

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: OCTOBER 11, 2004

TO: MEMBERS OF THE PLANNING COMMISSION

FROM: LUCILLE T. BREESE, AICP, CITY PLANNER

RE: GP 04-04 – GENERAL PLAN AMENDMENT
ZC 04-06 – ZONE CHANGE
DR 04-28 – PRELIMINARY DEVELOPMENT PLAN

AGENDA ITEM NO. 8

A request by Marc Annotti of DS Ventures LLC, for Planning Commission consideration of a request for the 37.82 acre of the Seabreeze Estates Development (northern parcel):

- 1) General Plan Amendment (GP 04-04) – to change the existing General Plan Land Use Designation from *General Industrial with a Park Overlay* to *Open Space* on 11.58 acres, *Community Facility* on 4.09 acres, *Medium Density Residential* on 18.64 acres, and *Planned Manufacturing* on 3.51 acres and review of a Development Agreement limiting future uses on the *Planned Manufacturing* site;
- 2) Zone Change (ZC 04-06) -- to change the existing Zoning District designation from *Planned Manufacturing (PM)* to *Open Space (OS)* on 11.58 acres, *Public Facilities (P-F)* on 4.09 acres, *Medium Density Residential, Planned Development (R-2, PD)* on 18.64 acres, and *Planned Manufacturing (PM)* on 3.51 acres;
- 3) Preliminary Development Plan (DR 04-28) – to allow development of a 4.09 acre Community Park; to maintain a riparian/wetland area on 11.58 acres; to construct four 16 unit apartment buildings (64 units) and 81 single family residences on individual parcels for a total of 145 dwelling units; to provide a landscaped buffer area on the western boundary of the site with a bikeway; to construct the required streets and accessways; and, to allow future limited industrial development on 3.51 acres.

The parcel is located at the southeast intersection of Bailey Road and Central Avenue (Assessor Parcel Number: 93-070-62). An Environmental Impact Report (EIR) was circulated to the State Clearinghouse (SCH: No. 2002061109) pursuant to the California Environmental Quality Act (CEQA) and certified by the City Council on August 17, 2004. An Addendum to the EIR has been prepared and will be considered by the Commission.

Site Information:

1. Property Owner. DS Ventures LLC
2. Site Location. West Central Avenue at Bailey Avenue
3. General Plan Designation. *Light Industrial (LI) with Park Overlay*
4. Site Zoning *Planned Manufacturing (PM)*
5. Site Use. Vacant land
6. Surrounding Uses/Zoning. North: City of Lompoc Wastewater Treatment Plant / PF
South: Vacant / R-1, PD
East: Mobile Home Park / T
West: Vacant / SBCO
7. Project area. 37.82 acres

Background:

November 3, 2003 – Commission reviewed Environmental Impact Report and project components for both Northern and Southern parcels, recommended denial to Council.

November 18, 2003 -- Council reviewed Commission recommendations, returned project for re-design.

August 2, 2004 – Commission reviewed Environmental Impact Report and project components for both Northern and Southern parcels, recommended denial to Council.

August 17, 2004 -- Council reviewed Commission recommendations:

- ◆ certified EIR 01-01, adopted Statement of Overriding Considerations, made CEQA findings of approval, approved GP 01-02 – request for changes to Circulation Element;
- ◆ considered proposed General Plan Amendment (GP 01-02), Zone Change (ZC 02-06) and Preliminary Development Plan (DR 02-19) for the Northern Parcel (Assessor Parcel No. 93-070-62);
- ◆ approved General Plan Amendment (GP 01-02) and Zone Change (ZC 01-02) for the Southern Parcel; and
- ◆ continued public hearing on the Tentative Vesting Subdivision Map (LOM 508) and Preliminary/Precise Development Plan (DR 01-02) for the Southern Parcel

(Assessor Parcel No. 93- 070-63) to Sept 7, 2004.

August 18, 2004 -- applicant withdrew General Plan Amendment applicable to Northern Parcel (GP 01-02), Zone Change (ZC 02-06), and Preliminary Development Plan (DR 02-19) for Northern Parcel (Assessor Parcel No. 93-070-62).

August 30, 2004 -- applicant resubmitted General Plan Amendment (GP 04-04), Zone Change (04-06), and Preliminary Development Plan (DR 04-28) for Northern Parcel (Assessor Parcel No. 93-070-62).

September 7, 2004 – Council considered Vesting Tentative Subdivision Map (LOM 508) and Preliminary/Precise Development Plan (DR 01-02) for Southern Parcel (Assessor Parcel No. 93-070-63).

October 5, 2004 – Council conditionally approved Vesting Tentative Subdivision Map (LOM 508) and Preliminary/Precise Development Plan (DR 01-02) for Southern Parcel (Assessor Parcel No. 93-070-63).

A. PROJECT DESCRIPTION:

The existing 37.82 acre parcel has a General Plan Land Use Designation of *Light Industrial with a Park Overlay* and has a Zoning Designation of *Planned Manufacturing (PM)*. The applicant is requesting a General Plan Amendment (GP 04-04), Zone Change (ZC 04-06), and Preliminary Development Plan (DR 04-28) as shown in the following table:

General Plan Land Use Designation		Zoning District Designation	
Existing	Proposed	Existing	Proposed
37.82 acres General Commercial	11.58 acres to Open Space	37.82 acres <i>Planned Manufacturing (PM)</i>	11.58 acres to <i>Open Space (OS)</i>
	4.09 acres to Community Facility		4.09 acres to <i>Public Facilities (PF)</i>
	18.64 acres to Medium Density Residential		18.64 acres to <i>Medium Density Residential, Planned Development (R-2, PD)</i>
	3.51 acres <i>Planned Manufacturing (PM)</i>		3.51 acres <i>Planned Manufacturing (PM)</i>

Discussion of the various Land Use Designations and Zoning Districts will follow in the analysis section of the staff report. The applicant will return at a later date with a request for Vesting Tentative Subdivision Map and Precise Development Plan for review and approval.

The project description prepared by the applicant states:

“This plan would take advantage of the building height in the Manufacturing zone to further buffer the residential areas from the noise of Central Ave. and the odor plume that will emanate from the Wastewater Treatment Plant during the cool calm evenings. Screening and architectural treatments as well as limits on the uses in the Industrial Zone would be used to protect the residential uses to the south. A separate development Plan would be provided at a future date to detail the development plans for the industrial site.

The park site is moved to the east with this proposal, providing additional separation from the noise of Central Ave. and the Wastewater Treatment Plant.

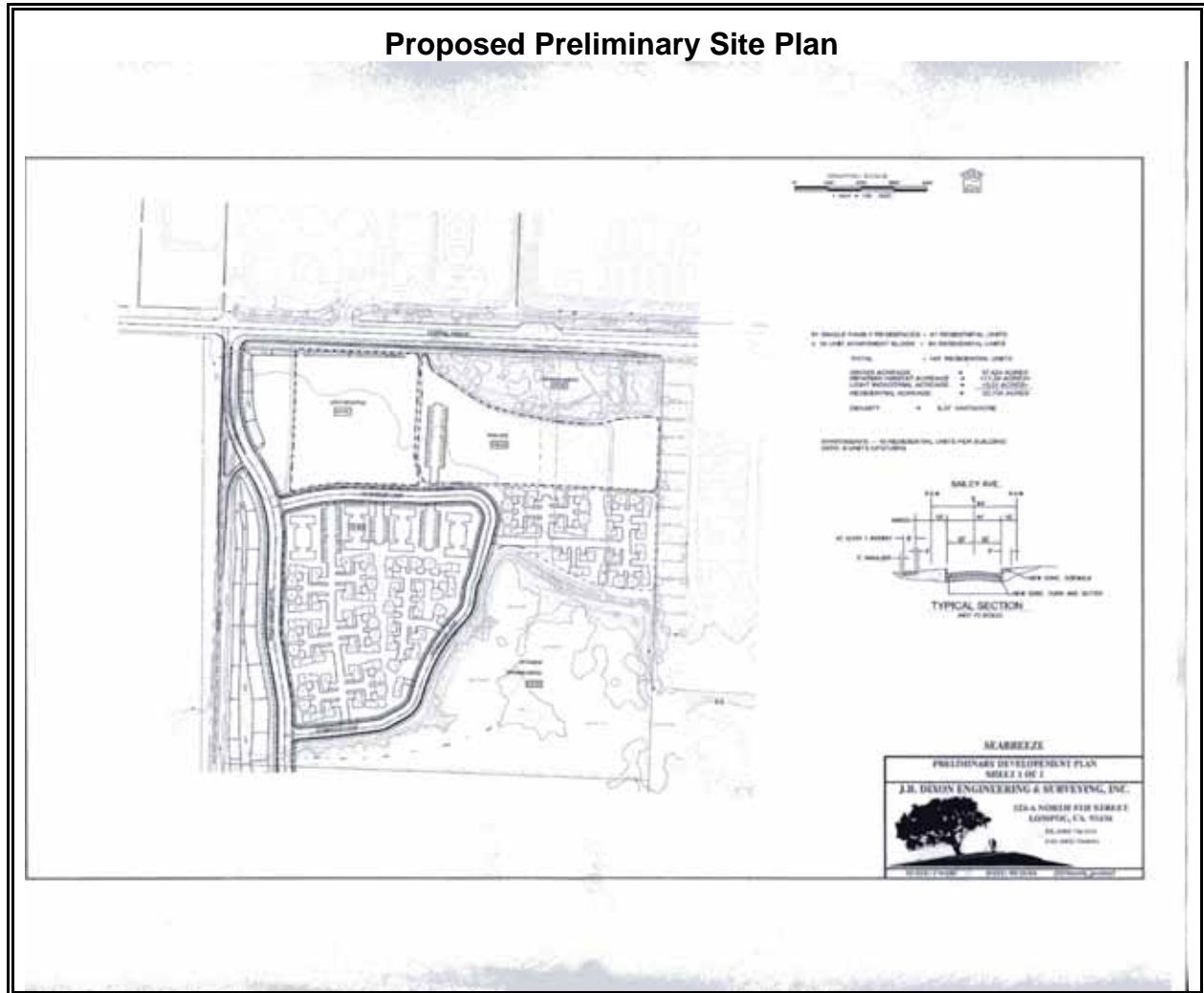
Four 16-unit apartment buildings are proposed southerly of the industrial zone with 81 single-family residences proposed to the south and east of the apartments.

General Plan and Zoning changes are requested for the park site, residential areas and the Agricultural area to the west.

The loop road (Seabreeze Loop) will be a public street built to city residential standards with no parking or sidewalk adjacent to the riparian areas to enhance the view and keep the area uncluttered.

The overall density of the project is 6.37 units to the acre (including the park and Ag buffers). The single family residences would each be created on separate lots with common drives walks and community parking.” (sic)

The site plan shows that the area to the south of Central Avenue is proposed as a transitional buffer between the City Wastewater Treatment Plant and the reduced residential component of this project. The original proposal was for 216 residential units, the revised request is for 145 residential units. The new Bailey Avenue frontage road is included in the proposal and will connect with the portion of the road built on the southern parcel, ultimately connecting with the extension of North Avenue to allow adequate access for public safety personnel.



B. ANALYSIS OF CONFORMANCE WITH EXISTING CITY POLICIES

1. General Plan Amendment – GP 04-04:

Land Use Element – Land Use Designation

The existing General Plan designation for this property is *Light Industrial* and the stated purpose is:

To provide areas for industrial uses which are primarily conducted indoors and, when adequately buffered, are compatible with nearby commercial and residential uses.

The applicant is requesting a change as indicated below:

- 1) *Community Facility (CF)* on 4.09 acres to allow the development of a community park. The stated purpose is: *To provide areas to meet the public service, educational, recreational, social, and cultural needs of Valley residents.*

- 2) *Medium Density Residential (MDR)* on 18.64 acres to allow a mixture of apartment and single family residential and the agricultural buffer on the western property boundary. The stated purpose is: *To provide residential areas which are in close proximity to schools, shopping, and other services; and which are at densities that are responsive to the economic considerations of developing affordable ownership housing and rental housing at various price levels. This category provides a buffer between lower-density detached-housing areas, higher-density multiple-family areas, and commercial areas.*

- 3) *Open Space (OS)* on 11.58 acres containing the riparian area adjacent to Central Avenue (2.57 acres) and the Bailey Avenue Wetlands (9.01 acres). The stated purpose is: *To provide areas which preserve scenic beauty; conserve natural resources; protect significant biological and cultural resources; provide opportunities for outdoor recreation and the enjoyment of nature; permit the managed production of natural resources; and protect public health and safety.*

- 4) *Light Industrial (LI)* on 3.51 acres to be retained in the existing Land Use designation. The proposed retention of the *Light Industrial* Land Use designation could pose a land use conflict with the residential uses to the south. Staff is proposing that a Development Agreement or Deed Restriction be recorded on the site designated as *Light Industrial* to restrict the use as identified in the Zone Change analysis.

The Environmental Impact Report (EIR 01-01) SCH No. 2002061109, certified by the City Council on August 17, 2004 analyzed the project conformance with General Plan Policies. The EIR is being utilized as the basic environmental document for the proposed project and the discussion in that document addresses the Community Facility, Medium Density Residential and Open Space uses. The Light Industrial Use is the existing land use designation for the site and meets Policy 2.2 of the Land Use Element with the proposed land use restrictions discussed in the Zone Change analysis:

The City shall protect residential neighborhoods from encroachment by adverse or incompatible non-residential uses and impacts associated with those non-residential uses.

Urban Design Element

The intersection of Bailey Avenue and Central Avenue is designated as a City Entry on the General Plan Urban Design Element Urban Design Features Map adopted in 1997. Areas with this designation are to be enhanced through landscaping, public art, special signage, or some special manner to advise the visitor that they are entering the City. A condition of approval is included requiring that the applicant work with staff and propose an Entry

Treatment on the southeast corner of the Bailey Avenue and Central Avenue intersection that is comparable to the Entry Treatment at Ocean Avenue and Twelfth Street (Resolution No. 386 (04) - COA P 9-b).

As conditioned, the project will be consistent with the City of Lompoc General Plan.

2. Zone Change – ZC 04-04:

Zoning District

The existing Zoning Ordinance designation for this property is *Planned Manufacturing (PM)* and the stated purpose is listed in Section 8400 as:

This zone is intended to provide a district which will insure an environment conducive to the development and protection of modern industry, research institutions, and administrative facilities in a well-designed and property-landscaped environment.

The applicant is requesting a change as indicated below:

1) *Public Facilities (PF)* on 4.09 acres to allow the development of a community park. The stated purpose is: *To provide areas to meet the public service, educational, recreational, social, and cultural needs of Valley residents.*

The proposed park would be dedicated to the community and would be consistent with the proposed zoning designation.

2) *Medium Density Residential, Planned Development (R-2, PD)* on 18.64 acres to allow a mixture of apartment and single family residential and the agricultural buffer. The stated purpose is: *To stabilize and maintain the residential character of the district and permit a suitable environment for family living on a smaller scale by permitting a higher density with two families to the lot while maintaining individual privacy, open space, and facilities.*

The proposed housing types (apartment and single family small lot units) will meet the intent of the zoning designation because it provides compact development and a variety of housing types.

3) *Open Space (OS)* on 11.58 acres containing the riparian area adjacent to Central Avenue and the Bailey Avenue Wetlands. The stated purpose is: *To provide areas which preserve scenic beauty; conserve natural resources; protect significant biological and cultural resources; provide opportunities for outdoor recreation and the enjoyment of nature; permit the managed production of natural resources; and protect public health and safety.*

The proposed zoning designation will protect a recognized natural resource, allowing the public to view the area while ensuring the on-going maintenance of an important community resource.

4) *Planned Manufacturing (PM)* on 3.51 acres to be retained in the existing designation. The stated purpose is: *This zone is intended to provide a district which will insure an environment conducive to the development and protection of modern industry, research institutions, and administrative facilities in a well-designed and properly-landscaped environment.* The permitted uses include: *All categories of industrial and manufacturing uses conducted entirely within an enclosed building, subject to the prescribed performance standards in this zone.* The use of this zoning designation was intended to provide a buffer from the City of Lompoc Wastewater Treatment Plant and uses on this parcel.

Staff has discussed with the applicant a Development Agreement or Deed Restriction to be placed on the site to limit the future uses that could be developed. The applicant has indicated a willingness to enter into an agreement with the City and record the agreement on the property limiting future uses to warehouse and storage uses that are conducted completely within an enclosed building. A draft Development Agreement will be provided to the Commission for review and recommendation to the Council. This type of agreement will provide assurance that a heavy industrial use, that would not be compatible with a residential use, could not be proposed in the future. (Resolution No. 385 (04) – COA P 25).

The proposed zoning designations are compatible with the proposed General Plan designations.

A Condition of Approval (Resolution No. 385 (04) – P-20) is included stating that approval of the Zone Change request (ZC 04-06) is contingent upon Council approval of the General Plan Amendment (GP 04-04).

Section 8887 – Procedure of the Zoning Ordinance, grants the authority for the Planning Commission to review a request for Zone Change and to make a recommendation to the Council to approve, conditionally approve, or deny the request. The recommendation must contain the required findings as listed in Resolution No. 385(04) included as Attachment No. 2.

3. Preliminary Development Plan – DR 04-28:

Proposal:

Preliminary Development Plan DR 04-28 contains a total area of 37.82 acres that are currently undeveloped. The site is bounded on the north by Central Avenue and the Lompoc Regional Wastewater Treatment Plant, to the west by the Bailey Avenue farm road, to the east by the Willows Mobile Home Residential Development, and to the south by a vacant parcel that has an approved Vesting Tentative Subdivision Map (LOM 508) and Preliminary/Precise Development Plan (DR 01-02) for 150 single family residential units.

The proposed project would include a total of 145 residential units (81 single family residential units and 64 apartment units), an agricultural buffer on the western portion of the site, and the Bailey Avenue frontage road on 18.64 acres; a community park on 4.09 acres; the Bailey Avenue Wetlands and riparian area adjacent to Central Avenue on 11.58 acres; and future warehouse/storage development on 3.51 acres.

Section 7750 – Regulations, Limitations and Restrictions of the Zoning Ordinance allows the Commission to recommend to the Council the adoption of a Preliminary/Precise Development Plan with restrictions more or less restrictive than those specified in the city regulations. *The project must be designed to protect property values in the vicinity of the subject property and to protect and enhance the public peace, health, safety, and general welfare of persons residing in working in, and passing through the neighborhood.* The applicant has presented a Preliminary Development Plan for conceptual review. If the project is approved, the Precise Development Plan would have to be returned for Planning Commission review and a Subdivision Map would be required. The Precise Development Plan will need to adhere to the Subdivision Review Ordinance standards for this type of development.

Subdivision Review Ordinance

City Subdivision Review Ordinance Section 2863 Planned Residential Developments contains specific development standards for a Preliminary/Precise Development Plan. These standards are in addition to the standards in the Zoning Ordinance which are discussed below.

1. *Requires a minimum of four (4) amenities for residential developments of one hundred and more (100+) dwelling units.*
2. *The developer shall propose the size and type of the amenities to be provided.*
3. *Lot coverage shall not exceed that prescribed by the underlying zone classification.*
4. *Required off-street parking shall be provided in accordance with the provisions of the Zoning Ordinance. Additional parking for storage of recreational vehicles, trailers, and other miscellaneous vehicles shall be provided at a rate of one (1) space for each seven (7) dwelling units. If spaces for such vehicles are not provided, then project codes, covenants, and restrictions shall prohibit recreational vehicle parking within the project.*
5. *Minimum open space area shall be required for R-2 density of 50% of the project. At least one-half of the total open space requirements shall be devoted to open space usable by residents.*

Zoning Ordinance

Site Plan:

The proposed preliminary plan has a density of 6.37 dwelling units per acre. The density calculation includes the agricultural buffer, residential development area, and the community park. Specific Development Standards, including parking, will be evaluated with the Precise Development Plan.

Architectural Review Guidelines

The applicant intends to submit a Precise Development Plan for future Planning Commission review as authorized in Section 7702 of the Zoning Ordinance. The Precise Development Plan will provide landscaping plan, descriptive information, and other data as required for architectural review.

General Plan Housing Element – Affordable Housing Requirements

The City has made a commitment to address its housing needs by implementing the policies of the General Plan Housing Element. One of the central goals identified in the Housing Element is the provision of a choice of housing opportunities for all economic segments of the community. This includes households unable to afford market-rate priced housing. Development of the housing products proposed for this site will help provide a variety of more affordable housing units. Policy 1.11 of the Housing Element ensures that all residential projects address the need for affordable housing within the community and help satisfy the regional fair share housing allocation.

The proposed project contains 145 dwelling units and is a mixture of rental and for sale units. A total of 15 affordable units are required, the applicant has the option of paying the housing in-lieu fee adopted by Council to meet this requirement. The applicant must designate the affordable units on the site plan and a covenant, approved by the City Attorney, must be recorded on each of the affordable units for a term of 30 years. The affordable units must be constructed at the same time as the market rate units (COA P).

A Condition of Approval (Resolution No.386 (04) – P-20) is included stating that approval of the Preliminary Development Plan request (DR 04-28) is contingent upon Council approval of the General Plan Amendment (GP 04-04) and Zone Change (ZC 04-06).

STAFF REVIEW

A Development Review Board (DRB) meeting was held for this project on September 14, 2004. The applicant met with staff to discuss the proposal and draft Conditions of Approval were formulated.

Comments received from staff indicated that the Conditions of Approval that had been generated for the previous submittal were of sufficient detail to be utilized for this proposal. Further review will occur when the Precise Development Plan is proposed.

The Development Review Board (DRB) has developed a series of standard conditions of approval (COA) to advise applicants of possible requirements during the development review process. Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for Commission review. A complete plan check occurs after construction plans have been submitted to the Building Division for building permits. Please note that not all COA included with the Planning Commission Resolution for the project may be applicable. If the applicant has questions and/or concerns regarding specific conditions, he/she should contact the department/division that is recommending the condition. DRB members do not attend the Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions.

ENVIRONMENTAL REVIEW:

A Final Environmental Impact Report (FEIR), SCH No. 2002061109, was prepared for the Seabreeze Residential Development and certified by City Council on August 17, 2004. Based upon review of the revised submittal for the Northern Parcel which shows a reduced residential component, staff has determined that the revisions to the project will not create new significant impacts. Therefore, an Addendum to the FEIR was prepared.

Recertification of the Final EIR and approval of the Addendum is recommended, pursuant to the provisions of the California Environmental Quality Act (CEQA).

NOTICING

Notice of the Planning Commission public hearing was published in the Lompoc Record on October 1, 2004. A notice was mailed to all owners of record of property within 300 feet of the subject site and all interested parties on October 1, 2004.

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Review the draft Addendum to the Environmental Impact Report (EIR 01-01) and recommend that the Council certify the Addendum;
2. Adopt Resolution No. 384 (04) recommending that the Council approve the requested General Plan Amendment (GP 04-04);
3. Adopt Resolution No. 385 (04) recommending that the Council approve the requested Zone Change (ZC 04-06); and
4. Adopt Resolution No. 386 (04) recommending that the Council approve DR 04-28 as a Preliminary Development Plan for the Northern Parcel of the Seabreeze Estates Development, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.

ATTACHMENTS:

1. Draft Resolution No. 384 (04)
2. Draft Resolution No. 385 (04)
3. Draft Resolution No. 386 (04)
4. Draft Addendum and Initial Study
5. Proposed Preliminary Development Plan
(PC only with staff report, documents available for review in Planning Division)

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RESOLUTION NO. 384 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE THE GENERAL PLAN AMENDMENT FOR THE SEABREEZE ESTATES PROJECT NORTHERN PARCEL TO THE GENERAL PLAN AMENDMENT GP 04-04 (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures LLC for the City of Lompoc consideration of a proposal to amend the City's General Plan Land Use Map designation for the Seabreeze Estates project as described in EIR 01-01 and located immediately southeast of the intersection of Central Avenue and Bailey Avenue as described herein: from Light Industrial (LI) with a park overlay, to Medium Density Residential (MDR) on 18.64 acres, Community Facility (CF) on 4.09 acres Open Space (OS) on 11.58 acres, and Planned Manufacturing (PM) on 3.51 acres (Assessor Parcel Number: 93-070-062); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on October 11, 2004; and

WHEREAS, the Final Environmental Impact Report (EIR 01-01, SCH No. 2002061109) was certified by the City Council at a duly-noticed public hearing on August 17, 2004 in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, at the meeting of October 11, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of October 11, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended Council re-certification of the Final Environmental Impact Report (FEIR 01-01) and adoption of the Addendum prepared for the project and, California Environmental Quality Act (CEQA).

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

SECTION 1: The proposed General Plan Land Use Designation amendment for the subject site is *Planned Manufacturing (PM), Medium Density Residential (MDR), Community Facility (CF), and Open Space (OS)*, which provides a designation that reflects the proposed development in the vicinity; therefore the Planning Commission finds that:

- A. The proposed General Plan amendment designates land uses more compatible with the existing adjacent land uses.
- B. The proposed General Plan Land Use Designation amendment will provide a designation compatible with the existing adjacent land uses.

- C. The proposed modification is required for the public necessity, convenience, and general welfare.

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve GP 04-04 to change the General Plan Land Use designation for the subject site to *Planned Manufacturing (PM)*, *Medium Density Residential (MDR)*, *Community Facility (CF)*, and *Open Space (OS)* as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner ____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of October 11, 2004 by the following vote:

AYES:

NOES:

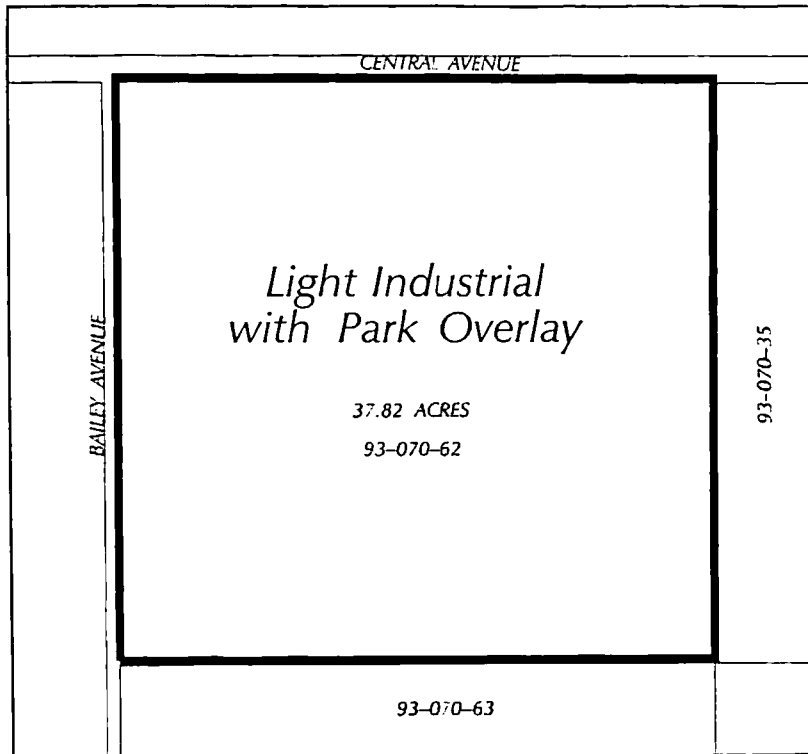
Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

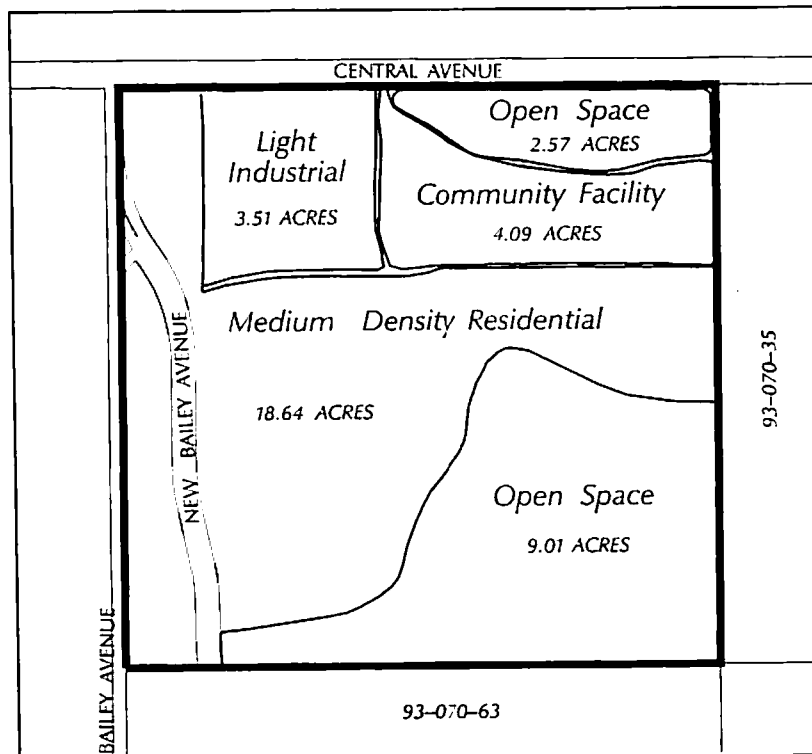
Attachment: Exhibit A – Land Use Map

GENERAL PLAN CHANGE

Existing



Proposed



GP 04-04



RESOLUTION NO. 385(04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE (ZC 04-06) FOR THE NORTHERN PARCEL OF THE SEABREEZE RESIDENTIAL DEVELOPMENT (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures, LLC for the City of Lompoc consideration of a proposal to amend the City's Zoning Map for the Seabreeze Estates project as discussed in EIR 01-01 located immediately southeast of the intersection of Central Avenue and Bailey Avenue. The request is to change the current 37.82 acre *Planned Manufacturing (PM)* designation to *Planned Manufacturing (PM)* on 3.51 acres, *Medium Density Residential, Planned Development (R2, PD)* on 18.64 acres, *Public Facility (PF)* on 4.09 acres, and *Open Space (OS)* on 11.58 acres (Assessor Parcel Number: 93-070-62); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on October 11, 2004; and

WHEREAS, the Final Environmental Impact Report (EIR 01-01, SCH No. 2002061109) was certified by the City Council at a duly-noticed public hearing on August 17, 2004 in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, at the meeting of October 11, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of October 11, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended City Council re-certification of the Final Environmental Impact Report (FEIR 01-01) for the project and adopted the Addendum prepared as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: The General Plan Land Use designation recommended in Resolution No. 384 (04) for the subject site is *Planned Manufacturing (PM)*, *Medium Density Residential (MDR)*, *Community Facility (CF)*, and *Open Space (OS)*, which is consistent with the proposed *Planned Manufacturing (PM)*, *Medium Density Residential, Planned Development (R-2, PD)*, *Public Facility (PF)*, and *Open Space (OS)* zoning designations; therefore, the Planning Commission finds that:

- A. The proposed zoning is consistent with the General Plan Land Use Designation and all the elements of the General Plan.

- B. The site is adjacent to streets, which contain necessary infrastructure to support the proposed use of the property.
- C. The area is afforded the services and facilities appropriate for the proposed zoning.
- D. The proposed Zone Change will provide a designation compatible with the existing adjacent land uses.
- E. The proposed amendment is required for the public necessity, convenience, and general welfare.

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council, pursuant to Section 8887. 3 c. of the Lompoc City Code, with the Commission recommendation that the Council approve ZC 02-06, to change the zoning on the subject site to *Planned Manufacturing (PM)*, *Medium Density Residential*, *Planned Development (R-2, PD)*, *Public Facility (PF)*, and *Open Space (OS)*.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of October 11, 2004 by the following vote:

AYES:

NOES:

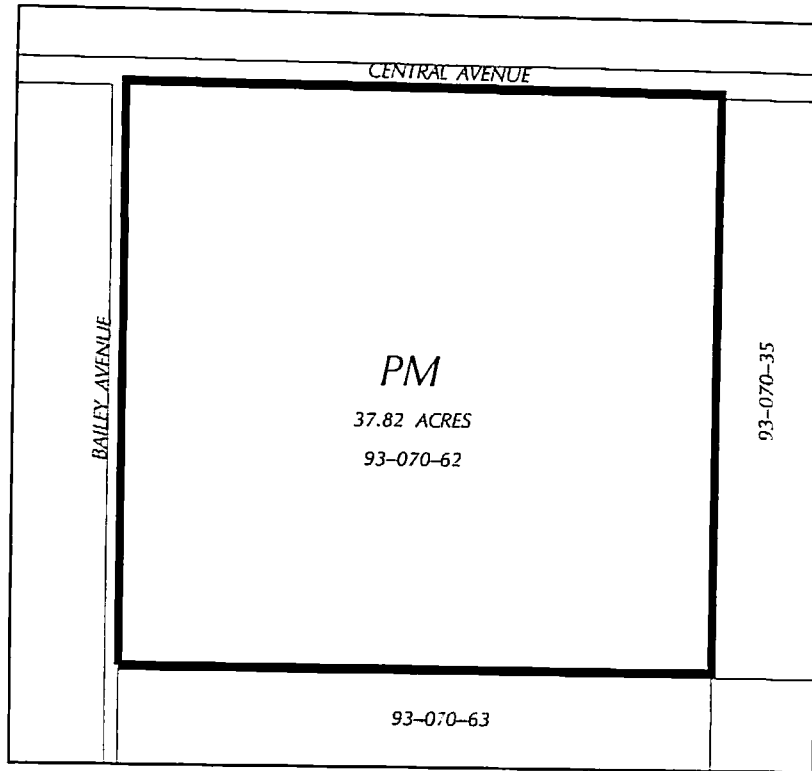
Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

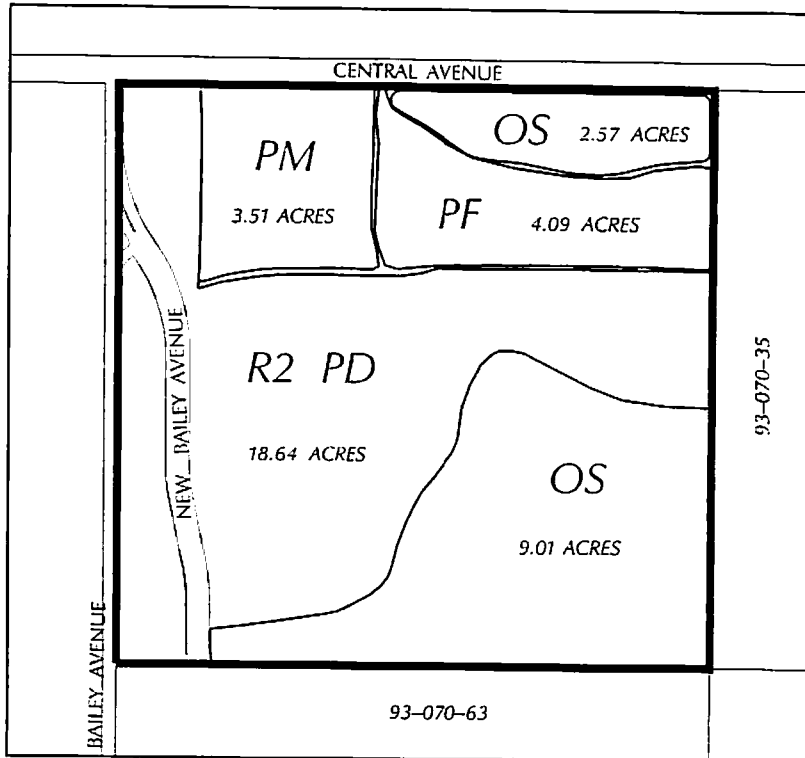
Attachment: Exhibit A – Map

ZONE CHANGE

Existing



Proposed



- OS: Open Space
- PF: Public Facility
- PM: Planned Manufacturing
- R2 PD: Medium Density Residential Planned Development

ZC 04-06



RESOLUTION NO. 386 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING FOR CITY COUNCIL APPROVAL OF PRELIMINARY DEVELOPMENT PLAN (DR 04-28) FOR THE SEABREEZE ESTATES PROJECT NORTHERN PARCEL (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures, LLC for Planning Commission consideration of DR 04-28 as the Preliminary Development Plan for conceptual design of the structures, site plan, parking, and landscaping for the Seabreeze Estates project northern parcel. The proposed housing product types include single-family units and apartment complex with landscaping and parking on 37.82 acres. (Assessor Parcel Number: 93-070-62); and

WHEREAS, the Final Environmental Impact Report (EIR 01-01, SCH No. 2002061109) was certified by the City Council at a duly-noticed public hearing on August 17, 2004 in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on October 11, 2004; and

WHEREAS, at the meeting of October 11, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of October 11, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission recommended City Council re-certification of the Final Environmental Impact Report (FEIR 01-01) for the project, and adoption of the Addendum prepared as required by the California Environmental Quality Act (CEQA).

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 recommends that the City Council finds that:

Inasmuch as the *Planned Development (PD)* zoning designation allows either more or less restrictive requirements, regulations, limitations and restrictions including building spacing and design, the Preliminary Development Plan DR 04-28 is designed to meet the needs of the proposed residential uses:

- A. The site for the Seabreeze Estates project northern parcel is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. The location of the Seabreeze Estates project to streets and highways is adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
- D. The Seabreeze Estates project will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.
- E. The Seabreeze Estates project is consistent with all elements of the General Plan.

SECTION 2: Based upon the foregoing, DR 04-28 is recommended as the Preliminary Development Plan for approval by the City Council as shown in Exhibit B, reviewed by the Planning Commission on October 11, 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 _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of October 11, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Conditions of Approval
Exhibit B – Site Plan, Preliminary Development

**DRAFT - CONDITIONS OF APPROVAL
Seabreeze Estates – Northern Parcel
Preliminary Development Plan – DR 04-28, EIR 01-01**

The following Conditions of Approval apply to the site plan for DR 04-28, initially prepared by J. B. Dixon Engineering and Surveying, Inc., dated August 26, 2004 and reviewed by City staff at DRB on Sept 14, 2004. These COA are Draft only and may change during the Development Review Process..

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. DS Ventures, Inc. and its successors in interest (“Applicant”) is advised that certain fees and charges will be collected by the City, prior to issuance of building permits and/or prior to issuance of certificates of occupancy, including, but not limited to the revised fees adopted by Resolution No. 5136(03) which Applicant specifically agrees shall be applied to the project notwithstanding any application for a vesting tentative subdivision map that may be deemed complete, prior to the effective date of Resolution No. 5136(03).
- P3. These conditions of approval shall be noted on the construction drawings filed for any building permits, including a copy of the City Council resolution and the Applicant’s signed affidavit agreeing to comply with the conditions.
- P4. The mitigation measures to be implemented during construction shall be -itemized on a separate page of the grading and improvement plans and related construction drawings filed for any building permits, including the City Council Resolution Number and the applicant’s signed affidavit agreeing to comply with the conditions.
- P5. Copies of the Mitigation Measures and Mitigation Monitoring Plan shall be given to each Contractor and Subcontractor. Each Contractor and Subcontractor shall be responsible to reviewing, being familiar with and implementing all mitigation measures during construction.
- P6. All revisions made by the City Council/Planning Commission and specified in the conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division, prior to submittal of construction drawings.
- P7. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the City Council and approved if acceptable.
- P8. A temporary use permit shall be obtained from the Planning Division, prior to installation of each construction and/or sales trailer on the project site.

- P9. A sign permit shall be submitted for each identification / entry sign to be located on the project site.
- a) Signage must be approved by the Planning Commission, and a permit issued by the Planning Division and Building Division, prior to installation.
 - b) An Entry Treatment shall be designed, installed, and maintained by the Homeowners (HOA). The City shall review and approve the design. The Entry Treatment shall be located at the southeast corner of the Bailey Avenue and Central Avenue.
- P10. 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.
- P11. All Mitigation Measures set forth in the Seabreeze Estates Project Final Environmental Impact Report (FEIR) SCH No. 2002061109 are hereby incorporated into these Conditions of Approval, as if fully contained herein, except those found infeasible pursuant to Section 15091 of the State CEQA Guidelines.
- P12. The applicant shall enter into a Mitigation Monitoring Agreement with the City of Lompoc, which shall assure continuing compliance with the Mitigation Measures set forth in the Final EIR. The Agreement shall be reviewed and approved by the City Attorney, and shall be recorded, prior to the issuance of any construction permit. The applicant shall pay all costs associated with implementation of the Mitigation Monitoring Program, which shall be calculated on a time and materials basis.

- P13. Minor changes to the Mitigation Monitoring Program may be made by the Community Development Director. Such changes shall not result in alteration of any mitigation measures, but shall be restricted to changes related to which phase of the Mitigation Monitoring Program (e.g., plan check, construction, pre-occupancy, post-occupancy) a mitigation measure is to be completed. Any such changes may be approved when it is found to be impractical or inappropriate to require completion of a mitigation measure during the phase specified in the Mitigation Monitoring Program.
- P14. Hours of construction shall be limited to:
Monday through Friday - between the hours of 8 a.m. and 5 p.m.
Saturday - between the hours of 9 a.m. and 5 p.m.
Sunday and holidays- None
Minor modifications to the hours of construction may be granted by the Community Development Director.
- P15. 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.

Planning – Architectural Conditions

- P16. Detailed project architecture, materials, and colors shall be reviewed by the Planning Commission, with the Precise Development Plan, prior to issuance of Building Permits.
- P17. All mechanical and ventilation equipment on roofs shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the structures on the site and with the natural environment.
- P18. Street names shall be reviewed and approved by the Community Development Director, Fire Department and Police Department for consistency with City policy, prior to approval of the final subdivision map.
- P19. Perimeter walls and fencing for the project shall be architecturally treated. Treatment must be approved by the Community Development Department staff, prior to issuance of grading permits.

Planning – Project Specific Conditions

- P20. Approval of DR 04-28 is contingent upon City Council approval of GP 04-04 and ZC 04-06.
- P21. The applicant shall submit a Tentative Subdivision Map for the proposed project.

- P22. Prior to occupancy of the first unit, the applicant shall file a performance security with the City of Lompoc to ensure that Central Avenue Improvement mitigation plantings will be installed and maintained for a three (3) year period. Upon issuance of the last Certificate of Occupancy for the Precise Development Plan, the responsibility for maintenance of the mitigation plantings shall be assumed by the Property Owners' Association.
- P23. The park dedication, along with any Quimby fees required for the development of the northern portion of the project site shall be paid, prior to issuance of any building permits. Park improvements shall be completed by the Applicant prior to issuance of the first residential Certificate of Occupancy.
- P24. If required, a permit from the Regional Water Quality Control Board and/or Department of Fish and Game shall be obtained, and a copy submitted to the City, to ensure that the Corrective Action Plan, accepted by the Department of Toxic Substances Control (DTSC) is acceptable to the Regional Board, prior to disturbance of arsenic contaminated soils on-site.
- P25. The applicant shall enter into a Development Agreement or Deed Restriction Agreement with the City prior to recordation of the final map. The form shall be reviewed and approved by the City Attorney. The Agreement shall limit future uses on the 3.51 acre site zoned Planned Manufacturing (PM) to "warehouse and/or storage uses entirely within an enclosed building".

Planning - Air Quality Conditions

- P26. Prior to approval of the Final Map, Developer shall execute the Grant of Easement and Notice of Potential for Odor Emission which shall be recorded in a manner that provides renters and buyers of the residences notice of the potential for odor emissions.
- P27. The Class 1 bikeway along the west side of Bailey Avenue shall cross Bailey Avenue at the intersection of the Bailey Avenue Farm Road and then continue along the easterly Bailey Avenue alignment to the Central Avenue intersection.
- P28. A dust abatement program shall be prepared, approved by the Community Development Department, and signed by the Applicant's representative(s), prior to issuance of grading permits (Arsenic Remediation Grading and Project Grading). A local contact person with responsibility to order equipment and services shall be identified and a 24-hour, 7-day a week contact number shall be provided. The contact person shall oversee the implementation of the comprehensive dust control program and apply additional dust control measures as needed to eliminate blowing dust. If measures employed by the Applicant are ineffective and dust is found to be blowing within the site or onto adjacent properties, as determined by the Engineering or Planning Divisions, work shall cease until such time that dust can be controlled. The dust abatement program may include, but not be limited to, the following:
- a. All construction areas shall be sprinkled with water (recycled when possible) as needed, but at least twice a day, during excavation and other ground-preparing operations, to reduce fugitive dust emissions.

- b. A functioning water truck and a water tower shall be provided on-site at all times during ground disturbing activities. If dust cannot be controlled, additional water trucks and/or a larger capacity water tower shall be provided on-site. There shall be an adequate number and type of trucks and water sources to suppress any dust, on-site at all times.
- c. The areas of disturbance shall be limited to 15 acres at any one time, to reduce the impact of dust on the Bailey Wetlands, field crops, and residents to the east.
- d. Applicant shall have a hand held anemometer to measure wind speed on-site at all times. Wind speed shall be measured and recorded at 10:00 a.m. and 2:00 p.m. each day and any time that dust is blowing on-site. When wind speeds exceed 25 mph, earth disturbing activities shall cease and water and soil binders shall be applied to control dust.
- e. All disturbed areas on the construction site shall be watered, and all equipment shall be cleaned in the morning and evening to reduce particulate and dust emissions.
- f. Stockpiles of sand, soil, and similar materials shall be covered or stabilized with the use of a chemical fixative.
- g. Areas of the site not actively being worked shall be stabilized through application of a chemical fixative.
- h. Once sites are rough-graded, a non-invasive temporary erosion control native seed mix, approved by the Planning Division, shall be applied to all graded areas. If the hydroseeding is not successful, an additional hydroseeding application shall be made in November, prior to the winter storm season.
- i. Emissions from construction equipment shall be reduced to the maximum extent feasible by substituting clean-burning fuels for diesel fuel in this equipment, by ensuring proper maintenance of this equipment, or by installing engine timing retards in this equipment.
- j. Trucks hauling dirt and debris shall be covered to reduce spillage onto paved surfaces. Two eight-foot segments or the equivalent of metal grates shall be provided at the construction entrances to assist in eliminating dust from trucks before they leave the construction site. The grates shall be placed a sufficient distance back from the entrance to allow dust that has been dislodged by the grates to be deposited on-site before trucks enter public roadways. The grates shall be cleaned out on a daily basis and additional cleaning of the grates shall occur, as necessary, to ensure their effectiveness. If required to eliminate deposition of dirt and dust on roadways, trucks shall be required to drive over the grates multiple times before exiting the project site.
- k. Signs shall be posted that limit vehicle speeds on unpaved roads and over disturbed soils to 10 miles per hour (mph) during construction. Under windy conditions, trucks speed shall be reduced to 5 mph.

- l. If dust is blowing from unpaved roads, an environmentally friendly dust binder that is effective when heavy equipment breaks the surface, such as a vegetable oil-based product shall be applied to the unpaved roads to reduce dust during construction.
- m. Dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce re-suspension of particulate matter through vehicle movement over those surfaces.
- n. A regenerative air sweeper shall be available at all times during construction to sweep internal and external roadways, keeping them free of dust. All dust shall be swept from roadways at the end of each working day. Water shall not be used to wash streets. If necessary, hand-sweeping method shall be used to remove dirt and dust from paved surfaces.
- o. If dust and dirt cannot be effectively controlled on paved surfaces through the use of the regenerative air sweeper, entrance grates and hand sweeping crews, the trucks hauling earth to and from the site shall be equipped with durable material to cover the tops and bottoms of the trucks' surface, so that any dust or dirt will be captured before being deposited on paved surfaces.
- p. The amount of fugitive dust that collects on vegetation in the protected riparian/wetlands area and buffer area shall be minimized. If excessive dust collects on riparian/wetland or buffer area vegetation, as determined by the botanist/biologist the vegetation shall be washed with as little water and water pressure as will successfully wash the dust from the leaves of the plants, under the direction of the project biologist.
- q. If dust is not effectively contained on-site using the above-identified methods, work shall cease until additional methods of dust control, acceptable to the City of Lompoc Community Development Department, can be added to the dust control plan and agreed upon by the applicant. Additional methods to be considered include but are not limited to: restriction in work hours and provision for barriers to keep dust from adjacent properties.

P29. Ozone (O₃) Precursors: (NO_x and ROC)

- a. All construction equipment engines and emission systems shall be maintained in proper operating order, in accordance with manufacturers' specifications, to reduce ozone precursor emissions from stationary and mobile construction equipment.
- b. Temporary traffic control (e.g., flag person) and a traffic control plan shall be provided to avoid unnecessary delays to traffic during construction activities which interrupt normal traffic flow.
- c. Electricity from power poles or ground lines shall be used in place of temporary diesel- or gasoline-powered generators.

P30. Conditions for Long-term and Operational Impacts

- a. All residential construction shall reduce long-term and operation emission of CO, NO_x, and ROC from mobile sources.
- b. Bicycle trails and lanes adjacent to the project site, as designated on the Tentative Map and Preliminary Development Plan shall be installed as shown.

Planning – Riparian/Wetland Protection

P31. The Bailey Wetland Area setback buffer zone, Central Avenue setback buffer zone and any proposed bioswales, along with the permanent protective fence locations, shall be shown on all grading, erosion control and development plans.

Planning –Covenants, Conditions & Restrictions (CC&R's)

P32. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for approval, prior to recordation. The applicant shall create a Property Owner's Association (POA) for the maintenance of the common facilities, including but not limited to: common areas, landscaping, the Central Avenue Riparian Area and Bailey Wetland Area setback buffer zones, any proposed bioswales, arsenic remediation area, if proposed, the public access easement through the required view corridor, and the sewer access easement.

P33. The Covenants, Conditions & Restrictions (CC&R's) shall state that no provision in the CC&R's which is included as a result of these conditions of approval may be amended without the prior written approval of the City. The Covenants, Conditions & Restrictions (CC&R's) shall be reviewed and approved as to form by the City Attorney, prior to issuance of building permits. The CC&R's shall state that no provision in the document may be amended without the prior written approval of the City of Lompoc.

P34. The CC&R's shall include the following restrictions:

- a. A requirement that the Property Owner's Association (POA) shall hire a qualified biological monitor to oversee the monitoring maintenance programs for the setback buffer area to ensure that trash accumulation, vandalism, and the spread of non-native noxious or invasive plants does not occur. Inspections shall occur twice a year and may be required more frequently if trash accumulation, vandalism or other maintenance issues are regularly observed. The qualified biological monitor shall produce monitoring reports to be submitted to the Planning Division following each monitoring visit. Monitoring shall ensure that holes under the fence or vandalism to the fence or signs shall be corrected/repared immediately. If the POA identifies a need for correction or repair, the monitoring biologist shall be contacted immediately to prepare a plan for repair. (B-2 (c))
- b. A requirement that Storm Water filters in the storm drain system shall be maintained and replaced, when necessary, by the POA so that all storm water and drainage will be filtered, prior to entering the City's storm drain system or bioswales, if proposed. Filters used shall remove sediment, oil, grease, trash and floatables. A requirement that the filter media in the storm water filtration

devices are regularly cleaned-out, maintained and replaced, per manufacturer's recommendations by the POA. (HWQ-2(a)).

- c. The POA shall ensure that regular inspections are conducted to evaluate the levels of accumulated sediment, oil and grease, and that accumulated materials are removed at least twice a year, in October, before the rainy season begins and in April, after the rainy season has ended. The POA shall ensure that the filters are cleaned out more often if necessary to ensure they are functioning properly. (HWQ-4(a)).
- d. A requirement that the POA shall maintain any proposed bioswales and/or storm drain systems. The POA shall ensure that if bioswales are developed, they are free of trash and debris, that the plant material in them is healthy, that undue sedimentation is not occurring, that mosquitoes are controlled, that they are not eroded or damaged by vandals, and that non-native noxious weeds are not present. If at any time these adverse conditions are in evidence, the POA shall take immediate action to remedy the situation. (HWQ-4(a))
- e. A prohibition on the planting of invasive species. Primary species of concern are identified in Appendix K of the EIR and shall be listed in the Covenants, Conditions and Restrictions (CC&Rs). (B-2(e))
- f. If an arsenic backfill area is proposed on-site, a requirement that the POA maintain the arsenic backfill area to ensure continued public safety. No plants with root systems deeper than grasses shall be planted on or directly adjacent to the area which contains arsenic contaminated earth, unless otherwise approved by the California Department of Toxic Substances Control. Any proposed alteration or excavation of the approved protective area shall first be approved by the Department of Toxic Substances Control, the Department of Health Services, and the Regional Water Quality Control Board. (HZ-1(b))
- g. If a trail or overlook is constructed within the outer 15-feet of the Bailey Wetland Area setback buffer zone, maintenance and management activities (i.e. trash removal, regular weed abatement, and policing to ensure users comply applicable regulations) shall be provided by the POA. (B-2(e)).
- h. A restriction against parking or storing recreational vehicles, trailers, and other miscellaneous vehicles on public streets within the project. (*Lompoc Subdivision Review Ordinance Section 2863, Planned Residential Developments*).
- i. Any information that must be provided to future homeowners upon transfer of property shall be recorded in the CC&Rs.
- j. Post construction maintenance and/or improvements shall, to the extent feasible, comply with the Bailey Wetland Area Management Plan, if adopted.
- k. Upon issuance of the last Certificate of Occupancy for the Precise Development Plan, the responsibility for maintenance of the Central Avenue improvement mitigation plantings shall be assumed by the Property Owners' Association.

Affordable Housing Requirements

- P35. The proposed project is a total of 216 units, including 96 duplex units and fifteen (15) eight-unit apartments. The applicant must designate the affordable units on the site plan and prepare a covenant to be approved by the City Attorney and recorded on each of the affordable units for a period of 30 years. The applicant may choose the option of paying the Housing In-Lieu Fee approved by City Council Resolution No. 5135 (03).
- P36. Ten percent of the dwelling units shall be at prices affordable to very-low, low- and moderate income homebuyers/renters, a total of 15 units on the northern parcel. The distribution and affordability levels of these units, termed "controlled units" shall be determined with the future Precise Development Plan review by the Planning Commission. Affordable units shall be distributed throughout the site. The distribution shall be calculated at the Precise Development Plan review.
- The sales price for controlled-sale/rental units shall be calculated when the building permits are issued for the controlled-sale/rental units.
- P37. Prior to the issuance of building permits, the applicant and property owner(s) shall record a covenant which runs with the land against each controlled-sale/rental unit. The covenant shall be reviewed and approved by the City Attorney prior to the recordation in order to assure continued affordability. The covenant shall specify:
- a. the formula for determining new sales/rental price;
 - b. affordability control mechanisms upon resale or rental;
 - c. refinancing restrictions;
 - d. qualifications of eligible buyers/tenants;
 - e. annual reporting requirements;
 - f. occupancy requirements;
 - g. the period during which affordability is to be maintained;
 - h. that the owner grants to the City, or other entity designated by the City, an option to purchase the property at any time the owner wishes to sell; and,
 - i. that the covenant shall be in effect for a thirty (30) year period starting from the issuance of the Certificate of Occupancy.
- P38. Prior to the issuance of building permits, the applicant and property owner(s) shall agree to cooperate in implementing the affordability controls, and obtain the lender's approval of the affordability control documents.
- P39. Prior to issuance of certificates of occupancy, the applicant and property owner(s) shall obtain the City's approval of the buyer/rental selection process, the initial sales/rental prices, and the eligibility of the initial buyers of controlled-sale/rental units. In addition, as part of the escrow proceedings on the controlled-sale/rental units, the buyers/tenants shall be required to record documents agreeing to adhere to the City's affordability requirements.
- P40. Prior to the issuance of certificates of occupancy, the buyers/renters of the controlled-sale/rental units shall agree to occupy the units as their principal place of residence.

The owner(s) shall also agree to assign to the City the right to any rents collected above affordable levels specified in the recorded covenant.

- P41. Any sale or other transfer of any interest in the controlled-sale/rental units must be approved by the City as being in compliance with the requirements set forth in the covenant, including the maximum sale price. Full disclosures must be made in writing to the City regarding the terms of the sale, including copies of all documents.

Planning – Final Map

- P42. A Conservation Easement shall be recorded over the Bailey Wetland Area and the Bailey Wetland Area setback buffer and the Central Avenue Riparian Area and the Central Avenue Riparian Area buffer.
- P43. An access easement shall be granted to the City of Lompoc for the Bailey Wetland Area and the Bailey Wetland Area setback buffer, the Central Avenue Riparian Area and the Central Avenue Riparian Area buffer, and any bioswales proposed, to allow for City enforcement of regulations and maintenance, if required.
- P44. An access easement shall be granted to the Santa Ynez Band of Chumash Indians to allow pedestrian access and native plant collection, within the Bailey Wetland Area, with prior approval from the City of Lompoc.
- P45. A public access and maintenance easement shall be granted over the Class 1 bikeway and the outer 15 feet of the Bailey Wetland Area setback buffer.
- P46. A public access easement shall be granted over the existing sanitary sewer easement and sanitary sewer maintenance easement. The access shall allow access to and construction of a public viewing platform, in the location of the existing sanitary sewer easement.
- P47. If sanitary sewer lines are not to be relocated into the Street right-of-way, a 20-foot-wide access easement, with sufficient turning area to accommodate the Vactor truck, shall be provided adjacent to and along the top of bank of the Bailey Wetland Area from the existing sewer easement to the eastern edge of the site, and connecting to the existing sewer maintenance holes. The proposed access easement shall be approved by the City Planning, Engineering and Wastewater Divisions and shall be shown on the final map for the subject property. The easement would provide maintenance access to the existing sewer manholes.

If the sanitary sewer lines are relocated into the Street right-of-way, and shall be connected to existing sewer lines, bypassing and abandoning the line to the existing sewer manholes. Relocation would involve, re-alignment of sewer segments 19-004/19-005 and 22-003/22-004 to the North and the West to remove them from the wetlands. Public utility and access easements shall be dedicated for relocated sewer segments and access to Maintenance Holes 19-005 and 22-004 at the southeast corner of the development. Contact the City Wastewater Division for referenced Segment and Maintenance Hole locations.

(U-3(a))

- P48. A public access easement to be located along the pathway through the required view corridor between Central Avenue and the Bailey Wetland area.
- P49. Easements required for public electric service are marked on plans on file in the Electric Division. These public easements shall be dedicated to the City on the Final Map.

Planning – Noise

- P50. During on-site construction activities, the following short-term acoustic mitigation measures shall be implemented:
- a. All construction equipment, whether fixed or mobile, shall be equipped with properly operating and maintained mufflers.
 - b. Stationary equipment shall be placed so that emitted noise is directed away from sensitive noise receptors and the Bailey Wetland Area and Central Avenue Riparian Area.
 - c. Stockpiling and vehicle staging areas shall be located as far as practical from sensitive noise receptors and the riparian/wetland areas.
 - d. Every effort shall be made to create the greatest distance between noise sources and sensitive noise receptors and the Bailey Wetland Area and the Central Avenue Riparian Area, during construction activities.
 - e. Impact tools shall be shielded, per manufacturer's specifications.
 - f. The Applicant shall develop and implement a construction schedule that minimizes potential cumulative construction noise impacts and accommodates particularly noise-sensitive periods for nearby land uses (e.g., for schools, churches, etc.)

Planning – Hydrology

- P51. Storm drain inlets shall be stenciled, per the requirements of the Engineering Division to state "Do Not Dump, Drains to Wetland". (B-2(g))

Planning - Traffic

- P52. Stop signs shall be installed to control westbound traffic at the site access locations on the Bailey Avenue frontage road.
- P53. The public streets proposed on-site shall be fully improved to local street standards with a pavement width of 40 feet, except for cul-de-sacs less than 350 feet long, where the pavement width may be 36 feet.
- P54. The Applicant shall be responsible for improving: (1) the south side of Central Avenue and 2) the Bailey Avenue, as specified by the City of Lompoc.

- P55. The project shall construct a bikeway in the landscape buffer between the Bailey Avenue farm road and the Bailey Avenue, as required by the City of Lompoc.
- P56. The applicant shall provide a safe and convenient pathway to facilitate pedestrian and bicycle access to Central Avenue,

Planning - Landscaping Conditions

- P57. For the first phase of development, two sets of schematic landscape and irrigation plans for the entire site plus construction documents for the first phase shall be submitted for review and approval by the Planning Division and a Landscape Architect contracted by the City and paid for by the applicant, prior to issuance of grading or encroachment permits. For each subsequent phase, two sets of construction documents shall be submitted for review and approval by the Planning Division and the contract Landscape Architect prior to issuance of any grading or building permits for that phase. Typical for corner and interior lots shall be included (Tree size -15 gallon, shrub size – 5 gallon, plant size – 1 gallon). After the final review of these Plans, mylar copies shall be submitted with the grading and/or improvement plans noted above. Landscape conditions of approval shall be printed on the landscape plans submitted to the City.

The landscape and irrigation plans shall be prepared by a licensed landscape architect as designated by City staff; shall have overall dimensions of 24" x 36"; shall include a legend with number and size of plantings and separate details and specifications sheet; shall contain approval blocks for the Community Development Director and contract Landscape Architect and shall show all existing and proposed public utilities within the project limits.

Invasive plant species shall not be permitted. Plantings within the designated buffer areas and the bioswales shall be restricted to non-invasive species, preferably those native to the area. To ensure project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a City-approved botanist. Whenever possible, plant material from regionally collected stock shall be used where landscaping specifications call for native species.

No plants with root systems deeper than grasses shall be planted on or directly adjacent to the area which contains arsenic contaminated earth.

- P58. A Landscape Maintenance Agreement, in a form satisfactory to the City Attorney, shall be recorded prior to final approval of the first unit for the project.
- P59. The project landscaping and landscape plans must conform with the Urban Forestry Administrative Guidelines.

Planning - Irrigation Conditions

- P60. The project must conform with sections 3331.1 - 3331.6 of the Lompoc City Code Water Efficient Landscape Standards.

- P61. All irrigation must be low-water use, per manufacturer's specifications. A copy of the specifications must be provided to the Community Development Director and contract Landscape Architect before installation. Installation must include check valves as needed to prevent runoff.
- P62. All irrigation under paving must be Schedule 80 PVC or greater with tracer wires and sleeves.

Planning - Tree Conditions

- P63. The number and size of trees installed on the site shall meet the tree density requirements, as set forth in Chapter 31 of the City Code. The density will be approved or denied during Plan Check.
- P64. All trees must be planted at least ten feet away from public utilities, to include but not limited to water, sewer, electric, storm drain, cable, telephone, etc.
- P65. All trees must be installed with support staking. All nursery stakes must be removed from trees.
- P66. All trees and plant material selection shall be made with the concurrence of the Community Development Director and contract Landscape Architect.

Planning - Installation Conditions

- P67. Installation of all irrigation and landscaping shall be performed by a licensed landscape contractor. An open-trench inspection of the irrigation installation shall be conducted and the irrigation approved by City officials. Prior to the final inspection by the contract Landscape Architect, the installation shall be approved by the project designer and a letter of substantial conformance shall be submitted to the Planning Division.
- P68. A layer of bark two to four inches deep must be applied in all landscape areas. Type of bark must be approved by City Planning Division prior to issuance the first building permit for the project. The location and quality of the bark is subject to approval by the contract Landscape Architect ,prior to installation.
- P69. All landscaping is subject to inspection by the contract Landscape Architect and must be guaranteed by a certificate of deposit, cashiers check or letter of credit, in the amount of 150% of the cost of site preparation and installation of plant material, to be submitted with the letter of substantial conformance. The form of the financial assurance shall be acceptable to the City Attorney and the City Treasurer. The guarantee shall be for a period of one year and the financial assurances shall only be able to be released by the City of Lompoc. The following segments of landscaping may be guaranteed separately: City park and right-of-way landscaping, perimeter landscaping, apartment common area landscaping, duplex area landscaping, right-of-way landscaping, 200-foot buffer area/bioswale landscaping, riparian/wetland buffer landscaping, and riparian mitigation planting.
- P70. For each phase of development, all common area landscaping, the community park landscaping, and the buffer area landscaping must be installed and deemed in

substantial conformance by the Landscape Architect prior to final occupancy for the first unit.

P71. Individual unit landscaping must be installed and deemed in substantial conformance by the Landscape Architect prior to final occupancy for the individual unit.

II. BUILDING

Building - General Conditions

- B1. UBC Compliance. Aboveground structures shall be designed and built according to the most recent adopted City and State Building Codes. (G-1(a)).
- B2. Plans shall be submitted by a California licensed architect and/or engineer.
- B3. Final project plans submitted to the Community Development Department shall have a note printed on the plans which specifies compliance with the most recent adopted State and City Building Codes for all above-ground structures. Building plans submitted in an application for a Building Permit shall include documentation that these standards are met. Building plans that comply with the most recent adopted State and City Building Codes shall be provided to the Building and Fire Department, prior to issuance of building permits. Prior to approval of Building Permits, Building Division staff shall review project plans and verify that compliance with the most recent adopted State and City Building Code requirements are printed on the plans. Building inspectors shall conduct site inspections to assure that construction occurs consistent with approved plans.
- B4. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection when applicable.
- B5. Dimensioned building setbacks and property lines, street centerlines, and distances between buildings or other structures shall be designated on plot plans.
- B6. All property lines and easements must be shown on the plot plan.
- B7. The Title Sheet of the plans shall include:
- a. Occupancy group
 - b. Description of use
 - c. Type of construction
 - d. Height of the building
 - e. Floor area of building(s)
- B8. Project shall comply with current City and State water conservation regulations.
- B9. Dust and erosion control shall be in conformance with standards and regulations of the City of Lompoc.
- B10. Certification of compliance with the grading plans and soils report shall be submitted to the Building Division, prior to final approvals.
- B11. A licensed surveyor/engineer shall verify pad elevations and setbacks.

- B12. Stairs, decks, platforms shall meet the strict guidelines in the most recent adopted Building Code.
- B13. Buildings shall comply with the State's Energy Regulations.
- B14. Prior to the issuance of building permits, the acoustical engineer shall review the final construction drawings and provide the Building Division written verification that the buildings comply with noise reducing mitigating measures.
- B15. Smoke detectors shall be provided in conformance with the most recent adopted Building Code.
- B16. Building pads shall have a drainage gradient of 2% toward approved drainage facilities.
- B17. Sound transmission controls shall comply with the most recent adopted State Building Code. A noise mitigation analysis by an acoustical engineer may be required. Mitigating factors shall be indicated on the plans.

III. FIRE

Fire - Access Conditions

- F1. All required access roads on the site shall be in service prior to the start of framing construction. The roads shall have: 1) an all-weather surface; 2) a minimum vertical clearance of 14 feet; and 3) a minimum width of 20 feet. All dead-end access roads in excess of 150 feet in length shall have a minimum outside turn-around radius of forty (40) feet and/or a minimum inside turn-around radius of thirty (30) feet.
- F2. All permanent gates on required access roads shall have a means for Fire Department access either: 1) an approved key box containing appropriate keys or gate combination, or 2) if electrically operated, an approved key operated switch. Provisions must be made to open electrically operated gates in the event of a power failure. Prior to the start of framing, Fire Department access shall be established for all permanent gates on required access roads.
- F3. Fire Department access shall comply with UFC Appendix 3-D and UFC Chapter 9.
 - a. Roadways less than 40 feet in width shall be marked as fire lanes (CVC) and parking prohibited according to standards within the most recent adopted Fire Code.
 - b. The Fire Chief may determine the number and location of required access roads. UFC 902

Fire - Water Supply Conditions

- F4. When parking is allowed on both sides of streets, roads and /or access ways shall not be less than 40 feet in width.

- F5. The main entrance roads to this development shall be at least 40-feet in width or the entry into the development can be striped or signed for “No Parking”.
- F6. Fire Hydrants shall be provided in accordance with UFC Chapter 9 and UFC Appendix 3-B.
- The number and spacing of fire hydrants shall be in accordance to UFC Table A-3-B-1.
 - Fire Department access and water supply shall be in accordance with UFC Article 9 and UFC Appendix 3-A.
- F7. All fire hydrants shall be in service prior to the start of framing construction.
- F8. Fire sprinkler connections shall have unobstructed access to a fire hydrant within 150 feet (when applicable).

Fire - Equipment and Protection System Conditions

- F9. Fire alarm systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, or the Lompoc City Code.
- F10. Automatic sprinkler systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, and the Lompoc City Code.
- F11. Four sets of plans for fire alarm systems and sprinklers shall be submitted to the Building and Fire Safety Division for review and approval, prior to the start of framing construction. When approved, two sets of the plans will be returned to the applicant, two sets will be retained by the Building and Fire Safety Division. Plan submittal and installation shall be in accordance with National Fire Protection Association and UFC standards.
- F12. All fire extinguishers required to have an ‘A’ rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to UFC Standard 10-1.

IV. AVIATION/TRANSPORTATION

Aviation/Transportation – Project Specific Conditions

- A1. An Avigation easement and flight pattern representations, including but not limited to references to noise, low overflight, airport expansion plans including the airport runway, and beacons, in a form acceptable to the City Attorney, shall be made part of the conditions, covenants and restrictions of each deed subsequent to the subdivision of the land.
- A2. The applicant shall provide an on-site bus pull-out along the interior loop roadway near the center of the northern parcel, as specified by the City’s Transit Division.

V. POLICE DEPARTMENT -- No General or Project Specific Conditions

VI. ENGINEERING

Engineering – Improvement Plans

- EN1. Improvement Plans are required with this development. Improvement Plans include grading, drainage, street and utility improvements.
- EN2. Improvement Plans shall be prepared by or under the supervision of a registered civil engineer. The Improvement Plans shall be divided into phases as defined on the Tentative Map. Prior to the City's acceptance of the Final Map for each phase, the Improvement Plans for that phase shall be approved by the City Engineer.

With regard to Improvement Plans for the first phase to be constructed, the Applicant's engineer shall submit a site plan including all phases and showing the street alignments and utility mains (sewer, water, storm drain, and electric).

- EN3. All public improvements shall be provided at the Applicant's expense and in accordance with City of Lompoc "Standard Requirements for The Design and Construction for Subdivisions and Special Developments." These Standard Requirements are available at the Engineering Division.
- EN4. "Development Assistance Brochures" are available at the Engineering Division to facilitate the preparation of plans and reports by the Applicant's engineer and include "Checklists for Completeness of Engineering Plans and Report Submittals." The "Development Assistance Brochures" are an essential aid in the preparation of Grading and Public Improvement Plan submittals.
- EN5. A Soils Investigation/Geology Report shall be submitted to the Engineering Division with first plan check submittal of the Grading and Improvement Plans. A soils engineer shall be retained to observe, test, and certify during construction all recommendations as outlined in the Soils Investigation Report. "R" Values shall be taken to determine the street structural sections.
- EN6. In conformance with Chapter 27, Section 2774.E of the Lompoc City Code, the Improvement Plans, including but not limited to, grading, water, sewer, streets, storm drain, electrical system, and other surface and subsurface improvements, shall be prepared based upon the *vertical* and *horizontal* control monuments as established by the City of Lompoc Coordinate Control System, Record of Survey Book 142, Pages 82 and 83. All drawings, improvement plans, and survey maps shall be prepared in accordance with the requirements currently in effect, with the additional requirement that all said drawings and improvement plans shall be delivered in a computer format readily compatible for transfer to the City Geographic Information System. The following computer formats are acceptable for delivery: DGN (native Microstation); DWG (same as or less than Version 14); DXF.
- EN7. After the Improvement Plans have been prepared and are ready for review, the Applicant's Engineer shall submit four (4) sets of prints to the Engineering Division for first plan check. The Public Works Department, Utility Services Department, Fire Department, and Building Division will review the check prints for conformance with project conditions and City Standards.

First plan check shall include hydraulic calculations (sewer & storm drain), soils report, and all other calculations and data necessary for review of the project plans.

- EN8. All slopes, including those to be created through construction of bioswales, shall be reviewed by a Soils Engineer for stability and shall be included in the Soils/Geotechnical Investigation Report. A Soils Engineer shall sign the final Grading Plan approving all slope grading.
- EN9. An Encroachment Permit issued by the Engineering Division is required for any work within a street right-of-way or easement.

Engineering – Drainage

- EN10. A Drainage/Hydrology Report shall be submitted to the Engineering Division with first plan check submittal of the Grading and Improvement Plans.
- EN11. Cross-gutters shall be constructed at intersections where there is surface drainage.
- EN12. The Improvement Plans shall be designed to provide a minimum cross slope of 2% on public streets.
- EN13. Drainage catch basins shall be designed for 100% interception of 10-year gutter flow.
- EN14. Street flow to catch basin shall not exceed top of the curb in depth.
- EN15. When the inlet is in a sump, provide an emergency escape route for 100-year event.
- EN16. All streets will be constructed a minimum of one-half foot above the base elevation for 100-year flood per current FEMA Flood Insurance Rate Map.
- EN17. All finish floor elevations will be constructed a minimum of 2-1/2 feet above the base elevation for 100-year flood per current FEMA Flood Insurance Rate Map.

Engineering – Project Specific Conditions

- EN18. Prior to clearing, grubbing or issuance of project grading permits, separate grading plans shall be submitted for the required removal of arsenic on the project site. The arsenic shall be removed and remediated, per the requirements of the Department of Toxic Substance Control (DTSC) and Certified Unified Program Agency (CUPA), prior to any other soil disturbing activity occurring on the project site. A separate grading permit is required for the arsenic remediation. (HZ-1(a))
- EN19. Approach Lanes at Bailey Avenue and Central Avenue Intersection:
 - 1. Bailey Avenue shall include an exclusive northbound channelized free-flow right-turn lane at Central Avenue to direct traffic into the new protected eastbound lane to be constructed on Central Avenue adjacent to the project site.
 - 2. Provide a separate northbound left turn lane on Bailey Avenue at Central Avenue.

3. Install a westbound left-turn lane on Central Avenue at Bailey Avenue to provide space for left-turning vehicles to decelerate outside of the through travel lane.
- EN20. Prior to issuance of Grading Permits for the project, the applicant shall obtain a CLOMR-F from FEMA. The CLOMR-F request shall include detailed flood hazard analyses prepared by a qualified professional engineer, consistent with FEMA requirements. The applicant shall comply with all conditions and requirements of the CLOMR-F. *(HWQ-3(a))*
- EN21. Prior to issuance of grading permits, the applicant shall submit plans to the Community Development Department and Engineering Division that depict an overland escape route for run-off to ensure that the placement of fill on the project site to raise the proposed building pads out of the floodplain does not divert substantial run-off onto adjacent properties. *(HWQ-3(b))*
- EN22. The Applicants Registered Civil Engineer shall make application to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision (LOMR-F) based on fill for all lots currently designated to be within Zone AE on the National Flood Insurance Program (NFIP) map (Community Panel Numbers 060334 0002 D and 060334 0003 D). The grading plans submitted for the project shall be consistent with all the requirements necessary to receive a LOMR. The Applicant shall submit the approved LOMR to the Engineering Division, prior to issuance of occupancy.
- EN23 The Grading and Improvement Plans shall show the location of Zone AE, as designated on the NFIP map.
- EN24. The Applicant shall provide fair-share traffic mitigation fees to widen the segment of Central Avenue between “O” Street and “V” Street to a four-lane divided cross-section. *(T-4(a))*
- EN25. All Streets (Public and Private) shall be constructed per City Standards.
- EN26. Signing and striping plans for private and public streets shall be included with the Improvement Plans.
- EN27. The City will maintain the Class I Bikeway, to be located within the 200-foot buffer strip between Bailey Avenue Farm Road and Bailey Avenue. A public bikeway access and maintenance easement, 12-feet in width, shall be dedicated on the Final Map.
- EN28. The Applicant shall install “No Parking” signs along the east and west sides of the Bailey Avenue from the southern property boundary to where the frontage road intersects with the Bailey Avenue Farm Road.
- EN29. The Class 1 bikeway along the west side of Bailey Avenue shall cross Bailey Avenue at the intersection of the Bailey Avenue Farm Road and then continue along the easterly Bailey Avenue alignment to the Central Avenue intersection.
- EN30. Prior to Grading Plan approval the Applicant shall deposit with the City the amount shown below which figure represents thirty percent (30%) of the preliminary

engineering, engineering, and construction engineering costs required to complete the future installation of a traffic control signal and safety lighting at the Central Avenue and Bailey Avenue intersection. To account for inflation the amount of deposit increases one percent (1%) each calendar year.

Year of Deposit	Amount
2004	\$24,900.00
2005	\$25,149.00
2006	\$25,400.49
2007	\$25,654.50
2008	\$25,911.04

EN31. The streets adjacent to the Bailey Wetland Area Setback buffer zone, any proposed bioswales and the arsenic deposition area, if proposed, shall be designed to drain away from the buffer zones into street storm drains. (HWQ-4(b))

EN32. The Applicant shall implement the recommendations of the Geotechnical Investigation and Update prepared for the project site in November 2000 by S&G Testing Laboratories, Inc., S/G Exam No. 4532-5831.

VII. SOLID WASTE

Solid Waste – General Conditions

SW1. Trash enclosures shall be designed, in accordance with City standards, for up to 440-gallon automated containers accessible to automated trash collection trucks and in locations as approved by the City Solid Waste Superintendent. The trash collection trucks are side loading and have a 40-foot turning radius. On-site circulation for the trucks shall be designed so trash collection trucks will not need to back up in order to turn around and exit.

SW2. Trash enclosures shall not have any doors and shall be enclosed on three sides with a six-foot wall, which is architecturally compatible with the on-site buildings. The design of the six-foot wall shall be approved by the Community Development Director.

SW3. Trash enclosure access openings must be placed no more than one-foot from drive aisle.

SW4. Trash containers must be kept side-by-side and parallel with alley or drive aisles. Enclosures with more depth than the minimum required seven-foot depth of one container must be constructed with a wheel-stop sufficient to keep the containers at the front edge of the enclosure so that the operator of the trash collection truck does not have to move containers out for collection.

Solid Waste – Project Specific Conditions

SW5. During the construction phases of the project, the following mitigation measures shall be implemented by the project applicant and authorized agents thereof to reduce solid waste generation to the maximum extent feasible:

Prior to construction, the contractor shall arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials shall be located onsite. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris shall all be recycled.

The contractor shall designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors shall be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.

The above construction waste recycling measures shall be incorporated into the construction specifications for the contractor. (U-5(a))

VIII. ELECTRIC

Electric – General Conditions

- E1. The Applicant shall sign a line extension agreement and pay all costs for the City to furnish and install electric power lines to and within the proposed development, as soon as possible after receiving the agreement. All costs shall be paid, at the latest, prior to issuance of grading permits. This timing is intended to ensure the proper equipment for the line extension can be ordered and made available at the time of development. These costs shall include all labor, labor overhead, material, material handling charge and equipment/vehicle rental necessary for the City to extend the City's electric distribution system to serve the project.
- E2. The Applicant shall provide a single line diagram showing voltage, phase, load requirements, and size of planned switchboard.
- E3. Three-phase electric services up to 200 Amps shall have 7-jaw meter sockets. Three-phase electric services above 200 Amps shall have 13-jaw meter sockets and provisions for a test switch and for current transformers.
- E4. The main switchboard shall conform to Electric Utility Service Equipment Requirements approved by the City of Lompoc.
- E5. The Applicant shall pay the Meter Installation Fee, prior to the issuance of the building permit.
- E6. Electric meters and main disconnect switches shall be located on the exterior of the building, or in an enclosure opening only to the exterior of the building. Meter enclosures shall be accessible at all times to Electric Division personnel. If the enclosure is to be locked, the lock shall be keyed to Schlage Lock No. C38587.
- E7. The Applicant shall provide all necessary trenching and backfilling to Electric specifications. This shall include trenching for primary cable, secondary cable, street light wiring and associated vaults and boxes. The Applicant shall provide transformer pads as required. The project shall be at final grade prior to trenching for installation of underground electric facilities.

- E8. The Applicant shall furnish and install the service wire and conduit from the service panel to the transformer or secondary box. Upon approval of the building inspector, the City shall make the final connections to the transformer and energize the transformer.
- E9. For three-phase electrical service over 200 Amps, the Applicant shall run a telephone service wire to the meter location for remote meter readings.

Electric – Project Specific Conditions

- E10. Provide and install one 2-inch conduit parallel with the electrical service conduit to the house from the pull box in the street easement.

IX. WATER

Water – General Conditions

- W1. This facility must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.
- W2. The size and location of all water meters shall be determined by the Engineer/Architect or authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the Applicant.
- W3. All meter protection shall be by an approved Reduced Pressure Principle Backflow Prevention Assembly (RP) at the service connection. Information on acceptable assemblies is available from the City Water Division.
- W4. All public water system components must be constructed within public right-of-way or public easements.
- W5. When a fire sprinkler system is required or proposed, the utility plan shall show the location of Fire Department Connection FDC with reference dimensions to the nearest fire hydrant. Fire Department requires fire department connections to be within 150' of a fire hydrant.
- W6. When a fire sprinkler system is required or proposed the utility plan shall show the fire line connection point to water main.
- W7. All requests for information needed to design fire sprinkler systems and to determine available or needed fire hydrant flow shall be made with the City Water Division

Water – Project Specific Conditions

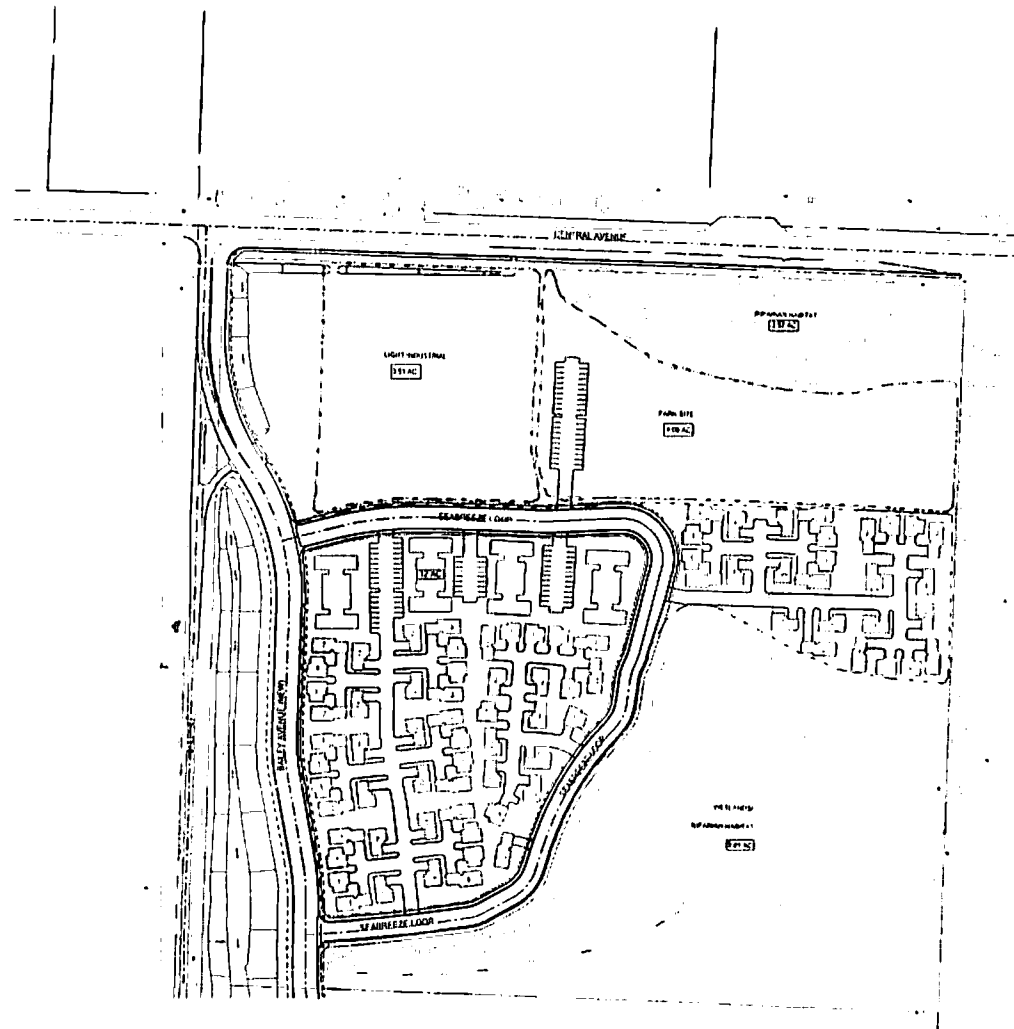
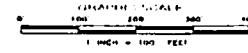
- W8. Proposed waterlines in Bailey shall be 10-inch. Proposed 10-inch water line in Bailey Avenue shall continue north and connect to existing 8-inch water line in Central Avenue.
- W9. All waterlines on the interior streets shall be looped with dead-end lines avoided wherever possible.

- W10. All tees shall have three (3) valves and all crosses shall have four (4) valves.
- W11. Utility crews shall be provided 24-hour access to all private streets to maintain public utilities.
- W12. Depending on the irrigation system and type and number of plumbing fixtures in each unit flow requirements may require a 1-inch service connection.
- W13. All public water improvements shall be constructed within public utility easements. These public easements shall be dedicated to the City on the Final Map.

X. WASTEWATER

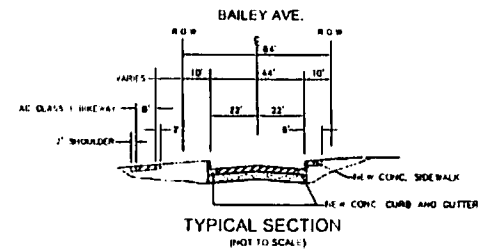
Wastewater – No General or Project Specific Conditions

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81 SINGLE FAMILY RESIDENCES = 81 RESIDENTIAL UNITS
 4 16 UNIT APARTMENT BLDGS. = 64 RESIDENTIAL UNITS
 TOTAL = 145 RESIDENTIAL UNITS
 GROSS ACREAGE = 37.224 ACRES
 URBAN HABITAT ACREAGE = 411.58 ACRES*
 LIGHT INDUSTRIAL ACREAGE = 43.51 ACRES*
 RESIDENTIAL ACREAGE = 22.734 ACRES
 DENSITY = 6.37 UNITS/ACRE

APARTMENTS = 16 RESIDENTIAL UNITS PER BUILDING
 WITH 8 UNITS UPSTAIRS




60

SEABREZI

PRELIMINARY DEVELOPMENT PLAN
SHEET 1 OF 1

J.B. DIXON ENGINEERING & SURVEYING, INC.



524-A NORTH 8TH STREET
TOMPOC, CA. 95436
TEL: (909) 336-8823
FAX: (909) 336-0348

SCALE: 1" = 100' DATE: 05/26/04 2010m04_prelim2

**ADDENDUM
SEABREEZE ESTATES – NORTHERN PARCEL
ENVIRONMENTAL IMPACT REPORT - SCH #2002061109**

Background:

This Addendum has been prepared to analyze revisions to the Seabreeze Estates (Northern Parcel) project which was originally analyzed in the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2002061109) certified by the City Council August 17, 2004 for a General Plan Amendment, Zone Change, and Preliminary Development Plan. The FEIR analyzed thirteen areas of potential impacts. With implementation of mitigation measures, the proposed Seabreeze Development was determined to have net unmitigated impacts upon agricultural land, air quality, biological resources, and noise/vibration.

Seabreeze Estates (Northern Parcel) is to be constructed on a 37.82-acre parcel of land located at the southwest corner of Bailey Avenue and Central Avenue. The original project was to consist of 96 duplex units and 120 apartment units, a public park, and open space. The re-submitted project is a request for:

- 1) General Plan Amendment (GP 04-04) – to change the existing General Plan Land Use Designation from *General Industrial with a Park Overlay* to *Open Space* on 11.58 acres, *Community Facility* on 4.09 acres, *Medium Density Residential* on 18.64 acres, and *Planned Manufacturing* on 3.51 acres and review of a Development Agreement limiting future uses on the *Planned Manufacturing* site;
- 2) Zone Change (ZC 04-06) -- to change the existing Zoning District designation from *Planned Manufacturing (PM)* to *Open Space (OS)* on 11.58 acres, *Public Facilities (P-F)* on 4.09 acres, *Medium Density Residential, Planned Development (R-2, PD)* on 18.64 acres, and *Planned Manufacturing (PM)* on 3.51 acres;
- 3) Preliminary Development Plan (DR 04-28) – to allow development of a 4.09 acre Community Park; to maintain a riparian/wetland area on 11.58 acres; to construct four 16 unit apartment buildings (64 units) and 81 single family residences on individual parcels for a total of 145 dwelling units; to provide a landscaped buffer area on the western boundary of the site with a bikeway; to construct the required streets and accessways; and, to allow future limited industrial development on 3.51 acres; and
- 4) A Development Agreement to limit the uses in the light industrial area to warehousing and storage uses.

In accordance with Public Resources Code 21166 and State CEQA Guidelines Section

15162 and 15164, this Addendum is prepared to make minor technical changes or additions to the Final EIR and Supplement; no new important issues are raised about any significant effects on the environment resulting from construction of the proposed Seabreeze Residential Development. This Addendum analyzes potential changes to impacts previously analyzed in the Final EIR resulting from the reduction in the proposed residential component.

Project Description:

The Planning Commission is reviewing a request for a General Plan Amendment (GP 04-04), Zone Change (ZC 04-06), and Preliminary Development Plan (DR 04-28). A Development Agreement is proposed to limit the uses to warehousing and storage only. The proposed project differs from the original project in the location, number, and type of residential units proposed, and the inclusion of a 3.51 acre light industrial area. The site is zoned *Planned Manufacturing (PM)* and is located at the southeast corner of Bailey Avenue and Central Avenue (Assessor Parcel Number: 93-070-62).

Environmental Determination:

The Final EIR was certified by the City Council on August 17, 2004. The Final EIR for Seabreeze Estates (SCH #2002061109) 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 completion of an Initial Environmental Study, and review of the Final EIR for the Seabreeze Residential development – Northern parcel, staff has determined that:

1. The modifications to the project reduce the number and types of residential units, which will serve to reduce the magnitude of the environmental impacts upon air quality, and transportation and circulation because fewer vehicular trips are anticipated. Impacts in the areas of aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazards, hydrology and water quality, land use, noise, public services, and utilities will be similar to the originally proposed project. The preservation of 3.51 acres of land designated for industrial to the project will not create new significant impacts, because the potential uses will be limited by a Development Agreement to storage and warehouses only. Such uses are typically low intensity uses which do not involve the use of hazardous materials and generate fewer vehicle trips than residential uses, according to the ITE Trip General Manual, 7th Edition.

The site plan was reviewed by Planning Division staff, and is available for review in the Planning Division office; and

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. Buildout of the project site was analyzed in the Final EIR for Seabreeze Estates; and
3. No new information has become available since the preparation of the previous Final 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 make minor technical corrections to the analysis of impacts which was conducted in the Final EIR for the Seabreeze Estates Residential Development project.

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Recording Requested by and
When Recorded Return to:

City of Lompoc
City Clerk
100 Civic Center Plaza
Lompoc CA 93436

DEVELOPMENT AGREEMENT

This Development Agreement (the "Agreement") is entered into by and between DS Ventures, LLC, ("the Owner" or "the Developer") and the City of Lompoc, a municipal corporation ("the City") at Lompoc, California effective as of the ____ day _____ 2004.

WHEREAS: Government Code sections 65864-65869.5 authorize City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property.

WHEREAS: Developer has requested City to consider entering into a development agreement, and proceedings have been taken in accordance with State Law.

WHEREAS: Developer owns a 37.82 parcel of real property commonly known as the Seabreeze Estates Development Project (Northern Parcel) (Assessor Parcel No. 93-070-62) in the City of Lompoc, County of Santa Barbara, State of California, more specifically described on Exhibit "A" attached hereto and incorporated herein by this reference ("the Property"); and

WHEREAS: Developer is requesting General Plan Amendment (GP 04-04), Zone Change (ZC 04-06), and Preliminary Plan (DR 04-28) to divide the Property into three (3) land use designations and zoning districts; and;

WHEREAS: Developer plans to propose future industrial uses on a portion of the Property shown as a 3.51 acre portion of the 37.82 acre parcel identified for *Planned Manufacturing (PM)*, the proposed location of which is shown on the site plan attached hereto,

marked Exhibit "B" and incorporated herein ("the Subject Real Property");

WHEREAS: As a condition to approving the Preliminary Development Plan DR 04-28 for the northern portion of the Seabreeze Estates Development, the Developer is proposing to waive the right to certain uses presently permitted by Article 12, Section 8400 of the City's *Planned Manufacturing (PM)* zoning ordinance on the Subject Real Property, the 3.51 portion of the 37.82 acre parcel, identified for future *Planned Manufacturing (PM)* use; and

WHEREAS: Developer is willing to accept the aforementioned conditions.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Subject Real Property. The real property which is the subject of this Agreement ("the Subject Real Property") is shown on Exhibit "B", which is attached to this Agreement and incorporated herein by this reference (a 3.51 acre part of Assessor Parcel No. 93-070-62). This is the only property subject to this Agreement.

2. Use Restrictions. Developer agrees that the Subject Real Property shall only be used for the following uses which shall be deemed suitable for the area at the entryway to the City of Lompoc and adjacent to residential use:

Warehousing and/or Storage (Entirely Within An Enclosed Building)

3. Term. This Agreement shall commence thirty-one (31) days after the effective date of the ordinance approving this Agreement and extend for fifty (50) years.

4. Applicable Law Of The Project. Except as expressly provided in paragraph 2, the City expressly retains the right to enforce all applicable rules, regulations, and official policies governing permitted use of the land, density, design improvement and construction standards and fees, and specifications in effect at the time development entitlements are approved.

5. Burden Runs With The Land. The covenants contained herein shall burden the Subject Real Property, and run with the land and the obligations hereunder shall be binding upon any future owners of the Subject Real Property or any portion thereof. Such future owners are hereby bound for the benefit of the Subject Real Property. This Agreement shall run with

the land and be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

6. Subdivision Of Subject Real Property. If a further division of the Subject Real Property, 3.51acre portion of the 37.82 acre parcel, is accomplished and Developer or Owner seeks to sell some or all of the Subject Real Property, Developer or Owner shall require the execution and recording of an agreement approved by the City Attorney containing covenants in substantially the form of this Agreement as a condition of closing escrow.

7. Severability. Should any provision of this Agreement be held by court of competent jurisdiction or by a legislative or rule making act to be either invalid, void, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect, unimpaired by the holding, legislation or rule.

8. Sole and Entire Agreement. This Agreement constitutes the sole and entire agreement between the parties with respect to the subject matter hereof. This Agreement correctly sets forth the obligations the parties hereto to each other as of the date of this Agreement. All agreements or representations respecting the subject matter of this Agreement not expressly set forth or referred to in this Agreement are null and void.

9. Time. Time is expressly declared to be of the essence of this Agreement.

10. Authority. The parties hereby represent that the individuals executing this Agreement are expressly authorized to do so on and in behalf of the parties.

11. Construction. The parties agree that each has had an opportunity to have their counsel review this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits thereto. The captions of the sections are for convenience and reference only, and are not intended to be construed to define or limit the provisions to which they relate.

12. Amendments. Amendments to this Agreement shall be made only with the mutual written consent of all of the parties to this Agreement in the manner provided by Government Code section 65868. No change, modification, revision, or alteration of this Agreement shall be made by Developer or Owner without the prior review and approval of City, as provided for in the ordinances, rules and regulations of City.

13. Applicable Law and Venue. The terms of this Agreement shall be interpreted under the laws of the State of California. Venue of any action to enforce this Agreement shall be in the Superior Court of the County of Santa Barbara.

14. Attorneys Fees. If any party to this Agreement institutes an action to enforce or interpret the terms hereof, the prevailing party in any such action shall be entitled to an award to its costs and reasonable attorneys' fees.

15. Annual Review. The Community Development Director shall review this Agreement annually for compliance by the Developer/Owner pursuant to Government Code section 65865.1.

16. This Agreement must be approved by an Ordinance.

17. The City Clerk shall record this Agreement within ten (10) days of its effective date.

DS VENTURES
a California general partnership

By _____
David Schwartzman
Principal

(Above signatures must be notarized)

For The City of Lompoc,
a Municipal Corporation

By _____
Gary Keefe, City Administrator

(Above signatures must be notarized)

APPROVED AS TO FORM
City of Lompoc, City Attorney

By _____
Sharon D. Stuart

Exhibit "A"

LEGAL DESCRIPTION OF ASSESSOR'S PARCEL NO. 93-070-62

Exhibit "B"

SITE PLAN AND DESIGNATION OF SUBJECT REAL PROPERTY

RESOLUTION NO. 5212 (04)

A Resolution of The Council of the City of Lompoc,
State of California, County of Santa Barbara,
Approving the Preliminary Development Plan
for the Seabreeze Estates Northern Portion
Located at the Southeast Corner of Bailey Road
and Central Avenue (Assessor Parcel Number: 93-070-62)
(Planning Division File No. DR 04-28)

WHEREAS, the Planning Commission has recommended approval of DR 04-28 as the Preliminary Development Plan to allow a 4.09 acre Community Park, maintain a riparian/wetland area on 11.58 acres, construct four 16 unit apartment buildings (64 units) and 81 single family residences for a total of 145 dwelling units, provide a landscaped buffer area with a bikeway, construct required streets and access ways, and allow future limited industrial development on 3.51 acres. The project is located at the southeast intersection of Bailey Road and Central Avenue (Assessor Parcel Number: 93-070-62);

WHEREAS, the Planning Commission held a duly noticed public hearing for consideration of DR 04-28 on October 11, 2004, and after considering the staff report, and hearing testimony from the applicant representative, the Planning Commission adopted Resolution No. 386 (04) recommending that the City Council adopt DR 04-28 as the Preliminary Development Plan as consistent with the Zoning Ordinance requirements for Open Space, Public Facilities, Medium Density Residential, Planned Development and Planned Manufacturing Zones;

WHEREAS, a Final Environmental Impact Report and Addendum to the Final Environmental Impact Report has been prepared for this request in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission and the City Council have both held public hearings to receive public input regarding the proposed Preliminary Development Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. Based upon the staff reports and the testimony received at the public hearing held for DR 04-28, the City Council:

- A. Finds that the Addendum to the Final Environmental Impact Report is a complete and factual document prepared in accordance with the California Environmental Quality Act (CEQA) and certifies the document.

B. Approves DR 04-28 to serve as the Preliminary Development Plan for a Community Park, a Riparian/Wetland area, four 16 unit apartment buildings and 81 single family residences for a total of 145 dwelling units, provide a landscaped buffer with a bikeway on the western portion of the site, construct required streets and access ways, and allow future limited industrial development, located at the southeast intersection of Bailey Road and Central Avenue (Assessor Parcel Number: 93-070-62) including:

- 1) Exhibit A – Conditions of Approval which are incorporated by reference as if fully set forth herein.
- 2) Exhibit B – Development Site Plan.

SECTION 2. This Resolution shall take effect upon adoption.

SECTION 3. Judicial review of this decision shall be governed by the time limits of Code of Civil Procedure Section 1094.6.

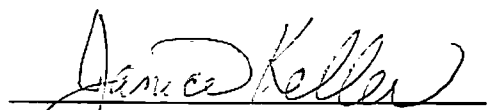
The above and foregoing Resolution was proposed by Councilmember Siminski, seconded by Councilmember Holmdahl, and was duly passed and adopted by the Council of the City of Lompoc at its regular Meeting of November 16, 2004 by the following electronic vote:

AYES: Councilmember: DeWayne Holmdahl, Will Schuyler, and Michael Siminski

NOES: Councilmember: Janice Keller

ABSENT: Councilmember: None

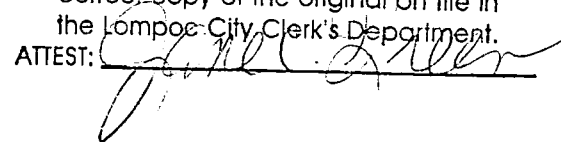
NOT PARTICIPATING: Mayor Dick DeWees


 Janice Keller, Mayor Pro Tempore
 City of Lompoc

ATTEST:


 Jane C. Green, City Clerk
 City of Lompoc

Exhibit A: Conditions of Approval
Exhibit B: Development Site Plan

I HEREBY CERTIFY THAT THE
 foregoing instrument is a true and
 correct copy of the original on file in
 the Lompoc City Clerk's Department.
 ATTEST: 

CONDITIONS OF APPROVAL
Seabreeze Estates – Northern Parcel
Preliminary Development Plan – DR 04-28, EIR 01-01

The following Conditions of Approval apply to the site plan for DR 04-28, initially prepared by J. B. Dixon Engineering and Surveying, Inc., dated August 26, 2004 and reviewed by Planning Commission on October 11, 2004 and by City Council on November 16, 2004.

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. DS Ventures, Inc. and its successors in interest ("Applicant") is advised that certain fees and charges will be collected by the City, prior to issuance of building permits and/or prior to issuance of certificates of occupancy, including, but not limited to the revised fees adopted by Resolution No. 5136(03) which Applicant specifically agrees shall be applied to the project notwithstanding any application for a vesting tentative subdivision map that may be deemed complete, prior to the effective date of Resolution No. 5136(03).
- P3. These conditions of approval shall be noted on the construction drawings filed for any building permits, including a copy of the City Council resolution and the Applicant's signed affidavit agreeing to comply with the conditions.
- P4. The mitigation measures to be implemented during construction shall be -itemized on a separate page of the grading and improvement plans and related construction drawings filed for any building permits, including the City Council Resolution Number and the applicant's signed affidavit agreeing to comply with the conditions.
- P5. Copies of the Mitigation Measures and Mitigation Monitoring Plan shall be given to each Contractor and Subcontractor. Each Contractor and Subcontractor shall be responsible to reviewing, being familiar with and implementing all mitigation measures during construction.
- P6. All revisions made by the City Council/Planning Commission and specified in the conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division, prior to submittal of construction drawings.
- P7. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the City Council and approved if acceptable.
- P8. A temporary use permit shall be obtained from the Planning Division, prior to installation of each construction and/or sales trailer on the project site.

P9. A sign permit shall be submitted for each identification entry sign to be located on the project site.

a) Signage must be approved by the Planning Commission, and a permit issued by the Planning Division and Building Division, prior to installation.

b) An Entry Treatment shall be designed, installed, and maintained by the Homeowners (HOA). The City shall review and approve the design. The Entry Treatment shall be located at the southeast corner of the Bailey Avenue and Central Avenue.

P10. 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.

P11. All Mitigation Measures set forth in the Seabreeze Estates Project Final Environmental Impact Report (FEIR) SCH No. 2002061109 are hereby incorporated into these Conditions of Approval, as if fully contained herein, except those found infeasible pursuant to Section 15091 of the State CEQA Guidelines.

P12. The applicant shall enter into a Mitigation Monitoring Agreement with the City of Lompoc, which shall assure continuing compliance with the Mitigation Measures set forth in the Final EIR. The Agreement shall be reviewed and approved by the City Attorney, and shall be recorded, prior to the issuance of any construction permit. The applicant shall pay all costs associated with implementation of the Mitigation Monitoring Program, which shall be calculated on a time and materials basis.

- P13. Minor changes to the Mitigation Monitoring Program may be made by the Community Development Director. Such changes shall not result in alteration of any mitigation measures, but shall be restricted to changes related to which phase of the Mitigation Monitoring Program (e.g., plan check, construction, pre-occupancy, post-occupancy) a mitigation measure is to be completed. Any such changes may be approved when it is found to be impractical or inappropriate to require completion of a mitigation measure during the phase specified in the Mitigation Monitoring Program.
- P14. Hours of construction shall be limited to:
 Monday through Friday - between the hours of 8 a.m. and 5 p.m.
 Saturday - between the hours of 9 a.m. and 5 p.m.
 Sunday and holidays- None
 Minor modifications to the hours of construction may be granted by the Community Development Director.
- P15. 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.

Planning – Architectural Conditions

- P16. Detailed project architecture, materials, and colors shall be reviewed by the Planning Commission, with the Precise Development Plan, prior to issuance of Building Permits.
- P17. All mechanical and ventilation equipment on roofs shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the structures on the site and with the natural environment.
- P18. Street names shall be reviewed and approved by the Community Development Director, Fire Department and Police Department for consistency with City policy, prior to approval of the final subdivision map.
- P19. Perimeter walls and fencing for the project shall be architecturally treated. Treatment must be approved by the Community Development Department staff, prior to issuance of grading permits.

Planning – Project Specific Conditions

- P20. Approval of DR 04-28 is contingent upon City Council approval of GP 04-04 and ZC 04-06.
- P21. The applicant shall submit a Tentative Subdivision Map for the proposed project.

- P22. Prior to occupancy of the first unit, the applicant shall provide a performance security with the City of Lompoc to ensure that Central Avenue Improvement mitigation plantings will be installed and maintained for a three (3) year period. Upon issuance of the last Certificate of Occupancy for the Precise Development Plan, the responsibility for maintenance of the mitigation plantings shall be assumed by the Property Owners' Association.
- P23. The park dedication, along with any Quimby fees required for the development of the northern portion of the project site shall be paid, prior to issuance of any building permits. Park improvements shall be completed by the Applicant prior to issuance of the first residential Certificate of Occupancy.
- P24. If required, a permit from the Regional Water Quality Control Board and/or Department of Fish and Game shall be obtained, and a copy submitted to the City, to ensure that the Corrective Action Plan, accepted by the Department of Toxic Substances Control (DTSC) is acceptable to the Regional Board, prior to disturbance of arsenic contaminated soils on-site.
- P25. The applicant shall enter into a Development Agreement or Deed Restriction Agreement with the City prior to recordation of the final map. The form shall be reviewed and approved by the City Attorney. The Agreement shall limit future uses on the 3.51 acre site zoned Planned Manufacturing (PM) to "warehouse and/or storage uses entirely within an enclosed building".

Planning - Air Quality Conditions

- P26. Prior to approval of the Final Map, Developer shall execute the Grant of Easement and Notice of Potential for Odor Emission which shall be recorded in a manner that provides renters and buyers of the residences notice of the potential for odor emissions.
- P27. The Class 1 bikeway along the west side of Bailey Avenue shall cross Bailey Avenue at the intersection of the Bailey Avenue Farm Road and then continue along the easterly Bailey Avenue alignment to the Central Avenue intersection.
- P28. A dust abatement program shall be prepared, approved by the Community Development Department, and signed by the Applicant's representative(s), prior to issuance of grading permits (Arsenic Remediation Grading and Project Grading). A local contact person with responsibility to order equipment and services shall be identified and a 24-hour, 7-day a week contact number shall be provided. The contact person shall oversee the implementation of the comprehensive dust control program and apply additional dust control measures as needed to eliminate blowing dust. If measures employed by the Applicant are ineffective and dust is found to be blowing within the site or onto adjacent properties, as determined by the Engineering or Planning Divisions, work shall cease until such time that dust can be controlled. The dust abatement program may include, but not be limited to, the following:
- a. All construction areas shall be sprinkled with water (recycled when possible) as needed, but at least twice a day, during excavation and other ground-preparing operations, to reduce fugitive dust emissions.

- b. A functioning water truck and a water tower shall be provided on-site at all times during ground disturbing activities. If dust cannot be controlled, additional water trucks and/or a larger capacity water tower shall be provided on-site. There shall be an adequate number and type of trucks and water sources to suppress any dust, on-site at all times.
- c. The areas of disturbance shall be limited to 15 acres at any one time, to reduce the impact of dust on the Bailey Wetlands, field crops, and residents to the east.
- d. Applicant shall have a hand held anemometer to measure wind speed on-site at all times. Wind speed shall be measured and recorded at 10:00 a.m. and 2:00 p.m. each day and any time that dust is blowing on-site. When wind speeds exceed 25 mph, earth disturbing activities shall cease and water and soil binders shall be applied to control dust.
- e. All disturbed areas on the construction site shall be watered, and all equipment shall be cleaned in the morning and evening to reduce particulate and dust emissions.
- f. Stockpiles of sand, soil, and similar materials shall be covered or stabilized with the use of a chemical fixative.
- g. Areas of the site not actively being worked shall be stabilized through application of a chemical fixative.
- h. Once sites are rough-graded, a non-invasive temporary erosion control native seed mix, approved by the Planning Division, shall be applied to all graded areas. If the hydroseeding is not successful, an additional hydroseeding application shall be made in November, prior to the winter storm season.
- i. Emissions from construction equipment shall be reduced to the maximum extent feasible by substituting clean-burning fuels for diesel fuel in this equipment, by ensuring proper maintenance of this equipment, or by installing engine timing retards in this equipment.
- j. Trucks hauling dirt and debris shall be covered to reduce spillage onto paved surfaces. Two eight-foot segments or the equivalent of metal grates shall be provided at the construction entrances to assist in eliminating dust from trucks before they leave the construction site. The grates shall be placed a sufficient distance back from the entrance to allow dust that has been dislodged by the grates to be deposited on-site before trucks enter public roadways. The grates shall be cleaned out on a daily basis and additional cleaning of the grates shall occur, as necessary, to ensure their effectiveness. If required to eliminate deposition of dirt and dust on roadways, trucks shall be required to drive over the grates multiple times before exiting the project site.
- k. Signs shall be posted that limit vehicle speeds on unpaved roads and over disturbed soils to 10 miles per hour (mph) during construction. Under windy conditions, trucks speed shall be reduced to 5 mph.

- l. If dust is blowing from unpaved roads, an environmentally friendly dust binder that is effective when heavy equipment breaks the surface, such as a vegetable oil-based product shall be applied to the unpaved roads to reduce dust during construction.
- m. Dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce re-suspension of particulate matter through vehicle movement over those surfaces.
- n. A regenerative air sweeper shall be available at all times during construction to sweep internal and external roadways, keeping them free of dust. All dust shall be swept from roadways at the end of each working day. Water shall not be used to wash streets. If necessary, hand-sweeping method shall be used to remove dirt and dust from paved surfaces.
- o. If dust and dirt cannot be effectively controlled on paved surfaces through the use of the regenerative air sweeper, entrance grates and hand sweeping crews, the trucks hauling earth to and from the site shall be equipped with durable material to cover the tops and bottoms of the trucks' surface, so that any dust or dirt will be captured before being deposited on paved surfaces.
- p. The amount of fugitive dust that collects on vegetation in the protected riparian/wetlands area and buffer area shall be minimized. If excessive dust collects on riparian/wetland or buffer area vegetation, as determined by the botanist/biologist the vegetation shall be washed with as little water and water pressure as will successfully wash the dust from the leaves of the plants, under the direction of the project biologist.
- q. If dust is not effectively contained on-site using the above-identified methods, work shall cease until additional methods of dust control, acceptable to the City of Lompoc Community Development Department, can be added to the dust control plan and agreed upon by the applicant. Additional methods to be considered include but are not limited to: restriction in work hours and provision for barriers to keep dust from adjacent properties.

P29. Ozone (O₃) Precursors: (NO_x and ROC)

- a. All construction equipment engines and emission systems shall be maintained in proper operating order, in accordance with manufacturers' specifications, to reduce ozone precursor emissions from stationary and mobile construction equipment.
- b. Temporary traffic control (e.g., flag person) and a traffic control plan shall be provided to avoid unnecessary delays to traffic during construction activities which interrupt normal traffic flow.
- c. Electricity from power poles or ground lines shall be used in place of temporary diesel- or gasoline-powered generators.

P30. Conditions for Long-term and Operational Impacts

- a. All residential construction shall reduce long-term and operation emission of CO, NO_x, and ROC from mobile sources.
- b. Bicycle trails and lanes adjacent to the project site, as designated on the Tentative Map and Preliminary Development Plan shall be installed as shown.

Planning – Riparian/Wetland Protection

P31. The Bailey Wetland Area setback buffer zone, Central Avenue setback buffer zone and any proposed bioswales, along with the permanent protective fence locations, shall be shown on all grading, erosion control and development plans.

Planning –Covenants, Conditions & Restrictions (CC&R's)

P32. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for approval, prior to recordation. The applicant shall create a Property Owner's Association (POA) for the maintenance of the common facilities, including but not limited to: common areas, landscaping, the Central Avenue Riparian Area and Bailey Wetland Area setback buffer zones, any proposed bioswales, arsenic remediation area, if proposed, the public access easement through the required view corridor, and the sewer access easement.

P33. The Covenants, Conditions & Restrictions (CC&R's) shall state that no provision in the CC&R's which is included as a result of these conditions of approval may be amended without the prior written approval of the City. The Covenants, Conditions & Restrictions (CC&R's) shall be reviewed and approved as to form by the City Attorney, prior to issuance of building permits. The CC&R's shall state that no provision in the document may be amended without the prior written approval of the City of Lompoc.

P34. The CC&R's shall include the following restrictions:

- a. A requirement that the Property Owner's Association (POA) shall hire a qualified biological monitor to oversee the monitoring maintenance programs for the setback buffer area to ensure that trash accumulation, vandalism, and the spread of non-native noxious or invasive plants does not occur. Inspections shall occur twice a year and may be required more frequently if trash accumulation, vandalism or other maintenance issues are regularly observed. The qualified biological monitor shall produce monitoring reports to be submitted to the Planning Division following each monitoring visit. Monitoring shall ensure that holes under the fence or vandalism to the fence or signs shall be corrected/repared immediately. If the POA identifies a need for correction or repair, the monitoring biologist shall be contacted immediately to prepare a plan for repair. (B-2 (c))
- b. A requirement that Storm Water filters in the storm drain system shall be maintained and replaced, when necessary, by the POA so that all storm water and drainage will be filtered, prior to entering the City's storm drain system or bioswales, if proposed. Filters used shall remove sediment, oil, grease, trash and floatables. A requirement that the filter media in the storm water filtration

devices are regularly cleaned-out, maintained and replaced, per manufacturer's recommendations by the POA. (HWQ-2(a)).

- c. The POA shall ensure that regular inspections are conducted to evaluate the levels of accumulated sediment, oil and grease, and that accumulated materials are removed at least twice a year, in October, before the rainy season begins and in April, after the rainy season has ended. The POA shall ensure that the filters are cleaned out more often if necessary to ensure they are functioning properly. (HWQ-4(a)).
- d. A requirement that the POA shall maintain any proposed bioswales and/or storm drain systems. The POA shall ensure that if bioswales are developed, they are free of trash and debris, that the plant material in them is healthy, that undue sedimentation is not occurring, that mosquitoes are controlled, that they are not eroded or damaged by vandals, and that non-native noxious weeds are not present. If at any time these adverse conditions are in evidence, the POA shall take immediate action to remedy the situation. (HWQ-4(a))
- e. A prohibition on the planting of invasive species. Primary species of concern are identified in Appendix K of the EIR and shall be listed in the Covenants, Conditions and Restrictions (CC&Rs). (B-2(e))
- f. If an arsenic backfill area is proposed on-site, a requirement that the POA maintain the arsenic backfill area to ensure continued public safety. No plants with root systems deeper than grasses shall be planted on or directly adjacent to the area which contains arsenic contaminated earth, unless otherwise approved by the California Department of Toxic Substances Control. Any proposed alteration or excavation of the approved protective area shall first be approved by the Department of Toxic Substances Control, the Department of Health Services, and the Regional Water Quality Control Board. (HZ-1(b))
- g. If a trail or overlook is constructed within the outer 15-feet of the Bailey Wetland Area setback buffer zone, maintenance and management activities (i.e. trash removal, regular weed abatement, and policing to ensure users comply applicable regulations) shall be provided by the POA. (B-2(e)).
- h. A restriction against parking or storing recreational vehicles, trailers, and other miscellaneous vehicles on public streets within the project. (*Lompoc Subdivision Review Ordinance Section 2863, Planned Residential Developments*).
- i. Any information that must be provided to future homeowners upon transfer of property shall be recorded in the CC&Rs.
- j. Post construction maintenance and/or improvements shall, to the extent feasible, comply with the Bailey Wetland Area Management Plan, if adopted.
- k. Upon issuance of the last Certificate of Occupancy for the Precise Development Plan, the responsibility for maintenance of the Central Avenue improvement mitigation plantings shall be assumed by the Property Owners' Association.

Affordable Housing Requirements

- P35. The proposed project is a total of 145 dwelling units, including 81 single family units and 64 apartment units. The applicant must designate the affordable units on the site plan and prepare a covenant to be approved by the City Attorney and recorded on each of the affordable units for a period of 30 years. The applicant may choose the option of paying the Housing In-Lieu Fee approved by City Council Resolution No. 5135 (03).
- P36. Ten percent of the dwelling units shall be at prices affordable to very-low, low- and moderate income homebuyers/renters, a total of 15 units on the northern parcel. The distribution and affordability levels of these units, termed "controlled units" shall be determined with the future Precise Development Plan review by the Planning Commission. Affordable units shall be distributed throughout the site. The distribution shall be calculated at the Precise Development Plan review.
- The sales price for controlled-sale/rental units shall be calculated when the building permits are issued for the controlled-sale/rental units.
- P37. Prior to the issuance of building permits, the applicant and property owner(s) shall record a covenant which runs with the land against each controlled-sale/rental unit. The covenant shall be reviewed and approved by the City Attorney prior to the recordation in order to assure continued affordability. The covenant shall specify:
- a. the formula for determining new sales/rental price;
 - b. affordability control mechanisms upon resale or rental;
 - c. refinancing restrictions;
 - d. qualifications of eligible buyers/tenants;
 - e. annual reporting requirements;
 - f. occupancy requirements;
 - g. the period during which affordability is to be maintained;
 - h. that the owner grants to the City, or other entity designated by the City, an option to purchase the property at any time the owner wishes to sell; and,
 - i. that the covenant shall be in effect for a thirty (30) year period starting from the issuance of the Certificate of Occupancy.
- P38. Prior to the issuance of building permits, the applicant and property owner(s) shall agree to cooperate in implementing the affordability controls, and obtain the lender's approval of the affordability control documents.
- P39. Prior to issuance of certificates of occupancy, the applicant and property owner(s) shall obtain the City's approval of the buyer/rental selection process, the initial sales/rental prices, and the eligibility of the initial buyers of controlled-sale/rental units. In addition, as part of the escrow proceedings on the controlled-sale/rental units, the buyers/tenants shall be required to record documents agreeing to adhere to the City's affordability requirements.
- P40. Prior to the issuance of certificates of occupancy, the buyers/renters of the controlled-sale/rental units shall agree to occupy the units as their principal place of residence.

The owner(s) shall also agree to assign to the City the right to any rents collected above affordable levels specified in the recorded covenant.

- P41. Any sale or other transfer of any interest in the controlled-sale/rental units must be approved by the City as being in compliance with the requirements set forth in the covenant, including the maximum sale price. Full disclosures must be made in writing to the City regarding the terms of the sale, including copies of all documents.

Planning – Final Map

- P42. A Conservation Easement shall be recorded over the Bailey Wetland Area and the Bailey Wetland Area setback buffer and the Central Avenue Riparian Area and the Central Avenue Riparian Area buffer.
- P43. An access easement shall be granted to the City of Lompoc for the Bailey Wetland Area and the Bailey Wetland Area setback buffer, the Central Avenue Riparian Area and the Central Avenue Riparian Area buffer, and any bioswales proposed, to allow for City enforcement of regulations and maintenance, if required.
- P44. An access easement shall be granted to the Santa Ynez Band of Chumash Indians to allow pedestrian access and native plant collection, within the Bailey Wetland Area, with prior approval from the City of Lompoc.
- P45. A public access and maintenance easement shall be granted over the Class 1 bikeway and the outer 15 feet of the Bailey Wetland Area setback buffer.
- P46. A public access easement shall be granted over the existing sanitary sewer easement and sanitary sewer maintenance easement. The access shall allow access to and construction of a public viewing platform, in the location of the existing sanitary sewer easement.
- P47. If sanitary sewer lines are not to be relocated into the Street right-of-way, a 20-foot-wide access easement, with sufficient turning area to accommodate the Vector truck, shall be provided adjacent to and along the top of bank of the Bailey Wetland Area from the existing sewer easement to the eastern edge of the site, and connecting to the existing sewer maintenance holes. The proposed access easement shall be approved by the City Planning, Engineering and Wastewater Divisions and shall be shown on the final map for the subject property. The easement would provide maintenance access to the existing sewer manholes.

If the sanitary sewer lines are relocated into the Street right-of-way, and shall be connected to existing sewer lines, bypassing and abandoning the line to the existing sewer manholes. Relocation would involve, re-alignment of sewer segments 19-004/19-005 and 22-003/22-004 to the North and the West to remove them from the wetlands. Public utility and access easements shall be dedicated for relocated sewer segments and access to Maintenance Holes 19-005 and 22-004 at the southeast corner of the development. Contact the City Wastewater Division for referenced Segment and Maintenance Hole locations.

(U-3(a))

- P48. A public access easement to be located along the pathway through the required view corridor between Central Avenue and the Bailey Wetland area.
- P49. Easements required for public electric service are marked on plans on file in the Electric Division. These public easements shall be dedicated to the City on the Final Map.

Planning – Noise

- P50. During on-site construction activities, the following short-term acoustic mitigation measures shall be implemented:
- a. All construction equipment, whether fixed or mobile, shall be equipped with properly operating and maintained mufflers.
 - b. Stationary equipment shall be placed so that emitted noise is directed away from sensitive noise receptors and the Bailey Wetland Area and Central Avenue Riparian Area.
 - c. Stockpiling and vehicle staging areas shall be located as far as practical from sensitive noise receptors and the riparian/wetland areas.
 - d. Every effort shall be made to create the greatest distance between noise sources and sensitive noise receptors and the Bailey Wetland Area and the Central Avenue Riparian Area, during construction activities.
 - e. Impact tools shall be shielded, per manufacturer's specifications.
 - f. The Applicant shall develop and implement a construction schedule that minimizes potential cumulative construction noise impacts and accommodates particularly noise-sensitive periods for nearby land uses (e.g., for schools, churches, etc.)

Planning – Hydrology

- P51. Storm drain inlets shall be stenciled, per the requirements of the Engineering Division to state "Do Not Dump, Drains to Wetland". (B-2(g))

Planning - Traffic

- P52. Stop signs shall be installed to control westbound traffic at the site access locations on the Bailey Avenue frontage road.
- P53. The public streets proposed on-site shall be fully improved to local street standards with a pavement width of 40 feet, except for cul-de-sacs less than 350 feet long, where the pavement width may be 36 feet.
- P54. The Applicant shall be responsible for improving: (1) the south side of Central Avenue and 2) the Bailey Avenue, as specified by the City of Lompoc.

- P55. The project shall construct a bikeway in the landscape buffer between the Bailey Avenue farm road and the Bailey Avenue, as required by the City of Lompoc.
- P56. The applicant shall provide a safe and convenient pathway to facilitate pedestrian and bicycle access to Central Avenue,

Planning - Landscaping Conditions

- P57. For the first phase of development, two sets of schematic landscape and irrigation plans for the entire site plus construction documents for the first phase shall be submitted for review and approval by the Planning Division and a Landscape Architect contracted by the City and paid for by the applicant, prior to issuance of grading or encroachment permits. For each subsequent phase, two sets of construction documents shall be submitted for review and approval by the Planning Division and the contract Landscape Architect prior to issuance of any grading or building permits for that phase. Typical for corner and interior lots shall be included (Tree size -15 gallon, shrub size - 5 gallon, plant size - 1 gallon). After the final review of these Plans, mylar copies shall be submitted with the grading and/or improvement plans noted above. Landscape conditions of approval shall be printed on the landscape plans submitted to the City.

The landscape and irrigation plans shall be prepared by a licensed landscape architect as designated by City staff; shall have overall dimensions of 24" x 36"; shall include a legend with number and size of plantings and separate details and specifications sheet; shall contain approval blocks for the Community Development Director and contract Landscape Architect and shall show all existing and proposed public utilities within the project limits.

Invasive plant species shall not be permitted. Plantings within the designated buffer areas and the bioswales shall be restricted to non-invasive species, preferably those native to the area. To ensure project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a City-approved botanist. Whenever possible, plant material from regionally collected stock shall be used where landscaping specifications call for native species.

No plants with root systems deeper than grasses shall be planted on or directly adjacent to the area which contains arsenic contaminated earth.

- P58. A Landscape Maintenance Agreement, in a form satisfactory to the City Attorney, shall be recorded prior to final approval of the first unit for the project.
- P59. The project landscaping and landscape plans must conform with the Urban Forestry Administrative Guidelines.

Planning - Irrigation Conditions

- P60. The project must conform with sections 3331.1 - 3331.6 of the Lompoc City Code Water Efficient Landscape Standards.

- P61. All irrigation must be low-water use, per manufacturer's specifications. A copy of the specifications must be provided to the Community Development Director and contract Landscape Architect before installation. Installation must include check valves as needed to prevent runoff.
- P62. All irrigation under paving must be Schedule 80 PVC or greater with tracer wires and sleeves.

Planning - Tree Conditions

- P63. The number and size of trees installed on the site shall meet the tree density requirements, as set forth in Chapter 31 of the City Code. The density will be approved or denied during Plan Check.
- P64. All trees must be planted at least ten feet away from public utilities, to include but not limited to water, sewer, electric, storm drain, cable, telephone, etc.
- P65. All trees must be installed with support staking. All nursery stakes must be removed from trees.
- P66. All trees and plant material selection shall be made with the concurrence of the Community Development Director and contract Landscape Architect.

Planning - Installation Conditions

- P67. Installation of all irrigation and landscaping shall be performed by a licensed landscape contractor. An open-trench inspection of the irrigation installation shall be conducted and the irrigation approved by City officials. Prior to the final inspection by the contract Landscape Architect, the installation shall be approved by the project designer and a letter of substantial conformance shall be submitted to the Planning Division.
- P68. A layer of bark two to four inches deep must be applied in all landscape areas. Type of bark must be approved by City Planning Division prior to issuance the first building permit for the project. The location and quality of the bark is subject to approval by the contract Landscape Architect, prior to installation.
- P69. All landscaping is subject to inspection by the contract Landscape Architect and must be guaranteed by a certificate of deposit, cashier's check or letter of credit, in the amount of 150% of the cost of site preparation and installation of plant material, to be submitted with the letter of substantial conformance. The form of the financial assurance shall be acceptable to the City Attorney and the City Treasurer. The guarantee shall be for a period of one year and the financial assurances shall only be able to be released by the City of Lompoc. The following segments of landscaping may be guaranteed separately: City park and right-of-way landscaping, perimeter landscaping, apartment common area landscaping, duplex area landscaping, right-of-way landscaping, 200-foot buffer area/bioswale landscaping, riparian/wetland buffer landscaping, and riparian mitigation planting.
- P70. For each phase of development, all common area landscaping, the community park landscaping, and the buffer area landscaping must be installed and deemed in

substantial conformance by the Landscape Architect prior to final occupancy for the first unit.

- P71. Individual unit landscaping must be installed and deemed in substantial conformance by the Landscape Architect prior to final occupancy for the individual unit.

II. BUILDING

Building - General Conditions

- B1. UBC Compliance. Aboveground structures shall be designed and built according to the most recent adopted City and State Building Codes. (G-1(a)).
- B2. Plans shall be submitted by a California licensed architect and/or engineer.
- B3. Final project plans submitted to the Community Development Department shall have a note printed on the plans which specifies compliance with the most recent adopted State and City Building Codes for all above-ground structures. Building plans submitted in an application for a Building Permit shall include documentation that these standards are met. Building plans that comply with the most recent adopted State and City Building Codes shall be provided to the Building and Fire Department, prior to issuance of building permits. Prior to approval of Building Permits, Building Division staff shall review project plans and verify that compliance with the most recent adopted State and City Building Code requirements are printed on the plans. Building inspectors shall conduct site inspections to assure that construction occurs consistent with approved plans.
- B4. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection when applicable.
- B5. Dimensioned building setbacks and property lines, street centerlines, and distances between buildings or other structures shall be designated on plot plans.
- B6. All property lines and easements must be shown on the plot plan.
- B7. The Title Sheet of the plans shall include:
- a. Occupancy group
 - b. Description of use
 - c. Type of construction
 - d. Height of the building
 - e. Floor area of building(s)
- B8. Project shall comply with current City and State water conservation regulations.
- B9. Dust and erosion control shall be in conformance with standards and regulations of the City of Lompoc.
- B10. Certification of compliance with the grading plans and soils report shall be submitted to the Building Division, prior to final approvals.
- B11. A licensed surveyor/engineer shall verify pad elevations and setbacks.

- B12. Stairs, decks, platforms shall meet the strict guidelines in the most recent adopted Building Code.
- B13. Buildings shall comply with the State's Energy Regulations.
- B14. Prior to the issuance of building permits, the acoustical engineer shall review the final construction drawings and provide the Building Division written verification that the buildings comply with noise reducing mitigating measures.
- B15. Smoke detectors shall be provided in conformance with the most recent adopted Building Code.
- B16. Building pads shall have a drainage gradient of 2% toward approved drainage facilities.
- B17. Sound transmission controls shall comply with the most recent adopted State Building Code. A noise mitigation analysis by an acoustical engineer may be required. Mitigating factors shall be indicated on the plans.

III. FIRE

Fire - Access Conditions

- F1. All required access roads on the site shall be in service prior to the start of framing construction. The roads shall have: 1) an all-weather surface; 2) a minimum vertical clearance of 14 feet; and 3) a minimum width of 20 feet. All dead-end access roads in excess of 150 feet in length shall have a minimum outside turn-around radius of forty (40) feet and/or a minimum inside turn-around radius of thirty (30) feet.
- F2. All permanent gates on required access roads shall have a means for Fire Department access either: 1) an approved key box containing appropriate keys or gate combination, or 2) if electrically operated, an approved key operated switch. Provisions must be made to open electrically operated gates in the event of a power failure. Prior to the start of framing, Fire Department access shall be established for all permanent gates on required access roads.
- F3. Fire Department access shall comply with UFC Appendix 3-D and UFC Chapter 9.
 - a. Roadways less than 40 feet in width shall be marked as fire lanes (CVC) and parking prohibited according to standards within the most recent adopted Fire Code.
 - b. The Fire Chief may determine the number and location of required access roads. UFC 902

Fire - Water Supply Conditions

- F4. When parking is allowed on both sides of streets, roads and /or access ways shall not be less than 40 feet in width.

- F5. The main entrance roads to this development shall be at least 40-feet in width or the entry into the development can be striped or signed for "No Parking".
- F6. Fire Hydrants shall be provided in accordance with UFC Chapter 9 and UFC Appendix 3-B.
- The number and spacing of fire hydrants shall be in accordance to UFC Table A-3-B-1.
 - Fire Department access and water supply shall be in accordance with UFC Article 9 and UFC Appendix 3-A.
- F7. All fire hydrants shall be in service prior to the start of framing construction.
- F8. Fire sprinkler connections shall have unobstructed access to a fire hydrant within 150 feet (when applicable).

Fire - Equipment and Protection System Conditions

- F9. Fire alarm systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, or the Lompoc City Code.
- F10. Automatic sprinkler systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, and the Lompoc City Code.
- F11. Four sets of plans for fire alarm systems and sprinklers shall be submitted to the Building and Fire Safety Division for review and approval, prior to the start of framing construction. When approved, two sets of the plans will be returned to the applicant, two sets will be retained by the Building and Fire Safety Division. Plan submittal and installation shall be in accordance with National Fire Protection Association and UFC standards.
- F12. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to UFC Standard 10-1.

IV. AVIATION/TRANSPORTATION

Aviation/Transportation – Project Specific Conditions

- A1. An Aviation easement and flight pattern representations, including but not limited to references to noise, low overflight, airport expansion plans including the airport runway, and beacons, in a form acceptable to the City Attorney, shall be made part of the conditions, covenants and restrictions of each deed subsequent to the subdivision of the land.
- A2. The applicant shall provide an on-site bus pull-out along the interior loop roadway near the center of the northern parcel, as specified by the City's Transit Division.

V. POLICE DEPARTMENT -- No General or Project Specific Conditions

VI. ENGINEERING

Engineering – Improvement Plans

- EN1. Improvement Plans are required with this development. Improvement Plans include grading, drainage, street and utility improvements.
- EN2. Improvement Plans shall be prepared by or under the supervision of a registered civil engineer. The Improvement Plans shall be divided into phases as defined on the Tentative Map. Prior to the City's acceptance of the Final Map for each phase, the Improvement Plans for that phase shall be approved by the City Engineer.

With regard to Improvement Plans for the first phase to be constructed, the Applicant's engineer shall submit a site plan including all phases and showing the street alignments and utility mains (sewer, water, storm drain, and electric).

- EN3. All public improvements shall be provided at the Applicant's expense and in accordance with City of Lompoc "Standard Requirements for The Design and Construction for Subdivisions and Special Developments." These Standard Requirements are available at the Engineering Division.
- EN4. "Development Assistance Brochures" are available at the Engineering Division to facilitate the preparation of plans and reports by the Applicant's engineer and include "Checklists for Completeness of Engineering Plans and Report Submittals." The "Development Assistance Brochures" are an essential aid in the preparation of Grading and Public Improvement Plan submittals.
- EN5. A Soils Investigation/Geology Report shall be submitted to the Engineering Division with first plan check submittal of the Grading and Improvement Plans. A soils engineer shall be retained to observe, test, and certify during construction all recommendations as outlined in the Soils Investigation Report. "R" Values shall be taken to determine the street structural sections.
- EN6. In conformance with Chapter 27, Section 2774.E of the Lompoc City Code, the Improvement Plans, including but not limited to, grading, water, sewer, streets, storm drain, electrical system, and other surface and subsurface improvements, shall be prepared based upon the *vertical* and *horizontal* control monuments as established by the City of Lompoc Coordinate Control System, Record of Survey Book 142, Pages 82 and 83. All drawings, improvement plans, and survey maps shall be prepared in accordance with the requirements currently in effect, with the additional requirement that all said drawings and improvement plans shall be delivered in a computer format readily compatible for transfer to the City Geographic Information System. The following computer formats are acceptable for delivery: DGN (native Microstation); DWG (same as or less than Version 14); DXF.
- EN7. After the Improvement Plans have been prepared and are ready for review, the Applicant's Engineer shall submit four (4) sets of prints to the Engineering Division for first plan check. The Public Works Department, Utility Services Department, Fire Department, and Building Division will review the check prints for conformance with project conditions and City Standards.

First plan check, shall include hydraulic calculations (over & storm drain), soils report, and all other calculations and data necessary for review of the project plans.

- EN8. All slopes, including those to be created through construction of bioswales, shall be reviewed by a Soils Engineer for stability and shall be included in the Soils/Geotechnical Investigation Report. A Soils Engineer shall sign the final Grading Plan approving all slope grading.
- EN9. An Encroachment Permit issued by the Engineering Division is required for any work within a street right-of-way or easement.

Engineering – Drainage

- EN10. A Drainage/Hydrology Report shall be submitted to the Engineering Division with first plan check submittal of the Grading and Improvement Plans.
- EN11. Cross-gutters shall be constructed at intersections where there is surface drainage.
- EN12. The Improvement Plans shall be designed to provide a minimum cross slope of 2% on public streets.
- EN13. Drainage catch basins shall be designed for 100% interception of 10-year gutter flow.
- EN14. Street flow to catch basin shall not exceed top of the curb in depth.
- EN15. When the inlet is in a sump, provide an emergency escape route for 100-year event.
- EN16. All streets will be constructed a minimum of one-half foot above the base elevation for 100-year flood per current FEMA Flood Insurance Rate Map.
- EN17. All finish floor elevations will be constructed a minimum of 2-1/2 feet above the base elevation for 100-year flood per current FEMA Flood Insurance Rate Map.

Engineering – Project Specific Conditions

- EN18. Prior to clearing, grubbing or issuance of project grading permits, separate grading plans shall be submitted for the required removal of arsenic on the project site. The arsenic shall be removed and remediated, per the requirements of the Department of Toxic Substance Control (DTSC) and Certified Unified Program Agency (CUPA), prior to any other soil disturbing activity occurring on the project site. A separate grading permit is required for the arsenic remediation. (HZ-1(a))
- EN19. Approach Lanes at Bailey Avenue and Central Avenue Intersection:
1. Bailey Avenue shall include an exclusive northbound channelized free-flow right-turn lane at Central Avenue to direct traffic into the new protected eastbound lane to be constructed on Central Avenue adjacent to the project site.
 2. Provide a separate northbound left turn lane on Bailey Avenue at Central Avenue.

3. Install westbound left-turn lane on Central Avenue at Bailey Avenue to provide space for left-turning vehicles to decelerate outside of the through travel lane.
- EN20. Prior to issuance of Grading Permits for the project, the applicant shall obtain a CLOMR-F from FEMA. The CLOMR-F request shall include detailed flood hazard analyses prepared by a qualified professional engineer, consistent with FEMA requirements. The applicant shall comply with all conditions and requirements of the CLOMR-F. *(HWQ-3(a))*
- EN21. Prior to issuance of grading permits, the applicant shall submit plans to the Community Development Department and Engineering Division that depict an overland escape route for run-off to ensure that the placement of fill on the project site to raise the proposed building pads out of the floodplain does not divert substantial run-off onto adjacent properties. *(HWQ-3(b))*
- EN22. The Applicants Registered Civil Engineer shall make application to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision (LOMR-F) based on fill for all lots currently designated to be within Zone AE on the National Flood Insurance Program (NFIP) map (Community Panel Numbers 060334 0002 D and 060334 0003 D). The grading plans submitted for the project shall be consistent with all the requirements necessary to receive a LOMR. The Applicant shall submit the approved LOMR to the Engineering Division, prior to issuance of occupancy.
- EN23. The Grading and Improvement Plans shall show the location of Zone AE, as designated on the NFIP map.
- EN24. The Applicant shall provide fair-share traffic mitigation fees to widen the segment of Central Avenue between "O" Street and "V" Street to a four-lane divided cross-section. *(T-4(a))*
- EN25. All Streets (Public and Private) shall be constructed per City Standards.
- EN26. Signing and striping plans for private and public streets shall be included with the Improvement Plans.
- EN27. The City will maintain the Class I Bikeway, to be located within the 200-foot buffer strip between Bailey Avenue Farm Road and Bailey Avenue. A public bikeway access and maintenance easement, 12-feet in width, shall be dedicated on the Final Map.
- EN28. The Applicant shall install "No Parking" signs along the east and west sides of the Bailey Avenue from the southern property boundary to where the frontage road intersects with the Bailey Avenue Farm Road.
- EN29. The Class 1 bikeway along the west side of Bailey Avenue shall cross Bailey Avenue at the intersection of the Bailey Avenue Farm Road and then continue along the easterly Bailey Avenue alignment to the Central Avenue intersection.
- EN30. Prior to Grading Plan approval the Applicant shall deposit with the City the amount shown below which figure represents thirty percent (30%) of the preliminary

engineering, engineering, and construction engineering costs required to complete the future installation of a traffic control signal and safety lighting at the Central Avenue and Bailey Avenue intersection. To account for inflation the amount of deposit increases one percent (1%) each calendar year.

Year of Deposit	Amount
2004	\$24,900.00
2005	\$25,149.00
2006	\$25,400.49
2007	\$25,654.50
2008	\$25,911.04

EN31. The streets adjacent to the Bailey Wetland Area Setback buffer zone, any proposed bioswales and the arsenic deposition area, if proposed, shall be designed to drain away from the buffer zones into street storm drains. (HWQ-4(b))

EN32. The Applicant shall implement the recommendations of the Geotechnical Investigation and Update prepared for the project site in November 2000 by S&G Testing Laboratories, Inc., S/G Exam No. 4532-5831.

VII. SOLID WASTE

Solid Waste – General Conditions

SW1. Trash enclosures shall be designed, in accordance with City standards, for up to 440-gallon automated containers accessible to automated trash collection trucks and in locations as approved by the City Solid Waste Superintendent. The trash collection trucks are side loading and have a 40-foot turning radius. On-site circulation for the trucks shall be designed so trash collection trucks will not need to back up in order to turn around and exit.

SW2. Trash enclosures shall not have any doors and shall be enclosed on three sides with a six-foot wall, which is architecturally compatible with the on-site buildings. The design of the six-foot wall shall be approved by the Community Development Director.

SW3. Trash enclosure access openings must be placed no more than one-foot from drive aisle.

SW4. Trash containers must be kept side-by-side and parallel with alley or drive aisles. Enclosures with more depth than the minimum required seven-foot depth of one container must be constructed with a wheel-stop sufficient to keep the containers at the front edge of the enclosure so that the operator of the trash collection truck does not have to move containers out for collection.

Solid Waste – Project Specific Conditions

SW5. During the construction phases of the project, the following mitigation measures shall be implemented by the project applicant and authorized agents thereof to reduce solid waste generation to the maximum extent feasible:

Prior to construction, the contractor shall arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials shall be located onsite. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris shall all be recycled.

The contractor shall designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors shall be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.

The above construction waste recycling measures shall be incorporated into the construction specifications for the contractor. (U-5(a))

VIII. ELECTRIC

Electric – General Conditions

- E1. The Applicant shall sign a line extension agreement and pay all costs for the City to furnish and install electric power lines to and within the proposed development, as soon as possible after receiving the agreement. All costs shall be paid, at the latest, prior to issuance of grading permits. This timing is intended to ensure the proper equipment for the line extension can be ordered and made available at the time of development. These costs shall include all labor, labor overhead, material, material handling charge and equipment/vehicle rental necessary for the City to extend the City's electric distribution system to serve the project.
- E2. The Applicant shall provide a single line diagram showing voltage, phase, load requirements, and size of planned switchboard.
- E3. Three-phase electric services up to 200 Amps shall have 7-jaw meter sockets. Three-phase electric services above 200 Amps shall have 13-jaw meter sockets and provisions for a test switch and for current transformers.
- E4. The main switchboard shall conform to Electric Utility Service Equipment Requirements approved by the City of Lompoc.
- E5. The Applicant shall pay the Meter Installation Fee, prior to the issuance of the building permit.
- E6. Electric meters and main disconnect switches shall be located on the exterior of the building, or in an enclosure opening only to the exterior of the building. Meter enclosures shall be accessible at all times to Electric Division personnel. If the enclosure is to be locked, the lock shall be keyed to Schlage Lock No. C38587.
- E7. The Applicant shall provide all necessary trenching and backfilling to Electric specifications. This shall include trenching for primary cable, secondary cable, street light wiring and associated vaults and boxes. The Applicant shall provide transformer pads as required. The project shall be at final grade prior to trenching for installation of underground electric facilities.

- E8. The Applicant shall furnish and install the service wires and conduit from the service panel to the transformer or secondary box. Upon approval of the building inspector, the City shall make the final connections to the transformer and energize the transformer.
- E9. For three-phase electrical service over 200 Amps, the Applicant shall run a telephone service wire to the meter location for remote meter readings.

Electric – Project Specific Conditions

- E10. Provide and install one 2-inch conduit parallel with the electrical service conduit to the house from the pull box in the street easement.

IX. WATER

Water – General Conditions

- W1. This facility must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.
- W2. The size and location of all water meters shall be determined by the Engineer/Architect or authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the Applicant.
- W3. All meter protection shall be by an approved Reduced Pressure Principle Backflow Prevention Assembly (RP) at the service connection. Information on acceptable assemblies is available from the City Water Division.
- W4. All public water system components must be constructed within public right-of-way or public easements.
- W5. When a fire sprinkler system is required or proposed, the utility plan shall show the location of Fire Department Connection FDC with reference dimensions to the nearest fire hydrant. Fire Department requires fire department connections to be within 150' of a fire hydrant.
- W6. When a fire sprinkler system is required or proposed the utility plan shall show the fire line connection point to water main.
- W7. All requests for information needed to design fire sprinkler systems and to determine available or needed fire hydrant flow shall be made with the City Water Division

Water – Project Specific Conditions

- W8. Proposed waterlines in Bailey shall be 10-inch. Proposed 10-inch water line in Bailey Avenue shall continue north and connect to existing 8-inch water line in Central Avenue.
- W9. All waterlines on the interior streets shall be looped with dead-end lines avoided wherever possible.

- W10. All tees shall have three (3) valves and all crosses shall have four (4) valves.
- W11. Utility crews shall be provided 24-hour access to all private streets to maintain public utilities.
- W12. Depending on the irrigation system and type and number of plumbing fixtures in each unit flow requirements may require a 1-inch service connection.
- W13. All public water improvements shall be constructed within public utility easements. These public easements shall be dedicated to the City on the Final Map.

X. WASTEWATER

Wastewater – No General or Project Specific Conditions

I, David Schwartzman of DS Ventures, as project applicant do hereby declare under penalty of perjury that I accept all conditions imposed by the City Council in its approval of the Preliminary Development Plan for Seabreeze North Development. As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.



Name

Date

G:\cond of approval\Seabreeze\North-DR-04-28.doc

**CITY OF LOMPOC
ENVIRONMENTAL CHECKLIST FORM**

A. PROJECT INFORMATION:

Project Title: Seabreeze – Northern Parcel Addendum	Project No: EIR 01-01; GP 04-04; ZC 04-06; DR 04-28																		
Lead Agency Name and Address: City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436 P.O. Box 8001, Lompoc, CA 93438-8001	Contact Person and Phone Number: Lucille T. Breese, AICP, City Planner (805) 875-8273																		
PROJECT DESCRIPTION / LOCATION: Planning Commission review and consideration of a General Plan Amendment (GP 04-04), Zone Change (ZC 04-06) and Preliminary Development Plan (DR 04-28) for the to provide for 11.58 acres of Open Space, a 4.09 acre public park facility, 3.51 acres of Planned Manufacturing, and 18.64 acres of planned residential development. The proposed location is a vacant parcel at the southeast corner of Central Avenue and Bailey Avenue (Assessor Parcel Number: 93-070-62) An Environmental Impact Report (EIR) was prepared for the project and circulated through the State Clearinghouse (SCH No. 2002061109) pursuant to the California Environmental Quality Act (CEQA). The City Council certified the FEIR and adopted a Statement of Overriding Considerations on August 17, 2004. The addendum prepared for Commission review is to discuss the addition of Planned Manufacturing uses and intensified residential uses on the subject site.																			
Public Agencies with Approval Authority (Including permits, funding, or participation agreements): City of Lompoc.																			
Project Applicant, Name and Address: Marc Annotti DS Ventures LLC 8383 Wilshire Boulevard #1000 Beverly Hills, CA 90211	Project Consultant: Jim Dixon JB Dixon Engineering 524-A North Eighth Street Lompoc, CA 93436																		
General Plan Designation: Light Industrial with Park Overlay Open Space	City Zoning Designation: Planned Manufacturing [PM]																		
Surrounding Land Use Designation: North– Community Facility South– Open Space; Low Density Residential East – Medium Density Residential West – Open Space	Surrounding Land Uses: North – Waste Water Treatment Plan South – Open Space East – Mobile Home Park West – Agriculture																		
Environmental Setting: Vacant Land within City Limits																			
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact”, as indicated by the checklist on the following pages.																			
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Aesthetics</td> <td style="width: 33%;"><input type="checkbox"/> Agriculture Resources</td> <td style="width: 33%;"><input type="checkbox"/> Air Quality</td> </tr> <tr> <td><input type="checkbox"/> Biological Resources</td> <td><input type="checkbox"/> Cultural Resources</td> <td><input type="checkbox"/> Geology / Soils</td> </tr> <tr> <td><input type="checkbox"/> Hazards & Hazardous Materials</td> <td><input type="checkbox"/> Hydrology / Water Quality</td> <td><input type="checkbox"/> Land Use / Planning</td> </tr> <tr> <td><input type="checkbox"/> Mineral Resources</td> <td><input type="checkbox"/> Noise</td> <td><input type="checkbox"/> Population / Housing</td> </tr> <tr> <td><input type="checkbox"/> Public Services</td> <td><input type="checkbox"/> Recreation</td> <td><input type="checkbox"/> Transportation / Traffic</td> </tr> <tr> <td><input type="checkbox"/> Utilities / Service Systems</td> <td><input type="checkbox"/> Mandatory Findings of Significance</td> <td></td> </tr> </table>		<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	
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B. ENVIRONMENTAL IMPACTS:

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Comments:

a) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not create substantial adverse effects on a scenic vista. There is no scenic vista in the immediate area identified on the City of Lompoc Urban Design Features Map in the Urban Design Element of the City's General Plan, adopted in October of 1997.

b) The proposed General Plan Amendment, Zone Change, and Preliminary Development Plan will not substantially damage scenic resources within a state scenic highway, as the site is not located adjacent to a state scenic highway.

c) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not degrade the existing visual character or quality of the site and its surroundings.

d) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Comments:

- a) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not convert Prime Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- b) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not conflict with existing zoning for agricultural use, or a Williamson Act Contract.
- c) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

III AIR QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Comments:

a-e) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not conflict with or obstruct implementation of the applicable air quality plan, or violate any air quality standard or contribute substantially to an existing or projected air quality violation. The impacts of the proposed project were analyzed in the EIR and there are no changes proposed that would affect Air Quality.

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the				X

California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comments:

a-f) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not have a substantial adverse effect on any species identified as a sensitive species in local or regional plans or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor will the project affect federally protected wetlands, nor will the project affect migratory wildlife corridors, nor will the project affect biological resources, because the proposed development is on a site that is not identified in the Lompoc General Plan as being in an area of biological significance. Any potential impacts were addressed in the EIR for the project.

V. CULTURAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Comments:

a-d) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not cause a substantial adverse change in the significance of a historical or archaeological resource, as identified in Section 15064.5, because the subject site is not identified in the City of Lompoc Cultural Resource Study as having a historical or archaeological resource on the site. Any potential impacts were analyzed in the EIR prepared for the project and certified in August 2004 by Council.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments:

a-e) The site is not identified on the City of Lompoc General Plan “Geologic and Soils Hazards” Map as being located in an area subject to liquefaction, landslides, or seismic activity, therefore, the proposed project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death. Any potential impacts were analyzed in the EIR prepared for the project and certified in August 2004 by Council.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments:

a-c) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not create a significant hazard to the public or the environment as no hazardous materials will be used or stored on the site.

d) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment, based on a check of the lists prepared by the Certified Unified Program Agency of unauthorized releases and fuel tank locations.

e-f) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not result in a safety hazard for people residing or working in the project area due to proximity to airports or airstrips.

g) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not impair implementation of, or

physically interfere with an adopted emergency response plan or emergency evacuation plan because the project will not involve the installation of permanent barriers to travel.

h) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, because the site of the proposed project is located in a low-hazard area identified in the General Plan of the City of Lompoc.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Comments:

a-e) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not violate any water quality standards or waste discharge requirements; the project will not substantially deplete groundwater

supplies or interfere with groundwater recharge; the project will not substantially alter the existing drainage pattern of the site or area; the project will not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off.

f) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not otherwise substantially degrade water quality.

g-h) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

i-j) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not create a threat of inundation by seiche, tsunami, or mudflow. The subject site is located approximately 8 miles from the ocean, so tsunamis are very unlikely. The site is also not located near a water body or a significant slope or volcano, so mudflows and seiches are very unlikely.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comments:

a-c) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not physically divide an established community as it is located within the existing City limits; there is not a habitat conservation plan which applies to the site. Any potential impacts were analyzed in the EIR prepared for the project and certified in August 2004 by Council.

X MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments:

a-b) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state as the “Mineral Resources” Map in the Lompoc General Plan, adopted October 1997, does not identify the project area as being a locally important mineral resource recovery site.

XI. NOISE Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments:

a-b) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, nor will it expose persons to excessive groundborne noise levels.

c) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

d) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

e-f) The proposed Seabreeze Estates Northern project is not located within an airport land use plan or within the vicinity of a private air strip.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments

a) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure) nor will it displace any housing.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
b) Fire Protection?				X
c) Police protection?				X
d) Schools?				X
e) Parks?				X
f) Other public facilities?				X

Comments:

a-f) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire, Police, Schools, Parks, or other public services, because the site is currently within an urbanized area which is already adequately served by City services. The City has sufficient resources to provide required services.

XIV. RECREATION	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Comments

a-b) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. . Any potential impacts were analyzed in the EIR prepared for the project and certified in August 2004 by Council.

XV. TRANSPORTATION/CIRCULATION	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comments

a-g) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not cause an increase in traffic which is substantial, in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), level of service, change to design features, emergency access, parking capacity or alternative transportation beyond what was analyzed in the certified EIR. Any potential impacts were analyzed in the EIR prepared for the project and certified in August 2004 by Council. The applicant has reduced the number of residential units from 216 to 145, thereby lessening the impacts from vehicle trips.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments:

a-g) The proposed project will be in accordance with the Environmental Impact Report certified in August of 2004 (SCH No. 2002061109), and the proposed modifications will not exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board; new wastewater treatment facilities are required, the landfill continues to have sufficient capacity to service the use as analyzed in the EIR certified by Council in August 2004. The reduction in residential units will lessen the impacts on City services.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE Does the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DETERMINATION: On the basis of this initial evaluation:	
X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lucille T. Breese, AICP

Date