

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: JULY 11, 2012
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KEITH C. NEUBERT, PRINCIPAL PLANNER
RE: CONDITIONAL USE PERMIT – CUP 12-05

AGENDA ITEM NO. 1

A request by Robert Almanza, representing Victory Outreach Lompoc, for Planning Commission review and consideration of a Conditional Use Permit for operation of a church in an existing building. The project is located at 1641 West Central Avenue in the Industrial (I) Zoning District (Assessor Parcel Number 93-500-02). This action is exempt from the California Environmental Quality Act (CEQA).

SCOPE OF REVIEW:

The Planning Commission is being asked to consider:

- If the proposed church is a use compatible with surrounding uses and appropriate for the site with a Conditional Use Permit;
- If the Conditions of Approval are appropriate for the proposed project; and
- If the required Findings of Fact for CUP 12-05 can be made.

The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (Lompoc City Code Section 17.124.060).

PLANNING COMMISSION ACTION:

- 1) Adopt Resolution No. 727 (12) based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval; or
- 2) Provide alternate direction.

SITE DATA:

1. Property Owner..... Victory Outreach Lompoc
2. Business Address 1641 West Central Avenue
3. Assessor Parcel Number 93-500-02
4. Site Zoning..... Industrial (I)
5. General Plan Designation Industrial

6. Site Use Industrial Park
7. Surrounding Uses/Zoning North: Industrial / I
South: Residential / T
East: Industrial / I
West: Wastewater Plant / PF

BACKGROUND:

- 1992 The subject building was constructed.
- July 11, 2005 The Planning Commission adopted PC Resolution No. 422 (05) approving a Conditional Use Permit for Victory Outreach Lompoc to utilize the building as a church, subject to Conditions of Approval.
- 2005 Victory Outreach Lompoc occupied the structure at 1641 West Central Avenue.
- February 22, 2006 A Code Enforcement case was opened by the City based on the occupancy of the building without obtaining the proper building permits to change the occupancy of the building from Industrial to Assembly.
- July 11, 2006 Due to the lack of compliance with the Conditions of Approval within a one-year timeframe, the Conditional Use Permit (CUP 05-05) expired.
- 2006-2012 The City Planning and Building Divisions and City Attorney's Office worked with the church to obtain compliance.
- June 5, 2012 Building plans were submitted to the Building Division to change the occupancy of the building from Industrial to Assembly.
- June 5, 2012 An application for a Conditional Use Permit for a church in an existing building was deemed complete by the Planning Division.

As noted above, building plans were submitted to the Building Division to change the occupancy of the building from Industrial to Assembly. The church is working toward obtaining the necessary building permits. A Condition of Approval is included to ensure that building permits are obtained from the City of Lompoc for the change of use, all tenant improvements to the structure and all new construction within six (6) months of the Conditional Use Permit approval. If building permits are not obtained within six (6) months, a status report will be returned to the Planning Commission (COA P14).

CONFORMANCE WITH ADOPTED CITY POLICIES:

General Plan:

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

To provide areas for a wide range of industrial uses that involve outdoor activities.

With an approved Conditional Use Permit, the proposed project would be consistent with the General Plan designation and all applicable policies.

Zoning Ordinance:

The zoning for this site is *Industrial (I)*. Zoning Ordinance Section 17.064.060 Allowable Land Use and Permit Requirements states that a *church* is a permitted use in the *Industrial* District with a Conditional Use Permit from the Planning Commission.

The Conditional Use Permit process allows the Commission to evaluate each project individually and assure compatibility with existing uses. If the Commission issues a Conditional Use Permit it will have the ability to return the permit for review, and possible imposition of additional conditions, should there be complaints or negative impacts on the surrounding uses.

Site Plan:

The industrial complex consists of three buildings. The applicant is proposing to occupy the front portion of the center building. No external modifications to the building are proposed. The remainder of the building is occupied by an electrician, an automobile restoration shop and a scrap metal business. The building to the northwest is occupied by a cabinet shop and the building to the east is occupied by a tile company and a winery.

The landscaping in the planter areas along Central Avenue and adjacent to the building no longer exists. A Condition of Approval has been added requiring the landscaping in these areas to be refurbished and maintained (COA P17).

Parking –

A. Automobile Parking Spaces – On-site parking is shared among the three existing buildings and a reciprocal parking and access agreement was recorded in 2002.

Parking Spaces – churches are required to provide *1 space for each 5 permanently located seats or 1 space for each 35 sq. ft. of gross floor area in the assembly room or rooms per Section 8851 Schedule of Off-Street Parking Requirements* of the Zoning Ordinance.

Required Parking
300 seats / 5 = 60 spaces

Proposed Parking
147 spaces

Based upon the information provided on the plans and the conditions imposed upon the project, the use would be in conformance with the Lompoc City Zoning Ordinance.

Staff Review:

No Development Review Board (DRB) meeting was held for the project because the request is for a use in an existing building. The Building Division, Engineering Division, Fire Department and Police Department reviewed the project description and plans and provided draft Conditions of Approval.

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 DETERMINATION:

The project is categorically exempt from review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed pursuant to CEQA requirements following the Commission action.

NOTICING:

On June 29, 2012:

- 1) Notice of the Public Hearing was published in the Lompoc Record;
- 2) Notice of the Public Hearing was posted on the City Website;
- 3) Notices were mailed to property owners within 300 feet by US mail; and
- 4) The project site was posted by City staff.

APPEAL RIGHTS:

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

ATTACHMENTS:

- 1) [Draft Resolution No. 727 \(12\)](#) and [Conditions of Approval](#)
- 2) Site Plan/Floor Plan
(PC only with staff report, documents available for review in Planning Division)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Teresa Gallavan	Date	Lucille T. Breese, AICP	Date
Economic Development Director / Assistant City Administrator		Planning Manager	

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RESOLUTION NO. 727 (12)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE PERMIT TO OPERATE A CHURCH IN AN EXISTING BUILDING AT 1641 WEST CENTRAL AVENUE (CUP 12-05)

WHEREAS, a request was submitted by Robert Almanza, representing Victory Outreach Lompoc, for Planning Commission review and consideration of a Conditional Use Permit for operation of a church in an existing building. The project is located at 1641 West Central Avenue in the Industrial (I) Zoning District (Assessor Parcel Number 93-500-02); and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on July 11, 2012; and

WHEREAS, at the meeting of July 11, 2012, _____ was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of July 11, 2012, _____ spoke in favor of, and _____ spoke in opposition to, the proposal; and

WHEREAS, this project is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC 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 proposed church, as conditioned, meets the requirements of the Lompoc City Code and is consistent with the applicable policies and development standards, therefore it can be found that:

- A. The proposed use, as conditioned, is consistent with the applicable policies and development standards set forth in Lompoc City Code Chapter 17.064.
- B. The site for the proposed use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
- C. The site relates to streets and highways adequate in width and

pavement to carry the quantity and kind of traffic generated by the proposed use.

- D. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted uses thereof.
- E. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.

SECTION 2: Based upon the foregoing, CUP 12-05 is approved as proposed on July 11, 2012, 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 regular Planning Commission meeting of July 11, 2012 by the following vote:

AYES:

NOES:

Lucille T. Breese, AICP, Secretary

Nicholas Gonzales, Chair

Attachment: [Exhibit A – Conditions of Approval](#)

**CONDITIONS OF APPROVAL
CUP 12-05 – VICTORY OUTREACH CHURCH
1641 WEST CENTRAL AVENUE – APN: 93-500-02**

The following Conditions of Approval apply to the plans for CUP 12-05, received by the Planning Division and stamped on June 5, 2012, and reviewed by the Planning Commission on July 11, 2012.

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 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 actions(s), including reasonable attorney’s fees.
- P4. The 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.

- P5. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P6. Any revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised plan submitted for Building permits.
- P7. Prior to the installation of any signage or sign related construction the applicant shall obtain all appropriate permits.

Planning – Conditional Use Permit Conditions

- P8. The right to use an occupancy permit shall be contingent upon the fulfillment of any general and special conditions imposed by the conditional use permit procedure.
- P9. All of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors or assigns and a covenant to the effect may be required.
- P10. The applicant shall consent to all of the conditions in writing.
- P11. The resolution granting the application, together with all consent forms and a description of the property shall be recorded by the Recorder of the County of Santa Barbara prior to issuance of a certificate of occupancy.
- P12. This Conditional Use Permit may be reviewed and reconsidered by the Planning Commission at any time for the purpose of imposing new conditions to mitigate a nuisance or to revoke the permit to abate a nuisance.
- P13. The use permit granted is conditioned upon the rights or privileges acquired thereby being utilized within one year after the effective date of approval, and should the rights or privileges authorized hereby fail to be executed or utilized within said year, or when a building permit has not been issued within said year, or when some form of work is involved which has not actually commenced within said year, or if so commenced, is null and void; unless such permit has not been utilized or such construction work started or completed within such one year period by reason of delays caused by the City in approving plans, in which event the Community Development Director shall grant and record a commensurate extension. The Planning Commission may, at its discretion, and with the consent or upon request of the permittee, for any cause, grant a reasonable extension of time in addition to the one (1) year period hereinabove provided. Such a request for extension shall have been filed with the Secretary of the Planning Commission fifteen (15) days prior to the expiration of the one (1) year.

Planning – Project Specific Conditions

- P14. Building permits shall be obtained from the City of Lompoc for the change of use, all tenant improvements to the structure and all new construction within six (6) months of the Conditional Use Permit approval. If building permits are not obtained within six (6) months, a status report will be returned to the Planning Commission.

- P15. Bicycle racks to accommodate three (3) bicycles shall be provided on site in accordance with Section 17.112.035 of the Zoning Ordinance. The location and type of bicycle racks shall be reviewed and approved by the Planning Division prior to issuance of building permits.
- P16. The parking stalls shall be open and available for the parking of vehicles at all times. Parking stalls shall not be utilized for storage of materials.
- P17. The landscaping along Central Avenue and adjacent to the church building shall be refurbished and maintained.

II. BUILDING

Tenant Improvements

- B1. Stairs, ramps, decks, and platforms shall meet the strict guidelines in the most recent adopted Building Code.
- B2. Project shall comply with the most recent adopted City and State building codes.
- B3. Tenant Improvement Plans shall be submitted by a California licensed architect and/or engineer.
- B4. Approved fire-resistive assemblies shall be provided for each occupancy and/or exterior wall protection. Parapets may be required in accordance with the CBC and CFC.
- B5. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans. Property line setbacks are critical to determine the fire resistive capability of a building wall.
- B6. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B7. The Title Sheet for Tenant Improvement plans shall include:
 - a. Scope of work
 - b. Occupancy group
 - c. Description of use
 - d. Type of construction
 - e. Height of the building
 - f. Floor area of building(s)
- B8. California accessibility regulations shall be incorporated within the plans.
- B9. Fire sprinklers and alarm systems may be required per Building, Fire and / or City Codes, if not already provide.
- B10. Project shall comply with current City and State water conservation regulations.
- B11. Buildings shall comply with the State's Title-24 Energy Regulations. Title-24 energy forms shall be incorporated within the plans.

B12. Accessible parking and path of travel must be provided for the use of the building served and be appropriately positioned for the closest possible access to the buildings main entrances. Indicate path of travel from the public transportation right of way.

B13. Occupancy area separation walls maybe required dependent on adjoining mixed use groups.

III. FIRE – No General or Project Specific Conditions

IV. POLICE – No General or Project Specific Conditions

V. ENGINEERING

Engineering – Project Specific Conditions

EN1. All construction work within public right-of-way will require an Encroachment Permit from the Public Works Department, Engineering Division, prior to beginning.

VI. AVIATION/TRANSPORTATION – No General or Project Specific Conditions

VII. SOLID WASTE – No General or Project Specific Conditions

VIII. ELECTRIC – No General or Project Specific Conditions

IX. WATER – No General or Project Specific Conditions

X. WASTEWATER – No General or Project Specific Conditions

XI. WIRELESS BROADBAND UTILITY – No General or Project Specific Conditions

I, Robert Almanza, individually and on behalf of Victory Outreach Lompoc, do hereby declare under penalty of perjury that the applicant accepts all conditions imposed by the Planning Commission in their approval of the Conditional Use Permit and the applicant will comply with these conditions and all other applicable laws and regulations at all times.

Victory Outreach Lompoc

By: _____
Name

Date