

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: December 9, 2015

TO: Members of the Planning Commission

FROM: Lucille T. Breese, AICP, Planning Manager

RE: CUP 12-04 – Conditional Use Permit
Amended Conditions of Approval

Background:

At the November 18, 2015 Planning Commission meeting, staff was directed to prepare a Resolution to amend the Conditions of Approval for the CrossFit Ohana Gym at 1299 West Laurel Avenue, to include a new condition addressing noise and vibration during early morning and late night hours. Additionally, a COA has been added to require the installation of the gender neutral toilets to the facility. The additional COA's have been included and read as follows:

- P5. Activities involving dropping of weights and any excessive noise shall be limited to occur only between the hours of 7 am and 9 pm.*
- P6. On December 10, 2014, the Planning Commission directed that the toilet facilities required by COA B-9 be installed within 180 days of the building permit being issued. The building permit was issued on November 23, 2015, therefore the building permit shall be finalized by May 23, 2016 or the CUP will be returned to the Planning Commission for failure to comply with the Conditions of Approval.*

Planning Commission Action:

- 1) Adopt Resolution No. 825 (15) amending the COA for CUP 12-04, based upon the Findings of Fact in the Resolution; or
- 2) Provide alternative direction.

[Attachments \(1\)](#)

RESOLUTION NO. 825 (15)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC CONSIDERING MODIFICATIONS TO CONDITIONS OF APPROVAL AND CHANGES TO APPROVED CONDITIONAL USE PERMIT FOR THE CROSSFIT OHANA GYM LOCATED AT 1299 WEST LAUREL AVENUE, UNITS 32 to 37, APN 089-510-032 to -037 (CUP 12-04)

WHEREAS, the Planning Commission adopted Resolution No. 720 (12) approving the Conditional Use Permit (CUP 12-04) for the Crossfit Ohana Gym, at 1299 West Laurel Avenue, Units 32 to 37 (Assessor Parcel Numbers 089-510-032 to -037) and imposed Conditions of Approval at a duly-noticed public meeting on March 14, 2012; and

WHEREAS, between March 2014 and August 2015, four hearings were held on the project to address noise issues, and three hearings were held on the project to address unmet COA; and

WHEREAS, modification of the COA was considered by the Planning Commission at a duly-noticed public meeting on November 18, 2015; and

WHEREAS, at the meeting of November 18, 2015, staff was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of November 18, 2015, Richard Drago spoke in opposition to the modifications; and

WHEREAS, at the meeting of November 18, 2015, the Planning Commission directed staff to prepare a Resolution amending the Conditions of Approval for CUP 12-04; and

WHEREAS, modification of the COA was considered by the Planning Commission at a duly-noticed public meeting on December 9, 2015; and

WHEREAS, amendment of the COA is Categorically Exempt pursuant to CEQA Guidelines sections 15301, 15308, and 15061(b)(3) 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 Crossfit Ohana, as conditioned per this resolution, 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 on March 14, 2012 and by this resolution, is consistent with the applicable policies and development standards set forth in Lompoc City Code Section 17.064.
- B. As conditioned on March 14, 2012 and by this resolution, the site for the proposed use 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. As conditioned on March 14, 2012 and by this resolution, the site for 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. As conditioned on March 14, 2012 and by this resolution, the proposed use will have no adverse effect upon abutting property from the permitted use thereof.
- E. The condition restricting noise, stated in Exhibit A to this resolution, is necessary to protect the public health, safety, and welfare.

SECTION 2: Based upon the foregoing, approved conditions of approval for CUP 12-04 are hereby amended as identified in 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 December 9, 2015 by the following vote:

AYES:

NOES:

Lucille T. Breese, AICP, Secretary

Ron Fink, Chair

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

**CONDITIONS OF APPROVAL
CUP 12-04 – CROSSFIT GYM/FITNESS STUDIO
1251 WEST LAUREL AVENUE, UNITS 32-37 – APN: 89-510-32 TO 37**

The following Conditions of Approval apply to the plans for CUP 12-04, approved by the Planning Commission on March 14, 2012 by Resolution No. 720(12) and are amended as follows:

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. All of the previous Conditions of Approval, adopted by Resolution No. 720(12) remain fully in effect.

Planning – Conditional Use Permit Conditions

- P3. The resolution amending 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 prior to issuance of a certificate of occupancy.
- P4. 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 – Project Specific Conditions

- P5. Activities involving dropping of weights and any excessive noise shall be limited to occur only between the hours of 7 am and 9 pm.
- P6. On December 10, 2014, the Planning Commission directed that the toilet facilities required by COA B-9 be installed within 180 days of the building permit being issued. The building permit was issued on November 23, 2015, therefore the building permit shall be finalized by May 23, 2016 or the CUP will be returned to the Planning Commission for failure to comply with the Conditions of Approval.

I, Darren Savella, individually and on behalf of CrossFit Ohana Fitness Studio, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the gym/fitness studio. As the applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

CrossFit Ohana Fitness Studio

By: _____
Darren Savella

_____ Date