

CERTIFIED COPY

RESOLUTION NO. 5282 (05)

**A Resolution Of The Council Of The City Of Lompoc,
County of Santa Barbara, State of California,
Approving the Proposed Vesting Tentative Subdivision Map to
Subdivide a 26.22-Acre Parcel For Residential/Commercial Development
(Planning Division File No. LOM 533)**

WHEREAS, a request was received from Carlos Yanez representing Coastal Vision, Inc. for City of Lompoc consideration of a Vesting Tentative Subdivision Map for the River Terrace Development project as discussed in EIR 04-01 located on a 26.22 acre site adjacent to the Santa Ynez River in the southeastern portion of the City, immediately north of the intersection of East Laurel Avenue and Twelfth Street. The request is to subdivide the current site (Assessor Parcel Number: 99-141-21) into 146 lots available for resale; and

WHEREAS, the Planning Commission held a duly noticed public hearing for consideration of the Vesting Tentative Subdivision Map on July 25, 2005; and after considering the staff report, and hearing testimony from the applicant representative and members of the public, the Planning Commission adopted Resolution No. 429 (05) recommending that the City Council approve LOM 533; and

WHEREAS, a Final Environmental Impact Report (FEIR 04-01, SCH No. 2004061107) has been certified for this request in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on, August 16, 2005, the City Council has held public hearings to receive public input regarding the proposed Vesting Tentative Subdivision Map.

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

SECTION 1. Based upon the testimony and other evidence received at the public hearing, staff written and oral analysis and considering the recommendation made by the Planning Commission, the City Council finds:

- A. The General Plan designations for the site are: *Medium Density Residential* and *General Commercial*. The zoning is consistent with the General Plan: *Medium Density Residential, Planned Development (R-2, PD)* and *Planned Commercial Development (PCD)* and the staff analysis provides a basis for the recommendation; therefore, the design and improvements of the proposed subdivision, as conditioned, are consistent with the applicable General Plan designation and policies, the Zoning Ordinance design criteria, and the Subdivision Review Ordinance.

- B. The proposed parcels are of reasonable size to support the type of development proposed by the applicant; therefore, the site is physically suitable for the type and density of the development proposed.
- C. The proposed subdivision of land is in compliance with the City's policies and ordinances, as conditioned; therefore, the design of the proposed subdivision and improvements are not likely to cause environmental damage or substantially and unavoidable injure fish or wildlife or their habitat.
- D. The design of the proposed subdivision of land, as conditioned, and the type of improvements will not conflict with easements of record or established by judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision; therefore it can be found that the proposed conditions of approval are necessary to provide adequate access to the public.

SECTION 2. Based upon the foregoing, the City Council approves the Vesting Tentative Subdivision Map for the River Terrace Development project (LOM 533) as proposed, subject to the Conditions of Approval attached as Exhibit A which are incorporated by reference as if fully set forth herein.

SECTION 3. This Resolution shall take effect upon adoption.

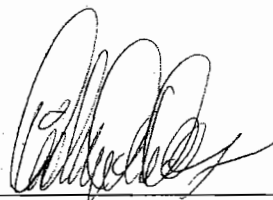
SECTION 4. Judicial review of this decision shall be governed by the time limits of Code of Civil Procedure Section 1094.6.

The above and foregoing Resolution was proposed by Councilmember Holmdahl, seconded by Councilmember Siminski, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting of August 16, 2005, by the following electronic vote:

AYES: Councilmember: DeWayne Holmdahl, Janice Keller, Will Schuyler, Michael Siminski, and Mayor Dick DeWees.

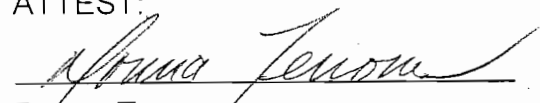
NOES: Councilmember: None

ABSENT: Councilmember: None



Dick DeWees, Mayor
City of Lompoc

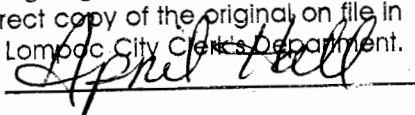
ATTEST:



Donna Terrones
City Clerk, City of Lompoc

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
LOM 533 – River Terrace Development
Vesting Tentative Subdivision Map**

These Conditions of Approval apply to the Vesting Tentative Subdivision Map prepared by Triad Holmes Associates, dated March 29, 2004, revised July 19, 2005, reviewed by the Planning Commission on July 25, 2005 and by the City Council on August 16, 2005.

I. PLANNING

Planning - General Conditions

- P1. All applicable provisions of the Lumpoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. Coastal Vision, 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 the application for a vesting tentative subdivision map may be deemed complete, prior to the effective date of Resolution No. 5136 (03).
- 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. 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.
- P5. Street names shall be reviewed and approved by the Community Development Director for consistency with City policy, prior to approval of the Final Map.

Planning – Project Specific Conditions

- P6. Approval of LOM 533 and DR 04-03 is contingent upon City Council approval of GP 04-01 and ZC 04-01

- II. **BUILDING AND FIRE SAFETY** -- No General or Project Specific Conditions
- III. **AVIATION/TRANSPORTATION** -- No General or Project Specific Conditions
- IV. **POLICE DEPARTMENT** -- No General or Project Specific Conditions
- V. **ENGINEERING**

Engineering – General Conditions

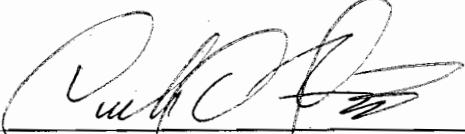
- EN1. A Final Map shall be prepared in accordance with the Subdivision Map Act, Section 66426.
- EN2. The Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.
- EN3. In conformance with Chapter 27, Section 2824 of the Lompoc City Code, the Final Map shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System, Record of Survey Book 142, Pages 82 and 83. 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 counter.

- 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 Council 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

- VI. **SOLID WASTE** (No General or Project Specific Conditions)
- VII. **ELECTRIC** (No General or Project Specific Conditions)
- VIII. **WATER** (No General or Project Specific Conditions)
- IV. **WASTEWATER** (No General or Project Specific Conditions)

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



Carlos Yanez, President
Coastal Vision

3/12/07

Date

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