

## CITY OF LOMPOC PLANNING COMMISSION STAFF REPORT



**DATE:** June 10, 2015  
**TO:** Members of the Planning Commission  
**FROM:** Lucille T. Breese, AICP, Planning Manager  
Megan Lowery, Contract Planner  
**RE:** Conditional Use Permit – CUP 15-04

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### **AGENDA ITEM NO. 2**

A request from Alan Grant representing Starbuck-Lind Mortuary, for Planning Commission review and consideration of a Conditional Use Permit to allow conversion of the existing vacant building located at 138 North B Street (APN 085-142-011) into an assembly hall. The property is zoned *Mixed Use (MU)*. This action is exempt from the California Environmental Quality Act (CEQA).

### **Scope of Review:**

The Planning Commission is being asked to consider:

- If the proposed project meets the property development standards for the *Mixed Use (MU)* zone;
- If the proposed project, with a Conditional Use Permit, is compatible with surrounding uses, and appropriate for the site;
- If the required Findings of Fact can be made; and
- If the Conditions of Approval are appropriate for the project.

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

### **PLANNING COMMISSION ACTION:**

- 1) Adopt Resolution No. 805 (15) approving CUP 15-04, based upon the Findings of Fact in the Resolution, and subject to the attached draft Conditions of Approval; or
- 2) Provide alternate direction.

**SITE DATA:**

- 1) Property Owner..... Starlight Group, LLC
- 2) Site Location ..... 138 North B Street
- 3) Assessor Parcel Numbers ..... 085-142-011
- 4) Site Zoning..... Mixed Use (MU)
- 5) General Plan Designation ..... Mixed Use (MU)
- 6) Site Use ..... Vacant
- 7) Surrounding Uses/Zoning ..... North: Residential, R-2  
South: Residential, PCD  
East: Mortuary, PCD  
West: Residential, MU
- 8) Site Area ..... 21,000 square feet

**Background:**

May 20, 1965                      Construction of one-story office building for the Department of Motor Vehicles.

December 21, 2012              Starbuck-Lind took ownership of existing building.

**Proposal:**

The proposed project would allow the conversion of the existing vacant building into an assembly hall, for use by the community, as well as for gatherings following funeral or memorial services at the adjacent mortuary. Community uses would include receptions, family gatherings, neighborhood and business association meetings, as well as club and religious organization gatherings. The project would involve site improvements including removal of asphalt and cement on the west side (front) of the building to improve the access and to add planters and landscaping, as well as removal of asphalt on the north side of the building to create an outdoor patio with wooden decking, permeable pavers and a 6-foot slump stone block wall. The facility would be available for use every day of the year and would maintain normal hours of availability between 8 a.m. and 10 p.m.

**PROJECT ANALYSIS:**

**General Plan:**

The General Plan designation for this property is *Mixed Use (MU)* and the stated purpose is:

*“To provide areas for a mixture of pedestrian-oriented uses (e.g. commercial, residential, civic, cultural, and recreational) where each activity adds to the whole to produce a town center that is economically vibrant and socially inviting.”*

The General Plan further describes appropriate uses in the *MU* area as “shops; business services; residential units; medical offices; and public and quasi-public uses of a recreational, educational, or religious type.”

A public assembly use is consistent with the quasi-public “recreational, educational and religious type” of activities allowed under the mixed-use designation. Therefore, the change of use to an assembly hall is consistent with the site’s General Plan designation. Additionally, the project’s proximity to the mortuary and residential communities would provide a walkable community amenity, consistent with the pedestrian-oriented goals of the mixed use designation.

**Zoning Ordinance:**

The zoning for this site is *Mixed Use (MU)* and the stated purpose is:

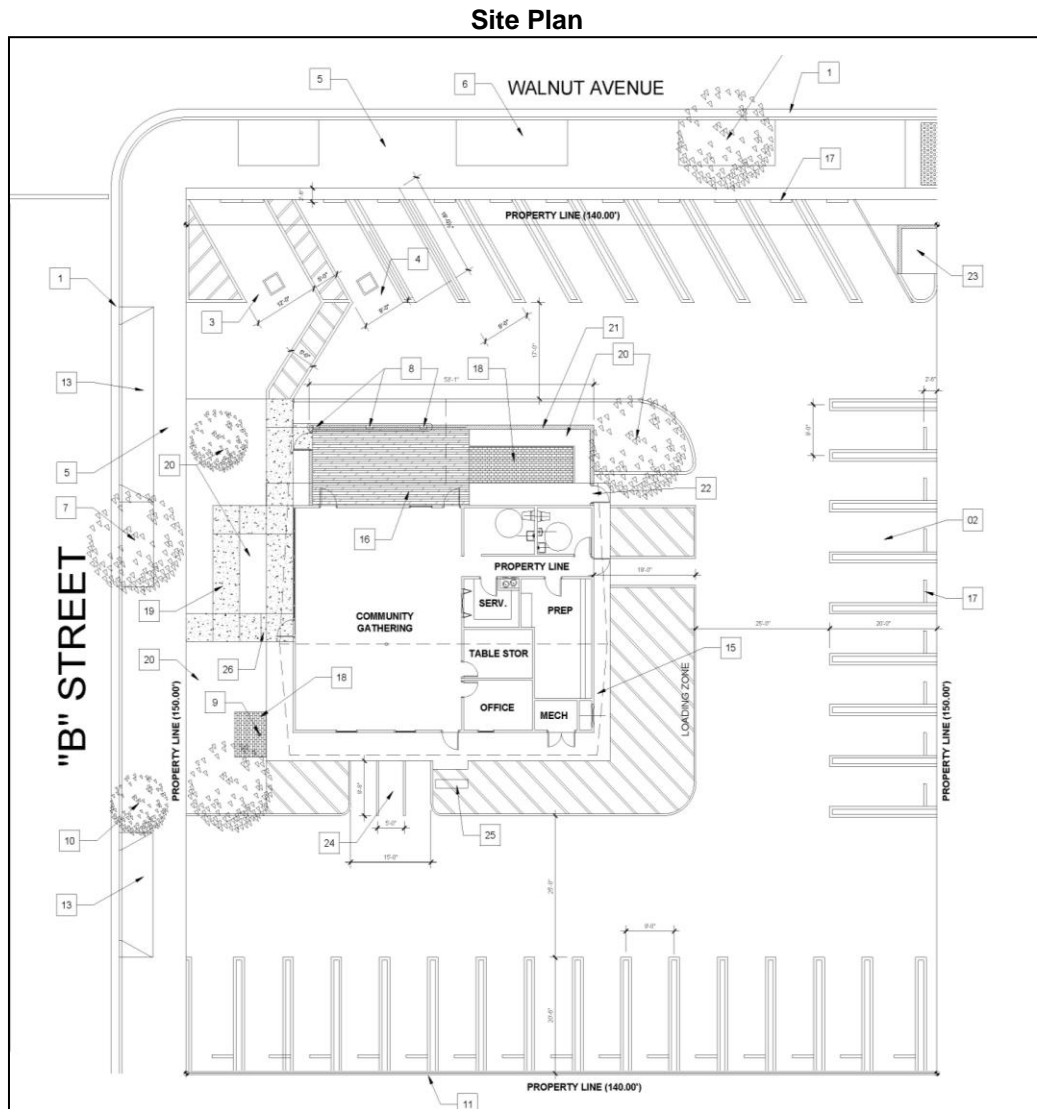
*“To provide areas that encourage residential opportunities and innovative retail commercial uses that are located near transportation corridors where local residents have access to personal services, retail facilities, and cultural opportunities that are pedestrian oriented. To recognize the unique character that alleys can provide to support infill development, subject to appropriate standards to preserve views, protect privacy, and limit building bulk.”*

As discussed above, the proposed project would provide a new walkable community amenity within close proximity to existing community uses and residences. Therefore the project is consistent with intent of the mixed use zone district.

**Site Plan:**

The project proposes to utilize the existing vacant building with minor site improvements to improve access and use of the site, and update the landscaping. On the front (west side) of the building, the applicant proposes to remove existing asphalt and concrete and replace the areas with new landscape planters. New concrete steps and walkway would also be added.

The previous DMV “drive-through” on the north side of the building would be enclosed with a slump stone block wall to create a private patio area with wood decking, permeable pavers and landscaping. A landscape island with curbing would also be added to the perimeter of the patio to obstruct vehicles from striking the building overhang, which would extend approximately 4-feet beyond the patio wall. Three existing bathroom windows on the north elevation would also be removed to provide greater privacy, eliminating visibility into the proposed patio area. Staff will review and approve the landscape plan.



## Parking

The project would utilize the existing 34 vehicle parking spaces on the property. The plans show approximately 1,218 square feet of public accommodation area and the code requirement for a Community Center would require 1 space per every 35 square feet of assembly room or 35 vehicle parking spaces. (17.112.040.C Parking Requirements, General Provisions). This is a one space deficit and is below the 10% adjustment allowed with Planning Commission approval.

Current parking standards also require a minimum of one motorcycle parking space and one bicycle parking space be provided for the proposed project. However, three new motorcycle parking spaces and two bicycle parking spaces would be provided along the south side of the building—exceeding the motorcycle and bicycle parking requirements.

**Staff Review:**

No formal Development Review Board (DRB) meeting was held for this CUP, however the application was circulated and Conditions of Approval were drafted by each of the departments, addressing both standard and project specific requirements that will need to be completed.

Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for Planning 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 COAs included with the Planning Commission Resolution for the project may be applicable. If the applicant has questions and/or concerns regarding specific conditions, he/she should contact the department/division that is recommending the condition. DRB members do not attend the Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions.

**ENVIRONMENTAL DETERMINATION:**

The proposed project, as conditioned, is Categorically Exempt, pursuant to Section 21084 of the California Environmental Quality Act (CEQA) and Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines. A Notice of Exemption will be filed, pursuant to CEQA requirements, following the Commission action.

**NOTICING:**

On May 26, 2015:

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

**APPEAL RIGHTS:**

Any person has the right to appeal the Planning Commission action to the City Council within ten (10) calendar days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

**ATTACHMENTS:**

- 1) [Draft Resolution No. 805 \(15\) and Conditions of Approval](#)
- 2) [Project Description, received May 4, 2015](#)
- 3) Site Plan and Elevations  
(PC only with staff report, documents available for review in Planning Division)

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



**RESOLUTION NO. 805 (15)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE PERMIT FOR AN ASSEMBLY HALL LOCATED AT 138 NORTH B STREET (Planning Division File No. CUP 15-04)**

**WHEREAS**, a request was received from Alan Grant, representing Starbuck-Lind Mortuary, for consideration of a Conditional Use Permit for an assembly hall, located at 138 North B Street (Assessor Parcel Number: 085-142-011);

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on June 10, 2015;

**WHEREAS**, at the meeting of June 10, 2015, Alan Grant, the applicant, was present and answered Planning Commissioners' questions and addressed their concerns;

**WHEREAS**, at the meeting of June 10, 2015, \_\_\_\_\_ spoke in favor of, or in opposition to the project; and

**WHEREAS**, the proposed project, as conditioned, is Categorically Exempt, pursuant to Public Resources Code Section 21084 of the California Environmental Quality Act (CEQA) and Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines.

**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 assembly hall, as conditioned, meets the requirements of the Lompoc City Code and is consistent with the applicable policies and development standards, therefore it can be found that:

- A. The proposed use, as conditioned, is consistent with the applicable policies and development standards set forth in Lompoc City Code Section 17.064.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. The site of the proposed use relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
- D. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.

**SECTION 2:** Based upon the foregoing, CUP 15-04 allowing conversion of the existing building into an assembly hall is approved as proposed on June 10, 2015, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing Resolution No. 805 (15) was adopted, on motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, at the June 10, 2015 Planning Commission meeting by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Lucille T. Breese, AICP, Secretary

\_\_\_\_\_  
Ron Fink, Chair

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

**CONDITIONS OF APPROVAL  
CUP 15-04 – STARBUCK-LIND ASSEMBLY HALL  
138 NORTH B STREET (APN: 085-142-011)**

The following Conditions of Approval apply to the plans for CUP 15-04, received by the Planning Division and stamped on April 6, 2015 and reviewed by the Planning Commission on June 10, 2015.

**I. PLANNING**

**Planning – General Conditions**

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 17.140.010, 17.152.010, and 17.152.020 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Sections 1.24.010 and 1.24.060 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. 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 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 Planning Manager 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.
- 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.

- P9. Building permits shall be obtained from the City of Lompoc for all tenant improvements to the structure and all new construction.
- P10. The Engineering and Planning Divisions shall review and approve a plan for all work/striping in the parking area to assure conformance with City standards

#### **Planning – Architectural Conditions**

- P11. The Architectural Review approval granted by the Planning Commission is valid for one year from date of approval and will expire on June 10, 2016. A one year extension may be granted by the Planning Manager if the applicant so requests prior to the expiration date.
- P12. All facades which extend above the roof line shall be finished on all elevations exposed to public view.
- P13. 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.
- P14. Plantings that serve to screen views of residential development, or that help to maintain a natural-appearing landscape, shall be retained to the extent feasible.

#### **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.

### **Planning – Landscaping Conditions**

- P17. Five (5) sets of the landscape and irrigation plans shall be submitted to the Planning Division for distribution and review by various City departments/divisions. The landscape and irrigation plans shall be reviewed and approved prior to issuance of grading or encroachment permits.
- P18. A Landscape Maintenance Agreement, in a form satisfactory to the City Attorney, shall be recorded prior to issuance of building permits for the project.
- P19. The project must conform to Chapter 15.52 of the Lompoc City Code Water Efficient Landscape Standards.
- P20. 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.
- P21. All trees must be installed with support staking. All nursery stakes must be removed from trees.
- P22. 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.
- P23. Prior to the final inspection by the Planning Division, a Certificate of Substantial Compliance shall be completed and submitted to the Planning Division.

### **Planning – Mitigation Monitoring Conditions**

- P24. Hours of construction shall be limited to:
  - Monday through Friday - between the hours of 7:30 a.m. and 5:00 p.m.
  - Saturday - between the hours of 8:00 a.m. and 5:00 p.m.
  - Sunday - NoneMinor modifications to the hours of construction may be granted by the Planning Manager.

### **Planning – Conditional Use Permit Conditions**

- P25. 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.
- P26. 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.
- P27. All of the conditions shall be consented to in writing by the applicant.

- P28. 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.
- P29. 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 Planning Manager 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.
- P30. 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.
- P31. Hours of operation shall be between 8 am and 10 pm daily.
- P32. Thirty-four parking spaces shall be provided on site.
- P33. Building permits shall be required for all structural improvements on the site.

**II. POLICE – No General or Project Specific Conditions**

**III. FIRE**

**Fire – General Conditions**

- F1. Existing commercial properties shall install a Knox key box as directed by the Fire Code Official when a building permit is obtained for any work. The key box shall contain keys that will allow the fire department access to all portions of the building. The keys shall have tags affixed identifying their purpose. The nominal height of the Knox box installations shall be 5 feet above grade. Consult with the Deputy Fire Marshal for placement and specifications.
- F2. All fire extinguishers required to have an 'A' rating shall be sized 2A10BC. Location, number and types shall be in accordance the California Code of Regulations Title 19.
- F3. A final fire inspection is required and shall be scheduled with the Lompoc Fire Department (805) 875-8063 prior to the issuance of the Certificate of Occupancy.
- F4. Ensure proper licensing of fire protection system engineers and California State Fire Marshal licensed installers for design specific systems. Additionally, a City of Lompoc business license may be required of any installers. Verify with the City Clerk any concerns for the local business license of project employees.

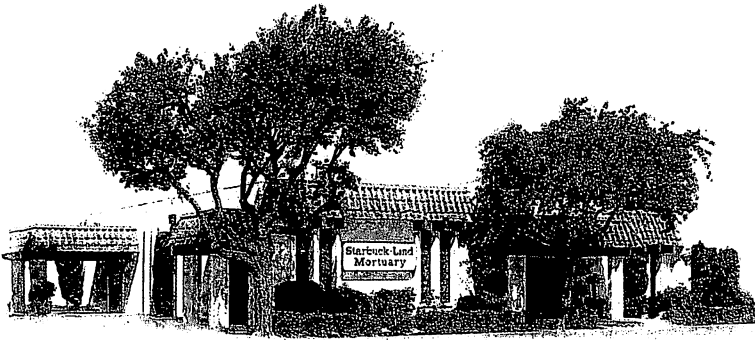
- F5. If a commercial kitchen hood is added, submit plans to Fire for the new system.
- F6. Provide accurate occupancy typing and square footage of all areas of the building. Usage will determine occupancy type and shall be used to calculate occupant loads. Square footage and occupancy types are to be verified and approved by the Building and Fire Departments.
- F7. Illuminated exit signage and emergency egress lighting shall be added where required in an "A3". 2013 CFC Section 1011.
- F8. Emergency exit doors shall provide correct direction of swing and properly rated exit hardware. 2013 CFC Section 1008.
- F9. No work shall commence without approved plans and a building permit issued.
- F10. Recalculation of occupancy load will be issued upon completion of the permit process.
- F11. Compliance shall be required to meet in accordance with the most restrictive of the following: 2013 California Fire Code (CFC) as amended by the City of Lompoc, the 2013 California Building Code (CBC), and the Lompoc City Code.

I, Alan Grant, as project applicant do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in its approval of the proposed assembly hall facility. As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Alan Grant

\_\_\_\_\_  
Date

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## Starbuck-Lind Mortuary

### Project Description

I would like to make improvements to the existing building located at 138 North B Street so it might be used for community gatherings and assembly.

I would like to remove some asphalt and cement on the west side (front) of the building to improve the access and to add planters and landscaping. I would also like to remove some of the asphalt on the north side of the building to create an outdoor patio with wooden decking, permeable pavers and a 6' slump stone block wall.

The property and building is located west of and adjacent to Starbuck-Lind Mortuary. The parking lot is currently used as overflow parking for mortuary clients and guests. Primarily, we would like to use the building for receptions, family of community gatherings following funeral or memorial services. Additionally we would like to make it available to the community for other assemblies such as are common to family gatherings, neighborhood and business associations, clubs and religious organizations.

I intend to make it available for use every day of the year and maintain normal hours of availability between 8 am and 9 pm.

The property is in a Mixed Use District. We believe the proposed use is compatible with the intent and purpose of a Mixed Use District,

“to provide areas that encourage residential opportunities and innovative retail commercial uses that are located near transportation corridors where local residents have access to personal services, retail facilities, and cultural opportunities that are pedestrian oriented. To recognize the unique character that alleys can provide to support infill development, subject to appropriate standards to preserve views, protect privacy and limit building bulk.” (Section 17.056.010)

RECEIVED  
BUILDING DEPARTMENT

MAY 04 2015