

RESOLUTION NO. 492 (06)

**A RESOLUTION OF THE CITY OF LOMPOC, RECOMMENDING THAT
THE CITY COUNCIL APPROVE PRELIMINARY/PRECISE DEVELOPMENT
PLAN (DR 05-39) FOR THE COASTAL MEADOWS PROJECT**

WHEREAS, a request was received from Carlos Yanez representing Coastal Vision, Inc., for consideration of DR 05-39 as the Preliminary/Precise Development Plan for the Coastal Meadows project. The project consists of forty (40) town home residences, a 467 square foot recreation/clubhouse building, swimming pool, and tot lot, including parking and landscaping (Assessor Parcel Number: 93-070-36); and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on June 12, 2006; and

WHEREAS, at the meeting of June 12, 2006, Carlos Yanez project applicant representing Coastal Vision, Mario Alarcon project engineer of Triad Holmes, and Mark Austin Environmental Consultant of Impact Sciences were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of June 12, 2006, Leroy Scolari, Jim Raggio, Fred Cross, Denny Anderson, Marno Goetsch, Alice Milligan, and Gloria Gaitan-Terrones spoke in favor of the project and Valerie George introduced letters of support from Benjamin F. Hernandez and Frank M. Signorelli ; and

WHEREAS, at the meeting of June 12, 2006, Richard Jenkins, Steve Hay, Deborah Fettig, expressed concerns with the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration (SCH No. 2006031092) for the project 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 finds that:

The *Planned Development (PD)* zoning designation allows either more or less restrictive requirements, regulations, limitations and restrictions including height and bulk limitations, arrangements and spacing of buildings and other improvements, and the Preliminary/Precise Development Plan (DR 05-39) proposed for the Coastal Meadows development is designed to meet the needs of the proposed residential use, therefore it can be found that:

- A. The site for the Coastal Meadows project is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, 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 Coastal Meadows 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 Coastal Meadows project will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.
- E. The Mitigation Measures attached as Exhibit B to this Resolution are included for conformance with the Mitigated Negative Declaration.

SECTION 2: The Initial Environmental Study and Mitigated Negative Declaration prepared for the project show that there is no substantial evidence that the proposed project may have a significant effect on the environment, therefore, it can be found that:

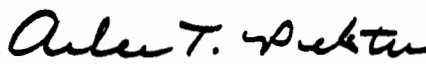
- F. The proposed Preliminary/Precise Development Plan does not have a significant effect on the environment; and
- G. Any effect of the proposed development upon fish and wildlife are de minimis and therefore no filing fee is required pursuant to Fish and Game Code Section 711.4 and Public Resources Code Section 21089.

SECTION 3: Based upon the foregoing, the Planning Commission recommends approval of the Preliminary/Precise Development Plan (DR 05-39), subject to the conditions attached as Exhibit A and Mitigation Measures attached as Exhibit B, which are incorporated by reference as if fully set forth herein.

The foregoing Resolution, on motion by Commissioner Grames-Lyra, seconded by Commissioner Ruhge, was adopted at the Planning Commission meeting of June 12, 2006 by the following vote:

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

NOES: Commissioner Harman



Arleen T. Pelster, AICP, Secretary



Jack Rodenhi, Chair

Attachment: Exhibit A – Conditions of Approval
Exhibit B – Mitigation Measures

**DRAFT CONDITIONS OF APPROVAL
LOM 557 – VESTING TENTATIVE SUBDIVISION MAP
1275 NORTH V STREET – APN: 93-070-36**

The following Conditions of Approval apply to the plans for LOM 557, prepared by Triad Holmes and Associates Engineering, received by the Planning Division on December 16, 2005, and reviewed by the Planning Commission on June 12, 2006.

I. PLANNING

Planning - General Conditions

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 8900, 8935, and 8936 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Section 0107 and 0128 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief to specifically enforce the Conditions of Approval. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

- P4. Approval of Tentative Subdivision Map (LOM 557) is contingent upon City Council approval of Zone Change (ZC 05-07) and Preliminary/Precise Development Plan (DR 05-39).
- P5. Planning Commission approval of LOM 557 is valid for twenty-four (24) months, prior to the expiration of the Map the applicant may request a twelve (12) month extension. LOM 557 shall expire on June 12, 2008 unless the applicant requests a time extension as outlined by City standards.

II. BUILDING AND FIRE SAFETY -- No General or Project Specific Conditions

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

IV. ENGINEERING

Engineering – General Conditions

- EN1. A Final Map shall be prepared in accordance with the Subdivision Map Act, Section 66426. Upon approval or conditional approval of the Tentative Map by the Planning Commission, a complete review by the Engineering Division of all plans and documentation required by the Subdivision Ordinance of the City of Lompoc shall be required before the acceptance of the Final Map by the City Engineer.
- EN2. The Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.
- EN3. In conformance with Chapter 27, Section 2824 of the Lompoc City Code, the Final Map shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System by Record Of Survey filed August 22, 2003, in Book 172, Pages 4 through 7, Santa Barbara County Records. The Final Map shall indicate and identify the control monuments utilized in the preparation thereof. The Final Map shall be delivered in a computer format readily compatible for transfer to the City Geographic Information System at the time of map approval. The following computer formats are acceptable for delivery: DGN (native Microstation); DWX (same as or less than Version 14); DXF.
- EN4. After the Final Map has been prepared and is ready for review, the Applicant's Engineer shall submit three (3) sets of prints to the Engineering Division for first plan check.

- EN5. Final Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist For Completeness of Subdivision Maps," available at the Engineering Division.
- EN6. Final Map shall show street centerline monuments set in standard street monument wells per City Standards.
- EN7. At the completion of plan review for the Final Map, and before the City Counsel will consider acceptance of the Final Map, the required plans, fees and documentation shall be submitted to the Engineering Division. The fees and documentation typically include, but are not be limited to, the following:
- A Title Report current within the last ninety days
 - Final Map original mylars signed and notarized by the owner, and signed and stamped by the engineer
 - Improvement Plan original mylars signed and stamped by the engineer
 - Three sets of signed Improvement Agreement
 - Final Map Application and the Plan Check fee
 - Improvement Security:
 - Faithful Performance Security
 - Labor and Materials Security
 - Monuments Security
 - Final Map and Improvement Plans delivered in a computer format readily compatible for transfer to the City Geographic Information System
 - Certificate of Insurance
 - Encroachment Permit and Fee
 - Proof "Tax bond" has been recorded with the County of Santa Barbara
 - Recording Fee
 - Map Duplicating Fee

V. ELECTRIC -- Project Specific Conditions

- EL1. Public Utility Easements shall dedicate on the Final Map for public electric facilities installed within the development.

VI. SOLID WASTE -- No General or Project Specific Conditions

VII. WATER -- Project Specific Conditions

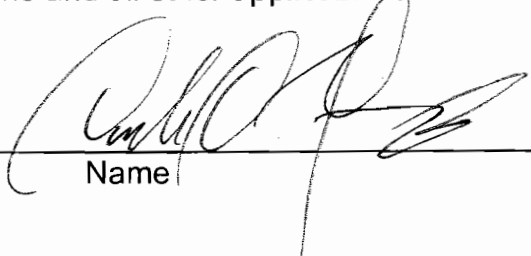
- W1. Public Utility Easements shall dedicate on the Final Map for public water facilities installed within the development.

VIII. WASTEWATER – Project Specific Conditions

W1. Public Utility Easements shall dedicate on the Parcel Map for public wastewater facilities installed within the development.

IX. AVIATION/TRANSPORTATION -- No General or Project Specific Conditions

I, Carlos Yanez of coastal Vision, as project applicant do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in its approval of the proposed Coastal Meadows Development. As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.


Name

7/6/06
Date