

CITY OF LOMPOC PLANNING COMMISSION STAFF REPORT



MEETING DATE: June 10, 2015

TO: Members of the Planning Commission

FROM: Lucille T. Breese, AICP, Planning Manager

RE: CUP 12-04 – Conditional Use Permit
Status Report

Background

At the December 10, 2014 Planning Commission meeting, the Conditions of Approval for the CrossFit Ohana Gym at 1299 West Laurel Avenue were amended. On December 11, 2014, Mr. Savella was advised:

The Planning Commission held the public hearing, discussed the issue with you and your contractor, considered the material presented by staff, and generally accepted the staff recommendation as adjusted below:

- The applicant be directed to submit complete plans for building permits 60 days from January 1, 2015 or by March 2, 2015.
- The applicant is directed to complete construction of the toilets within 180 days of the issuance of the building permit.
- If the submittal date is met, staff should be directed to return progress reports to the Planning Commission every 60 days until the building permit is finalized.
- If the submittal date is not met, staff is directed to return the CUP to the Planning Commission at the next available meeting for possible revocation.

Since that date:

Dec 31, 2014	A status report was prepared on the CUP for the City Administrator at the request of Councilmember Holmdahl
Jan 2, 2015	Building Official sent a letter advising Mr. Savella of issues to be addressed (copy attached)
Feb 17, 2015	Staff presented the status report to City Council
Feb 18, 2015	Mr. Savella sent an e-mail asking what exactly was required and was provided with a copy of the Building Official letter dated Jan 2, 2015 and my letter (referenced above), dated Dec 11, 2014

- Mar 2, 2015 Building Permit application was not received. Mr. Savella sent an e-mail stating he would not be able to meet the deadline (see attached). Staff advised him we would proceed with Planning Commission direction from December 10, 2014 and recommend setting the CUP for revocation at the next available meeting. If plans are submitted for a building permit prior to the April 8 meeting, the revocation hearing could be continued for 60-days to allow a permit to be obtained and the 60-day status reports would be resumed.
- Mar 12, 2015 Application received for a building permit
- Apr 8, 2015 Planning Commission hearing, staff recommended that since the building permit application has been received the Planning Commission could consider directing staff to provide updates regarding status as outlined in the December 10, 2014 direction provided, and the Commission concurred. At the meeting, Mr. Savella was advised the building permit was available for pick up.
- Commissioner Rodenhi asked that the CUP be returned to the PC to review the description originally provided with the CUP approval in 2012.
- May 13, 2015 Staff met with Darren Savella, Caitlin Boyle, and two representatives of the landlord to discuss the business situation and express concern with proceeding with the improvements before the PC discussion requested by Commissioner Rodenhi.
- May 22, 2015 Mr. Savella and Ms. Boyle submitted the attached correspondence request the hearing before the Commission be conducted so they could hear the direction provided to the staff from the Commission.

Current Status:

- The building permit is available for pickup by Mr. Savella.
- Once the building permit is paid for and picked up, Mr. Savella has 180 days to complete the construction.
- This is the 60-day status report from the April 8, PC meeting.

Next Steps:

Staff is requesting direction from the Planning Commission on how they wish to proceed in considering CUP 12-04. There are several options to consider:

1. Direct staff to return with the information from the original submittal and the Conditions of Approval adopted in 2012; and, provide any/or all of the following as direction to staff to return to the Commission for consideration of modification of the existing CUP:
 - a. conduct an survey of similar types of operations and their hours of operation as well as their proximity to residential zones;
 - b. review and document the noise and vibration complaints from the adjacent property owner,
 - c. conduct a survey of adjacent jurisdictions and see how they handle CrossFit Gyms;
 - d. provide information on types of industrial uses that would be permitted in the unit if CrossFit were not located there;
 - e. request information from the applicant regarding what type of efforts he has made to mitigate the noise and vibrations from the operation;
 - f. review the current hours of operation for the business and consider the hours he wants his business to operate;
 - g. consider special events at the business and what type of permit would be required; or
2. Direct staff to set CUP 12-04 for a revocation hearing at the next available hearing, per LMC 17.124.080 Revocation of Use Permits. , since the building permit has not been picked up, and construction is not proceeding to meet the COA of the CUP as directed on December 10, 2014; or
3. Direct staff that no further action is required at this time; or
4. Provide alternative direction.

[Attachments \(1\)](#)

Lucille,

Good afternoon, I hope that this letter finds you well. I would like to take this time to thank you for meeting with myself, Caitlin, Mike and Grant last Wednesday. I took the weekend to make sure to write a proper response to the topics that were discussed.

First and most important is to outline the next steps for us to take to fulfill our CUP, and to become current with our bathroom situation. The next step would be for us to pick up our building permit and start the initial phases of construction (180 days from pick up). However, during the December meeting with the commission there were many things that caught our attention and one being this huge red flag brought about by Commissioner Rodenhi. Obviously you can imagine our concern as we are in this meeting for an agenda topic of bathrooms and he brings about the issue of noise and a request to re visit the CUP. From my understanding this was not the day for such a discussion and we felt caught very off guard and surprised to say the least. After our meeting we understand that there is to be a meeting in July to fulfill Commissioner Rodenhi's request to revisit our CUP. So with his statements this put a halt on our progress with fulfilling our CUP. Before going through the expense (which is very substantial) we need to make sure that once we get our bathroom installed then we are in good standing with our CUP and the City we serve.

Again we understand the building permit is available and we are able and willing to pick that up and move forward but we need to be sure that we are all on the same page. Again we are 3 years into our business and we have been conducting ourselves in the same fashion this entire time. I would also like to see clarification on why we are revisiting the CUP. With a passed sound test and no violations or citations, what is the purpose of the meeting? This is holding up our business and our timeline to fulfill our CUP issue with the bathroom.

When we left the meeting you were talking about possibly moving that date of the meeting Commissioner Rodenhi wants to June instead of July. If this meeting were warranted, we would love for it to get moved up so that we can move forward with our business as soon as possible. Please let us know as soon as possible so that we can commence with our build.

Again thank you, and the rest of the commissioners, for your time and efforts in allowing the delay in construction expense to take place. We are eager to get back to serving our community and its members.

Respectfully,
CrossFit Ohana LLC.
Darren Savella
Caitlin Boyle

RECEIVED

MAY 22 2015

Planning Division