

RESOLUTION NO. 5819 (13)

**A Resolution of The Council of the City of Lompoc, County of Santa Barbara, State of California, Conditionally Upholding the Planning Commission Determination Approving a Conditional Use Permit for the Lompoc Unified School District (LUSD) Compressed Natural Gas (CNG) Facility. An Appeal was Submitted by Michael McIntosh of the Planning Commission Determination of October 10, 2012 Adopting Resolution No. 736 (12) Approving CUP 12-07. The Project is Located on Central Avenue between A and D Streets
(Assessor Parcel Numbers: 87-011-17)
(Planning Division File No. CUP 12-07)**

WHEREAS, the Planning Commission held a duly noticed public hearing on October 10, 2012, for consideration of the Conditional Use Permit (CUP 12-07) for a Compressed Natural Gas (CNG) Fueling Facility available for use by private vehicles as well as Lompoc Unified School District vehicles on Central Avenue between A and D Streets; and

WHEREAS, after considering the staff report and hearing testimony from the applicant and the public, at the October 10, 2012, meeting, the Planning Commission adopted Resolution No. 736 (12) approving the Conditional Use Permit on a vote of 3-0-1-1 with Commissioner Hammons absent and Commissioner Fink not participating; and

WHEREAS, a timely appeal of the Planning Commission action was filed by Michael McIntosh for City Council review and consideration of the Planning Commission's October 10, 2012, action; and

WHEREAS, at a duly noticed public hearing on December 18, 2012, the City Council considered the staff report, heard testimony from the appellant, the applicant and members of the public, and received evidence and directed staff to return with a Resolution conditionally upholding the Planning Commission determination; and.

WHEREAS, on January 8, 2013, the City Council considered and adopted this Resolution.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AND DETERMINES AS FOLLOWS:

SECTION 1: Based on the staff report and the testimony and other evidence received at the public hearing, the City Council conditionally upholds the Planning Commission determination.

SECTION 2: After reviewing and considering the appeal, the staff report, supplemental correspondence, hearing testimony, and the evidence presented, and due deliberation

on the matters presented, the City Council finds the proposed project, as conditioned, meets the requirements of the Lompoc Municipal Code and is consistent with all applicable policies and development standards.

- A. The site for the proposed use 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. The City Council finds the addition of a security camera to the project site will insure the safe operation of the CNG fueling facility at the proposed location.
- B. The site of the proposed use relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use. The City Council finds the condition of approval added by the Planning Commission for a right turn only restriction during daytime hours will provide adequate protection to the public utilizing Central Avenue.
- C. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted use thereof. The proposed project provides alternative fueling options for the community and could encourage additional sales of vehicles utilizing these types of fuels thus providing an economic benefit to the community.
- D. All conditions of approval are deemed necessary to protect the public health, safety, and general welfare. No substantial evidence to the contrary was introduced.
- E. The approval of a Conditional Use Permit will allow the project to be monitored to assure compliance with Municipal Code noise regulations; should violations be reported, the CUP can be reviewed by the Planning Commission to mitigate negative conditions on the site.

SECTION 4: Based upon the foregoing, the Planning Commission determination is conditionally upheld and CUP 12-07 is approved as conditioned by the Planning Commission at its meeting of February 9, 2011, with an additional condition requiring security cameras installation to be verified by staff during plan check.

SECTION 5: Judicial review of this decision shall be governed by the time limit of Code of Civil Procedure Section 1094.6.

The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and duly passed and adopted by the City Council of the City of Lompoc at its regular meeting on January 8, 2013, by the following electronic vote:

AYE: Councilmember(s):

NO: Councilmember(s)

John H. Linn, Mayor
City of Lompoc

ATTEST:

Stacy Alvarez, City Clerk
City of Lompoc

Attachment: [Revised Conditions of Approval](#)