. The site is physically suitable for the type of residential development proposed.
  - 4. The site is physically suitable for the proposed density of the development.
  - 5. The open space and lot coverage calculations are within 2% of the minimum requirements, but the overall design provides adequate open space for the product.
  
- C. Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Mitigated Negative Declaration which have been prepared for the proposal show no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:
  - 6. The proposed subdivision, as conditioned, does not have a significant effect on the environment; and
  - 7. Any effect of the proposed use upon fish and wildlife is de minimis and therefore no filing fee is required pursuant to the Fish and Game Code Section 711.4.

**SECTION 2:** Based upon the foregoing, the Planning Commission approves LOM 528 as proposed on August 11, 2003, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing resolution, on motion by Commissioner Fink, seconded by Commissioner Ruhge, was adopted at the regular Planning Commission meeting of August 11, 2003 by the following vote:

**AYES:** Commissioners Fink, Ruhge, Rodenhi, Harman

**NOES:** Commissioner Shoemaker

for Guille T. Boese  
Arleen T. Pelster, AICP, Secretary

Jack Rodenhi  
Jack Rodenhi, Chair

## RESOLUTION NO. 435 (05)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
LOMPOC APPROVING A TIME EXTENSION FOR LOM 528

WHEREAS, a request for an extension of time submitted by Kerry Moriarty, the property owner, for Vesting Tentative Subdivision Map LOM 528 to subdivide an existing 41,650 square-foot parcel of land into 16 parcels. The project is located at 115 South Third Street (Assessor Parcel Number: 85-150-47); and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on September 12, 2005; and

WHEREAS, at the meeting of September 12, 2005, Jim Dixon of J.B. Dixon Engineering, project representative, was present and available to answer any questions; and

WHEREAS, at the meeting of September 12, 2005, no one spoke in favor of or in opposition to, the project; and

WHEREAS, the time extension is categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

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

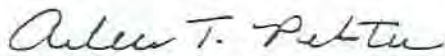
**SECTION 1:** The time extension request for LOM 528 was made in a timely manner and the approved project still meets applicable City standards, therefore it can be found that:

Granting the extension of time will meet the provisions of the City Zoning Ordinance.

The foregoing resolution, on motion by Commissioner Fink, seconded by Commissioner Ruhge, was adopted at the regular Planning Commission meeting of September 12, 2005 by the following vote:

**AYES:** Commissioners Fink, Ruhge, Rodenhi, Grames-Lyra, Harman

**NOES:** None

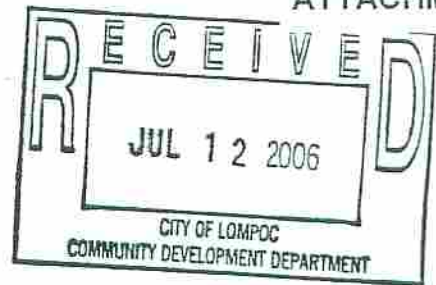


Arleen T. Pelster, AICP, Secretary



Jack Rodenhi, Chair

**KSM ENTERPRISES**  
140 Hot Springs Road  
Santa Barbara, CA 93108  
(805) 565-7977 Fax (805) 565-8778



July 10, 2006

To: Keith Neubert  
Assistant Planner  
City of Lompoc, CA

**Re: Las Casitas Residential Development (DR 03-06)**  
**Tentative Tract Map (LOM-528)**  
**115 South Third Street, Lompoc**

Dear Keith:

In follow-up to our conversation today I hereby request an extension for the above referenced Tract Map approval. I believe the current expiration date is scheduled for 8/16/06. Enclosed is the required extension fee. We will be re-submitting our plans to Plan Check very shortly.

Please contact me if you need additional information or have any questions.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kerry Moriarty".

Kerry Moriarty