

**RESOLUTION NO. 5654 (10)**

**A Resolution of The Council of the City of Lompoc, County of Santa Barbara, State of California, upholding the Appeal submitted by Shellan Miller of Pacific West Communities, Inc., the applicant, of the Planning Commission determination of June 9, 2010 and approving a Conditional Use Permit. The request was for modifications of a previously approved Conditional Use Permit at 1420 East Ocean Avenue (Assessor Parcel Number: 85-150-17).  
(Planning Division File No. CUP 08-05)**

**WHEREAS**, the Planning Commission held a duly noticed public hearing on June 9, 2010 for consideration of modifications to a previously approved Conditional Use Permit (CUP 08-05), Density Bonus recommendation, and a Vesting Tentative Parcel Map, to allow construction of 60 affordable apartment units for seniors and persons with disabilities, and approximately 14,500 square feet of commercial space at 1420 East Ocean Avenue (Assessor Parcel Number: 85-150-17);

**WHEREAS**, after considering the staff report and hearing testimony from the applicant and the public, the Planning Commission took the following actions:

- 1) Adopted Resolution No. 673 (10) denying the proposed modifications to the Conditional Use Permit (CUP 08-05), by a 3-2 vote based on the following findings of fact:
  - A. That the site of the proposed use is not adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading, and landscaping are not adequate to properly adjust such use with the land and uses in the vicinity in that the location of the loading zone for the project is in an area that is not adequately accessible for Building 1 (Section 17.124.070 A);
  - B. That the site of the proposed use is not adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading, and landscaping are not adequate to properly adjust such use with the land and uses in the vicinity in that the length of the parking stalls identified in the proposed 45° angle parking spaces does not meet City design standards for safety (Section 17.124.070 A); and
  - C. The Cypress Court project will have an adverse effect upon the adjacent land uses abutting the project site in that the project site, which is near an entry gateway to the City, is not an appropriate location for a project of the type and intensity of the proposed project (Section 17.124.070 C).

**WHEREAS**, a timely appeal of the Planning Commission action was filed by Shellan Miller of Pacific West Communities, Inc., the applicant, for City Council review and consideration of the June 9, 2010 Planning Commission actions; and

**WHEREAS**, the City Council held a duly noticed public hearing on July 6, 2010, to consider the staff report, hear testimony from the applicant and members of the public, and to receive admissible evidence; and

**WHEREAS**, 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.

**NOW, THEREFORE, THE CITY COUNCIL RESOLVES AND DETERMINES AS FOLLOWS:**

SECTION 1. Based upon the staff reports, the admissible evidence, and the testimony received at the public hearing of the appeal, the City Council finds that:

- a) Supported by the evidence presented, the requested modifications to CUP 08-05 would be consistent with the General Plan Land Use Designation and Zoning District designation for the property;
- b) The requested Density Bonus for the Cypress Court development is consistent with that allowed by Government Code Section 65915; and
- c) Any proposed development of the site must be constructed in accordance with State Building and Fire Codes to provide a safe environment for the proposed residents.
- d) The location of the loading zone for the commercial space included in the project is adequately accessible for Building 1.
- e) The length of the parking stalls identified in the proposed 45° angle parking spaces is adequate for safety.
- f) The site is an appropriate location for a project of the type and intensity of the proposed project.

SECTION 2. Based upon the findings contained in Section 1, the appeal is upheld and Conditional Use Permit (CUP 08-05) modifications are approved.

- a) The Planning Commission's action of June 9, 2010, denying Conditional Use Permit (CUP 08-05) modifications is noted as received by Council, but is hereby overruled.
- b) Council directs staff to work with the applicant and return with a Density Bonus Development Agreement for Council review and approval prior to issuance of building permits for the project.

SECTION 3. After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the City Council finds that the proposed use, 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 17.040.030.
- b) The proposed use, as conditioned, is consistent with the findings necessary to issue of Conditional Use Permit under Lompoc City Code Section 17.124.070 in that:
  - 1) The site for the proposed use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
  - 2) The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
  - 3) The site of the proposed development relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
  - 4) The proposed development will have no adverse effect upon the abutting and surrounding property from the permitted uses thereof.

SECTION 4. Judicial review of this decision shall be governed by the time limit of Code of Civil Procedure Section 1094.6.

SECTION 5. This Resolution is effective upon adoption.

The foregoing Resolution was proposed by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and duly passed and adopted by the City Council of the City of Lompoc at its regular meeting on July 6, 2010 by the following electronic vote:

AYE: Councilmember(s):

NO: Councilmember(s):

\_\_\_\_\_  
Michael A. Siminski, Mayor  
City of Lompoc

ATTEST:

\_\_\_\_\_  
Donna Terrones, CMC, City Clerk  
City of Lompoc

Exhibit A: [Conditions of Approval](#)

Exhibit B: [Mitigation Measures](#)