

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**DATE:** JUNE 9, 2010  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KEITH C. NEUBERT, PRINCIPAL PLANNER  
**RE:** PROJECT MODIFICATIONS  
CONDITIONAL USE PERMIT – CUP 08-05  
VESTING TENTATIVE PARCEL MAP – LOM 586-P

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**AGENDA ITEM NO. 2**

A request from Shellan Miller of Pacific West Communities, Inc., the applicant, for Planning Commission consideration of modifications to a previously approved project known as Ocean Plaza. The project has been reduced in size and density, and renamed Cypress Court. The revised project includes the following:

- 1) CUP 08-05 - A Conditional Use Permit for sixty (60) affordable apartment units and approximately 14,493 square feet of commercial space; and
- 2) LOM 586-P - A Vesting Tentative Parcel Map for subdivision of an approximately 2.28 acre site to create five (5) commercial condominiums and one (1) residential condominium.

The Planning Commission will consider a recommendation to the City Council for a density bonus on the site to allow the number of residential units at 21% greater than the standard density allowed in a High Density Residential District.

The project is proposed on an approximately 2.28 acre parcel, located in the *Commercial Office (CO)* Zoning District at 1420 East Ocean Avenue (Assessor Parcel Number: 85-150-17). A Mitigated Negative Declaration (MND) was prepared for this project and certified by the City Council on November 18, 2008 (SCH No. 2008021031). There have been no changes to the environmental considerations since that date.

**SCOPE OF REVIEW:**

The Planning Commission is being asked to consider:

- 1) If the modified project is compatible with surrounding uses and appropriate for the site with a Conditional Use Permit;

- 2) If the requested density bonus is in conformance with California State Law and appropriate for the site;
- 3) If the modified Vesting Tentative Parcel Map meets the requirements of the Subdivision Ordinance;
- 4) If the Conditions of Approval are appropriate for the proposed project; and
- 5) If the required Findings of Fact can be made.

**PLANNING COMMISSION ACTION:**

- 1) Adopt Resolution No. 673 (10) approving modified CUP 08-05 based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval;
- 2) Adopt Resolution No. 674 (10) recommending that the City Council approve a 21% Density Bonus for the project, based upon the Findings of Fact in the Resolution; and
- 3) Adopt Resolution No. 675 (10) approving modified LOM 586-P based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval; or
- 4) Provide alternative direction.

**SITE DATA:**

1. Property Owner ..... Bornino Family Trust
2. Site Location ..... 1420 East Ocean Avenue
3. Assessor Parcel Number..... 85-150-17
4. Site Zoning ..... Commercial Office (CO)
5. General Plan Designation ..... Office Commercial
6. Site Use..... Vacant Land
7. Surrounding Uses/Zoning..... North: Commercial/PCD  
South: Residential/7-R-1  
East: Commercial & Residential/PCD, CO, 7-R-1  
West: Commercial & Residential/PCD, R-3, 7-R-1
8. Project Area ..... Approximately 2.28 acres

**BACKGROUND:**

- December 2, 2008 The City Council adopted Resolution No. 5508 (08) approving a General Plan Amendment to *Office Commercial* (GP 08-02).
- December 16, 2008 The City Council adopted Ordinance No. 1554 (08) approving a Zone Change to *Commercial Office* (ZC 08-04).
- January 14, 2009 The Planning Commission adopted Resolution No. 634 (09) recommending approval of a Density Bonus, adopted Resolution No. 635 (09) approving a Vesting Tentative Parcel Map (LOM 586-P), and adopted Resolution No. 633 denying a Conditional Use Permit (CUP 08-05).
- April 7, 2009 The City Council adopted Resolution No. 5528 (09) approving a Conditional Use Permit (CUP 08-05).
- March 29, 2010 An application was submitted for modifications to the previously approved project.

**PROPOSAL:**

The proposed project includes modifications to a previously approved Conditional Use Permit, Density Bonus, and Vesting Tentative Parcel Map. The project has been reduced in size and density. The table below displays the proposed modified project side-by-side with the previous approval.

	Existing Approved Project	Proposed Modified Project
Maximum Height	40 ft.	40 ft.
Setbacks	<p><b><u>Building One</u></b>            0 to 4 ft. (Ocean Avenue)</p> <p>0 to 7 ft. (Seventh Street)</p> <p>4 ft. (western property line)</p> <p><b><u>Building Two</u></b>            6 to 19 ft. (Seventh Street)</p> <p>8 ft., 6-½ in. to 11 ft. 10-½ in. (Cypress Avenue)</p> <p>52 ft. 8-½ in. (western property line)</p> <p><b><u>Building Three</u></b>            N/A</p>	<p><b><u>Building One</u></b>            0 to 4 ft. (Ocean Avenue)</p> <p>0 to 6 ft, 9 in. (Seventh Street)</p> <p>4 ft. (western property line)</p> <p><b><u>Building Two</u></b>            11 ft., 5 in. (Seventh Street)</p> <p>24 ft., 11 in. (southern property line)</p> <p>70 ft. (western property line)</p> <p><b><u>Building Three</u></b>            79 ft. (western property line)</p> <p>77 ft. (northern property line)</p>
Lot Coverage	Structures = 47% Driveway + Parking = 31%	Structures = 30% Driveway + Parking = 34%

	Existing Approved Project	Proposed Modified Project
Density	118,320 sq. ft. / 2,000 sq. ft. per dwelling unit = 58.6 units  58.6 units x 33% density bonus = 19.3 additional units  <b>Total units = 78</b>	99,271 sq. ft. / 2,000 sq. ft. per dwelling unit = 49.6 units  49.6 units x 21% density bonus = 10.4 additional units  <b>Total units = 60</b>
Building One Size	4,251 sq. ft.	2,500 sq. ft.
Building Two Size	83,000 sq. ft.	60,569 sq. ft.
Building Three Size	N/A	11,993 sq. ft.
Floor Area – 1 Bedroom Units	555 sq. ft.	577 sq. ft.
Floor Area – 2 Bedroom Units	865 sq. ft.	918 sq. ft.
Number of Parking Spaces	158	97
Vesting Tentative Parcel Map	6 commercial condominiums and 1 residential condominium	5 commercial condominiums and 1 residential condominium

**CONFORMANCE WITH ADOPTED CITY POLICIES:**

**1. CUP 08-05 – Conditional Use Permit**

The applicant has requested project modifications to an approved Conditional Use Permit (CUP). The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (Lompoc City Code Section 17.124.060).

**General Plan:**

The General Plan designation for this property is *Office Commercial* and the stated purpose is:

*To provide commercial areas for business, medical, and professional offices outside of the Old Town area which are easily integrated into adjacent residential areas. This category provides a buffer between residential areas and major roadways.*

The modified project provides commercial uses on the corner of Ocean Avenue and Seventh Street. The residential units are proposed in an L shaped building along Seventh Street. A two-story commercial building is proposed toward the center of the property. The project modifications would be consistent with the General Plan designation and all applicable policies.

**Redevelopment Agency**

The project is located within the City of Lompoc Old Town Redevelopment Project Area, Amendment No. 2. Projects on sites over one acre in size and containing 10 or more residential units require Redevelopment Agency Board (RDA) review and approval. The project will be reviewed by the RDA following Planning Commission review (PC Resolution No. 673 (10) COA P72).

#### Housing Element – Affordable Housing

The City has made a commitment to address its housing needs by implementing the policies of the Housing Element. One of the central goals identified in the Housing Element is the provision of a choice of housing opportunities for all economic segments of the community. This includes households unable to afford market-priced housing. Policies 1.5, 1.8, 1.11 and 3.2 of the Housing Element ensure that all residential projects address the need for affordable housing within the community and help satisfy the regional fair share housing allocation. This policies are provided below:

*Policy 1.5                    The City shall develop incentives which expand housing opportunities for very low-income, low-income, disabled, and/or senior households.*

*Policy 1.8                    The City shall work with the County Housing Authority and non-profit housing groups to pursue affordable housing for low-income families, and the elderly, disabled, large families, single-headed and female-headed households, farm-workers, and the homeless.*

*Policy 1.11                 Residential development projects within the Old Town Redevelopment Project, No. 2 area shall provide 15% of new housing affordable to low- and moderate-income households with at least 40% of those units to be used by very low-income households.*

*Policy 3.2                    The City shall encourage a diversity of housing types to maintain and increase opportunities for affordable housing, provided that the design of the development is compatible with the surrounding uses.*

The proposed project is located within the Old Town Redevelopment Project, Amendment No. 2 area, and at least fifteen (15) percent of all the units must be affordable. The proposed project consists of 60 senior and handicapped residential units and nine (9) affordable units are required for a period of 55 years. The applicant must designate the affordable units on the site plan and record a covenant reviewed and approved by the RDA attorney prior to occupancy (PC Resolution 673 (10) COA P59).

#### **Zoning Ordinance:**

The zoning for the site is *Commercial Office (CO)*. Section 17.040.030(C) Uses Permitted Subject to Obtaining a Conditional Use Permit allows:

*Multiple family uses, not less than two hundred (200) sq. ft. of open area per unit shall be provided on the site, which may include landscaped areas, walkways and recreational areas, but not structures or driveways or parking areas.*

The modified project proposes 60 dwelling units (60 x 200 sq. ft.) and would need to provide a minimum 12,000 square feet of open area. The proposed landscaping is 26,420 square feet and hardscape is 9,609 square feet. The open areas provided total 36,029 square feet, which exceeds the 12,000 square feet required by the ordinance.

### Density Bonus

*City of Lompoc Zoning Ordinance Section 17.156 Density Bonuses & Other Incentives for Affordable Housing* was adopted in June 1997 and some sections have been superseded by current state law. Therefore, the revised *Section 65915* of the California Government Code was used to evaluate the proposed density bonus for the project.

The applicant is proposing dwelling units that target households that have between one- and two-persons with annual incomes between \$11,130 and \$32,220. These income levels are considered “low income” or below as defined by the California State Income Limits for 2009. When low income units or below are proposed, California Government Code allows for increased density if certain criteria are met. *Section 65915(b)(1) of the California Government Code* states, “A city, county, or city and county **shall** grant one density bonus, the amount of which shall be as specified in subdivision (g).” According to *Section 65915(g)(1) of the California Government Code*, if 20% of dwelling units are designated as “low income,” the applicant is lawfully entitled to a density bonus of 35%.

The applicant proposes 100% of the dwelling units at the low income level or below and asks for a density bonus of 21%. It is recommended that the Planning Commission, in accordance with State law, recommend City Council approval of a 21% density bonus.

In order to ensure that the low income housing remains for an extended period of time, *California Government Code Section 65915(c)(1)* requires, “continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.” A Condition of Approval is included requiring the developer to sign and record a Density Bonus Development Agreement prior to issuance of building permits for the project for a period of 55 years to coincide with the Redevelopment Agency covenant (PC Resolution No. 673 (10) COA P73).

### Site Plan

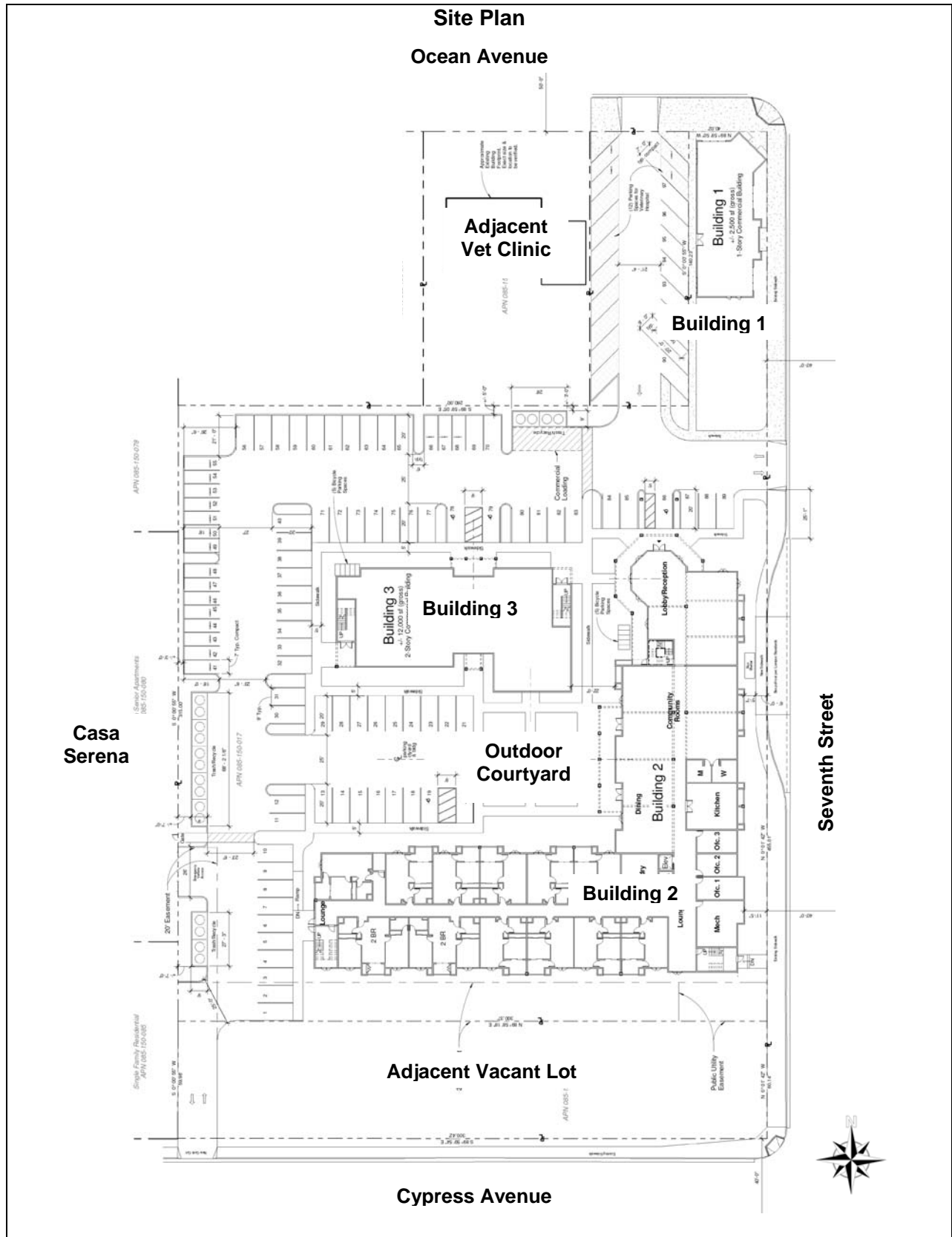
The site is approximately 2.3 acres in size and located at 1420 East Ocean Avenue. Three buildings are proposed on the site. Building One is a 2,500 square foot single-story commercial building located at the corner of Ocean Avenue and Seventh Street. Building Two is a 60,569 square foot three-story building located along Seventh Street. This building includes 60 affordable senior and handicapped residential units. Building Three is a 11,993 square foot two-story commercial building located toward the center of the property.

An outdoor courtyard is provided on the ground floor between Building Two and Building Three. The central courtyard provides a place for outdoor activity, recreation, and respite.

Vehicular access is provided directly off of Seventh Street, via an access easement off of Cypress Avenue, and from Ocean Avenue via a reciprocal access agreement with the veterinary clinic. A total of 97 parking spaces are provided.

The project is adjacent to the Casa Serena senior housing project to the west. A pedestrian access gate is shown on the site plan between the two projects. Direct access will allow the residents of the two projects to commingle.

Landscaping is an integral component of any project. Landscaping for the project is provided in the parking areas, around the buildings and in the central courtyard. The landscape plan will be reviewed by Planning Division staff and a Landscape Maintenance Agreement will be required for the project (PC Resolution No. 673 (10) COA P22 & P23).



There are no specific residential development standards noted in the CO zone. Conditional Use Permits may be granted when projects, properly conditioned, will be compatible and harmonious with nearby uses.



Parking

- A. Required Parking Spaces – parking requirements used at the time the project was approved have been applied to the modified project. Multi-family dwelling housing assistance projects expressly for the elderly (age 55+) and handicapped are required to provide .6 spaces per 1-bedroom unit and 1 space per 2-bedroom unit. Commercial office and retail space are required to provide 1 space per 250 square feet of gross floor area. The parking breakdown for the project is as follows:

Required Residential Parking	Proposed
54 1-bedroom units x .6 spaces per unit 32 spaces required  6 2-bedroom units x 1 space per unit 6 spaces required  38 total residential spaces required	39 spaces
Required Commercial Parking	Proposed
14,493 sq. ft. gross floor area ÷ 1 space per 250 sq. ft. 58 spaces required	58 spaces
Parking Totals	
96 total spaces required	97 spaces provided

The 97 parking spaces provided include 89 parking spaces on-site and eight (8) parking spaces on the adjacent property owned by Dr. Harris. The applicant is negotiating a parking agreement with Dr. Harris and has agreed to improve the parking lot in return for the use of eight (8) spaces. A Condition of Approval is included requiring the recordation of a Reciprocal Parking and Access Agreement prior to issuance of building permits (PC Resolution No. 673 (10) COA P75).

A total of 16 standard parking spaces provided on the adjacent property, including eight (8) spaces designated for the proposed project, do not meet the required 20.5-foot stall depth. The spaces are 18 feet in depth, 2.5 feet shorter than required. The reduction is requested due to an overall parcel width of 50 feet. A strict adherence to the City parking standards would require a parcel width of 55 feet for 45 degree angled parking on both sides with a one-way drive aisle (20.5-foot stall depth + 14-foot drive-aisle + 20.5-foot stall depth). If found to be acceptable, the Planning Commission may allow this reduction in stall depth in conjunction with the Conditional Use Permit.

The project includes the removal of the Park and Ride facility that was established with an agreement between the property owner and the County of Santa Barbara in 1998. The agreement states that in the event that the property is sold, the agreement may be terminated by the new property owner upon ninety (90) days written notice to the County. A Condition of Approval is included requiring that proof be provided to the Engineering Division showing compliance with the County “License Agreement” for the Park and Ride facility on-site prior to issuance of building permits (PC Resolution No. 673 (10) COA EN43).

- B. Loading Spaces – Multiple family dwellings containing 30 or more rental units and non-residential structures containing less than 25,000 square feet of gross floor area are required to provide one (1) off-street loading space. The minimum size of the loading space is 12 feet wide, and a net area of not less than 360 square feet, exclusive of necessary area for maneuvering, ingress and egress based on previous project approval. A loading space is shown on the site plan.
- C. Parking Covenant - The proposed residential units are limited to the elderly (age 55+) and handicapped with a reduced parking requirement based on use. If, at any time in the future, the units are converted to market rate units, the property owner must return to the Planning Commission for review of the conversion to assure that the number of dwelling units does not exceed that supported by the on-site parking. A Condition of Approval has been included to ensure that a covenant to this effect shall be recorded by the Recorder of the County of Santa Barbara prior to a Certificate of Occupancy for the residential units (PC Resolution No. 673 (10) COA P74).

### Signage

The applicant is not requesting review of signage by the Planning Commission at this time. Section 17.108.030 of the Zoning Ordinance requires a sign program for all business locations with more than three (3) businesses. A sign program for the commercial uses on the site shall be prepared and returned to the Commission for review and approval prior to issuance of a Certificate of Occupancy for any building. A Condition of Approval is included to ensure compliance with City Sign Regulations (PC Resolution 673 (10) COA P7).

Based upon the information provided on the plans and the Conditions of Approval imposed upon the project, the development will be in conformance with the Zoning Ordinance.

### **Architectural Review Guidelines:**

Building One is a single-story commercial building situated at the corner of Ocean Avenue and Seventh Street. Building Two is a three-story building containing 60 affordable senior and handicapped residential units fronting on Seventh Street. Building Three is a two-story commercial building located toward the center of the property.

**Proposed Elevations – Building 1**



*North & South Elevations*

*East Elevation*



*West Elevation*

**Proposed Elevations – Buildings 2 & 3**



*North Elevation*



*South Elevation*



*East Elevation*



*West Elevation*

A color/material board will be available at the meeting for review.

The three buildings have the same architectural style and were designed to share similar architectural elements. The architecture points to a Craftsman style with exposed beams, columns, and knee bracing. The buildings have gable and hip roofs. Building pop-outs and recesses are provided along with balconies and awnings.

The exterior finish of the proposed buildings is a cream colored stucco with ornamental cultured stone on some elevations. The roof material is a dark brown asphalt shingle. The building trim and window frames are white.

The Architectural Review Guidelines state:

**Page 5, Item 6**

*All proposed buildings or structures should be sensitive to the neighborhood character.*

**Page 6, Item 10**

*Multiple buildings on the same site shall be designed to create a strong visual relationship between the buildings with subtle variety in building size and mass.*

**Page 6, Item 13**

*All building elevations visible to the public shall be designed and architecturally treated. The choice of materials, colors, and the level of detailing shall be thoughtfully integrated into the design. All elevations need not look alike; however, a sense of overall architectural continuity is encouraged.*

The building pop-outs and recesses, balconies and awnings provide depth to the buildings. The colors and materials enhance the character of the buildings. Architectural treatment is evenly distributed on each elevation.

The surrounding area is residential and commercial. This project provides an architectural style that is sensitive to the varied development that exists in the area. As proposed, the project is consistent with the City's Architectural Review Guidelines.

**2. LOM 586-P – Vesting Tentative Parcel Map**

The modified Vesting Tentative Parcel Map would subdivide an approximately 2.28 acre site to create five (5) commercial condominiums and one (1) residential condominium. The minimum building site requirement in the *Commercial Office (CO)* Zoning District is 5,000 square feet. The underlying parcel will remain approximately 2.28 acres in size, which exceeds the zoning requirement.

The Planning Commission has the authority to approve, conditionally approve, or deny a Vesting Tentative Parcel Map (Lompoc City Code Section 16.16.070). Once approved, the Vesting Tentative Parcel Map expires twenty-four months from the date of approval unless the applicant requests a time extension prior to the expiration (PC Resolution 675 (10) COA P4).

Approval of Vesting Tentative Subdivision Map LOM 586-P is contingent upon City Council approval of the Density Bonus and Redevelopment Agency (RDA) review and approval (PC Resolution No. 675 (10) COA P5).

**STAFF REVIEW:**

A Development Review Board (DRB) meeting was held for the modified project on May 4, 2010. The applicant met with staff to discuss the proposal and draft Conditions of Approval were formulated. The following comments were received:

Engineering Division – stated that an encroachment permit from Caltrans is required and City approval of improvements plans is contingent upon Caltrans approval (PC Resolution No. 673 (10) COA EN35); the driveway entrance on Cypress shall be 20' wide minimum (PC Resolution No. 673 (10) COA EN36); driveway approaches shall be per City standards and revised to provide ADA approved path of travel (PC Resolution No. 673 (10) COA EN37); a Drainage/Hydrology Report shall be submitted to the Engineering Division with the first plan check submittal of the improvement plans (PC Resolution No. 673 (10) COA EN38); All runoff shall be routed to outlet into Cypress Avenue unless otherwise approved by the City Engineer (PC Resolution No. 673 (10) COA EN39); detention basins, if required, shall comply with all criteria listed in Engineering Bulletin #04-01 (PC Resolution No. 673 (10) COA EN40); all detention basins, if required, will be privately maintained (PC Resolution No. 673 (10) COA EN41); access ramps shall be retrofitted as necessary to comply with current standards (PC Resolution No. 673 (10) COA EN42); proof shall be provided showing compliance with the County "License Agreement" for the Park and Ride facility on site prior to issuance of the building permit (PC Resolution No. 673 (10) COA EN43); the existing parking lot proposed to be improved north of the project (APN 085-150-016) shall be included with and be a part of the development Improvement Plans (PC Resolution No. 673 (10) COA EN44); applicant shall grant a public electric easement to the City for public underground electric lines and pad mount equipment (PC Resolution No. 675 (10) COA EN8); applicant shall dedicate a 10-foot wide Public Wastewater Easement to the City for the wastewater line (PC Resolution No. 675 (10) EN9); applicant shall dedicate a public street easement for the additional street right-of-way required to construct a bus turnout on the west side of Seventh Street (PC Resolution No. 675 (10) COA EN10) and include an "Abandonment of Easement Statement" on the Parcel Map (PC Resolution No. 675 (10) COA EN11).

Aviation/Transportation – stated that a bus turnout will be constructed on the west side of Seventh Street, immediately south of the driveway approach (PC Resolution No. 673 (10) COA AT4); and applicant shall dedicate a Public Street Easement to the City for the additional street right-of-way required to construct the bus turnout (PC Resolution No. 673 (10) COA AT5).

Solid Waste – stated that a Solid Waste Management Plan shall be provided (PC Resolution No. 673 (10) COA SW6); and the customer bill account for the commercial property will be maintained by the property owner or manager (PC Resolution No. 673 (10) COA SW7).

Electric Division – stated that the applicant shall grant a public electric easement to the City for public underground electric lines and pad mount equipment (PC Resolution No. 673 (10) COA EL8).

Water Division – stated that a fire flow analysis/calculations shall be provided to ensure that the necessary fire flow is available from the existing piping system. Additional requirements are outlined depending on the outcome of the analysis/calculations (PC Resolution No. 673 (10) COA W10-W12).

Waste Water – stated the existing 6-inch wastewater main along the west property line (at northwest corner of project), shall be abandoned (PC Resolution No. 673 (10) COA WW9); the proposed 6-inch wastewater line extending easterly shall be a public main and constructed per City standards (PC Resolution No. 673 (10) COA WW10); applicant shall dedicate a 10-foot wide Public Wastewater Easement to the City for the proposed 6-inch wastewater line that runs easterly from the existing wastewater manhole at the northwest corner of the development to Seventh Street (PC Resolution No. 673 (10) COA WW11); and if applicable, provide an appropriate medical waste trap for the medical facility (PC Resolution No. 673 (10) COA WW12).

The Development Review Board (DRB) has developed a series of standard conditions of approval (COA) to advise applicants of possible requirements during the development review process. Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for 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 COA 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.

The DRB recommends approval of CUP 08-05 and LOM 586-P subject to the attached Conditions of Approval.

### **ENVIRONMENTAL REVIEW:**

A Mitigated Negative Declaration (MND) was prepared for this project and certified by the City Council on November 18, 2008 (SCH No. 2008021031). There have been no changes to the environmental considerations since that date.

### **NOTICING:**

On May 28, 2010:

- 1) A Notice of the Public Hearing was published in the Lompoc Record;
- 2) Notices were mailed to property owners within 300 feet, and to persons indicating an interest in the project, by US mail; and
- 3) The project site was posted by City staff.

**APPEAL RIGHTS:**

Any person has the right to appeal the Planning Commission actions for the Conditional Use Permit and Vesting Tentative Parcel Map to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

The Planning Commission recommendation regarding the Density Bonus may not be appealed, as the recommendation will be heard by the City Council.

**ATTACHMENTS:**

- 1) Draft Resolution No. 673 (10) and Conditions of Approval – CUP 08-05
- 2) Draft Resolution No. 674 (10) - Density Bonus
- 3) Draft Resolution No. 675 (10) and Conditions of Approval – LOM 586-P
- 4) Site Plan, Elevations, and Map  
(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>Arleen T. Pelster, AICP Community Development Director</b>	<b>Date</b>	<b>Lucille T. Breese, AICP Planning Manager</b>	<b>Date</b>