

RESOLUTION NO. 6296(19)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Approving a Residential Air Space Condominium Vesting
Tentative Map (LOM 616) for the 24 Unit Castillo De Rosas Project**

WHEREAS, the City of Lompoc (City) received a request for a Residential Condominium project from Ted Price (Applicant) for City Council consideration to construct three buildings totaling approximately 22,000 square feet to accommodate 24 residential condominiums located at 109 South Third Street within the High Density Residential Planned Development zone (Project); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on November 13, 2019, for consideration of the Project; and

WHEREAS, after receiving testimony, considering the staff report, and due deliberation, the Planning Commission adopted Resolution No. 922(19) recommending the City Council approve Vesting Tentative Map LOM 616; and

WHEREAS, the City Council held a public hearing on December 17, 2019, in the time and manner prescribed by law, and has duly heard and considered the Planning Commission's recommendations.

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

SECTION 1. After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the City Council finds that the Project, as conditioned, meets the requirements of the Lompoc Municipal Code and is consistent with the applicable policies and development standards, as conditioned, therefore the City Council finds that:

- A. The Project is consistent with the applicable policies and development standards, as conditioned, set forth in Lompoc Municipal Code Chapter 16.36.
- B. The Project is consistent with the applicable General Plan objectives, policies, land uses and programs; therefore, the Project is consistent with the General Plan.
- C. The proposed site is of reasonable size to support existing and future development; therefore, the land is physically suitable for the type and density of development.
- D. The conditions stated in Exhibit A to this Resolution are necessary to protect the public health, safety, and welfare.
- E. The Project, as conditioned, is consistent with the applicable policies of State Density Bonus Law (Government Code Section 65915). The Project is entitled to the requested density bonus and a concession, waiving of development standards, pursuant to Government Code section 65915, because the Project provides for at least 10% of the total units for lower income households.
- F. The Project, as conditioned, is granted an increase in the percentage of coverage of land by buildings and structures and a reduction in the percentage of landscaping, because the Project is in in a P-D (Planned Development District) pursuant to LMC 17.032.060. The Project, as conditioned, is granted an increase in the percentage of coverage of land by buildings and structures and a reduction in the percentage of landscaping, because the Project is in in a P-D (Planned Development District) pursuant to LMC 17.032.060 and provides a community environment equal to, or better than, that resulting from traditional lot-by-lot land use development.

SECTION 2: The Project is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15332 (In-Fill Development Projects) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because (i) it is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designations and regulations, (ii) it occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (iii) the Project site has no value as habitat for endangered, rare, or threatened species, (iv) approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality, and (v) the site can be adequately served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this Project. Therefore, no environmental assessment is required or necessary.

SECTION 3: Based upon the foregoing, the City Council on December 17, 2019, approves the proposal under LOM 616, subject to the conditions attached as Exhibit A, which are incorporated by reference as if fully set forth herein.

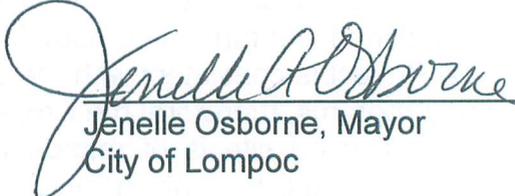
SECTION 4. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Council Member Vega, seconded by Council Member Starbuck, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on December 17, 2019, by the following vote:

AYES: Council Member(s): Victor Vega, Dirk Starbuck, Gilda Cordova, James Mosby, and Mayor Jenelle Osborne.

NOES: Council Member(s): None

ABSENT: Council Member(s): None


Jenelle Osborne, Mayor
City of Lompoc

ATTEST:


Stacey Haddon, City Clerk
City of Lompoc

Attachment: Exhibit A. Conditions of Approval



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 616**

**Castillo de Rosas 24 Residential Air Space Condominiums Vesting Tentative Map
109 South Third Street (APN: 085-150-047)**

The Conditions of Approval apply to a residential airspace condominium map (LOM 616), prepared by Ashley & Vance Engineering, Inc., received by the Planning Division and stamped September 17, 2019 and reviewed by the City Council on December 17, 2019.

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 17.140.010, 17.152.010, and 17.152.020 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 1.24.010 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and

(iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

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

- P4. The applicant shall notify the City of Lompoc Planning Division of a change of ownership for the property or a change of project representative within 30 days of such change at any time during the City process prior to final Certificate of Occupancy.
- P6. The map shall comply with Lompoc Municipal Code Chapter 16.36 (Residential Condominiums).

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

- P6. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for approval, prior to recordation.
 - a. The applicant shall create a Property Owner's Association (POA) for the maintenance of the common facilities, including but not limited to: common areas, private drives, and landscaping.
- P7. The Covenants, Conditions & Restrictions (CC&R's) shall be reviewed and approved as to form by the City Attorney prior to recordation. 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. The CC&R's shall be recorded prior to the issuance of building permits.
- P8. The CC&R's shall include the following restrictions:
 - a. 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. 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.

- b. 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.
- c. A restriction against parking or storing recreational vehicles, trailers, and other miscellaneous vehicles within the project.

Planning – Project Specific Conditions

P9. City Council approval of LOM 616 is valid for twenty-four (24) months, prior to the expiration of the Map the applicant may request a twelve (12) month extension. LOM 616 shall expire on November 13, 2021 unless the applicant requests a time extension as outlined by City standards.

P10. LOM 616 shall be recorded prior to Planning Division sign-off of the building permit.

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 Parcel Map shall be prepared in accordance with the Subdivision Map Act, Section 66426. Upon approval or conditional approval of the Tentative Map by the City Council, 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 Parcel Map by the City Engineer.

EN2. The Parcel Map shall be prepared by or under the direction of a licensed land surveyor.

EN3. In conformance with Chapter 16.16.010 of the Lompoc Municipal Code, the Parcel 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 Parcel Map shall indicate and identify the control monuments utilized in the

preparation thereof. The Parcel 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); DWG; DXF.

- EN4. After the Parcel 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 the first plan check.
- EN5. Parcel Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist For Completeness of Subdivision Maps." Development Assistance Brochures can be downloaded from the City Engineering web page:
<https://www.cityoflom poc.com/government/departments/public-works/engineering>
- EN6. Parcel Map shall show street centerline monuments set in standard street monument wells per City Standards.
- EN7. At the completion of plan review for the Parcel Map, and before the City Council will consider acceptance of the Parcel Map, the required plans, fees and documentation shall be submitted to the Engineering Division. The fees and documentation typically include, but are not limited to, the following:
- A Title Report current within the last ninety days.
 - Parcel Map original mylars signed and notarized by the Owner, and signed and stamped by the surveyor.
 - Parcel Map Application and the Plan Check fee. Project must pay any outstanding invoices for staff review time.
 - Monuments Security.
 - Parcel Map delivered in a computer format readily compatible for transfer to the City Geographic Information System.
 - Proof "Tax Bond" has been recorded with the County of Santa Barbara.
 - Recording Fee.

ENGINEERING – NO PROJECT SPECIFIC CONDITIONS

- EN8. Parcel Map shall show all existing easements and shall note them as 'to remain' or 'to be abandoned' as required.
- EN9. Applicant shall grant a public utility easement to the City of Lompoc for public underground electric lines and pad mount equipment installed on private

property.

EN10. Private streets shall have access, drainage and public utility easements as necessary.

V. SOLID WASTE

No General or Project Specific Conditions

VI. ELECTRIC

No General or Project Specific Conditions

VII. WATER

No General or Project Specific Conditions

VIII. WASTEWATER

No General or Project Specific Conditions

IX. STORMWATER

No General or Project Specific Conditions

I do hereby declare under penalty of perjury that I accept all conditions imposed by the City Council in their approval of the project. As the project applicant/owner, I agree to comply with these conditions and all other applicable laws and regulations at all times.



T.N. Price & Associates, Property Owner

JAN 31 2020

Date



Ted Price, Applicant

JAN 31, 2020

Date