

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: AUGUST 13, 2008
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KEITH C. NEUBERT, PRINCIPAL PLANNER
RE: OCEAN PLAZA PROJECT -
GENERAL PLAN AMENDMENT– GP 08-02
ZONE CHANGE – ZC 08-04
CONDITIONAL USE PERMIT – CUP 08-05
VESTING TENTATIVE PARCEL MAP – LOM 586-P

AGENDA ITEM NO. 2

A request from Michael Letzt of BJ Gunner Investments, LLC, project applicant, for Planning Commission consideration of the following:

- 1) GP 08-02 - A General Plan Amendment to amend the land use designation for the site from *General Commercial* to *Office Commercial*;
- 2) ZC 08-04 - A Zone Change to amend the City's Zoning Map designation from *Planned Commercial Development (PCD)* to *Commercial Office (CO)*;
- 3) CUP 08-05 - A Conditional Use Permit for eighty (80) senior apartment units, 13,079 square feet of commercial office space, and 4,251 square feet of commercial retail, and/or restaurant space; and
- 4) LOM 586-P - A Vesting Tentative Parcel Map requesting subdivision of an approximately 2.69 acre site to create six (6) commercial condominiums and one (1) residential condominium.

The Planning Commission will consider a recommendation to the City Council for a density bonus on the site to allow the number of senior housing residential units at 37% greater than the standard density allowed in a High Density Residential District.

The project is proposed on two (2) existing adjacent parcels totaling approximately 2.69 acres in size, located at 1420 East Ocean Avenue (Assessor Parcel Numbers: 85-150-17, 18).

SITE DATA:

1. Property Owners Bornino Family Trust
Hickok Family Trust
2. Site Location 1420 East Ocean Avenue
3. Assessor Parcel Numbers..... 85-150-17, -18
4. Site Zoning Existing – Planned Commercial Development (PCD)
Proposed – Commercial Office (CO)
5. General Plan Designation Existing – General Commercial
Proposed – Office Commercial
6. Site Use..... Vacant Lot
7. Surrounding Uses/Zoning..... North: Commercial/PCD
South: Residential/7-R-1
East: Commercial & Residential/PCD, CO, 7-R-1
West: Residential/R-3
8. Project Area Approximately 2.69 acres

BACKGROUND:

- | | |
|----------------|---|
| July 11, 1960 | Final building inspection completed for Lompoc Valley Bowl, a 24 lane bowling alley, restaurant, bar and banquet room. |
| March 12, 2008 | Planning Commission recommended City Council denial of a previous project consisting of eighty (80) senior apartment units, 12,550 square feet of commercial office space, and 4,170 square feet of commercial retail, and/or restaurant space. |
| March 20, 2008 | Applicant filed an appeal of the Planning Commission decision. |
| June 9, 2008 | Building permit issued for demolition of Ocean Lanes Bowling Alley. |
| June 30, 2008 | Applicant withdrew the appeal of the Planning Commission decision. |
| July 8, 2008 | Application received for Planning Commission review of the new submittal of the Ocean Plaza Project. |

A. GENERAL PLAN AMENDMENT – GP 08-02 & ZONE CHANGE – ZC 08-04

SCOPE OF REVIEW:

The Planning Commission is being asked to consider:

- If the proposed draft Mitigated Negative Declaration (MND) is adequate pursuant to the California Environmental Quality Act (CEQA);
- If the proposed General Plan Land Use Designation is compatible with surrounding land use designations and appropriate for the site;
- If the proposed Zoning Designation is compatible with surrounding land use designations and appropriate for the site; and
- If the required Findings of Fact can be made.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Certify the Mitigated Negative Declaration;
2. Recommend that the City Council certify the Mitigated Negative Declaration (MND) (the Planning Commission can recommend Certification of the Environmental Document without recommending approval of the project);
3. Adopt Resolution No. 614 (08) (Attachment 1A) recommending that the City Council approve General Plan Amendment GP 08-02 to change the land use designation of Assessor Parcel Numbers 85-150-17, -18 from *General Commercial* to *Office Commercial* as shown on Exhibit A of the Resolution;

or

Adopt Resolution No. 614 (08) (Attachment 1B) recommending that the City Council deny General Plan Amendment GP 08-02 to change the land use designation of Assessor Parcel Numbers 85-150-17, -18 from *General Commercial* to *Office Commercial* as shown on Exhibit A of the Resolution; and

4. Adopt Resolution No. 615 (08) (Attachment 2A) recommending that the City Council approve Zone Change ZC 08-04 for Assessor Parcel Numbers 85-150-17, -18 from *Planned Commercial Development (PCD)* to *Commercial Office (CO)* as shown on Exhibit A of the Resolution;

or

Adopt Resolution No. 615 (08) (Attachment 2B) recommending that the City Council deny Zone Change ZC 08-04 for Assessor Parcel Numbers 85-150-17, -18 from *Planned Commercial Development (PCD)* to *Commercial Office (CO)* as shown on Exhibit A of the Resolution.

CONFORMANCE WITH ADOPTED CITY POLICIES:

1. GP 08-02 – General Plan Amendment

Pursuant to Government Code Section 65358(b) the City is allowed to amend its General Plan four times per year. The request for a General Plan Amendment is to amend the land use designation for the site from *General Commercial* to *Office Commercial* on 2.69 acres. The adopted *Purpose* for the existing and proposed Land Use Designations, as listed in the City General Plan, are detailed in the following table:

Acreage	Existing Land Use Designation	Proposed Land Use Designation
2.69	<i>General Commercial</i> <i>Purpose:</i> To provide commercial areas for a wide variety of retail, office, and service-oriented enterprises which meet the needs of residents and visitors. To accommodate commercial uses which operate more effectively outside the other commercial areas of the community.	<i>Office Commercial</i> <i>Purpose:</i> To provide commercial areas for business, medical, and professional offices outside of the Old Town area which are easily integrated into adjacent residential areas. This category provides a buffer between residential areas and major roadways.

The site is surrounded by various land uses. Surrounding uses include:

- Commercial uses to the north;
- Commercial, residential and vacant land zoned *Commercial Office (CO)* to the east;
- Residential uses (including senior housing) to the south and west; and
- Future hospital to the northeast.

2. ZC 08-04 – Zone Change

The Planning Commission has the authority to recommend approval or denial of an amendment to the Zoning Ordinance (Regulations and Map) to the City Council (Government Code Section 65855, Lompoc City Code Section 8887). The request for a Zone Change is to amend the City's Zoning Map designation from *Planned Commercial Development (PCD)* to *Commercial Office (CO)* on 2.69 acres.

Section 8887 of the Zoning Ordinance requires that the Planning Commission hold a public hearing and make a recommendation to the City Council regarding a request for a zone change. The applicant is requesting a zone change from *Planned Commercial Development (PCD)* to *Commercial Office (CO)* for the project site (Assessor Parcel Numbers: 85-150-17, 18) in order to build the residential units. The proposed Zone Change is consistent with the proposed General Plan Land Use Designation of *Office Commercial*.

ANALYSIS OF GENERAL PLAN AMENDMENT & ZONE CHANGE

Changing the General Plan Land Use designation and zoning of this 2.69-acre parcel from *Planned Commercial Development (PCD)* to *Commercial Office (CO)* reduces the existing vacant PCD zoned property in the City to 19.66 acres. The current PCD zoning allows general retail, office, restaurant and service related uses and is the City's most flexible commercial zoning district. All uses listed in the CO Zone are allowed in the PCD zone, however, the opposite is not true. The proposed CO zone allows similar uses with a greater focus on office and service related uses. The CO zone also provides an opportunity to include a residential component with Planning Commission review of a Conditional Use Permit to impose development standards compatible with adjacent uses.

The City is not required to amend the General Plan or change the zoning of a parcel if it is not in the best interest of the community. Benefits to the community of the proposed General Plan Amendment and Zone Change may include:

- Adjacency to the same General Plan/Zone designation across Seventh Street to the east;
- A potential for additional residential uses as approved by the Planning Commission with a Conditional Use Permit; and/or
- A potential for a wide variety of office and service related uses in proximity to the hospital or other uses that are compatible with surrounding residential uses.

Detriments to the community of the proposed General Plan Amendment and Zone Change may include:

- A more restricted list of possible uses;
- Breaking up the continuity of the General Plan/Zone designation to the west and across Ocean Avenue to the north; and/or
- A potential for residential uses along Ocean Avenue in a predominately commercial area.

If the General Plan Amendment and Zone Change are approved and the associated project does not proceed, another comparable project could be proposed. Approval of the Zone Change (ZC 08-04) is contingent upon Council approval of the General Plan Amendment (GP 08-02).

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- **If the Planning Commission recommends City Council approval of the General Plan Amendment and Zone Change, then the Planning Commission proceeds with discussion of the request for the Conditional Use Permit, Density Bonus, and Vesting Tentative Parcel Map.**
 - **If the Planning Commission recommends City Council denial of the General Plan Amendment and Zone Change, then a recommendation for denial of all other actions is required since the proposed project would be inconsistent with the applicable policies and development standards of the existing General Plan and Zoning designations.**

**B. CONDITIONAL USE PERMIT – CUP 08-05, DENSITY BONUS & VESTING
TENTATIVE PARCEL MAP – LOM 586-P**

SCOPE OF REVIEW:

The Planning Commission is being asked to consider:

- If the use is compatible with surrounding uses and appropriate for the site with a Conditional Use Permit (CUP);
- If the project meets the property development standards for the Commercial Office (CO) zone;
- If the proposal is consistent with the Architectural Review Guidelines;
- If the Vesting Tentative Parcel Map meets the requirements of the Subdivision Ordinance;
- If the required Findings of Fact can be made; and
- If the Conditions of Approval are appropriate for the project.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 616 (08) (Attachment 3A) approving Conditional Use Permit CUP 08-05, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval;

or

Adopt Resolution No. 616 (08) (Attachment 3B) denying Conditional Use Permit CUP 08-05, based upon the Findings of Fact in the Resolution;

2. Adopt Resolution No. 617 (08) (Attachment 5A) recommending that the City Council approve a Density Bonus for the Ocean Plaza Project, based upon the Findings of Fact in the Resolution;

or

Adopt Resolution No. 617 (08) (Attachment 5B) recommending that the City Council deny a Density Bonus for the Ocean Plaza Project, based upon the Findings of Fact in the Resolution; and

3. Adopt Resolution No. 618 (08) (Attachment 4A) approving Vesting Tentative Parcel Map LOM 586-P, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval;

or

Adopt Resolution No. 618 (08) (Attachment 4B) denying Vesting Tentative Parcel Map LOM 586-P, based upon the Findings of Fact in the Resolution.

PROJECT DESCRIPTION:

The proposed project includes construction of affordable senior and handicapped residential units, commercial office space, and commercial retail and/or restaurant space. Two buildings are proposed on-site to be utilized as follows:

- A single-story commercial building including commercial retail and/or restaurant space, approximately 4,251 square feet in area, fronting on Ocean Avenue and Seventh Street.
- A three-story building, approximately 83,000 square feet in area, fronting on Cypress Avenue and Seventh Street. This building includes 80 affordable senior and handicapped residential units (70,289 square feet), commercial office space (13,079 square feet), and an on-grade parking garage (32,600 square feet) to provide parking for the residents, their guests, and a portion of the commercial office staff. Additionally, outdoor recreational areas for the residents will be provided on the ground floor and second floor podium of this building.

The residential portion of the three-story building would accommodate 80 affordable senior and handicapped residential units. Up to 20 percent of the units would be available for the handicapped and 80 percent or more would be available for seniors. The proposed unit mix consists of 67 one-bedroom units (555 square feet typical), 10 two-bedroom units (865 square feet typical) and three (3) studio units (465 square feet typical). These units will be located on the second and third floors of the proposed building. Each unit will have a full kitchen. The project will target senior and handicapped one- and two-person households with an annual income between \$11,130 and \$32,220. The project will include on-site management of the facilities and oversight of the residents.

The proposed commercial office space (13,079 square feet), located on the ground floor of the three-story building, will provide the community and the residents of this facility with compatible commercial services. The most likely commercial occupants of this space would be medical service providers and medical sales offices. The space can be divided into a number of suites with access from the interior courtyard.

The proposed central courtyard is comprised of two (2) areas: the ground floor courtyard will provide active and passive outdoor recreation amenities along with landscaping and hardscape. Abutting this courtyard to the east and south is a covered arcade. The arcade along the easterly edge of the courtyard will provide direct access to the medical offices and the residential facility above. The second level courtyard above a portion of the parking garage will serve primarily as a common space for the senior and handicapped residents. The second floor podium courtyard will be accessed from the ground floor courtyard, as well as multiple points along its perimeter.

The existing topography will be respected to the greatest degree possible. Retaining walls will be utilized at the southeast corner of the site at the location of the proposed parking garage. As one proceeds from the north to the south, there is an approximately 10' rise in elevation along South Seventh Street. It is anticipated that the second story of the building in this southeast location will be accessible from the existing sidewalk (i.e. at grade).

CONFORMANCE WITH ADOPTED CITY POLICIES:

1. CUP 08-05 – Conditional Use Permit

The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (LCC Section 8882 d). The applicant has requested a Conditional Use Permit because this allows the Planning Commission to evaluate the project with a mix of commercial and residential uses and place conditions of approval on the project that assure that the project will be compatible with existing uses in the vicinity.

Architectural Review Guidelines:

The main building fronting on Cypress Avenue and Seventh Street is three stories tall. The 80 affordable senior and handicapped residential units are proposed on the second and third stories above the at grade parking garage and commercial office space. The commercial building situated at the corner of Ocean Avenue and Seventh Street is a single-story building, which will accommodate the commercial retail and/or restaurant space.

The two buildings have the same style and were designed to share similar architectural elements. The architecture points to a craftsman style with exposed beams, columns, and knee bracing. The buildings have gable and hip roofs. Building pop-outs and recesses are provided along with balconies, awnings, ornamental stone, and chimney enhancements.

The exterior finish of the proposed buildings is cream colored stucco with ornamental cultured stone on some elevations. The roof material is a dark brown asphalt shingle. The building trim and window frames are white.

Proposed Elevations



North Elevation



South Elevation



East Elevation



West Elevation



Commercial Front Elevation



Commercial Side Elevations



Commercial Rear Elevation



Streetscape Along 7th Avenue

A color/material board will be available at the meeting for review.

The Architectural Review Guidelines state:

Page 5, Item 6

All proposed buildings or structures should be sensitive to the neighborhood character.

Page 6, Item 10

Multiple buildings on the same site shall be designed to create a strong visual relationship between the buildings with subtle variety in building size and mass.

Page 6, Item 13

All building elevations visible to the public shall be designed and architecturally treated. The choice of materials, colors, and the level of detailing shall be thoughtfully integrated into the design. All elevations need not look alike; however, a sense of overall architectural continuity is encouraged.

The building pop-outs and recesses, balconies, awnings, ornamental stone, and chimney enhancements provide depth to the buildings. The colors and materials enhance the character of the buildings. Architectural treatment is evenly distributed on each elevation.

The surrounding area is residential and commercial. This project provides an architectural style that is sensitive to the varied development that exists in the area. As proposed, the project is consistent with the City's Architectural Review Guidelines.

Redevelopment Agency:

The proposed project is located within the City of Lompoc Old Town Redevelopment Project Area, Amendment No. 2. Projects on sites over one acre in size and containing 10 or more residential units require Redevelopment Agency Board (RDA) review and approval. The project will be reviewed by the RDA following City Council review (PC Resolution No. 616 (08) COA P72).

Housing Element – Affordable Housing Requirements

The City has made a commitment to address its housing needs by implementing the policies of the Housing Element. One of the central goals identified in the Housing Element is the provision of a choice of housing opportunities for all economic segments of the community. This includes households unable to afford market-priced housing. Policy 1.11 of the Housing Element ensures that all residential projects address the need for affordable housing within the community and help satisfy the regional fair share housing allocation. This policy is provided below:

Policy 1.11 Residential development projects within the Old Town Redevelopment Project, No. 2 area shall provide 15% of new housing affordable to low- and moderate-income households with at least 40% of those units to be used by very low-income households.

The proposed project is located within the Old Town Redevelopment Project, Amendment No. 2 area, and at least fifteen (15) percent of all the units must be affordable. The proposed project consists of 80 senior and handicapped residential units and twelve (12) affordable units are required. The applicant must designate the affordable units on the site plan and record a covenant reviewed and approved by the RDA attorney prior to occupancy (PC Resolution 616 (08) COA P59).

Zoning Ordinance:

The proposed zoning for the site is *Commercial Office (CO)*. Section 7902 Uses Permitted Subject to Obtaining a Conditional Use Permit allows:

Multiple family uses, not less than two hundred (200) sq. ft. of open area per unit shall be provided on the site, which may include landscaped areas, walkways and recreational areas, but not structures or driveways or parking areas.

The proposal is for 80 dwelling units (80 x 200) and would need to provide a minimum 16,000 square feet of landscaping. The proposed landscaping is 26,346 square feet, which exceeds the 16,000 square feet required by the ordinance.

Density Bonus

City of Lompoc Zoning Ordinance Section 9000 Density Bonuses & Other Incentives for Affordable Housing was adopted in June 1997 and some sections have been superceded by current state law. Therefore, the revised *Section 65915* of the California Government Code was used to evaluate the proposed density bonus for the project.

The applicant is proposing dwelling units that target households that have between one- and two-persons with annual incomes between \$11,130 and \$32,220. These income levels are considered “low income” or below as defined by the California State Income Limits for 2007. When low income units or below are proposed, California Government Code allows for increased density if certain criteria are met. *Section 65915(b)(1) of the California Government Code* states, “A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (g).” According to *Section 65915(g)(1) of the California Government Code*, if 20% of dwelling units are designated as “low income,” the applicant is entitled to a density bonus of 35%.

The applicant proposes 100% of the dwelling units at the low income level or below and asks for a density bonus of 37%. The City may grant a density bonus greater than 35% as permitted by *Section 65915(n) of the California Government Code*. Due to the applicant's contribution of 100% low income housing and the ability to meet all applicable zoning and architectural requirements, it is recommended that the Planning Commission recommend City Council approval of a 37% density bonus. If the project were approved with a 35% density bonus, there would be a total of 79 units allowed.

In order to ensure that the low income housing remains for an extended period of time, *California Government Code Section 65915(c)(1)* requires, "continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program." A Condition of Approval is included requiring the developer to sign and record a Density Bonus Development Agreement prior to issuance of building permits for the project (PC Resolution No. 616 (08) COA P73).

Site Plan

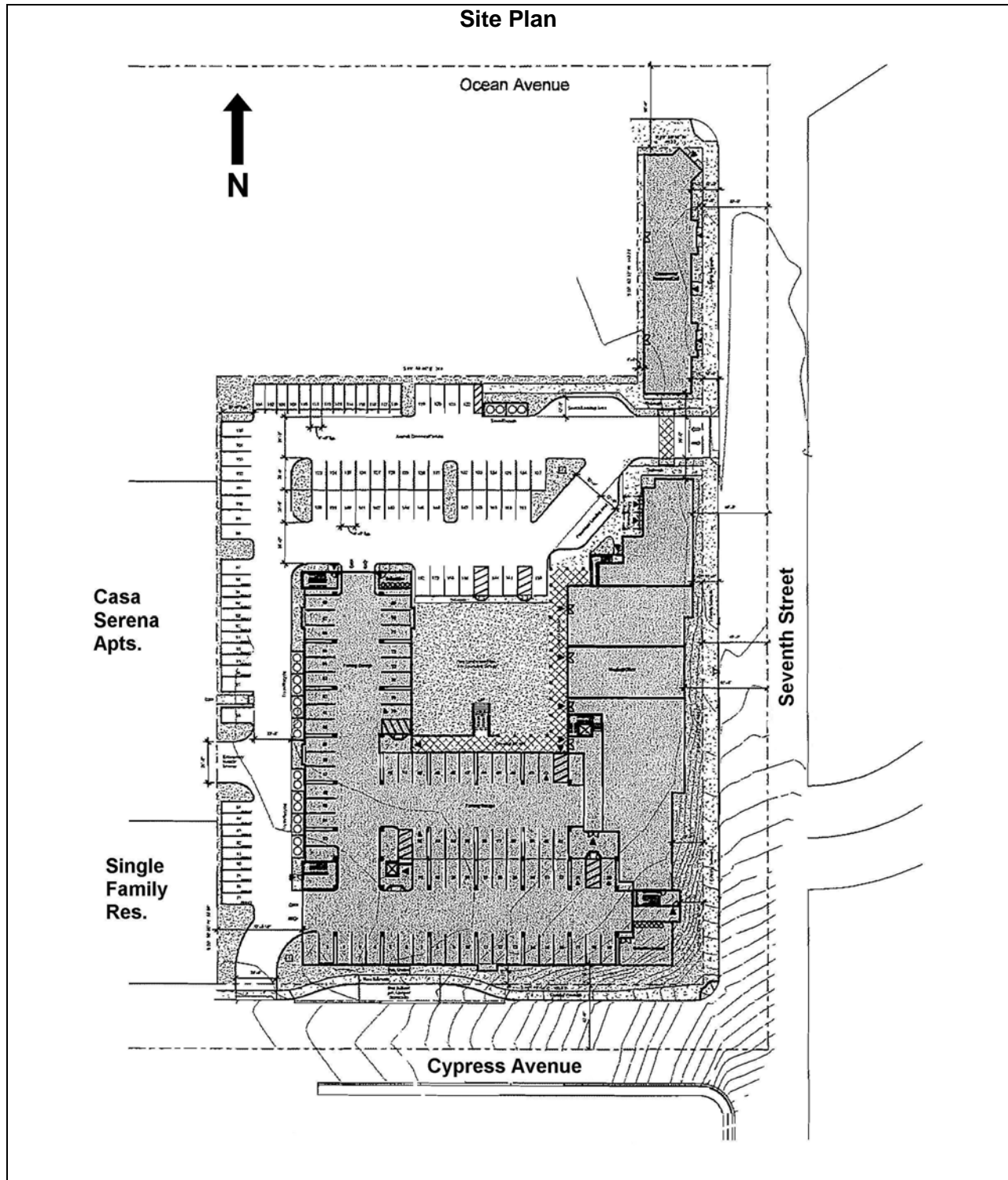
The site is approximately 2.69 acres located at 1420 East Ocean Avenue. Two buildings are proposed on the site. A single-story commercial building including commercial retail and/or restaurant space, approximately 4,251 square feet in area, fronts on Ocean Avenue and Seventh Street.

A three-story building, approximately 83,000 square feet in area, fronts on Cypress Avenue and Seventh Street. This building includes 80 affordable senior and handicapped residential units, 13,079 square feet of commercial office space, and an on-grade parking garage to provide parking for the residents, their guests, and a portion of the commercial office staff. Additionally, outdoor recreational areas for the residents will be provided in the courtyard on the ground floor and on the second floor podium of the building.

Vehicular access is provided off of Seventh Street and Cypress Avenue. A total of 158 parking spaces are provided on-site. There are 76 spaces located in the on-grade parking garage and 82 uncovered spaces located in between the proposed buildings. The existing driveway along Ocean Avenue will be removed and no vehicular access will be provided off of Ocean Avenue. A proposed bus stop is located along the south end of the site along Cypress Avenue.

The project is adjacent to the Casa Serena senior housing project to the west. A pedestrian access gate is shown on the site plan between the two projects. Direct access will allow the residents of the two projects to commingle.

Landscaping is an integral component of any project. Landscaping for the project is provided in the parking areas and around the buildings. The landscape plan will be reviewed by Planning Division staff and a Landscape Maintenance Agreement will be required for the project (PC Resolution No. 616 (08) COA P22 & P23).



There are no specific residential development standards noted in the CO zone. It is recommended that the Planning Commission review the development in conjunction with the development standards of the *High Density Residential Zoning District (R-3)*, though it is not necessary to meet the R-3 standards. Conditional Use Permits may be granted when projects, properly conditioned, will be compatible and harmonious with nearby uses.

<u>Category</u>	<u>Required/Maximum in the High Density Residential (R-3) Zone</u>	<u>Proposed Project in the Commercial Office (CO) Zone</u>
<u>Height</u>	35 feet	40 feet
<u>Lot Coverage</u>	60% Maximum - includes main & accessory buildings, parking, driveways, and covered patios	Structures (55,476 sq. ft. = 47%) Driveway/Parking (36,498 sq. ft. = 31%) TOTAL = 78%
<u>Front Yard Setback</u>	15 ft. from property line	0 to 4 ft. from Ocean Avenue property line to commercial retail building 0 to 7 ft. from Seventh Street property line to commercial retail building 6 to 19 ft. from Seventh Street property line to main building 8 ft. 6-½ in. to 11 ft. 10-½ in. from property line along Cypress Avenue to main building
<u>Side Yard Setback</u>	5 ft. from property line	4 ft. from western property line to commercial retail building 52 ft. 8-½ in. from western property line to main building
<u>Maximum Density</u>	2,000 sq. ft. of land area per dwelling unit	118,320 sq. ft. provided / 2,000 sq. ft. per dwelling unit = 58.6 units 58.6 units x 37% density bonus = 21.7 additional units Total units allowed = 80
<u>Minimum floor area of dwelling units</u>	<u>Studio units</u> 550 sq. ft. <u>1 bedroom units</u> 550 sq. ft. <u>2 bedroom units</u> 750 sq. ft.	<u>Studio units</u> 465 sq. ft. <u>1 bedroom units</u> 555 sq. ft. <u>2 bedroom units</u> 865 sq. ft.

As the proposed zoning for the project is *Commercial Office (CO)*, it is not necessary to meet the *R-3* standards, they are provided for comparison purposes only. Conditional Use Permits may be granted when projects, properly conditioned, will be compatible and harmonious with nearby uses. The proposed zoning for the project, *Commercial Office (CO)* allows for 100% site coverage less required parking, a 40-foot maximum height requirement, and does not have setback requirements.

Parking

The project will provide a total of 158 parking spaces (76 covered spaces and 82 uncovered spaces).

- A. Parking Spaces – Multi-Family Dwelling housing assistance projects expressly for the elderly and handicapped are required to provide .6 spaces per unit for both studio units and 1 bedroom units and 1 space per 2 bedroom unit. Commercial office and retail space are required to provide 1 space per 250 square feet of gross floor area. Restaurant space is required to provide 1 space per 60 square feet of public accommodation and 1 space per 250 square feet of remaining gross floor area as defined in Section 8851 Schedule of Off-Street Parking Requirements of the Zoning Ordinance. The parking breakdown for the project is as follows:

Required Residential Parking	Proposed
70 1-bedroom and studio units x <u>.6 spaces per unit</u> 42 spaces required 10 2-bedroom units x <u>1 space per unit</u> 10 spaces required 52 total residential spaces required	59 spaces
Required Commercial Parking	Proposed
2,378 sq. ft. public accommodation ÷ <u>1 space per 60 sq. ft.</u> 40 spaces required 1,873 sq. ft. gross floor area ÷ <u>1 space per 250 sq. ft.</u> 7 spaces required 13,079 sq. ft. gross floor area ÷ <u>1 space per 250 sq. ft.</u> 52 spaces required 99 total commercial spaces required	99 spaces
Parking Totals	
151 total spaces required	158 spaces provided (76 covered spaces + 82 uncovered spaces)

The project includes the removal of the Park and Ride facility that was established with an agreement between the property owner and the County of Santa Barbara in 1998. The agreement states that in the event that the property is sold, the agreement may be terminated by the new property owner upon ninety (90) days written notice to the County. A Condition of Approval is included requiring that proof be provided to the Engineering Division showing compliance with the County "License Agreement" for the Park and Ride facility on site prior to issuance of building permits (PC Resolution No. 616 (08) COA EN43).

- B. Loading Spaces – Multiple family dwellings containing 30 or more rental units and non-residential structures containing less than 25,000 square feet of gross floor area are required to provide one off-street loading space. The minimum size of the loading space is 12 feet wide, and a net area of not less than 360 square feet, exclusive of necessary area for maneuvering, ingress and egress per Section 8852 Off Street Loading Requirements of the Zoning Ordinance. A loading space is shown on the site plan.
- C. Parking Covenant - The proposed residential units are limited to the elderly and handicapped. If, at any time in the future, the units are converted to market rate units, the property owner must return to the Planning Commission for review of the conversion to assure that the number of dwelling units does not exceed that supported by the on-site parking. A Condition of Approval has been included to ensure that a covenant to this effect shall be recorded by the Recorder of the County of Santa Barbara prior to a Certificate of Occupancy for the residential units (PC Resolution No. 616 (08) COA P74).

Signage

The applicant is not requesting review of signage by the Planning Commission at this time. Section 8842.2 of the Zoning Ordinance requires a sign program for all business locations with more than three (3) businesses. A sign program for the commercial uses on the site shall be prepared and returned to the Commission for review and approval prior to issuance of a Certificate of Occupancy for any buildings. A Condition of Approval is included to ensure compliance with City Sign Regulations (PC Resolution 616 (08) COA P7).

Based upon the information provided on the plans and the Conditions of Approval imposed upon the project, the development will be in conformance with the Zoning Ordinance.

2. LOM 586-P – Vesting Tentative Parcel Map

The proposed Vesting Tentative Parcel Map would subdivide an approximately 2.69 acre site to create six (6) commercial condominiums and one (1) residential condominium.

The Planning Commission has the authority to approve, conditionally approve, or deny a Vesting Tentative Parcel Map (Lompoc City Code Section 2832). Once approved, the Vesting Tentative Parcel Map expires twenty-four months from the date of approval unless the applicant requests a time extension prior to the expiration (PC Resolution 618 (08) COA P4).

The applicant has requested a Vesting Map, which allows the developer to pay the development fees the jurisdiction has in place at the time the completed application is accepted. LOM 586-P was deemed complete on July 10, 2008.

Approval of Vesting Tentative Subdivision Map LOM 586-P is contingent upon City Council approval of General Plan Amendment (GP 08-02), Zone Change (ZC 08-04) and Redevelopment Agency (RDA) review and approval (PC Resolution No. 618 (08) COA P5).

STAFF REVIEW:

Project plans were circulated to Development Review Board (DRB) members on July 9, 2008. The following comments were received:

Engineering Division – stated that an encroachment permit from Caltrans is required and City approval of improvements plans is contingent upon Caltrans approval (PC Resolution No. 616 (08) COA EN35); the driveway entrance on Cypress shall be 25' wide minimum (PC Resolution No. 616 (08) COA EN36); driveway approaches shall be per City standards and revised to provide ADA approved path of travel (PC Resolution No. 616 (08) COA EN37); a Drainage/Hydrology Report shall be submitted to the Engineering Division with the first plan check submittal of the improvement plans (PC Resolution No. 616 (08) COA EN38); All runoff shall be routed to outlet into Cypress Avenue unless otherwise approved by the City Engineer (PC Resolution No. 616 (08) COA EN39); detention basins, if required, shall comply with all criteria listed in Engineering Bulletin #04-01 (PC Resolution No. 616 (08) COA EN40); all detention basins, if required, will be privately maintained (PC Resolution No. 616 (08) COA EN41); access ramps shall be retrofitted as necessary to comply with current standards (PC Resolution No. 616 (08) COA EN42); proof shall be provided showing compliance with the County "License Agreement" for the Park and Ride facility on site prior to issuance of the building permit (PC Resolution No. 616 (08) COA EN43); applicant shall grant a public electric easement to the City for public underground electric lines and pad mount equipment (PC Resolution No. 618 (08) COA EN8); and dedicate on the Parcel Map a public street easement between the back of walk and the northwesterly boundary (PC Resolution No. 618 (08) COA EN9).

Solid Waste – stated that a Solid Waste Management Plan shall be provided for the demolition and construction phases of this project (PC Resolution No. 616 (08) COA SW6).

Electric Division – stated that the applicant shall grant a public electric easement to the City for public underground electric lines and pad mount equipment (PC Resolution No. 616 (08) COA EL8).

Water Division – stated that a fire flow analysis/calculations shall be provided to ensure that the necessary fire flow is available from the existing piping system. Additional requirements are outlined depending on the outcome of the analysis/calculations (PC Resolution No. 616 (08) COA W10-W17).

Waste Water – stated a requirement to abandon and remove the existing sewer south and east of the existing manhole in the northwest corner of the property (PC Resolution No. 616 (08) COA WW14); provide a new private sewer lateral (6” minimum) that flows south to the existing 8” sewer main in Cypress Avenue (PC Resolution No. 616 (08) COA WW15); and if applicable, provide an appropriate medical waste trap for the medical facility (PC Resolution No. 616 (08) COA WW16).

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.

The DRB recommends approval of CUP 08-05 and LOM 586-P subject to the attached Conditions of Approval.

ENVIRONMENTAL REVIEW:

An Initial Environmental Study was prepared for the proposed project on July 18, 2008. A traffic study was completed by Rick Engineering Company on January 9, 2008 and is available for review. Traffic impacts are discussed briefly in the Transportation/Circulation section beginning on page 20 of the Initial Environmental Study. The public review period for comments began on July 18, 2008 and ended on August 8, 2008.

Pursuant to the provisions of the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared. Mitigation Measures were imposed and will be monitored by City staff. It is recommended that the Commission review the document and certify the Mitigated Negative Declaration for the proposal. A Notice of Determination will be filed following the Planning Commission action.

NOTICING:

On July 18, 2008:

- 1) A Notice of the Public Hearing was published in the Lompoc Record; and
- 2) Notices were mailed to property owners within 300 feet by US mail.

On August 1, 2008:

- 1) The project site was posted by City staff.

APPEAL RIGHTS:

Any person has the right to appeal the Planning Commission actions for the Conditional Use Permit and Vesting Tentative Parcel Map to the City Council within ten days of the action. Planning Commission recommendations regarding the General Plan, Zone Change and Density Bonus may not be appealed, as the recommendations will be heard by the City Council. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

ATTACHMENTS:

- 1) [Draft Resolution No. 614 \(08\) - GP 08-02](#)
- 2) [Draft Resolution No. 615 \(08\) - ZC 08-04](#)
- 3) [Draft Resolution No. 616 \(08\) and Conditions of Approval - CUP 08-05](#)
- 4) [Draft Resolution No. 617 \(08\) - Density Bonus](#)
- 5) [Draft Resolution No. 618 \(08\) and Conditions of Approval - LOM 586-P](#)
- 6) [Initial Study and Mitigated Negative Declaration](#)
- 7) Site Plan, Elevations, and Map
(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			
Arleen T. Pelster, AICP Community Development Director	Date	Lucille T. Breese, AICP Planning Manager	Date

RESOLUTION NO. 614 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT (GP 08-02) FOR THE OCEAN PLAZA PROJECT

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a proposal to amend the City's General Plan Land Use Designation for the Ocean Plaza project located at 1420 East Ocean Avenue. The request is to amend the land use designation for the site from *Planned Commercial Development* to *Office Commercial* (Assessor Parcel Numbers: 85-150-17, 18); and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: The proposed General Plan Land Use Designation amendment for the subject site is *Office Commercial*, which provides a designation that reflects the proposed development in the vicinity; therefore it can be found that:

- A. The proposed General Plan amendment designates land uses compatible with the existing adjacent land uses.

The proposed General Plan Land Use Designation amendment will provide a designation compatible with the existing adjacent land uses; therefore, it can be found that:

- B. The proposed modification is required for the public necessity, convenience, and general welfare.

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:

- C. The proposed General Plan Land Use Designation amendment does not have a significant effect on the environment.

SECTION 3: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve GP 08-02 to change the General Plan Land Use designation to *Office Commercial* as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

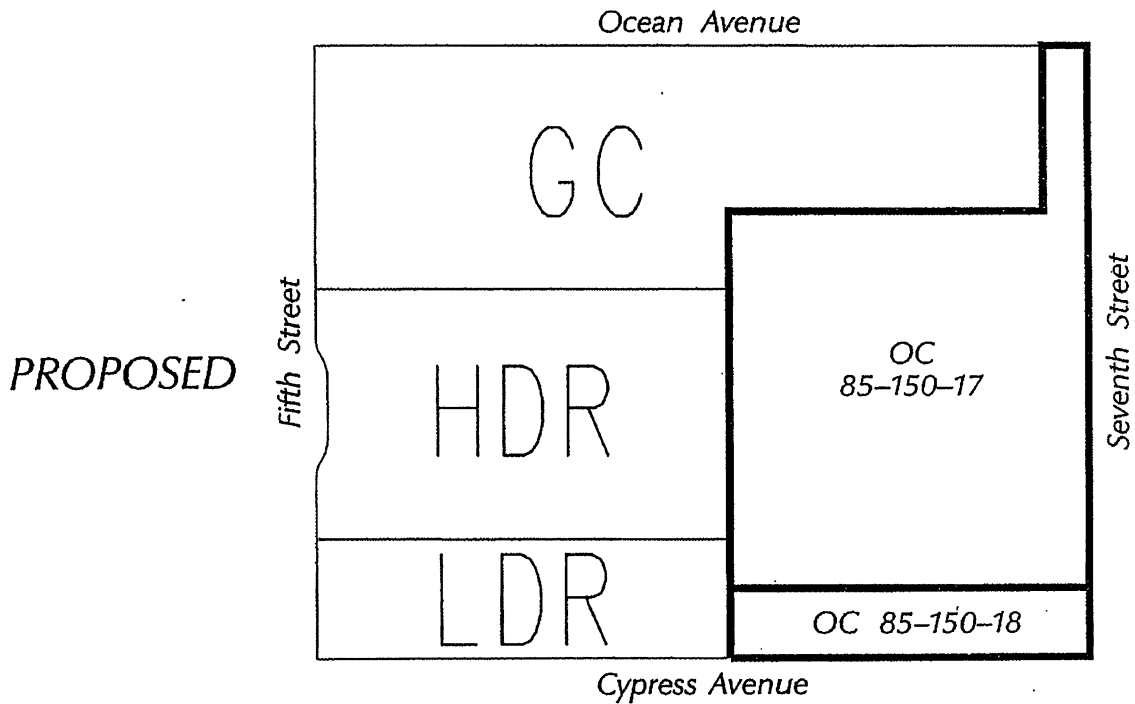
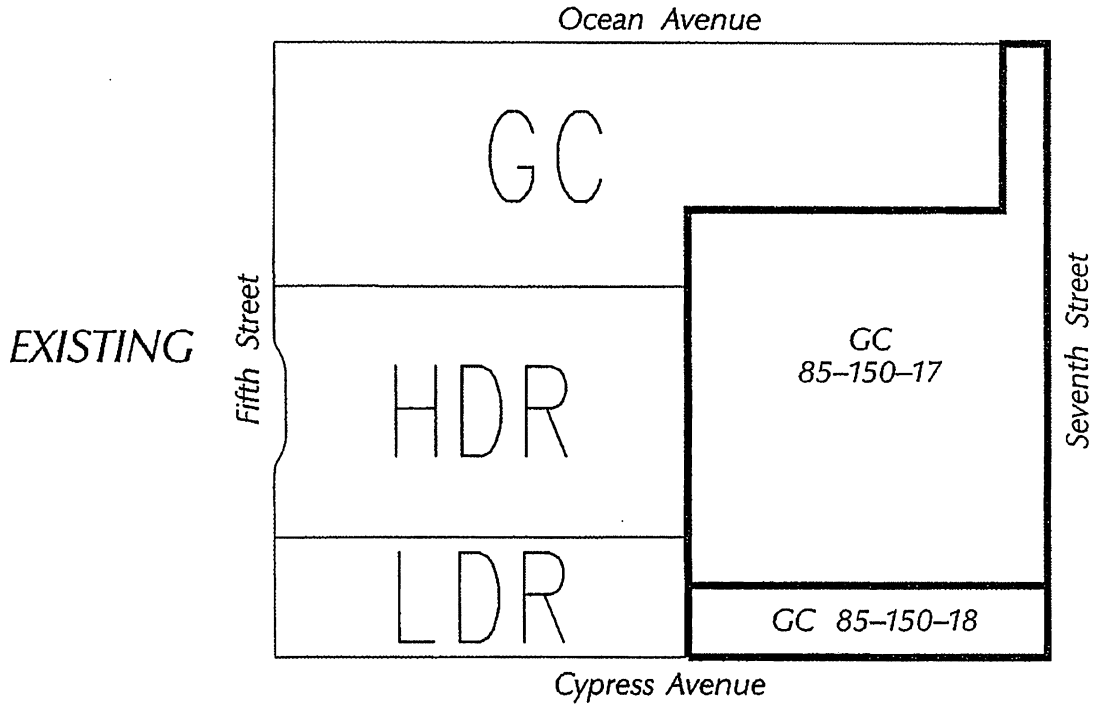
Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Map

EXHIBIT A

GENERAL PLAN AMENDMENT



GC: General Commercial
 HDR: High Density Residential
 LDR: Low Density Residential
 OC: Office Commercial

GP 08-02



SCALE: 1" = 150'

RESOLUTION NO. 614 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL DENY GENERAL PLAN AMENDMENT (GP 08-02) FOR THE OCEAN PLAZA PROJECT

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a proposal to amend the City's General Plan Land Use Designation for the Ocean Plaza project located at 1420 East Ocean Avenue. The request is to amend the land use designation for the site from *General Commercial* to *Office Commercial* (Assessor Parcel Numbers: 85-150-17, 18); and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____ was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: Based upon the material presented and the testimony given at the hearing, the Planning Commission finds

AS DIRECTED BY PLANNING COMMISSION DISCUSSION

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council deny GP 08-02 to change the General Plan Land Use designation from *General Commercial* to *Office Commercial* as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 615 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE (ZC 08-04) FOR THE OCEAN PLAZA PROJECT

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a proposal to amend the City's Zoning Map for the Ocean Plaza project located at 1420 East Ocean Avenue (Assessor Parcel Numbers: 85-150-17 & 18). The request is to amend the City's Zoning Map designation from *Planned Commercial Development (PCD)* to *Commercial Office (CO)*; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1: The General Plan Land Use designation recommended in Resolution No. 614 (08) for the subject site is *Office Commercial*, which is consistent with the proposed *Commercial Office (CO)* zoning designation; therefore, it can be found that:

- A. The proposed zoning is consistent with the General Plan Land Use Designation.

The site is adjacent to streets, which contain necessary infrastructure to support the proposed use of the property; therefore, it can be found that:

- B. The area is afforded the services and facilities appropriate for the proposed zoning.

The proposed Zone Change will provide a designation compatible with the existing adjacent land uses; therefore, it can be found that:

- C. The proposed modification is required for the public necessity, convenience, and general welfare.

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:

- D. The proposed Zone Change does not have a significant effect on the environment.

SECTION 3: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve ZC 08-04 to change the zoning to *Commercial Office (CO)* as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

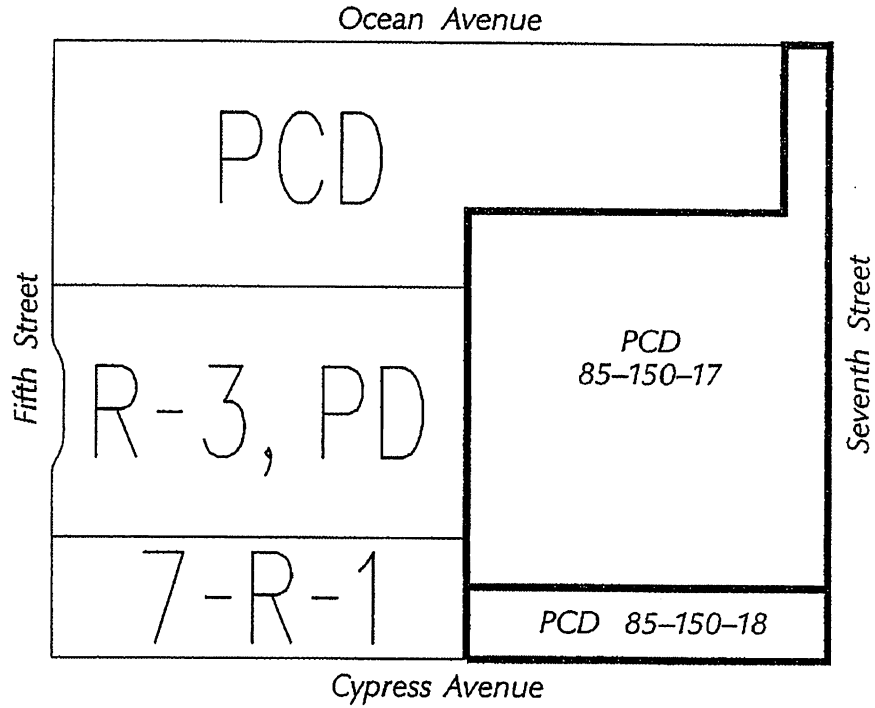
Jack Rodenhi, Chair

Attachment: Exhibit A – Map

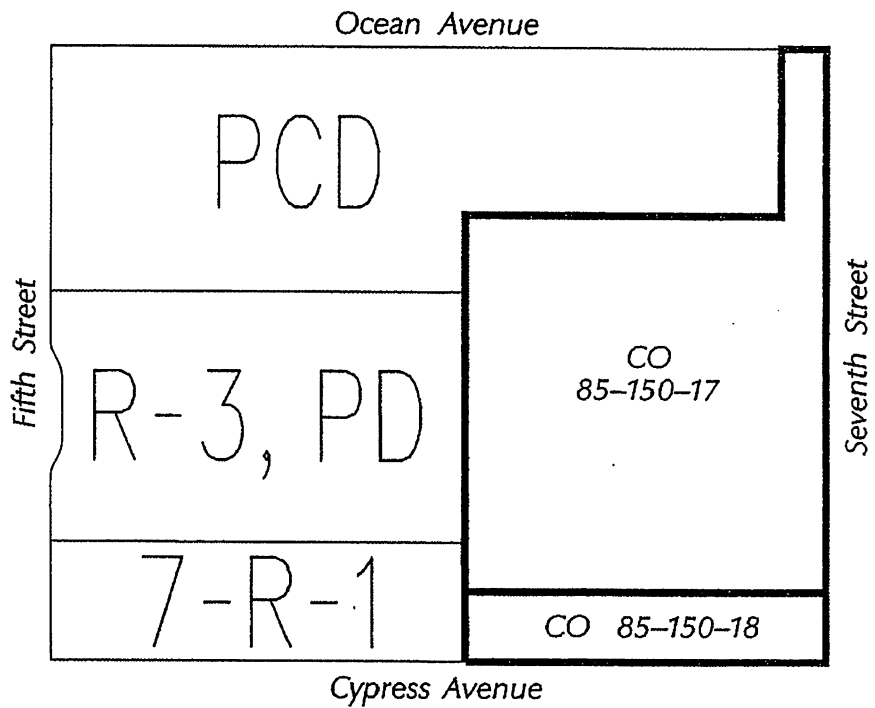
ZONE CHANGE

EXHIBIT A

EXISTING



PROPOSED



- 7-R-1: Single Family Residential
- CO: Commercial Office
- PCD: Planned Commercial Development
- R-3, PD: High Density Residential, Planned Development

ZC 08-04



SCALE: 1" = 150'

RESOLUTION NO. 615 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL DENY ZONE CHANGE (ZC 08-04) FOR THE OCEAN PLAZA PROJECT

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a proposal to amend the City's Zoning Map for the Ocean Plaza project located at 1420 East Ocean Avenue (Assessor Parcel Numbers: 85-150-17 & 18). The request is to amend the City's Zoning Map designation from *Planned Commercial Development (PCD)* to *Commercial Office (CO)*; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration for the project as required by the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1: The Planning Commission has recommended that the General Plan Land Use designation recommended in Resolution No. 614 (08) for the subject site remain General Commercial, therefore the Zoning Designation should remain *Planned Commercial Development (PCD)* to maintain the required consistency.

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council deny ZC 08-04 to change the zoning to *Commercial Office (CO)* as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 616 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE PERMIT FOR 80 AFFORDABLE SENIOR AND HANDICAPPED APARTMENT UNITS, 13,079 SQUARE FEET OF COMMERCIAL OFFICE SPACE AND 4,251 SQUARE FEET OF COMMERCIAL, RETAIL AND/OR RESTAURANT SPACE AT 1420 EAST OCEAN AVENUE (CUP 08-05)

WHEREAS, a request was submitted by Michael Letzt of BJ Gunner Investments, LLC, for Planning Commission consideration of a proposal for a Conditional Use Permit for 80 affordable senior and handicapped apartment units, 13,079 square feet of commercial office space and 4,251 square feet of commercial, retail and/or restaurant space. The site is located at 1420 East Ocean Avenue (Assessor Parcel Numbers: 85-150-17 & 18); and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration 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 proposed project, 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:

Section 8880 Intent and Purpose of a Conditional Use Permit allows deviations from the Zoning Ordinance guidelines and a Conditional Use Permit (CUP 08-05) has been requested for the proposed Ocean Plaza project, therefore it can be found that:

- A. The proposed Ocean Plaza Project is located within the Commercial Office Zoning District and the design of the project is attractive and functional.

- B. The site for the Ocean Plaza project 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.
- C. Affordable senior and handicapped housing is a benefit to the community and the minimum square footage of the studio units (465 square feet) is deemed adequate and necessary.
- D. Development standards pertaining to setbacks, lot coverage and height of the residential portion of the project have been evaluated and are consistent with standards established in the *Commercial Office (CO)* Zoning District.
- E. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- F. The location of the Ocean Plaza project to streets and highways is adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
- G. The Ocean Plaza project will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.
- H. The Mitigation Measures attached as Exhibit B to this Resolution are included for conformance with the Mitigated Negative Declaration.

SECTION 2. Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Mitigated Negative Declaration which have been prepared for the proposal show no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:

- I. The proposed project, as conditioned, does not have a significant effect on the environment.

SECTION 3. The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve the density bonus as requested in CUP 08-05, pursuant to Section 9006 of the City of Lompoc Zoning Ordinance per Planning Commission Resolution No. 616 (08). Approval of CUP 08-05 shall be made contingent upon City Council approval of the density bonus.

SECTION 4 Based upon the foregoing, CUP 08-05 is approved as proposed on August 13, 2008, 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 August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

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

**CONDITIONS OF APPROVAL
CUP 08-05 – OCEAN PLAZA
1420 EAST OCEAN AVENUE – APN: 85-150-17, 18**

The following Conditions of Approval apply to the plans, prepared by Peikert Group Architects, received by the Planning Division and stamped on July 8, 2008 and reviewed by the Planning Commission on August 13, 2008.

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. 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.
- P4. 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.
- P5. All revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division prior to submittal of construction drawings.
- P6. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Community Development Director and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable.
- P7. Prior to the installation of any signage or sign related construction the applicant

shall obtain all appropriate permits. Approval of these plans with signage indicated does not imply approval of signage. A Sign Program must be approved by the Planning Commission prior to issuance of a Certificate of Occupancy.

- P8. 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.

Planning - Architectural Conditions

- P9. The Architectural Review approval granted by the Planning Commission is valid for one year from date of approval and will expire on August 13, 2009. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.
- P10. All facades which extend above the roof line shall be finished on all elevations exposed to public view.
- P11. All mechanical, ventilation, and utility equipment shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the major structures on the site and with the neighborhood.
- P12. Downspouts shall drain to landscaped areas where feasible. Water draining

from downspouts that drain to paved areas shall be filtered for sediment, trash, oil and grease, prior to discharge into City streets, storm drains or waterways. Protective bollards shall be installed near all downspouts adjacent to traffic.

- P13. Foam material shall not be used for architectural features from the ground level to six (6) feet above ground level. Foam material may be used on portions of the building which are a minimum of six feet above ground level.
- P14. The use of trellis shall be limited to ornamental plants only. The trellis shall not be used to display banners or signs of any kind.

Planning - Site Plan Conditions

- P15. No outside vending machines, except fully enclosed newspaper racks, shall be allowed on site. All newspaper racks shall be pedestal-mounted.
- P16. One copy of the lighting plan shall be submitted to the Engineering Division with the grading/improvement plans. A separate copy shall be submitted to the Building Division with the building plans. The lighting plan shall be reviewed and approved by the Engineering and Planning Divisions prior to issuance of any permits for the project. The plan shall incorporate the following:
- a. Details for external light fixtures both on and off the building(s), all lighting within private streets (including conduit and wiring), external illuminated signage, and any light fixtures at ground level. All lighting shall be shielded to prevent glare and minimize light intrusion to adjacent properties.
 - b. The lighting shall be controlled by a timer. Within one hour after closing, lighting in the parking areas adjacent to the commercial buildings shall be reduced to a minimal level of lighting necessary for safety and security; and the illumination of signs and landscaping adjacent to the commercial buildings shall be curtailed.
 - c. A photometrics plan shall be provided with the lighting plan in the building plan set for Planning Division approval.

Planning - Stormwater Conditions

- P17. All storm water flowing from paved surfaces shall be filtered for sediment, trash, oil, and grease, prior to discharge into City streets, storm drains or waterways. Filter(s) location(s) and type(s) shall be shown/detailed on grading and drainage plans.
- P18. On construction sites which are over 1-acre in size, an NPDES Phase II (National

Pollution Discharge Elimination System) construction permit shall be obtained through the Regional Water Quality Control Board (RWQCB). A copy of the Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP), shall be submitted to the Planning Division for approval, prior to issuance of the grading permit.

- P19. Grading and drainage plans, showing filter(s) location and type, the storm water pollution prevention plan, and associated maps, shall be reviewed by the City Planning and Engineering Divisions, prior to issuance of grading permits.
- P20. Filters shall be adequately maintained and replaced. Filters shall be cleaned out at least twice a year, before and after the storm season. Filters shall be cleaned out and replaced, if necessary, at any time they are not functioning correctly and water is ponding as a result.
- P21. The CC&R's shall include provisions for adequate maintenance and replacement of filters.

Planning - Landscaping General Conditions

- P22. One set of the landscape and irrigation plans, shall be submitted to the Engineering Division with the grading plans. A separate submittal of two sets of the landscape and irrigation plans shall be made to the Planning Division simultaneously. The landscape and irrigation plans shall be reviewed and approved by the Planning Division prior to issuance of grading or encroachment permits. After the final review and approval of these Plans, mylar copies shall be submitted to the Engineering Division with the grading and/or improvement plans.

These landscape and irrigation plans shall be prepared by a licensed landscape architect or other qualified professional project designer as designated by City staff; shall have overall dimensions of 24" x 36"; shall show all existing and proposed public utilities within the project limits; and shall have the following approval blocks:

- 1) City Engineer;
- 2) Community Development Director – private property landscaping; and
- 3) Urban Forestry Manager – right-of-way landscaping.

- P23. A Landscape Maintenance Agreement, in a form satisfactory to the City Attorney, shall be recorded prior to issuance of building permits for the project.
- P24. The project must conform with the Urban Forestry Administrative Guidelines.
- P25. The final landscaping Conditions of Approval shall be printed on the landscape plans filed with the City.

Planning - Landscaping Irrigation Conditions

- P26. The project must conform with sections 3331.1 - 3331.6 of the Lompoc City Code Water Efficient Landscape Standards.
- P27. All irrigation must be low-water use, per manufacturer's specifications. A copy of the specifications must be provided to the Planning Division before installation. Installation must include check valves as needed to prevent runoff.
- P28. All irrigation under paving must be Schedule 80 PVC or greater with tracer wires and sleeves.

Planning - Landscaping Tree Conditions

- P29. The number and size of trees installed on the site shall meet the tree density requirements, as set forth in Chapter 31 of the City Code. The density will be approved or denied during Plan Check.
- P30. All trees must be planted at least ten feet away from public utilities, to include but not limited to water, sewer, electric, storm drain, cable, telephone, etc.
- P31. All trees must be installed with support staking. All nursery stakes must be removed from trees.
- P32. All trees and plant material selection shall be made with the concurrence of the Planning Division.

Planning - Landscaping Installation Conditions

- P33. Installation of all irrigation and landscaping shall be performed by a licensed landscape contractor. Open trench inspection of the irrigation installation is subject to approval of City officials.
- P34. A layer of bark two to four inches deep must be applied in all landscape areas. A sample of the bark shall be submitted to the Planning Division for review and approval prior to the issuance of building permits.
- P35. All plant material is subject to inspection by the Planning Division and must be guaranteed for two years from the date of final inspection.
- P36. Prior to the final inspection by the Planning Division, a Certificate of Substantial Compliance shall be completed and submitted to the Planning Division.
- P37. All landscaping shall be installed and accepted by the City prior to issuance of a certificate of occupancy for the residential building.

Planning - Air Quality Conditions

P38. Dust (PM₁₀) - a dust abatement program shall be prepared by the applicant and submitted with the grading/improvement plans. The program shall be reviewed and approved by the City Engineer, Senior Environmental Coordinator, and City Planner prior to issuance of grading permits. The dust abatement program shall include, but is not limited to, the following dust control measures:

- a. Sprinkle all construction areas with water (recycled when possible) at least twice a day, during excavation and other ground-preparing operations, to reduce fugitive dust emissions.
- b. Construction sites shall be watered and all equipment cleaned in the morning and evening to reduce particulate and dust emissions.
- c. Cover stockpiles of sand, soil, and similar materials, or surround them with windbreaks.
- d. Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces or have adequate freeboard to prevent spillage.
- e. Post signs that limit vehicle speeds on unpaved roads and over disturbed soils to 10 miles per hour during construction.
- f. Soil binders shall be spread on construction sites, on unpaved roads, and on parking areas; ground cover shall be re-established through seeding and watering.
- g. Sweep up dirt and debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over those surfaces.
- h. Require the construction contractor to designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
- i. The name and 24/7 contact information for the person responsible for dust control shall be provided to the City prior to issuance of grading permits.
- j. If dust is not controlled on the site, the City shall shut down work on the project until the applicant can provide adequate dust control.
- k. Streets and alleys surrounding the project shall be kept clean and free of dirt.

P39. Ozone (O₃) Precursors: (NO_x and ROC)

- a. All construction equipment engines and emission systems shall be maintained in proper operating order, in accordance with manufacturers' specifications, to reduce ozone precursor emissions from stationary and mobile construction equipment.
- b. If feasible, electricity from power poles or ground lines shall be used in place of temporary diesel- or gasoline-powered generators.

P40. Conditions for Long-term and Operational Impacts:

- a. Residential Projects
 - 1. All residential construction or remodel projects of five or more residential units shall reduce long-term and operation emission of CO, NO_x, and ROC from mobile sources.
 - 2. If the development project is adjacent to a bicycle trail and/or lane designated in the Lompoc General Plan, that portion adjacent to the project shall be installed.
- b. Commercial Projects over 5,000 square feet
 - 1. All commercial construction or remodel projects of more than 5,000 square feet of floor area shall provide preferential parking spaces for employee carpools at a ratio of 1 preferential space for every 50 required spaces. This condition does not apply to projects with less than 50 spaces.

Planning – Cultural Resources Conditions

- P41. If archaeological artifacts are unearthed or exposed during construction, the artifacts and the site shall be evaluated by an experienced Archaeologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Archaeologist.
- P42. If paleontological artifacts are unearthed or exposed during construction, the artifacts and the site shall be evaluated by an experienced Paleontologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Paleontologist.
- P43. If human remains are discovered during construction, the County Coroner, and the Native American Heritage Commission shall be notified and their recommendations and requirements adhered to, prior to continuation of construction activity.

Planning - Mitigation Monitoring Conditions

- P44. Hours of construction shall be limited to:

Monday through Friday - between the hours of 7:30 a.m. and 5 p.m.

Saturday - between the hours of 8 a.m. and 5 p.m.

Sunday - None

Minor modifications to the hours of construction may be granted by the Planning Manager.

- P45. All mitigation measures set forth in the *Ocean Plaza Mitigated Negative Declaration (MND)* are hereby incorporated into these Conditions of Approval, as if fully contained herein, except those found infeasible pursuant to §15091 of the State CEQA Guidelines.
- P46. The applicant shall enter into a Mitigation Monitoring Agreement with the City of Lompoc, which shall assure continuing compliance with the Mitigation Measures set forth in the *Final MND*. The Agreement shall be reviewed and approved by the City Attorney, and shall be recorded prior to the issuance of any construction permit.
- P47. The applicant shall pay the costs associated with implementation of the Mitigation Monitoring Program prior to issuance of the first Certificate of Occupancy for any building in the project. The costs associated with implementation of Mitigation Monitoring Program shall be calculated on a time and materials basis.
- P48. Minor changes to the Mitigation Monitoring Program may be made by the Community Development Director. Such changes shall not result in alteration of any mitigation measures, but shall be restricted to changes related to which phase of the Mitigation Monitoring Program (e.g., plan check, construction, pre-occupancy, post-occupancy) a mitigation measure is to be completed. Any such changes may be approved when it is found to be impractical to require completion of a mitigation measure during the phase specified in the Mitigation Monitoring Program.

Planning - Conditional Use Permit Conditions

- P49. 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.
- P50. 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.
- P51. All of the conditions shall be consented to in writing by the applicant.
- P52. 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.

- P53. 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 City Planner 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.
- P54. 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.

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

- P55. 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.
- P56. The Covenants, Conditions & Restrictions (CC&R's) shall be reviewed and approved as to form by the City Attorney prior to recordation of the map. 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.
- P57. 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.

Affordable Housing Requirements

- P58. Applicant shall comply with affordable housing requirements for Old Town Lompoc Redevelopment Project, Amendment No. 2 as specified in General Plan Housing Element Policy 1.11.
- P59. The proposed project is eighty (80) units and twelve (12) affordable units are required to be dispersed throughout the development. The applicant must designate the affordable units on the site plan and sign a covenant prepared by the Redevelopment Agency (RDA), which will be recorded on each of the affordable units for a period of 55 years.
- P60. 15% of the dwelling units shall be at prices affordable to very-low, low- and moderate income families. The distribution and affordability levels of these units, termed “rent-controlled units” shall be as follows:

Income Level	1-bedroom	2-bedroom
Very-Low	4	1
Low	4	3
Total	8	4

- P61. Prior to the issuance of building permits, the property owner(s) shall sign a covenant which runs with the land against each rent-controlled unit. The covenant shall be prepared by the RDA in order to assure continued affordability. The covenant shall specify:
 - a. the formula for determining new rental price;
 - b. affordability control mechanisms upon rental;
 - c. refinancing restrictions;
 - d. qualifications of eligible renters;
 - e. annual reporting requirements;
 - f. occupancy requirements;
 - g. the period during which affordability is to be maintained;
 - h. that the owner grants to the City, or other entity designated by the City, an option to purchase the property at any time the owner wishes to sell; and,
 - i. that the covenant shall be in effect for a 55 year period starting from the

issuance of the Certificate of Occupancy.

- P62. Prior to the issuance of building permits, the applicant and property owner(s) shall agree to cooperate in implementing the affordability controls, and obtain the lender's approval of the affordability control documents.
- P63. Prior to issuance of certificates of occupancy, the applicant and property owner(s) shall obtain the City's / Redevelopment Agency's approval of the renter selection process, the initial rent, and the eligibility of the initial renters of rent-controlled units.
- P64. Prior to the issuance of certificates of occupancy, the renters of the rent-controlled units shall agree to occupy the units as their principal place of residence.
- P65. Prior to the issuance of certificates of occupancy, the owner(s) shall agree to assign to the City / Redevelopment Agency the right to any rents collected above affordable levels specified in the recorded covenant.
- P66. Prior to any sale or other transfer of any interest in the rent-controlled units, it must be approved by the City / Redevelopment Agency as being in compliance with the requirements set forth in the covenant. Full disclosures must be made in writing to the City regarding the terms of the sale, including copies of closing statements from escrow and all other documents.

Planning – Project Specific Conditions

- P67. A temporary use permit shall be obtained from the Planning Division prior to installation of a construction trailer on the project site.
- P68. Any new perimeter walls and/or fencing for the project shall be architecturally treated. The treatment shall be reviewed and approved by the Planning Division staff prior to issuance of grading permits.
- P69. Bicycle racks to accommodate 10 bicycles shall be provided on site. The location and type of bicycle racks shall be reviewed and approved by the Planning Division prior to issuance of building permits.
- P70. Commercial uses on the site shall be limited to uses identified in Article 7, Commercial Office District, of the Lompoc City Zoning Ordinance. Restaurants, including the sale and consumption of alcoholic beverages, are permitted in conjunction with this Conditional Use Permit (CUP 08-05).
- P71. Approval of Conditional Use Permit CUP 08-05 is contingent upon City Council approval of General Plan Amendment (GP 08-02), Zone Change (ZC 08-04) and Redevelopment Agency (RDA) review and approval.

- P72. The project is located within the City of Lompoc Old Town Redevelopment Area, Amendment No. 2 and final review and approval must be granted by the RDA Board.
- P73. The developer shall sign and record a Density Bonus Development Agreement prior to issuance of building permits for the project. The Agreement shall be reviewed and approved by the City Attorney prior to recordation.
- P74. The residential units shall be limited to the elderly and handicapped. If, at any time in the future, the units are converted to market rate units, the property owner must return to the Planning Commission for review of the conversion to assure that the number of dwelling units does not exceed that supported by the on-site parking. A covenant to this effect shall be recorded by the Recorder of the County of Santa Barbara prior to a Certificate of Occupancy for the residential units.

II. BUILDING AND FIRE SAFETY

Building - General Conditions

- B1. Project shall comply with the most recent adopted City and State building codes.
- B2. Plans shall be submitted by a California licensed architect and/or engineer.
- B3. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection. Parapets may be required in accordance with the CBC and CFC.
- B4. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans.
- B5. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B6. The Title Sheet of the plans shall include:
 - a. Occupancy group
 - b. Description of use
 - c. Type of construction
 - d. Height of the building
 - e. Floor area of building(s)
- B7. California disabled access regulations shall be incorporated within the plans. All ground units (as defined within the most recent CBC) must be made accessible to the physically disabled according to Chapter 11A, CBC. All commercial space shall also comply with the most recent adopted CBC.
- B8. Project shall comply with current City and State water conservation regulations.
- B9. Dust and erosion control shall be in conformance with standards and regulations of the City of Lompoc.

- B10. A licensed surveyor/engineer shall verify pad elevations, setbacks, and roof elevations.
- B11. Stairs, decks, platforms shall meet the strict guidelines in the most recent adopted Building Code.
- B12. Buildings shall comply with the State's Energy Regulations.
- B13. A sound transmission study complying with the most California Building Code may be required. Sound transmission controls according to CBC Appendix Chapter 12 shall be clearly identified on the plans.
- B14. Where occupancies house both ambulatory and non-ambulatory persons, additional requirements may be required as adopted by the Office of Statewide Health Planning and Development (OSHPD). The architect and owner shall provide the City and OSHPD with anticipated ambulatory and non-ambulatory persons, as well as the type of supervision and professional care services.
 - a. Separate plan review and permits may be required by OSHPD Regulations.

III. FIRE

Fire - Access Conditions

- F1. All required access roads on the site shall be in service prior to the start of framing construction. The roads shall have: 1) an all-weather surface; 2) a minimum vertical clearance of 14 feet; and 3) a minimum width of 20 feet. All dead-end access roads in excess of 150 feet in length shall have a minimum outside turn around radius of forty (40) feet and/or a minimum inside turn around radius of thirty (30) feet.
- F2. All permanent gates on required access roads shall have a means for Fire Department access either: 1) an approved key box containing appropriate keys or gate combination, or 2) if electrically operated, an approved key operated switch. Provisions must be made to open electrically operated gates in the event of a power failure.
- F3. Fire Department access shall comply with UFC Appendix 3-D and UFC Chapter 9.
- F4. An approved key box containing appropriate keys to buildings shall be made accessible and installed according to City Standards.

Fire - Water Supply Conditions

- F5. Fire Hydrants shall be provided in accordance with UFC Chapter 9 and UFC Appendix 3-B.

- a. The number and spacing of fire hydrants shall be in accordance to UFC Table A-3-B-1.
- b. Fire Department access and water supply shall be in accordance with UFC Article 9 and UFC Appendix 3-A.

- F6. All fire hydrants shall be in service prior to the start of framing construction.
- F7. Fire sprinkler connections shall have unobstructed access to a fire hydrant within 150 feet.

Fire - Equipment and Protection System Conditions

- F8. Fire alarm systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, or the Lompoc City Code.
- F9. Automatic sprinkler systems are required in accordance with the most restrictive of the following: the California Fire Code, the California Building Code, and the Lompoc City Code.
- F10. Fire alarm systems and automatic sprinkler systems shall be supervised on a 24-hour basis at a location approved by the Fire Department.
- F11. Four sets of plans for fire alarm systems and sprinklers shall be submitted to the Building and Fire Safety Division for review and approval, prior to the start of framing construction. When approved, two sets of the plans will be returned to the applicant, two sets will be retained by the Building and Fire Safety Division. Plan submittal and installation shall be in accordance with National Fire Protection Association and UFC standards.
- F12. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to UFC Standard 10-1.

IV. POLICE DEPARTMENT

No General or Project Specific Conditions

V. ENGINEERING

Engineering – General Conditions

- EN1. Improvement Plans are required with this development. Improvement Plans include:
- Public Improvements:
 - Utilities - Electric (conduit, transformers, street lights, etc.), water and sewer.
 - Drainage - Storm drain (SD) lines, inlets & filters, main line, sidewalk drains, etc.
 - Streets, Sidewalk and Curb & Gutter
 - Private Improvements:
 - Earthwork (grading)
 - Connection Points to utility mains for sewer laterals and water services.
 - Conduit and fixtures for lighting within private streets and/or parking lots
 - Streets & Sidewalk
 - Drainage – SD lines, inlets & filters, sidewalk drains, retention basins, etc.
 - Trash Enclosures
 - Parking Lot Paving
 - Parking Lot Curb & Gutter
 - Street Signing and Striping
- EN2. All public utilities such as water mains, sewer mains, electric lines, electric transformers, etc., within the development shall be located within public utilities easements (PUE).
- PUE's shall be dedicated by grant deed and prepared by a licensed land surveyor or qualified civil engineer. The grant deed form to be used will be provided by the Engineering Division and is available in electronic format.
- Applicant shall submit a draft copy of the deed (including an 8-1/2"x11" deed map) to the Engineering Division for review and approval. With draft submittal include all referenced documents and a preliminary title report current within the last ninety days.
- After the Engineering Division has reviewed and approved the draft grant deed the Applicant will submit the original deed to the Engineering Division for acceptance and recordation. The submitted deed originals must be signed by the grantee(s) and notarized, and signed and stamped by a licensed land surveyor or qualified civil engineer. A PUE deed ready for recordation shall be on file in the Engineering Division prior to approval of the Improvement Plans.
- EN3. All public improvements shall be provided at the Applicant's expense.
- EN4. Improvement Plans shall be prepared by or under the supervision of a registered Civil Engineer or Architect.
- EN5. Grading and public improvements shall be designed in accordance with the City's "Standard Requirements for The Design and Construction for Subdivisions and Special Developments," as last revised. Said Standard Requirements are available at the office of the City Engineer.

- EN6. Improvement Plans shall be prepared in conformance with City of Lompoc "Development Assistance Brochures." "Development Assistance Brochures" are available to facilitate the preparation of plans and reports by the Applicant's engineer and are an essential reference for the preparation of Grading and Public Improvement Plan submittals. "Development Assistance Brochures" can be obtained at the Engineering Division or downloaded from the City Engineering web page (<http://www.cityoflompoc.com/departments/pworks/engineering.htm>).
- EN7. In conformance with Chapter 27, Section 2774.E of the Lompoc City Code, the Improvement Plans, including but not limited to, grading, water, sewer, streets, electrical system, and other surface and subsurface improvements, 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. All drawings, improvement plans and survey maps shall be prepared in accordance with the requirements currently in effect.

Plan Review

- EN8. After Improvement Plans have been prepared by Applicant's Engineer/Architect and are ready for City review, **FOUR** sets of prints shall be submit to the Engineering Division for the first plan check. Plan submittal shall include additional information as required herein.
- EN9. First plan check submittal shall include estimated grading quantities, a current soils investigation report, retaining wall calculations, drainage analysis, and all other pertinent information relating to the Improvement Plans and their approval.
- EN10. The Soils Investigation Report shall be prepared by a Soils Engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Soils Investigation Report are fulfilled during construction.

Landscape Plans

- EN11. Any landscape and irrigation plans required by the Planning Division shall be approved by the Public Works and Utility Departments prior to Improvement Plan approval by the Engineering Division. An approval block shall be provided on the landscape plan title sheet for the City Engineer's signature.
- EN12. All trees & large rooted shrubbery must be planted at least ten feet away from public utilities, to include but not limited to water, sewer, electric, storm drain, cable, telephone, etc.

Permits & Fees

- EN13. Plan Review, Grading and Encroachment Permit fees are based on Section 2 of the Master Fee Schedule adopted by City Council Resolution No. 5386(07).

- EN14. A Grading Permit issued by the Engineering Division is required prior to any excavation or filling on the site. Any stockpiling of fill dirt will require a Temporary Grading Permit.
- EN15. An Encroachment Permit shall be obtained from the Engineering Division for any work within City street right-of-way or easement.
- EN16. Prior to the issuance of an Encroachment Permit or Grading Permit, the Applicant shall provide a letter to the Engineering Division, addressed to the City Engineer, stating that the engineer who prepared the Improvement Plans, or his/her designated representative, will perform periodic site observations of work shown on the approved Improvement Plans. (Refer to condition EN33)
- EN17. STREET IMPROVEMENT and TRAFFIC SIGNAL IMPACT FEES will be imposed upon the issuance of a building permit and are based on the City of Lompoc Development Impact Fee Schedule in effect at the time of permit issuance.

Drainage

- EN18. Drainage out to the street shall be directed through Curb and/or Parkway Drain(s) per APWA Standard Plan No. 150-2 and 151-1. Submit drainage calculations to support sizing for drain.
- EN19. Drainage from parking lots and private streets to the public right-of-way will be filtered through a City approved filter system. The filter shall be located on the development property and maintained by the property owner.
- EN20. Pre-development flow from adjacent properties onto the project site shall be maintained or accounted for in the final design.
- EN21. The on-site drainage system must be properly designed to maximize infiltration of roof and/or surface runoff into the underlying soil before discharging into public storm drain, street or alley.

Parking Lots

- EN22. Parking lot design and structural section shall conform to the City's Standard Requirements, Section 8.
- EN23. Asphalt Concrete – Asphalt Concrete in parking lots shall conform to the provisions in Section 39, "Asphalt Concrete," and Section 92, "Asphalts," of the Caltrans Standard Specifications, current edition, the plans and these specifications.
- EN24. The grade of asphalt binder to be mixed with aggregate shall be PG 64-10.
- EN25. Areas of the parking lot that will be used for truck traffic shall be designed with a heavier structural section than areas for passenger cars.

EN26. An "R" value shall be determined by the Soils Investigation and included in the Soils Report. A note shall be placed on the Grading Plan stating that "R" value samples shall be obtained and tested at the completion of rough grading, and the pavement sections confirmed or revised, to the satisfaction of the City Engineer.

Streets

EN27. Asphalt Concrete for paving within street right-of-way shall conform to the provisions in Section 39, "Asphalt Concrete," and Section 92, "Asphalts," of the Caltrans Standard Specifications, current edition.

EN28. The grade of asphalt binder to be mixed with aggregate shall be PG 64-10.

EN29. Asphalt used as binder for asphalt concrete pavement shall conform to Section 39-2.01, "Asphalts," of the Caltrans Standard Specifications.

EN30. Asphalt concrete shall be Type A, ¾ inch maximum, medium, grading.

Sidewalk/Driveways

EN31. All driveways shall provide a minimum 4-foot sidewalk area behind the apron, at 2 percent slope toward the street, for ADA compliance.

Final Approval

EN32. Prior to final approval, any damaged public improvements shall be repaired in conformance to City of Lompoc Standard Plans and Specifications.

EN33. Prior to final approval, the civil engineer or architect who prepared the Improvement Plans shall prepare Record Drawings. Minimum guidelines for Record Drawings can be obtained at the Engineering Division or downloaded from the City Engineering web page (<http://www.cityoflomdoc.com/departments/pworks/engineering.htm>).

EN34. After construction is complete and the City has approved the Record Drawings, the Applicant shall:

- A. Provide the City Management Services Department, Information Systems Division, with a copy of the Record Drawings, in a computer format readily compatible for transfer to the City Geographic Information System. The following computer formats are acceptable for delivery: DGN (native Microstation); DWG (same as or less than Version 14); DXF.
- B. Provide the Engineering Division with record Drawings copied in PDF format (one file) on CD.

Engineering – Project Specific Conditions

- EN35. All proposed improvements on Ocean Avenue are in Caltrans right-of-way and will require an encroachment permit from Caltrans. Approval of the LOM 576 improvement plans by the City of Lompoc Engineering Department will be contingent on approval by Caltrans. Approval of the plans by Caltrans can be in the form of a copy of the encroachment permit.
- EN36. The driveway entrance on Cypress shall be 25' wide minimum.
- EN37. The proposed driveway approaches on Cypress Avenue and Seventh Street shall be per the City of Lompoc Standard Drawing No. 610, revised to provide an ADA approved path of travel behind the approach per EN31.
- EN38. A Drainage/Hydrology Report shall be submitted to the Engineering Division with the first plan check submittal of the improvement plans. Provide hydrology calculations verifying that the post-development 25-year storm peak runoff does not exceed the pre-development 25-year storm peak runoff.
- EN39. All runoff shall be routed to outlet into Cypress Avenue unless otherwise approved by the City Engineer.
- EN40. Detention basins, if required, shall comply with all criteria listed in Engineering Bulletin #04-01.
- EN41. All detention basins, if required, will be privately maintained. The Owner shall provide the City with annual maintenance reports. Should the Owner fail to do so, the Owner will be required to enter into a maintenance agreement with the City to reimburse the City for adequate annual maintenance.
- EN42. Access ramps at the intersections of Cypress and Seventh and Ocean and Seventh shall be retrofitted as necessary to comply with current standards.
- EN43. Provide proof of compliance with the County "License Agreement" for the Park and Ride facility on site prior to issuance of the building permit.

VI. AVIATION/TRANSPORTATION

Aviation/Transportation – General Conditions

- AT1. Bus Turnouts shall be constructed in conformance with details provided by the Engineering Division.
- AT2. Signage and curb markings for bus turnouts shall be in conformance with details provided by the Engineering Division.
- AT3. A Bus Shelter shall be constructed at each bus turnout. Bus Shelter drawings and specifications are available from the Engineering Division.

VII. SOLID WASTE

Solid Waste – General Conditions

- SW1. Trash enclosures shall be designed in accordance with City standards for up to 440-gallon automated containers accessible to automated trash collection trucks and in locations as approved by the City Solid Waste Superintendent. The trash collection trucks are side loading and have a 40-foot turning radius. On-site circulation for the trucks shall be designed so trash collection trucks will not need to back up in order to turn around and exit.
- SW2. Trash enclosures shall not have any doors and shall be enclosed on three sides with a six-foot wall, which is architecturally compatible with the on-site buildings as approved by the City Planner.
- SW3. Trash enclosure access openings must be placed no more than one-foot from drive aisle.
- SW4. Trash containers must be kept side-by-side and parallel with alley or drive aisle. Enclosures with more depth than the minimum required seven-foot depth of one container must be constructed with a wheel-stop sufficient to keep the containers at the front edge of the enclosure so that the operator of the trash collection truck does not have to move containers out for collection.
- SW5. The project must provide adequate areas for collecting and loading recyclable materials. The recycling area(s) shall be located so they are convenient for those persons who deposit, collect, and load the recyclable materials. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling area(s).

Solid Waste – Project Specific Conditions

- SW6. Provide a Solid Waste Management Plan for this project. The Plan must provide details on how recycling will be conducted during construction.

VIII. ELECTRIC

Electric – General Conditions

- EL1. The Applicant shall sign a line extension agreement and pay all costs for the City to

furnish and install electric power lines/equipment to and within the proposed development. These costs will include all labor, labor overhead, material, material handling charges and equipment/vehicle rentals necessary for the City to extend the City's electrical distribution system to serve the project. The total estimated cost, as mentioned in the Line Extension Agreement, must be paid prior to the City issuance of building permits.

- EL2. The Applicant shall provide a single line diagram showing voltage, phase, load requirements, and size of planned switchboard. Three-phase electric services up to 200 Amps shall have 7-jaw meter sockets. Three-phase electric services above 200 Amps shall have 13-jaw meter sockets and provisions for a test switch and for current transformers. The main switchboard shall conform to Electric Utility Service Equipment Requirements approved by the City of Lompoc. The Applicant shall pay the Meter Installation Fee, prior to the issuance of the building permit.
- EL3. Electric meters and main disconnect switches shall be located on the exterior of the building or in an enclosure opening only to the exterior of the building. Meter enclosures shall be accessible at all times to electric division personnel. If the enclosure is to be locked, the lock shall be keyed to Schlage Lock No. C38587.
- EL4. The Applicant shall provide all necessary trenching and backfilling to Electric specifications. This shall include trenching for primary cable, secondary cable, street light wiring and associated vaults and boxes. The Applicant shall provide transformer pads as required. The project shall be at final grade prior to trenching for installation of underground electric facilities.
- EL5. The Applicant shall furnish and install the service wire and conduit from the service panel to the transformer or secondary box. Upon approval of the building inspector, the City shall make the final connections to the transformer and energize the service.
- EL6. For three-phase electrical service over 200 Amps, the Applicant shall run a telephone service wire to the meter location for remote meter readings.
- EL7. Provide and install one 2-inch conduit, from the pull box in the street easement to the building, in same trench with the electrical service conduit.

Electric – Project Specific Conditions

- EL8. Applicant shall grant a public electric easement to the City for public underground electric lines and pad mount equipment. Refer to Engineering Condition EN2 for information concerning deed approval.

IX. WATER

Water – General Conditions

- W1. This facility must comply with plumbing cross-connection control standards as

required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.

- W2. The size and location of all water meters shall be determined by the Engineer/Architect or authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the Applicant.
- W3. All meter protection shall be by an approved Reduced Pressure Principle Backflow Prevention Assembly (RP) at the service connection. Information on acceptable assemblies is available from the City Water Division.
- W4. All public water system components must be constructed within public right-of-way or public easements.
- W5. When a fire sprinkler system is required or proposed, the utility plan shall show the location of Fire Department Connection FDC with reference dimensions to the nearest fire hydrant. Fire Department requires fire department connections to be within 150' of a fire hydrant.
- W6. When a fire sprinkler system is required or proposed the utility plan shall show the fire line connection point to water main.
- W7. All requests for information needed to design fire sprinkler systems and to determine available or needed fire hydrant flow shall be made with the City Water Division.
- W8. All water connections to the City Of Lompoc Water Distribution system shall be shown on the Improvement Plans. This includes irrigation water meters for general open areas in a development project. Water irrigation meters and related impact fees will be paid before the Improvement Plans are approved and will be based on the City of Lompoc current meter fee schedule.
- W9. Improvement Plan sheets showing public water facilities shall include an itemized schedule that shows all water meter requirements for the project. The schedule shall identify water meter quantity, size and plan sheet where meter is shown.

EXAMPLE

Water Meter Requirements			
Meter Type	Meter Size	Quantity	Plan Sheet #
House	3/4" x 3/4"	24	5 of 20
Irrigation	1.5"	2	4 of 20

Water – Project Specific Conditions

- W10. As shown on the Preliminary Utility Plan sheet C2, the existing 8" fire line for 1420 E. Ocean is connected to the 6" water main on Seventh Street. The existing fire hydrant is branched from the 8" fire line with a substandard 4" valve. This situation

does not conform to the current City of Lompoc Water Division Standards and Specifications. Provide a fire flow analysis/calculations to ensure that the necessary fire flow is available from the existing piping system described above. If the fire flow analysis demonstrates that the existing 8" fire line connected to the 6" water main will provide the necessary fire flow requirements, conditions W11-W16 are required. If the fire flow analysis demonstrates that the existing 8" fire line connected to the 6" water main will **not** provide the necessary fire flow requirements, condition W17 is required and W11-W16 can be ignored and the City of Lompoc Water Division will abandon/remove the existing 6" water main from the distribution system.

- W11. A new flange 6"x6"x8" tee and 8" valve for the existing 8" fire line shall be installed per the City of Lompoc Standards and Specifications #404 & 414 (cut-in tee). Note that the City of Lompoc's responsibility for the fire line terminates at the 8" valve in the street.
- W12. Remove existing hydrant and 4" valve and flange off 4" valve opening to existing 8" fire line.
- W13. Install new fire hydrant assembly per standards #411 and #414 (hot-tap) and connect directly to the existing 6" water main.
- W14. Remove existing 8" detector check valve assembly inside the buried vault structure and remove vault structure.
- W15. Install 8" DCDCA backflow assembly with dual FDC connector.
- W16. The existing water service shall be retrofitted to current standards and relocated 12" behind the sidewalk. All new water services and existing water services shall be installed to City Standards and Specifications.
- W17. All existing and new water connections shall be connected to the existing 10" water main on the east side of Seventh Street per the City of Lompoc Standards and Specifications.

X. WASTEWATER

Wastewater – General Conditions

- WW1. All new sewer main and lateral installations will be of Polyvinyl Chloride Plastic (PVC) SDR35 sewer pipe, including all pipefittings and miscellaneous appurtenances. No glue joints are permissible.
- WW2. All PVC SDR35 sewer piping shall be furnished in the following lengths:

Piping from 8" to 12" in diameter – 20' maximum length

Piping from 15" to 60" in diameter – 12.5' maximum length

- WW3. For cut-in to an existing sewer, a wye tie-in shall be used. Saddles are not allowed.
- WW4. No steps shall be installed in new or replacement maintenance holes. Steps will be removed for any coatings of maintenance holes.
- WW5. Bedding will be 3/8" float rock or compacted sand.
- WW6. In existing paved streets or alleys, trench backfill, from one-foot above sewer pipe to subgrade, shall be one-sack cement slurry. Slurry cement backfill shall conform to the provisions of Subsection 19-3.062, "Slurry Cement Backfill," of the Caltrans Standard Specifications.
- WW7. Maintenance hole reducer/cone will be concentric molded construction.
- WW8. Outer and inner drop maintenance hole connections are not allowed.
- WW9. No clean-out connections to City main sewer lines.
- WW10. A grease trap/interceptor is required to be installed in community buildings where commercial appliances will be used.
- WW11. All food handling establishments must demonstrate compliance with Wastewater Division Ordinance requirements, sized according to Appendix H of the Uniform Plumbing Code (UPC) and show location and type of grease interceptor/trap.
- WW12. No approval for connection to dispose of industrial waste into the public sewer shall be made until a permit for industrial wastewater discharge has been applied for and approved by the Wastewater Division and before final approval of a development plan for said connection.
- WW13. All wastewater improvements must comply with Federal, State and City laws/ordinances for the protection of the Wastewater System.

Wastewater – Project Specific Conditions

- WW14. Abandon and remove the existing sewer south and east of the existing manhole in the northwest corner of the property.
- WW15. Provide a new private sewer lateral (6" minimum) that flows south to the existing 8" sewer main in Cypress Avenue.
- WW16. If applicable, provide an appropriate medical waste trap for the medical facility.

I, Michael Letzt of BJ Gunner Investments, LLC, the project applicant, do hereby declare under

penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the Conditional Use Permit. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Signature

Date

MITIGATION MEASURES
Ocean Plaza Project
Conditional Use Permit – CUP 08-05
Vesting Tentative Parcel Map – LOM 586-P

These Mitigation Measures were extracted from the Mitigated Negative Declaration for Ocean Plaza, which was certified by the Planning Commission on August 13, 2008. Language may be modified herein to clarify applicability to the project and to provide clarification regarding compliance to contractors and future property owners. No revisions have been made to modify the intent or requirements of the Mitigation Measures. In the case of conflict, the Mitigation Measures contained herein shall supercede those contained in the MND.

I. AESTHETICS

Mitigation:

In order to assure that no additional light and glare spills off of the project site into the existing neighborhood, the applicant will submit a lighting plan showing: lumens, fixture type, placement, and height of any lighting proposed for the development.

Monitoring:

The applicant will submit a lighting plan showing any proposed lighting for the development. City staff will review the adequacy of the plan during plan check.

III. AIR QUALITY

Mitigation:

Based on forecasted vehicle trip generation, emissions attributable to the project would not exceed County APCD or City thresholds. Because of the potential for the project to result in exposure of future site occupants to air quality nuisances, the following mitigation measure is required.

- All construction activity shall be required to incorporate the APCD requirements pertaining to minimizing construction-related emissions. The APCD does not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. However, dust reduction measures are required for all discretionary construction activities. The following requirements shall be considered standard construction conditions:
 - Dust Generation. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - Seeding and watering to revegetate graded areas; and/or
 - Spreading of soil binders; and/or
 - Other soil stabilization methods deemed appropriate by the Planning Department.

- Watering. Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily water z Compounds (VOC). Low VOC asphalt and low VOC architectural coating will be used whenever feasible.
- Soil Stockpiling. If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material shall be covered with tarps from the point of origin to the point of disposition.
- Land Clearing. After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.
- Recording of Dust Control Requirements. Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with any map, the aforementioned dust control requirements. All requirements shall be shown on grading and building plans.
- Monitoring of Dust Control Program. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
- Construction Equipment. In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
 - The engine size must be the minimum practical size;
 - The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
 - Construction equipment must be maintained in tune per manufacturer's specifications;
 - Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
 - Catalytic converters shall be installed, if feasible;
 - Diesel catalytic converters shall be installed, if available;
 - Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site.

Monitoring:

Planning Division will verify inclusion of the required mitigation measure prior to grading clearance.

VIII. HYDROLOGY AND WATER QUALITY

Mitigation:

The applicant shall install sedimentation and grease filters, employing Best Management Practices (BMP) to assure that all water draining from on-site pavement will be properly filtered prior to entering the City's storm drain system.

Monitoring:

Staff will review the grading plan to ensure that sedimentation and grease filters, employing Best Management Practices (BMP), are shown. Once in place, staff will inspect the filters to ensure that they were installed correctly.

XI. NOISE

Mitigation:

In order to limit short-term noise impacts, which will result during the construction phase, limits will be placed on the allowed hours of construction.

Monitoring:

Hours of construction shall be limited to:

Monday through Friday - between the hours of 7:30 am and 5 pm

Saturday - between the hours of 8 am and 5 pm

Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.

RESOLUTION NO. 616 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC DENYING A CONDITIONAL USE PERMIT FOR 80 AFFORDABLE SENIOR AND HANDICAPPED APARTMENT UNITS, 13,079 SQUARE FEET OF COMMERCIAL OFFICE SPACE AND 4,251 SQUARE FEET OF COMMERCIAL, RETAIL AND/OR RESTAURANT SPACE AT 1420 EAST OCEAN AVENUE (CUP 08-05)

WHEREAS, a request was submitted by Michael Letzt of BJ Gunner Investments, LLC, for Planning Commission consideration of a proposal for a Conditional Use Permit for 80 affordable senior and handicapped apartment units, 13,079 square feet of commercial office space and 4,251 square feet of commercial, retail and/or restaurant space. The site is located at 1420 East Ocean Avenue (Assessor Parcel Numbers: 85-150-17 & 18); and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has certified the Mitigated Negative Declaration 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

AS DIRECTED BY PLANNING COMMISSION DISCUSSION

SECTION 2. Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Mitigated Negative Declaration which have been prepared for the proposal show no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that the Mitigated Negative Declaration is a complete and adequate environmental document.

SECTION 3. Based upon the foregoing, CUP 08-05 is denied as proposed on August 13, 2008.

The foregoing resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the regular Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 617 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE A DENSITY BONUS FOR THE OCEAN PLAZA PROJECT (CUP 08-05)

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a density bonus for the Ocean Plaza project located at 1420 East Ocean Avenue. The request is for a 37% density bonus, which would allow for a total of 80 affordable senior and handicapped residential units on the site; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration 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:

- A. The proposed density bonus is economically necessary in order to make the minimum number of Target Units affordable as required by the Zoning Ordinance.
- B. The proposed density bonus does not result in a net profit greater than the profit that would be made from the Housing Development without the density bonus.
- C. The proposed density bonus is not materially detrimental to the public health, safety, and welfare, nor injurious to property and/or improvements in the vicinity of the development.
- D. The proposed density bonus does not result in an overall development pattern that is incompatible with other structures in the immediate vicinity.

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve a density bonus for the Ocean Plaza project.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the regular Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 617 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL DENY A DENSITY BONUS FOR THE OCEAN PLAZA PROJECT (CUP 08-05)

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a density bonus for the Ocean Plaza project located at 1420 East Ocean Avenue. The request is for a 37% density bonus, which would allow for a total of 80 affordable senior and handicapped residential units on the site; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration 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

AS DIRECTED BY PLANNING COMMISSION DISCUSSION

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council deny a density bonus for the Ocean Plaza project.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the regular Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 618 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A VESTING TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES FOR THE OCEAN PLAZA PROJECT (LOM 586-P)

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a Vesting Tentative Parcel Map for condominium purposes for the Ocean Plaza project located at 1420 East Ocean Avenue. The request is to subdivide the current parcels (Assessor Parcel Numbers: 85-150-17, 18) into six (6) commercial condominiums and one (1) residential condominium; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration 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:

- A. Inasmuch as the proposed zoning for the project is *Commercial Office (CO)* with a proposed General Plan Land Use designation of *Office Commercial*; and the data and analysis in the staff report addresses the project's consistency with General Plan policies, it can be found that:
 - 1. The proposed subdivision is consistent with the applicable General Plan designation and policies, and with the Zoning Ordinance.
 - 2. The design and improvements of the proposed subdivision, as conditioned, are consistent with the General Plan designation and policies, the Zoning Ordinance design criteria, and the Subdivision Review Ordinance.

- B. Inasmuch as the proposed lot is of a reasonable size, it can be found that:
3. The site is physically suitable for the type of residential and commercial development proposed.
 4. The site is physically suitable for the proposed density of the development.
- C. Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Mitigated Negative Declaration which have been prepared for the proposal show no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:
5. The proposed subdivision, as conditioned, does not have a significant effect on the environment.

SECTION 2: Based upon the foregoing it is recommended that the Planning Commission approves LOM 586-P as the Vesting Tentative Parcel Map for the Ocean Plaza project as reviewed on August 13, 2008, 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 August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Conditions of Approval

**CONDITIONS OF APPROVAL
LOM 586-P – VESTING TENTATIVE PARCEL MAP
1420 EAST OCEAN AVENUE - APN: 85-150-17, 18**

The following Conditions of Approval apply to the plans, prepared by Insite Civil, Inc., received by the Planning Division and stamped on July 8, 2008 and reviewed by the Planning Commission on August 13, 2008.

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 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. Planning Commission approval of LOM 586-P is valid for twenty-four (24) months, prior to the expiration of the Map the applicant may request a twelve (12) month extension. LOM 586-P shall expire on August 13, 2010, unless the applicant requests a time extension as outlined by City standards.

P5. Approval of Vesting Tentative Parcel Map LOM 586-P is contingent upon City Council approval of General Plan Amendment (GP 08-02), Zone Change (ZC 08-04) and Redevelopment Agency (RDA) review and approval.

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

Parcel Map

EN1. A Parcel Map shall be required for this project as per the Subdivision Map Act, Section 66463. 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 Parcel Map by the City Engineer.

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

EN3. 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 first plan check.

EN4. Parcel Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist For Completeness of Subdivision Maps," available at the Engineering Division. "Development Assistance Brochures" can be obtained at the Engineering Division or downloaded from the City Engineering web page (<http://www.cityoflompoc.com/departments/pworks/engineering.htm>).

EN5. In conformance with Chapter 27, Section 2824 of the Lompoc City 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 (same as or less than Version 14); DXF.

EN6. Compliance with the Subdivision Map Act pertaining to monument security, Section 66496, is required if the interior monuments are not set at the time the Parcel Map is recorded. The Monument security shall be received and approved by the Engineering Division prior to final acceptance of the Parcel Map.

A cost estimate for setting the interior monuments shall be provided by the registered engineer or surveyor responsible for setting the monuments for determining the amount of the Monument Security.

The City will release the Monument Security after the Engineering Division has received the following: (reference Section 66497 of the Subdivision Map Act)

1. Written notice from the engineer or surveyor indicating that the final monuments have been set.
2. Evidence indicating payment has been made to the engineer or surveyor for setting the final monuments.

EN7. At completion of plan review and before final approval of the Parcel Map, the Engineering Division will submit a letter to the Applicant, or his/her representative, requesting the following documentation, fees, and submittals:

1. A Title Report current within the last ninety (90) days.
2. A Parcel Map Application Fee per current fee schedule at time Parcel Map is filed.
3. Recording Fees and Duplicating Fees.
4. Monument Security (if required)
5. Proof "TAX BOND" has been posted with County of Santa Barbara.
6. Parcel Map delivered in a computer format readily compatible for transfer to the City Geographic Information System.

Engineering – Project Specific Conditions

EN8. Applicant shall grant a public electric easement to the City for public underground electric lines and pad mount equipment.

EN9. At the southeast corner of Lot 1 (northwest corner of Cypress Avenue and Seventh Street intersection) existing PCC sidewalk encroaches into the property being subdivided. Dedicate on the Parcel Map a public street easement (PSE) containing the area of encroachment plus 1-foot minimum clearance between the back of walk and the northwesterly PSE boundary.

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

I, Michael Letzt of BJ Gunner Investments, LLC, the project applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the Vesting Tentative Parcel Map. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Signature

Date

RESOLUTION NO. 618 (08)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC DENYING A VESTING TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES FOR THE OCEAN PLAZA PROJECT (LOM 586-P)

WHEREAS, a request was received from Michael Letzt of BJ Gunner Investments, LLC, for consideration of a Vesting Tentative Parcel Map for condominium purposes for the Ocean Plaza project located at 1420 East Ocean Avenue. The request is to subdivide the current parcels (Assessor Parcel Numbers: 85-150-17, 18) into six (6) commercial condominiums and one (1) residential condominium; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 13, 2008; and

WHEREAS, at the meeting of August 13, 2008, _____, was present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 13, 2008, _____ spoke in favor of, and _____ spoke in opposition to, the project; and

WHEREAS, the Planning Commission has recommended City Council certification of the Mitigated Negative Declaration 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

AS DIRECTED BY PLANNING COMMISSION DISCUSSION

SECTION 2: Based upon the foregoing the Planning Commission denies LOM 586-P as the Vesting Tentative Parcel Map for the Ocean Plaza project as reviewed on August 13, 2008.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the regular Planning Commission meeting of August 13, 2008 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

**CITY OF LOMPOC
ENVIRONMENTAL CHECKLIST FORM**

A. PROJECT INFORMATION:

Project Title: Ocean Plaza Development	Project No: GP 08-02, ZC 08-04, CUP 08-05, LOM 586-P
Lead Agency Name and Address: City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436	Contact Person and Phone Number: Keith C. Neubert Principal Planner (805) 875-8277
<p>PROJECT DESCRIPTION:</p> <p>Michael Letzt of BJ Gunner Investments, LLC, has requested Planning Commission review of the following:</p> <ol style="list-style-type: none"> 1) <u>GP 08-02</u> - A General Plan Amendment to amend the land use designation for the site from <i>General Commercial</i> to <i>Office Commercial</i>; 2) <u>ZC 08-04</u> - A Zone Change to amend the City's Zoning Map designation from <i>Planned Commercial Development (PCD)</i> to <i>Commercial Office (CO)</i>; 3) <u>CUP 08-05</u> - A Conditional Use Permit for eighty (80) senior apartment units, 13,079 square feet of commercial office space, and 4,251 square feet of commercial retail, and/or restaurant space; and 4) <u>LOM 586-P</u> - A Vesting Tentative Parcel Map requesting subdivision of an approximately 2.69 acre site to create six (6) commercial condominiums and one (1) residential condominium. <p>The project includes a request for a density bonus on the site to allow the number of senior housing residential units at 37% greater than the standard density allowed in a High Density Residential District.</p> <p>Refer to Section D for the site plan.</p> <p>PROJECT LOCATION:</p> <p>The project is proposed on two (2) existing adjacent parcels totaling approximately 2.69 acres in size, located at 1420 East Ocean Avenue (APN: 85-150-18) and 1401 East Cypress Avenue (APN: 85-150-17), in the southeast portion of the City of Lompoc (refer to Section C). The north parcel at 1420 East Ocean Avenue is approximately 2.28 acres. The south parcel at 1401 East Cypress Avenue is approximately .41 acres in size. The northern project boundary fronts East Ocean Avenue, the eastern project boundary fronts Seventh Avenue, the southern project boundary fronts East Cypress Avenue, and the western project boundary abuts an existing senior residential development. Regional access to the site is provided by Highway 246, which links the City to Highway 101 to the east. Highway 246 becomes Ocean Avenue at the entrance into the City from the East. Direct site access is proposed at South Seventh Street (the eastern project boundary) and East Cypress Avenue (the southern project boundary).</p> <p>Public Agencies with Approval Authority (Including permits, funding, or participation agreements): City of Lompoc</p>	

<p>Project Applicant, Name and Address: Michael Letzt BJ Gunner Investments, LLC 14845 North 110th Way Scottsdale AZ, 85255 (480) 473-2744</p>	<p>Project Representative/Architect: Robert T. Brown Peikert Group Architects, LLP 10 East Figueroa Street, Ste 1 Santa Barbara, CA. 93101 (805) 936-8283</p>																		
<p>General Plan Designation: Existing – General Commercial Proposed – Office Commercial</p>	<p>City Zoning Designation: Existing – Planned Commercial Development (PCD) Proposed – Commercial Office (CO)</p>																		
<p>Surrounding Land Use Designation: North – General Commercial South – Low Density Residential West – High and Low Density Residential East – General Commercial – Office Commercial – Low Density Residential</p>	<p>Surrounding Land Uses: North – Commercial South – Residential West – Residential East – Commercial and Residential</p>																		
<p>Environmental Setting: Existing urbanized area</p>																			
<p>ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact”, as indicated by the checklist on the following pages.</p> <table border="0"> <tr> <td><input type="checkbox"/> Aesthetics</td> <td><input type="checkbox"/> Agriculture Resources</td> <td><input type="checkbox"/> Air Quality</td> </tr> <tr> <td><input type="checkbox"/> Biological Resources</td> <td><input type="checkbox"/> Cultural Resources</td> <td><input type="checkbox"/> Geology / Soils</td> </tr> <tr> <td><input type="checkbox"/> Hazards & Hazardous Materials</td> <td><input type="checkbox"/> Hydrology / Water Quality</td> <td><input type="checkbox"/> Land Use / Planning</td> </tr> <tr> <td><input type="checkbox"/> Mineral Resources</td> <td><input type="checkbox"/> Noise</td> <td><input type="checkbox"/> Population / Housing</td> </tr> <tr> <td><input type="checkbox"/> Public Services</td> <td><input type="checkbox"/> Recreation</td> <td><input type="checkbox"/> Transportation / Traffic</td> </tr> <tr> <td><input type="checkbox"/> Utilities / Service Systems</td> <td><input type="checkbox"/> Mandatory Findings of Significance</td> <td></td> </tr> </table>		<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	
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<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance																		

References:

The Initial Study was prepared using the following information sources:

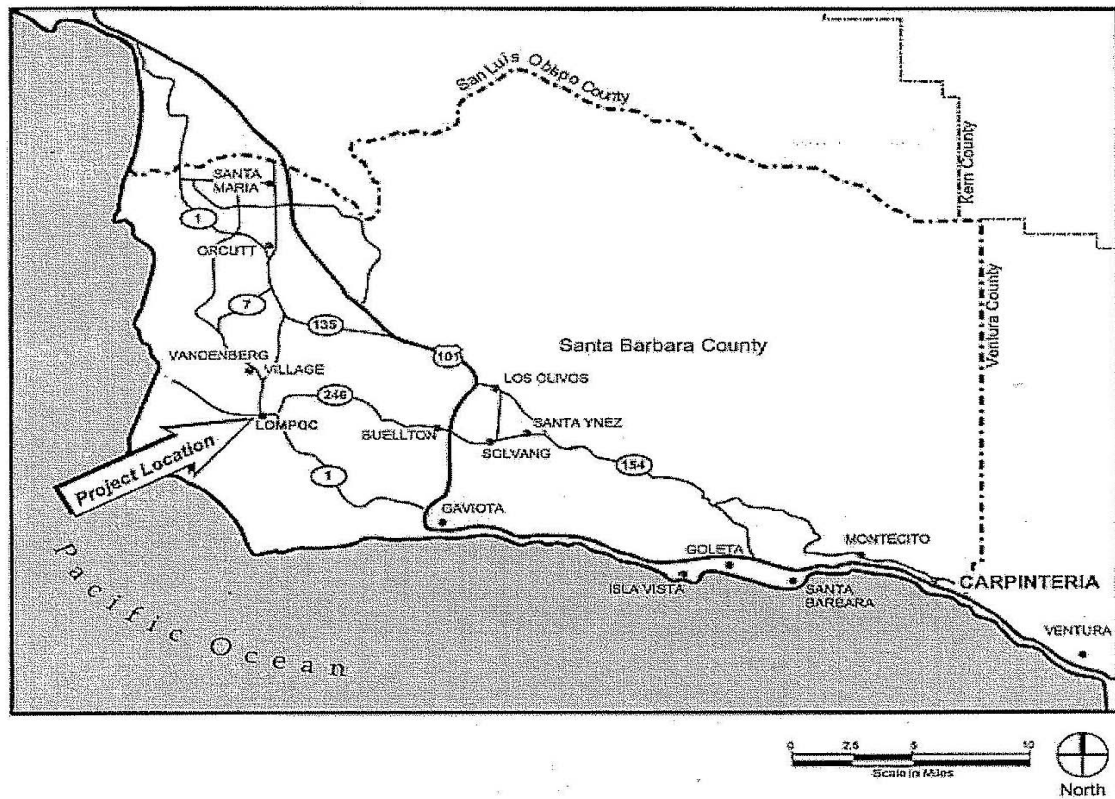
- Application materials;
- City of Lompoc General Plan;
- City of Lompoc Zoning Ordinance;
- Field Reconnaissance;
- Cultural Resources Study dated October 1988; and
- Technical Studies prepared for the project listed below.

B. TECHNICAL STUDIES

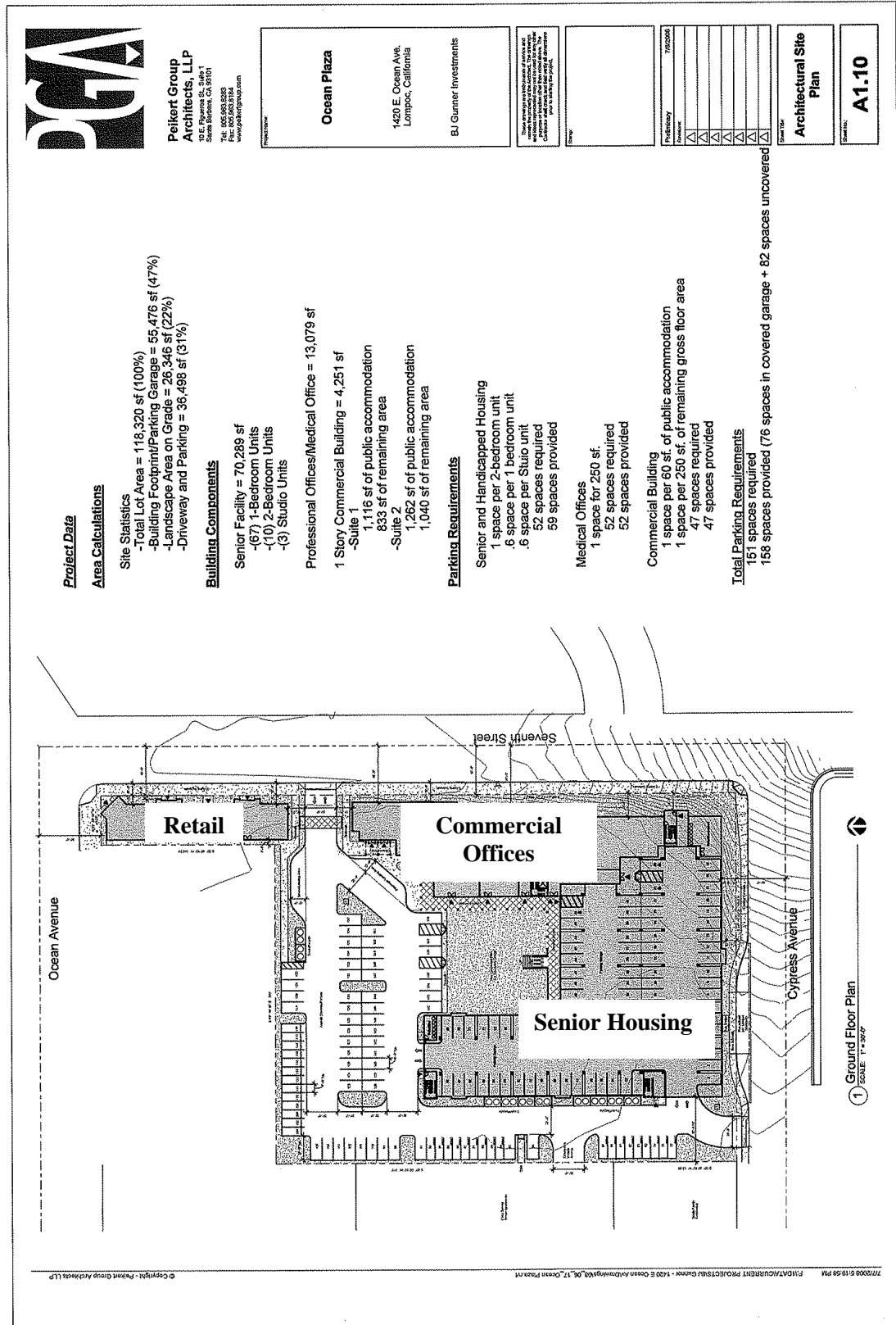
The following technical studies have been prepared for this project:

Title	Prepared By/Date	Attached to IS	Available for Review
Traffic Impact Analysis	Rick Engineering Company January 9, 2008		X
URBEMIS 2007 9.2.0	Rincon Consultants, Inc. September 13, 2007		X

C. LOCATION MAP



D. SITE PLAN



F. ENVIRONMENTAL IMPACTS:

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

Comments:

- a) The project site is located just south of Ocean Avenue, north of Cypress Avenue, and west of South Seventh Street. This area can be characterized as an existing urban area within the existing City Limits. The proposed project would be consistent with the developed uses in the immediate area. The proposed project will not have a substantial adverse impact on a scenic vista as there is no scenic vista in the immediate area as identified in the City of Lompoc Urban Design Features Map in the Urban Design Element of City's General Plan, adopted in October of 1997.
- b) The proposed project will not substantially damage scenic resources within a state scenic highway, as the site is not located adjacent to a state scenic highway.
- c) The proposed project will not degrade the existing visual character or quality of the site and its surrounding, as the Planning Commission will review project architecture to assure compliance with established City *Architectural Review Guidelines*.
- d) The proposed project will create a potential new source of substantial light or glare which would adversely affect day or nighttime views in the area, however, a lighting plan will be required as a condition of approval to assure that no substantial light and/or glare will adversely affect day or nighttime views in the area.

Mitigation:

In order to assure that no additional light and glare spills off of the project site into the existing neighborhood, the applicant will submit a lighting plan showing: lumens, fixture type, placement, and height of any lighting proposed for the development.

Monitoring:

The applicant will submit a lighting plan showing any proposed lighting for the development. City staff will review the adequacy of the plan during plan check.

II. AGRICULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Comments:

a) The proposed project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use as the site is within the existing City limits, the site has not recently been utilized for farming, and the site was previously developed.

b) The proposed project will not conflict with existing zoning for agricultural use, or a Williamson Act contract as the size of the parcel is too small (less than 20 acres) for a Williamson Act contract to be implemented and was previously developed.

c) The proposed project will not involve changes in the existing environment, which, due to its location or nature, could result in conversion of Farmland to non-agricultural use. The site has not been recently utilized for agricultural use and was previously developed.

III. AIR QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?				X

Comments:

a) Conflicts with Clean Air Plan: The proposed project would involve development of senior housing, commercial offices, commercial retail and/or restaurant space on a site that was previously developed with a commercial use. The property currently has a land use designation of General Commercial and is zoned Planned Commercial Development (PCD). The proposed project includes a General Plan Amendment to Office Commercial and a Zone Change to Commercial Office (CO). The proposed project would be partially consistent with the land use designation for the site; however, the senior housing component requires a Conditional Use Permit (CUP). As such, the project could introduce air contaminant emissions at levels different than accounted for in the Clean Air Plan.

Based on the APCD's guidelines, projects are considered consistent with the CAP if they incorporate appropriate CAP Transportation Control Measures (TCM) and any applicable stationary source control measures, and are consistent with Air Pollution Control District (APCD) rules and regulations. Although the project would result in additional vehicle trip generation compared to the previous commercial use of the site, the project would be considered an infill development and therefore would not substantially increase average vehicle miles traveled in the City. In addition, the project includes compatible uses that would encourage pedestrian travel (e.g., pedestrian travel between the senior housing component and medical offices). Measures to reduce the number and length of motor vehicles traveled by facilitating transit use, carpooling, bicycling and other non-motorized modes of transportation have been incorporated by reference into the Lompoc General Plan in accordance with the Clean Air Plan for Santa Barbara County. Since the proposed project would incorporate applicable TCMs and would not involve stationary emissions sources, the project is considered consistent with the CAP and impacts are considered less than significant.

b) Air Quality Standards: Applicable air quality criteria for evaluation of the project's impacts are federal air pollutant standards established by the U.S. Environmental Protection Agency (EPA) and reported as National Ambient Air Quality Standards (NAAQS), and the California Ambient Air Quality Standards (CAAQS), which are equal to or more stringent than the federal standards. The California Air Resources Board (CARB) coordinates and oversees both state and federal air quality control programs in California. The CARB has established 14 air basins statewide. The City of Lompoc is located in the South Central Coast Air Basin (SCCAB), which includes all of San Luis Obispo, Santa Barbara, and Ventura counties. The site is under the jurisdiction of the Santa Barbara County Air Pollution Control District (APCD). CARB has established air quality standards and is responsible for the control of mobile emission sources, while the APCD is responsible for enforcing standards and regulating stationary sources. At present, the South Coast Basin of Santa Barbara County is in attainment for all state and federal air quality standards except for state standards for ozone and particulate matter (PM₁₀). In August 2003, the U.S. Environmental Protection Agency (USEPA) reclassified the County as "Attainment" for the federal one-hour ozone standard.

Ozone is a secondary pollutant that is not produced directly by a source, but rather it is formed by a reaction between NO_x and reactive organic gases (ROG) in the presence of sunlight. Reductions in ozone concentrations are dependent on reducing the amount of these precursors. As stated above, the County is in nonattainment regarding the state standard for particulate matter (PM₁₀). The major sources for this pollutant are mineral quarries, grading, demolition, agricultural tilling, road dust, and vehicle exhaust. PM₁₀ levels in the area are primarily due to grading and motor vehicle emissions.

Construction Impacts: Project construction would result in temporary air quality impacts due to the use of heavy construction equipment and generation of fugitive dust during construction of the proposed buildings. Heavy construction equipment emits numerous air pollutants, including reactive organic compounds (ROC), nitrogen oxides (NO_x), and particulate matter that is less than ten microns in diameter (PM₁₀). PM₁₀ is comprised of finely divided solids or liquids such as dust, soot, aerosols, fumes and mists. The APCD has set a 25-pound per day construction threshold for ROC and NO_x, but does not require quantification of construction-related PM₁₀ emissions. The rough grading phases of the project would involve heavy-duty construction equipment, which is the primary source of emissions during construction.

Grading and excavation work on-site would be required and could potentially generate fugitive dust (fine particulate matter - PM₁₀), but the concentrations of these emissions would be temporary.

The County does not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. However, since Santa Barbara County violates the state standard for PM₁₀, dust reduction measures are required for all discretionary construction activities.

Operational Impacts: The APCD has set a 25-pound per day threshold for ROG and NO_x from project vehicle emissions only, and a 240-pound per day threshold for ROG and NO_x emissions from all project sources of emissions. Project-related vehicle emissions were calculated using the URBEMIS 2007 for Windows air quality model. The mobile emissions analysis was based on a project fleet mix of 49.0% light automobiles, 32.6% light trucks, 9.5% medium trucks, 2.2% light-heavy trucks, 1.0% medium-heavy trucks, 0.9% heavy-heavy trucks, 0.1% urban buses, 0.1% school buses, 0.1% other buses, 3.5% motorcycles and 1.0% motor homes. Operational emissions from project-generated traffic are estimated at 10.26 lbs/day of ROG and 15.03 lbs/day of NO_x.

Table 1 summarizes the emissions from vehicular traffic associated with the proposed development.

Table 1. Project Operational Air Emissions

Emission Source	ROG (lbs/day)	NO _x (lbs/day)	PM ₁₀ (lbs/day)
Mobile (Primary Traffic)*	10.26	15.03	13.66
<i>Exceeds County Threshold (25 lbs/day Vehicle)</i>	<i>No</i>	<i>No</i>	<i>N/A</i>
Area Source Emissions (Unmitigated)	6.30	1.22	0.02
Total	16.56	16.25	13.68
<i>Exceeds County Threshold (240 lbs/day All Sources)</i>	<i>No</i>	<i>No</i>	<i>N/A</i>

*Unmitigated emissions generated from URBEMIS 2007 for Windows 9.2.0.
 There are no County APCD thresholds for PM₁₀

The site was previously developed. Vehicle emissions for the previous commercial use were calculated using the URBEMIS 2007 Version 9.2.0 air quality model.

Table 2 summarizes the operational emissions from vehicular traffic associated with the previous use.

Table 2. Previous Operational Air Emissions

Emission Source	ROG (lbs/day)	NO _x (lbs/day)	PM ₁₀ (lbs/day)
Mobile (Primary Traffic)*	0.24	0.36	0.33
<i>Exceeds County Threshold (25 lbs/day Vehicle)</i>	<i>No</i>	<i>No</i>	<i>N/A</i>
Area Source Emissions (Unmitigated)	0.14	0.03	0.00
Total	0.38	0.39	0.33
<i>Exceeds County Threshold (240 lbs/day All Sources)</i>	<i>No</i>	<i>No</i>	<i>N/A</i>

*Unmitigated emissions generated from URBEMIS 2007 for Windows 9.2.0.
 There are no County APCD thresholds for PM₁₀

When analyzing the net change in air emissions between the previous site conditions, air emissions are subtracted from the emissions resulting from project implementation. When previous emissions are subtracted from project generated emissions, the net change is as follows:

- 16.18 lbs/day of ROG;
- 15.86 lbs/day of NO_x; and
- 13.35 lbs/day of PM₁₀

Project-generated traffic emissions would not exceed the APCD's long-term threshold of significance of 25 lbs/day for ROG and NOx. Operational emissions resulting from a combination of vehicular traffic, and electrical and natural gas usage from the proposed project are estimated at 16.56 lbs/day of ROG, and 16.25 lbs/day of NOx. When compared to the APCD's thresholds of significance, the project would not exceed the long-term threshold of a total of 240 lbs/day for NOx and ROC from all sources. Given the net change between estimated air emissions for the proposed project and the previous use, impacts related to air quality standards would remain less than significant.

c) Criteria Pollutants: Refer to the response to Item b, above.

d) Sensitive Receptors: Existing residential uses are located to the east, south, and west of the site, and commercial uses are located to the north. Adjacent sensitive receptors could be substantially affected by project emissions during construction and operations. APCD requirements pertaining to minimizing construction-related emissions, as stated above, would be implemented during project construction. Vehicle trips generated by the proposed project would also result in air contaminant emissions along local roadways. These impacts would be less than significant with the incorporation of required mitigation measures. Therefore, the project would result in less than significant impacts upon the implementation of the mitigation measures discussed below.

e) Odors: The proposed project would contain senior housing, commercial offices, commercial retail and/or restaurant space. Although the proposed restaurant use would be expected to generate normal odor levels associated with food preparation, these uses would not generate significant amounts of objectionable odor that would affect adjacent properties.

Mitigation:

Based on forecasted vehicle trip generation, emissions attributable to the project would not exceed County APCD or City thresholds. Because of the potential for the project to result in exposure of future site occupants to air quality nuisances, the following mitigation measure is required.

- All construction activity shall be required to incorporate the APCD requirements pertaining to minimizing construction-related emissions. The APCD does not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. However, dust reduction measures are required for all discretionary construction activities. The following requirements shall be considered standard construction conditions:
 - **Dust Generation.** If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - Seeding and watering to revegetate graded areas; and/or
 - Spreading of soil binders; and/or
 - Other soil stabilization methods deemed appropriate by the Planning Department.
 - **Watering.** Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily water z **Compounds (VOC)**. Low VOC asphalt and low VOC architectural coating will be used whenever feasible.
 - **Soil Stockpiling.** If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material shall be covered with tarps from the point of origin to the point of disposition.
 - **Land Clearing.** After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.

- ❑ **Recording of Dust Control Requirements.** Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with any map, the aforementioned dust control requirements. All requirements shall be shown on grading and building plans.
- ❑ **Monitoring of Dust Control Program.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
- ❑ **Construction Equipment.** In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
 - The engine size must be the minimum practical size;
 - The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
 - Construction equipment must be maintained in tune per manufacturer's specifications;
 - Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
 - Catalytic converters shall be installed, if feasible;
 - Diesel catalytic converters shall be installed, if available;
 - Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site.

Monitoring:

Planning Division will verify inclusion of the required mitigation measure prior to grading clearance.

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comments:

a-d) The proposed project will not have a substantial adverse effect on any species identified as a sensitive species in local or regional plans or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor will the project affect federally protected wetlands, nor will the project affect migratory wildlife corridors, nor will the project affect biological resources, because the project is in an urbanized area and is not identified in the Lompoc General Plan as being in an area of biological significance.

e) The site is not identified on the "Biologically Significant Areas" Map located in the City of Lompoc General Plan adopted October 1997.

f) The proposed project is located on a previously developed site within an urbanized area. The City of Lompoc Biological Resources Study, prepared by Arthur D. Little in February 1987, identifies no biological resources that will be impacted.

V. CULTURAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Comments:

a) The proposed project will not cause a substantial adverse change in the significance of a historical resource, as identified in Section 15064.5, because the subject site is currently vacant.

b) The proposed project will not cause a substantial adverse change in the significance of an archaeological resource, as identified in Section 15064.5, because the subject site is not identified in the City of Lompoc Cultural Resource Study as having an archaeological resource on the site. Standard conditions of approval related to the accidental discovery of archaeological resources during site construction activities are included below.

- c) The proposed project will not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997. Standard conditions of approval related to the accidental discovery of paleontological resources during site construction activities are included below.
 - d) The proposed project would not disturb any human remains, including those interred outside of formal cemeteries. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997. Standard conditions of approval related to the accidental discovery of human remains during site construction activities are included below.
- If archaeological artifacts are unearthed or exposed during construction, all ground disturbing work shall stop immediately and the artifacts and the site shall be evaluated by an experienced archaeologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Archaeologist, prior to the restarting of ground disturbing work at the project site.
 - If paleontological artifacts are unearthed or exposed during construction, all ground disturbing work shall stop immediately and the City notified. The artifacts and site shall be evaluated by an experienced Paleontologist/cultural resources specialist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Paleontologist.
 - If human remains are accidentally discovered or recognized during construction, all excavation and ground disturbing work on or adjacent to the project site (or area of discovery) shall stop immediately. The County Coroner of the County in which the remains are discovered shall be contacted and the Native American Heritage Commission shall be notified immediately and their recommendations and requirements adhered to, prior to continuation of construction activity.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments:

a) The site is not identified on the City of Lompoc General Plan "Geologic and Soils Hazards" Map as being located in an area subject to liquefaction, landslides, or seismic activity, therefore, the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death.

b-e) Based upon the 1987 study by the Morro Group, "City of Lompoc Seismic and Geologic Conditions Study", the area is not subject to unusual geologic activity nor does it have unique features.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments:

- a-c) The proposed project will not create a significant hazard to the public or the environment as hazardous materials will not be used, transported, or disposed of on the site.
- d) The proposed project will not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment, based on a check of the lists prepared by the Certified Unified Program Agency of unauthorized releases and fuel tank locations.
- e-f) The proposed project is not located within the Lompoc Municipal Airport land use plan. It is not located within the vicinity of a private airstrip, based on a review of the Lompoc Airport Master Plan and the Lompoc General Plan.
- g) The proposed project will not impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project will not involve the installation of permanent barriers to travel.
- h) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, because the proposed site is located in the urbanized area of the City of Lompoc.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site.				X

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Comments:

a-e) The proposed project will not violate any water quality standards or waste discharge requirements; the project will not substantially deplete groundwater supplies or interfere with groundwater recharge; the project will not substantially alter the existing drainage pattern of the site or area; the project will not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off.

f) The proposed project will not otherwise substantially degrade water quality. There are no rivers or creeks within the project area.

g) The proposed project is located in Zone X of Community Panel No. 06083C0739F, revised 30 September 05 outside the 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

h) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

i-j) The proposed project will not create a threat of inundation by seiche, tsunami, or mudflow. The subject site is located approximately 8 miles from the ocean, so tsunamis are very unlikely. The site is also not located near a water body or a significant slope or volcano, so mudflows and seiches are very unlikely.

Mitigation:

The applicant shall install sedimentation and grease filters, employing Best Management Practices (BMP) to assure that all water draining from on-site pavement will be properly filtered prior to entering the City's storm drain system.

Monitoring:

Staff will review the grading plan to ensure that sedimentation and grease filters, employing Best Management Practices (BMP), are shown. Once in place, staff will inspect the filters to ensure that they were installed correctly.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comments:

- a) The proposed project will not physically divide an established community as it is located within the existing City limits in an established area.
- b) The proposed project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, as the project is consistent with the proposed General Plan designation of *Office Commercial* and Zoning designation of *Commercial Office (CO)*. Planning Commission review of a Conditional Use Permit will ensure that the use is consistent with the existing uses in the vicinity. The City Planning Commission will review the plans to assure conformance with the City's General Plan and Zoning Ordinance.
- c) There is not a habitat conservation plan or natural community conservation plan, which applies to the site, therefore, there will be no conflict with such a plan.

X. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments:

- a-b) The proposed project will not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state as the "Mineral Resources" Map in the Lompoc General Plan, adopted October 1997, does not identify the project area as being a locally important mineral resource recovery site.

XI. NOISE Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments:

- a-b) The proposed project will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, nor will it expose persons to excessive ground borne noise levels.
- c) The proposed project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- d) Short-term construction impacts create a temporary impact on adjacent residential uses. The impact will be addressed by standard conditions of approval including limited hours of construction.
- e-f) The proposed project is located within two miles of the Lompoc Municipal Airport, however, the project is proposed on a parcel surrounded by development, and would not result in a safety hazard for people residing or working in the project area. The project is not located within the vicinity of a private airstrip.

Mitigation:

In order to limit short-term noise impacts, which will result during the construction phase, limits will be placed on the allowed hours of construction.

Monitoring:

Hours of construction shall be limited to:

- Monday through Friday - between the hours of 7:30 am and 5 pm
- Saturday - between the hours of 8 am and 5 pm
- Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments:

a-c) The proposed project will not induce substantial population growth, directly or indirectly, or displace substantial numbers of existing housing or people. The proposed project will not expand the availability of electrical, water or wastewater service beyond the existing service area and therefore, will not induce growth. The proposed project consists of senior housing units, medical offices, and commercial space on a site that was previously developed with a commercial use. The senior housing will be filled by seniors in the area moving from existing single- and multi-family residences allowing families housing opportunities elsewhere in the community.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
b) Fire Protection?				X
c) Police protection?				X
d) Schools?				X
e) Parks?				X
f) Other public facilities?				X

Comments:

a-f) The proposed project will not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire, Police, Schools, Parks, or other public services, because the project site was previously developed and adequately served by City services. The City has sufficient resources to provide required services.

XIV. RECREATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Comments:

a) The proposed project will not substantially increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, as the project will not significantly increase the number of individuals frequenting existing parks or other recreational facilities in the area. The residential portion of the project is for seniors only. An outdoor terrace is provided on the site for use by the senior residents.
 b) The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

XV. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X

XV. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comments:

a-b) A Traffic and Circulation Study was prepared for the project by the Rick Engineering Company. Based upon the Final Traffic and Circulation Study dated January 9, 2008, the proposed project is estimated to generate 1,042 average daily trips, 76 A.M. peak hour trips and 92 P.M. peak hour trips. The existing + project analysis found that the study-area intersections would operate at LOS C or better during the A.M. and P.M. peak hours with project-added traffic, which meets the City's LOS C performance standards.

c) The proposed project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks because the proposed project is located on a parcel surrounded by existing development.

d) The proposed project will not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment) as it is located on an parcel which is adequately served by existing roadways.

e-f) The proposed project will not result in inadequate emergency access or parking capacity, as the project will not result in blocked roadways and on site parking will be provided.

g) The proposed project will not conflict with policies, plans or programs which support alternative transportation, including buses and bicycles, as the project will not result in blocked roadways, bikeways or reduced parking.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X

XVI. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments:

- a) The proposed project will not exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board.
- b-c) The proposed project will not require the construction of new water or wastewater treatment facilities, or expansion of existing facilities. The project is located within an existing urbanized area and the water, wastewater, and storm water facilities are adequate to service the new development.
- d-e) The project site is located within the City of Lompoc City limits. The project site was studied as part of the General Plan EIR update in October 1997 as a developed site, and the City has sufficient resources to service the existing site with water and wastewater facilities.
- f-g) The City of Lompoc landfill has sufficient capacity to service the proposed use. The project will conform to regulations regarding solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Comments:

- a) The project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory, because the project site is located within the urban core of the City of Lompoc and is not in an area designated by the City of Lompoc Cultural Resources Study, as having a historical or archaeological resource on the site.

- b) The proposed project will not result in impacts that are individually limited or cumulatively considerable, as most of the impacts will result from construction activities. City staff will monitor construction of the project to ensure compliance with Conditions of Approval placed on the project.
- c) The proposed project will not have environmental effects, which will cause substantial adverse effects, either directly or indirectly, on human beings, as the project will result in temporary impacts during construction. Staff will monitor construction of the project to ensure compliance with Conditions of Approval placed on the project.

DETERMINATION: On the basis of this initial evaluation:	
	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

July 18, 2008

Keith C. Neubert
 Principal Planner

G. MITIGATION AND MONITORING PLAN

The following Mitigation Measures shall be Conditions of Approval for the Ocean Plaza Development project (GP 08-02, ZC 08-04, CUP 08-05, LOM 586-P).

I. AESTHETICS

Mitigation:

In order to assure that no additional light and glare spills off of the project site into the existing neighborhood, the applicant will submit a lighting plan showing: lumens, fixture type, placement, and height of any lighting proposed for the development.

Monitoring:

The applicant will submit a lighting plan showing any proposed lighting for the development. City staff will review the adequacy of the plan during plan check.

III. AIR QUALITY

Mitigation:

Based on forecasted vehicle trip generation, emissions attributable to the project would not exceed County APCD or City thresholds. Because of the potential for the project to result in exposure of future site occupants to air quality nuisances, the following mitigation measure is required.

- All construction activity shall be required to incorporate the APCD requirements pertaining to minimizing construction-related emissions. The APCD does not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. However, dust reduction measures are required for all discretionary construction activities. The following requirements shall be considered standard construction conditions:
 - **Dust Generation.** If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - Seeding and watering to revegetate graded areas; and/or
 - Spreading of soil binders; and/or
 - Other soil stabilization methods deemed appropriate by the Planning Department.
 - **Watering.** Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily water z **Compounds (VOC).** Low VOC asphalt and low VOC architectural coating will be used whenever feasible.
 - **Soil Stockpiling.** If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material shall be covered with tarps from the point of origin to the point of disposition.
 - **Land Clearing.** After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.
 - **Recording of Dust Control Requirements.** Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with any map, the aforementioned dust control requirements. All requirements shall be shown on grading and building plans.

- ❑ **Monitoring of Dust Control Program.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
- ❑ **Construction Equipment.** In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
 - The engine size must be the minimum practical size;
 - The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
 - Construction equipment must be maintained in tune per manufacturer's specifications;
 - Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
 - Catalytic converters shall be installed, if feasible;
 - Diesel catalytic converters shall be installed, if available;
 - Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site.

Monitoring:

Planning Division will verify inclusion of the required mitigation measure prior to grading clearance.

VIII. HYDROLOGY AND WATER QUALITY

Mitigation:

The applicant shall install sedimentation and grease filters, employing Best Management Practices (BMP) to assure that all water draining from on-site pavement will be properly filtered prior to entering the City's storm drain system.

Monitoring:

Staff will review the grading plan to ensure that sedimentation and grease filters, employing Best Management Practices (BMP), are shown. Once in place, staff will inspect the filters to ensure that they were installed correctly.

XI. NOISE

Mitigation:

In order to limit short-term noise impacts, which will result during the construction phase, limits will be placed on the allowed hours of construction.

Monitoring:

Hours of construction shall be limited to:

Monday through Friday - between the hours of 7:30 am and 5 pm

Saturday - between the hours of 8 am and 5 pm

Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.

As project applicant representing the Ocean Plaza Development project, I agree with the project description included in this document and will comply with the Mitigation Measures identified herein.

Michael Letzt
BJ Gunner Investments, LLC

Date

CITY OF LOMPOC MITIGATED NEGATIVE DECLARATION

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act, as amended to date, a Negative Declaration is hereby made on the following project:

Title: Ocean Plaza Development – GP 08-02, ZC 08-04, CUP 08-05, LOM 586-P

Location: 1420 East Ocean Avenue & 1401 East Cypress Avenue
(Assessor Parcel Numbers: 85-150-17 & -18)

Description:

Michael Letzt of BJ Gunner Investments, LLC, has requested Planning Commission review of the following:

- 1) GP 08-02 - A General Plan Amendment to amend the land use designation for the site from *General Commercial* to *Office Commercial*;
- 2) ZC 08-04 - A Zone Change to amend the City's Zoning Map designation from *Planned Commercial Development (PCD)* to *Commercial Office (CO)*;
- 3) CUP 08-05 - A Conditional Use Permit for eighty (80) senior apartment units, 13,079 square feet of commercial office space, and 4,251 square feet of commercial retail, and/or restaurant space; and
- 4) LOM 586-P - A Vesting Tentative Parcel Map requesting subdivision of an approximately 2.69 acre site to create six (6) commercial condominiums and one (1) residential condominium.

The project includes a request for a density bonus on the site to allow the number of senior housing residential units at 37% greater than the standard density allowed in a High Density Residential District.

The project is proposed on two (2) existing adjacent parcels totaling approximately 2.69 acres in size, located at 1420 East Ocean Avenue (APN: 85-150-18) and 1401 East Cypress Avenue (APN: 85-150-17), in the southeast portion of the City of Lompoc.

The City of Lompoc has determined that:

- There are no significant adverse environmental impacts created by this project.
- There will be no significant adverse environmental impacts associated with this project if the following conditions/mitigation measures are met.

MITIGATION AND MONITORING

The following Mitigation Measures shall be Conditions of Approval for the Ocean Plaza Development project (GP 08-02, ZC 08-04, CUP 08-05, LOM 586-P).

I. AESTHETICS

Mitigation:

In order to assure that no additional light and glare spills off of the project site into the existing neighborhood, the applicant will submit a lighting plan showing: lumens, fixture type, placement, and height of any lighting proposed for the development.

Monitoring:

The applicant will submit a lighting plan showing any proposed lighting for the development. City staff will review the adequacy of the plan during plan check.

III. AIR QUALITY

Mitigation:

Based on forecasted vehicle trip generation, emissions attributable to the project would not exceed County APCD or City thresholds. Because of the potential for the project to result in exposure of future site occupants to air quality nuisances, the following mitigation measure is required.

- All construction activity shall be required to incorporate the APCD requirements pertaining to minimizing construction-related emissions. The APCD does not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. However, dust reduction measures are required for all discretionary construction activities. The following requirements shall be considered standard construction conditions:
 - ❑ **Dust Generation.** If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - Seeding and watering to revegetate graded areas; and/or
 - Spreading of soil binders; and/or
 - Other soil stabilization methods deemed appropriate by the Planning Department.
 - ❑ **Watering.** Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require two daily waterings.
 - ❑ **Soil Stockpiling.** If importation, exportation, or stockpiling of fill material is undertaken, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Vehicles transporting soil material shall be covered with tarps from the point of origin to the point of disposition.
 - ❑ **Land Clearing.** After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading soil binders until the area is paved or otherwise developed.
 - ❑ **Recording of Dust Control Requirements.** Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with any map, the aforementioned dust control requirements. All requirements shall be shown on grading and building plans.
 - ❑ **Monitoring of Dust Control Program.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to

prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

- **Construction Equipment.** In order to reduce NO_x and ROC emissions, any construction equipment used on the site must meet the following conditions:
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be used wherever feasible;
 - The engine size must be the minimum practical size;
 - The number of pieces of equipment operating simultaneously must be minimized through efficient management practices;
 - Construction equipment must be maintained in tune per manufacturer's specifications;
 - Equipment shall be equipped with 2 to 4-degree engine timing retard or precombustion chamber engines;
 - Catalytic converters shall be installed, if feasible;
 - Diesel catalytic converters shall be installed, if available;
 - Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible; and
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site.

Monitoring:

Planning Division will verify inclusion of the required mitigation measure prior to grading clearance.

VIII. HYDROLOGY AND WATER QUALITY

Mitigation:

The applicant shall install sedimentation and grease filters, employing Best Management Practices (BMP) to assure that all water draining from on-site pavement will be properly filtered prior to entering the City's storm drain system.

Monitoring:

Staff will review the grading plan to ensure that sedimentation and grease filters, employing Best Management Practices (BMP), are shown. Once in place, staff will inspect the filters to ensure that they were installed correctly.

XI. NOISE

Mitigation:

In order to limit short-term noise impacts, which will result during the construction phase, limits will be placed on the allowed hours of construction.

Monitoring:

Hours of construction shall be limited to:

Monday through Friday - between the hours of 7:30 am and 5 pm

Saturday - between the hours of 8 am and 5 pm

Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.

July 18, 2008

Date

Keith C. Neubert, Principal Planner

