

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: OCTOBER 11, 2004
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP, CITY PLANNER
RE: AMENDMENT TO DEVELOPMENT PLAN -
DR 02-08

AGENDA ITEM NO. 4

A request by Alan Cawthon, the property owner, for Planning Commission review and consideration of a proposal to amend the original Development Plan (DR 02-08) for an outdoor public address (PA) system. The amendment includes changing the original Development Plan for the California Dodge Automobile Dealership to allow the use of outdoor paging during specific hours. The project is located at 415 West Central Avenue (Assessor Parcel Number: 93-450-31) and is zoned *Planned Commercial Development (PCD)*. This action is exempt pursuant to the California Environmental Quality Act (CEQA).

SITE DATA:

1. Property Owner.....Alan Cawthon, Tresco, LLC
2. Site Location.....415 West Central Avenue
3. Assessor Parcel Number.....93-450-31
4. Site Zoning.....Planned Commercial Development (PCD)
5. General Plan Designation.....General Commercial (GC)
6. Site Use.....California Dodge, Chrysler, Jeep Dealer
7. Surrounding Uses/Zoning.....North: Mini Storage/BP
South: Residential/R-2, PD
East: Commercial/PCD
West: Commercial/PCD
8. Project Area.....3.7 acres

BACKGROUND:

August 12, 2002 Planning Commission adopted Resolution No. 227 (02), approving Tentative Parcel Map LOM 519 and Resolution No. 228 (02), approving the Development Plan (DR 02-08) for the California Dodge Dealership

February 25, 2003 Administrative approval for a minor modification to the architecture (DR 02-08) for mechanical and ventilation equipment on roof

May – 2003 California Dodge Dealer opened for business

PROPOSAL:

The applicant is requesting an amendment to the original Development Plan Conditions of Approval (DR 02-08) for the California Dodge Automobile Dealership, to allow the use of an outdoor public address (PA) system on site during the hours of 7:00 a.m. to 8:00 p.m. The project is located at 415 West Central Avenue. The applicant has purchased a Radio Shack MPA – 40, which include four speakers to be placed around the outside perimeter of the dealership (Attachment No. 3).

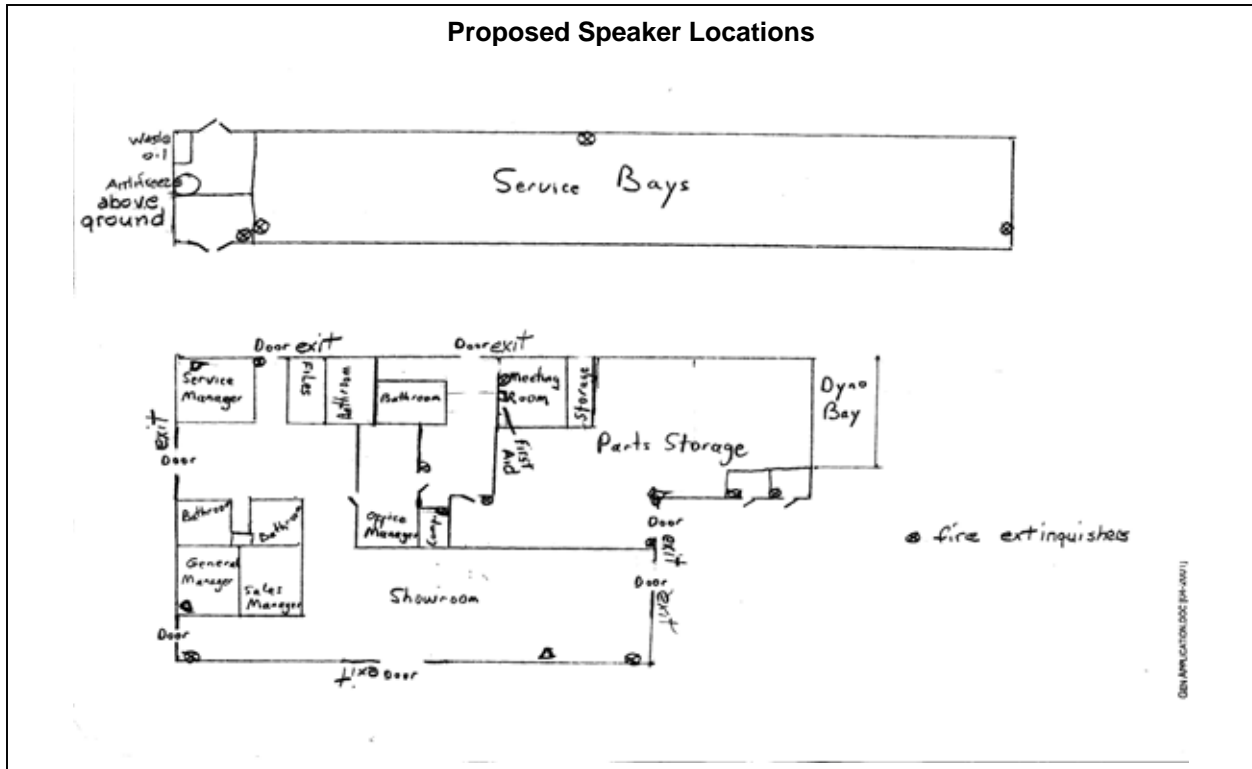
ANALYSIS:

The Planning Commission adopted Resolution No. 228 (02), approving the Development Plan (DR 02-08) for the California Dodge Dealer at 415 West Central Avenue. A part of the approval process involved consideration of the noise impacts that would be caused by this use and the effect on the existing neighbors. The properties to the west and east are existing commercial development. To the south across Central Avenue there are apartments, however, any impact from the dealership would be negated by distance and the noise from traffic on Central Avenue. The business to the north, A Storage Place, has a caretaker unit with residents and is a legal non-conforming use.

The Planning Commission imposed Condition of Approval P28, which states,

“No external Public Address (PA) System will be allowed for the facility”.

The applicant accepted the Condition of Approval but now has requested the addition of an exterior public address system to facilitate in their customer service efforts. The site map presented for review indicates four locations for the speakers. Three of the speakers appear to direct the sound to the south/southwest (General Manager, Parts Storage, Showroom). The speaker at the Service Manager location would be the most problematic for the existing caretakers.



There are several options which staff has discussed with the applicant. The Planning Commission may want to impose the following as Conditions of Approval to allow controlled use of a public address (PA) system, or the Planning Commission may direct staff to revise the Resolution to maintain the original Conditions of Approval.

- There are four (4) speakers proposed around the perimeter of the building. The speakers at the parts storage location and the showroom face the sales lot, and the display lot sound will be directed forward to the sales representatives. The speaker on the southwest corner at the General Manager office should be oriented towards the Central Avenue and L Street intersection. The speaker at the Service Manager location should be moved east to the center of the building to communicate with service technicians (COA P5).
- The hours of operation for the public address (PA) system shall be limited to 8 a.m. and 8 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. Saturday and Sunday (COA P6).
- The use of the public address (PA) system shall be allowed for an initial six-month period. Staff shall monitor the use and return the matter to the Planning Commission in April of 2005 if problems occur from the allowed use. If no problems occur the Planning Commission shall be so advised and the use of the public address (PA) system shall be allowed to continue (COA P7).

Based upon the additional Conditions of Approval herein imposed, the proposed amended Development Plan is consistent with the City Zoning Ordinance Development Standards.

STAFF REVIEW:

A Development Review Board (DRB) meeting was not held to review this project as it is limited to the use of a PA System and no structural changes are proposed to the existing buildings. A Building Permit may be required for any electrical work (COA B1).

ENVIRONMENTAL DETERMINATION:

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

NOTICE:

Notice of Public Hearing was published in the Lompoc Record on October 1, 2004 and all property owners of record within 300 feet of the subject property were notified by U.S. Mail on October 1, 2004.

RECOMMENDATION:

Staff recommends that the Planning commission:

- 1) Adopt Resolution No. 389 (04) approving the amendment to Development Plan DR 02-08 allowing the use of an outdoor public address (PA) system at 415 West Central Avenue (Assessor Parcel Number: 93-450-31), based on the Findings of Fact in the Resolution.

ATTACHMENT:

1. Draft Resolution No. 389 (04) and Conditions of Approval
2. Correspondence from applicant dated August 20, 2004
3. Proposed Site Plan
(PC only with staff report, documents available for review in Planning Division)

RESOLUTION NO. 389 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC AMENDING CONDITIONS OF APPROVAL FOR DR 02-08 AT 415 WEST CENTRAL AVENUE

WHEREAS, a request was submitted by Alan Cawthon, the property owner, for Planning Commission consideration an amendment to the existing conditions of approval on the original Development Plan (DR 02-08) for use of an outdoor public address (PA) system. The project is located at 415 West Central Avenue (Assessor Parcel Number: 93-450-31) and is zoned Planned Commercial Development (PCD).

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on October 11, 2004; and

WHEREAS, at the meeting of October 11, 2004, _____ was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of October 11, 2004, _____spoke in favor of, and _____spoke in opposition to, the proposed Development Plan amendment; and

WHEREAS, the proposed Development Plan amendment is categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

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

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposed changes to the Conditions of Approval, meet the requirements of the Lompoc City Code and are consistent with the applicable policies and development standards, therefore it can be found that the proposed addition of a public address (PA) system will be consistent with the existing facility use and the limitation on the hours of operation will assure that there will be a minimal impact on the neighboring property owners.

SECTION 2: Based upon the changes to the Conditions of Approval the Development Plan (DR 02-08) is approved as proposed on October 11, 2004.

The foregoing Resolution, on motion by Commissioner_____, seconded by Commissioner _____, was adopted at the regular Planning Commission meeting of October 11, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment:

Exhibit A: Conditions of Approval

**DRAFT CONIDITIONS OF APPROVAL
DR 02-08 – AMENDMENT FOR USE OF A PA SYSTEM
415 WEST CENTRAL AVENUE– APN: 93-450-31**

The following Conditions of Approval apply to the plans for DR 02-08, prepared by Alan Cawthon, received by the Planning Division and stamped on August 23, 2004, and reviewed by the Planning Commission on October 11, 2004.

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 conditions hereby imposed are in addition to the conditions imposed by Planning Commission Resolution No. 228 (02) in approving Development Plan (DR 02-08). In the case of any conflicts, the conditions listed herein shall prevail.

P4. 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 – Project Specific Conditions

P5. Hours of operation for the PA System shall be limited to:
Monday through Friday - between the hours of 8 a.m. and 8 p.m.
Saturday through Sunday - between the hours of 9 a.m. and 5 p.m.

Minor modifications to the hours of operation may be granted by the City Planner.

P6. The proposed speaker on the northwest corner of the building shall be moved east to the center of the building. Staff shall review the revised placement.

- P7. The use of the public address (PA) system shall be allowed for an initial six-month period. Staff shall monitor the use and return the matter to the Planning Commission in April 2005 should problems occur. If no problems occur, the Planning Commission shall be so advised and the use of the public address (PA) system shall be allowed to continue.

II. BUILDING

Building – Project Specific Conditions

- B1. The project shall comply with all UBC and UFC requirements. The applicant shall obtain all necessary permits from the City Building Division.

III. FIRE

No General or Project Specific Conditions

IV. ENGINEERING

No General or Project Specific Conditions

V. ELECTRIC

No General or Project Specific Conditions

VI. SOLID WASTE

No General or Project Specific Conditions

VII. WATER

No General or Project Specific Conditions

VIII. WASTEWATER

No General or Project Specific Conditions

I, Alan Cawthon, as project applicant do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the proposed public address system. As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Name

Date

California



August 20, 2004

City of Lompoc
Planning Department
100 Civic Center Plaza
Lompoc, Ca. 93436

Re: Application for Amendment to Existing Permit

Enclosed is our application for amendment to existing permit and appropriate fee for parcel #093-450-31-0007. We would appreciate your approval to use outside paging speakers. We realize after one year of operation that it is a necessity.

The reason we need the speakers is to page the sales people for telephone calls. They spend most of their day outside on the lot and need to know when they have a customer on the telephone or in the showroom. Also, we need to page the service manager, service advisor and service technicians when there is a telephone call or customers waiting in the lounge.

It is the industry standard and normal operating practice for automobile dealerships to have outdoor speakers. All of the major dealerships in Lompoc have them. Our hours of operations are from 7:00 AM to 8:00 PM and would appreciate approval to use the paging system during these hours. I have enclosed a map of the building and the location of the speakers. The system we have purchased is a Radio Shack MPA-40 and has four speakers. The volume is adjustable and we could compromise on the hours that we use them for paging.

Your consideration in our favor will be appreciated.

Sincerely,

Alan Cawthon
President

