

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: SEPTEMBER 13, 2004
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP
CITY PLANNER
RE: CUP 04-07 - CONDITIONAL USE PERMIT

AGENDA ITEM NO. 7

A request by Richard L. Clark, the property owner, for Planning Commission review and consideration of a Conditional Use Permit to allow establishment of a boarding house/hotel located at 202 East Cypress Avenue (Assessor's Parcel Number: 86-203-19). The existing use will be changed from a medical office building to residential. The proposed use will consist of eleven (11) bedrooms, five (5) bathrooms, a kitchen, dining room, and laundry facilities. The proposed use will not include staff members or employees on the premises. No medical assistance or other personal needs will be provided to the occupants. A Negative Declaration has been prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

AUTHORITY:

The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (LCC Section 8882 d).

SITE DATA:

1. Property Owner Richard Clark
2. Site Location 202 East Cypress Avenue
3. Assessor Parcel Number 86-203-19
4. Site Zoning High Density Residential (R-3)
5. General Plan Designation Medium Density Residential
6. Current Site Use Vacant building
7. Surrounding Uses/Zoning North -- Residential / R-3
South -- Residential / R-3
East -- Residential / R-3
West -- Residential / R-3

BACKGROUND:

1952 -- the building at 202 East Cypress Avenue was constructed as a medical office building.

February 2000 – the Commission adopted Resolution No. 128(00) making the interpretation that a medical office facility was an acceptable use in the High Density Residential (R-3) zone with a Conditional Use Permit.

March 13, 2000,-- the Commission adopted Resolution No. 128 (00) approving CUP 00-02 to allow operation of a medical office facility at this location.

CONFORMANCE WITH ADOPTED CITY POLICIES:

GENERAL PLAN:

The General Plan Land Use Designation for the project site is Medium Density Residential. The purpose of this Designation is:

To provide residential areas which are in close proximity to schools, shopping, and other services; and which are at densities that area responsive to the economic considerations of developing affordable ownership housing and rental housing at various price levels. This category provides a buffer between lower-density detached-housing areas, higher-density multiple-family areas, and commercial areas.

The Land Use Designation is intended as a residential area with a higher density than the single-family residential neighborhoods, but a lower density than the multiple-family apartment areas. The average population density for the Low Density Residential area is 17 persons per net acre and the average population density for the High Density Residential area is 61 persons per net acre. The proposed project is located on a site that is approximately 7,000 square feet or .16 of an acre.

ZONING ORDINANCE

The site is zoned *High Density Residential (R-3)*. When the Council adopted the General Plan in 1997, Resolution No. 4641 (97) stated that when there was an inconsistency between the General Plan Land Use Designation and the Zoning Designation, the property in question is to be developed in conformance with the zoning district which is consistent with the General Plan Land Use Designation. In the case of this property that would mean that the development standards of the *Medium Density (R-2)* zoning district must be met. The stated purpose of the R-2 Residential District is:

To stabilize and maintain the residential character of the district and permit a suitable environment for family living on a smaller scale by permitting a higher density with two families to the lot while maintaining individual privacy, open space, and facilities.

Proposed Use:

The applicant has presented the following project description:

“The proposed use is a boarding house consisting of eleven bedrooms, five bathrooms, a kitchen and dining room, and laundry facilities. The boarding house will be open to residents similar to other typical dwelling units as needed. There will be no employees or staff members on the premises. Occupants will have access to the kitchen to prepare their own meals. There will be no assistance provided for medication or other personal needs. The utilities will be provided and paid by the owner.”

Consistency with the Development Standards of the R-2 zone include, Section 7608 - Maximum Density per Dwelling Unit in the Medium Density (R-2) zone is that 2,000 square feet of land area be provided per dwelling unit. In the case of a 7,000 square foot lot, 3 dwelling units would be permitted. Additionally, a landscaped open area of not less than 250 square feet shall be provided on the same building site for each dwelling unit.

The Council held numerous meetings regarding the Boarding House issue in 2002 and 2003 and on June 24, 2003 adopted Ordinance No. 1483 (03) amending the Zoning Ordinance definition of Rooming House to:

Rooming House --- *Rooming house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Rooming house includes boarding house and lodging house.*

The Council generally concluded during the discussion that a Rooming House was a commercial venture and was not appropriate in a Single Family Residential Zoning District. The use was not added to any of the Residential District use lists. Additionally, it was agreed that parking was a major concern for an existing residential neighborhood.

Parking:

The project site has five (5) uncovered parking spaces located on the east side of the property adjacent to the alley. When the site was considered for a CUP to allow a medical office facility, the applicant was advised that additional off-site parking had to be provided to meet the eleven (11) spaces that the use would require. Section 8853 4 – General Provisions of the ZO allows parking for commercial uses to be provided within 300 feet of the site. This is generally provided on a parking lot where the existing business is willing to share parking based upon the fact that the two businesses have different peak hours of operation. The reciprocal agreement must be recorded and run with the land. The building was never operated under the CUP and the reciprocal parking agreement was not recorded.

Analysis:

The applicant is requesting a Conditional Use Permit to allow a Rooming House Use on a site currently zoned *High Density Residential (R-3)* that must be developed utilizing the *Medium Density Residential (R-2)* development criteria. Neither of these Zoning Districts lists a Rooming House as a Permitted or a Conditionally Permitted Use. Uses that are listed have specific standards for density and parking requirements. The Rooming House designation is not currently permitted in any Residential Zone in the City. Development Standards for a Rooming House have not been established and it is recommended that the Commission direct staff to include consideration of standards for this use category with the new Development Code. Until that occurs, it is recommended that the Commission deny the proposed request.

NOTICING:

Notice of the Public Hearing was published in the Lompoc Record on August 20, 2004. All property owners of record, within 300 feet of the subject property, were notified of the public hearing by U.S. Mail on September 3, 2004.

STAFF REVIEW:

A Development Review Board (DRB) meeting was held for this project on August 16, 2004. The applicant representative met with staff to discuss the proposal. The following comments were received:

Police Department: Expressed concern with impact on existing residential area due to lack of on-site parking.

APPEAL RIGHTS:

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form, the fee is \$34.30.

RECOMMENDATION:

It is recommended that the Planning Commission

- 1. Adopt Resolution No. 380 (04) denying CUP 04-07 to allow the proposed Boarding House use at 202 East Cypress Avenue.**

ATTACHMENTS:

1. Draft PC Resolution No. 380 (04)
2. Site Plan
(Planning Commission only, available for review in Planning Division)

RESOLUTION NO. 380 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC DENYING A CONDITIONAL USE PERMIT TO ALLOW ESTABLISHMENT OF THE CYPRESS MANOR BOARDING HOUSE AT 202 EAST CYPRESS AVENUE (CUP 04-07)

WHEREAS, a request was submitted by Richard Clark, the property owner, for Planning Commission review and consideration of a Conditional Use Permit to establish a boarding house in an existing building at 202 East Cypress Avenue. The proposed project is located in a High Density Residential (R-3) Zoning District (Assessor Parcel Number: 85-203-19); and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on September 13, 2004; and

WHEREAS, at the meeting of September 13, 2004, _____, were present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of September 13, 2004, _____ spoke in favor of, or in opposition to, the proposal.

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

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that:

- A. The property is required to be developed subject to the regulations contained in the Medium Density Residential (R-2) District in accordance with the provisions City Council Resolution No. 4641(97) which specifies that development of property shall occur in accordance with the property's General Plan Land Use Designation.
- B. Development standards for Rooming House uses are not provided in the City's Zoning Ordinance because Rooming Houses are not listed as a permitted or conditionally permitted use in any Zoning District.
- C. The proposed Rooming House is not a Conditionally Permitted Use in the Medium Density Residential (R-2) District and, without development standards to assure the use would not have an adverse effect upon the surrounding neighborhood, it cannot be found that the proposed use is consistent with nor more objectionable than the use allowed in the zone.

SECTION 2: Based upon the foregoing, CUP 04-07 is denied as proposed on September 13, 2004.

The foregoing resolution, on motion by Commissioner____, seconded by Commissioner____, was adopted at the regular Planning Commission meeting of September 13, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair