

**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 538 – TENTATIVE SUBDIVISION MAP
TIME EXTENSION

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. 2

A request for an extension of time submitted by Sue Ehrlich, representing the Lompoc Housing and Community Development Corporation (LHCDC), the property owner, for Tentative Subdivision Map LOM 538 to subdivide a 14,000 square foot parcel of land to create five (5) residential condominiums. The property is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District at 516 North T Street (Assessor Parcel Number: 89-161-12). 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 September 13, 2004, the Planning Commission adopted Resolution 369 (04) approving a request by Sue Ehrlich, representing the Lompoc Housing and Community Development Corporation (LHCDC), the property owner, to subdivide an existing 14,000 square foot parcel of land to create five (5) residential condominiums.

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 a one-year time extension to allow for processing of the final map. Attached is a copy of the correspondence from Ms. Ehrlich, representing the Lompoc Housing and Community Development Corporation (LHCDC), the property owner, requesting the time extension for LOM 538 (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 538 will be September 13, 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. 512 (06) granting a one-year time extension of Tentative Subdivision Map LOM 538 to September 13, 2007, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.

ATTACHMENTS:

- 1) Draft Resolution No. 512 (06) and Conditions of Approval
- 2) Resolution No. 369 (04) without Conditions of Approval
- 3) Request for Time Extension dated July 20, 2006

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

RESOLUTION NO. 512 (06)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A TIME EXTENSION FOR LOM 538

WHEREAS, a request for an extension of time submitted by Sue Ehrlich, representing the Lompoc Housing and Community Development Corporation (LHCDC), the property owner, for Tentative Subdivision Map LOM 538 to subdivide an existing 14,000 square foot parcel of land to create five (5) residential condominiums. The project is located in the *High Density Residential Planned Development (R-3, PD)* Zoning District at 516 North T Street (Assessor Parcel Number: 89-161-12); 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 538 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 538 – TENTATIVE SUBDIVISION MAP TIME EXTENSION
516 NORTH T STREET – APN: 89-161-12

The following Conditions of Approval apply to the time extension for LOM 538, requested by Sue Ehrlich, representing the Lompoc Housing and Community Development Corporation (LHCDC), the property owner, received by the Planning Division and stamped on July 27, 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 and 0128 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 to specifically enforce the Conditions of Approval. 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 538, PC Resolution No. 369 (04). In the case of any conflicts, the conditions listed herein shall prevail.
- P5. The Tentative Subdivision Map expires on August 11, 2007, as a result of the approval of this time extension.

I, Sue Erlich, representing the Lompoc Housing and Community Development Corporation (LHCDC), 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 Tentative Subdivision Map LOM 538. As a representative of the property owner, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Name

Date

RESOLUTION NO. 369 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING TENTATIVE SUBDIVISION MAP LOM 538

WHEREAS, a request was submitted by Sue Ehrlich, representing the Lompoc Housing Assistance Corporation (LHAC) the property owner, for Planning Commission review and consideration of a Tentative Subdivision Map. The map would subdivide an existing approximately 14,000 square-foot parcel of land to create five (5) residential condominiums. The site is located at 516 North T Street (Assessor Parcel Number: 89-161-12); and,

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on September 13, 2004; and

WHEREAS, at the meeting of September 13, 2004, Ken Radtkey, Kyle Bruce, and Adam Sharkey of Blackbird Architects, and Sue Ehrlich of Lompoc Housing Assistance Corporation (LHAC), were present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of September 13, 2004, no one spoke in favor of, and Lauren Bronson spoke 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 lot is 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.

- 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:
 - 5. The proposed subdivision, as conditioned, does not have a significant effect on the environment; and
 - 6. 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.

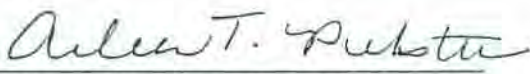
SECTION 2: Based upon the foregoing, the Planning Commission approves LOM 538 as proposed on September 13, 2004, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing resolution, on motion by Commissioner Harman, seconded by Commissioner Shoemaker, was adopted at the regular Planning Commission meeting of September 13, 2004 by the following vote:

AYES: Commissioners Harman, Shoemaker, Rodenhi, Ruhge

NOES: None

ABSENT: Commissioner Fink


Arleen T. Pelster, AICP, Secretary


Jack Rodenhi, Chair

Lompoc Housing & Community
Development Corporation



July 20, 2006

Mr. Keith Neubert
Associate Planner
City of Lompoc
Community Development Department
Planning Division
100 Civil Center Plaza
Lompoc, CA. 93436

RECEIVED

JUL 27 2006

CITY OF LOMPOC
PLANNING DIVISION

Re: Extension request for LOM 538 – T Street Condominiums
Preliminary Subdivision Map

Dear Keith,

Per General Condition P5 within the Conditions of Approval, please accept my request for a 12 month extension on Preliminary Subdivision Map LOM 538, located at 516 North T Street – APN: 89-161012. The Map approval expires on September 13, 2006; however, we will not be able to record the map before this expiration date. We are actively pursuing development for this location and anticipate on being able to complete map recordation within the requested extension time.

Please feel free to contact me at 934-3534 if you require further information.

Sincerely,

Susan Ehrlich
Executive Director