

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**DATE:** MAY 11, 2011  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KEITH C. NEUBERT, PRINCIPAL PLANNER  
**RE:** CONDITIONAL USE PERMIT – CUP 11-02

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**AGENDA ITEM NO. 1**

A request by Roy Baca of Roy Baca's Boxing Academy, for Planning Commission consideration of a proposal for a Conditional Use Permit (CUP 11-02) to operate a boxing academy in an existing building. The project is located at 909 East Chestnut Avenue in the *Industrial (I)* Zoning District (Assessor Parcel Number: 85-052-25). This action is exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

**SCOPE OF REVIEW:**

The Planning Commission is being asked to consider:

- If the proposed boxing academy is a use that is compatible with surrounding uses and appropriate for the site with a Conditional Use Permit;
- If the Conditions of Approval are appropriate for the proposed project; and
- If the required Findings of Fact for CUP 11-02 can be made.

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. 696 (11) 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..... Wilco Distributors, Inc.
2. Site Location ..... 909 East Chestnut Avenue
3. Assessor Parcel Number ..... 85-052-25
4. Site Zoning..... Industrial (I)
5. General Plan Designation ..... Industrial
6. Site Use ..... Boxing Academy
7. Surrounding Uses/Zoning ..... North: Industrial / I  
South: Vacant Land / BP  
East: Industrial / I  
West: Industrial / I

**BACKGROUND:**

- 1961                                      One story industrial building constructed.
- 1961                                      Addition to industrial building.

**PROPOSAL:**

The proposal is for a Conditional Use Permit to operate a boxing academy in an existing building located at 909 East Chestnut Avenue. The total tenant space area is approximately 6,025 square feet. The applicant is proposing two (2) different boxing related activities in the building. The building will be used on a regular basis for training purposes and quarterly for boxing events.

Training hours of operation are 10 a.m. to 9 p.m. Monday through Friday, with occasional Saturday hours on an as needed basis. Boxing events are open to the public and would occur a maximum of four (4) times per year. Boxing events would occur on weekends with an estimated attendance of around 200 people.

Floor plans for both uses have been submitted by the applicant. The proposed boxing academy building is attached to a building that is currently occupied by Catholic Charities. Both buildings are located on the same parcel of land.

No exterior changes to the building are proposed. The applicant is not requesting signage at this time. Any future signage will be reviewed at staff level to ensure conformance with the City Sign Regulations (COA P8).

## **CONFORMANCE WITH ADOPTED CITY POLICIES:**

### **General Plan:**

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

*To provide areas for a wide range of industrial uses that involve outdoor activities.*

Though not an industrial use, the Planning Commission may determine that a boxing academy is an allowable use with a Conditional Use Permit if it can be found compatible with industrial uses.

### **Zoning Ordinance:**

A boxing academy is not listed as a permitted or conditionally permitted use in an *Industrial (I)* zone. The Planning Commission, however, has the authority to allow a use not specifically listed as permitted or conditionally permitted in the *Industrial (I)* zone subject to a finding that the proposed use falls “*within the intent and purpose of the zoning district that will not be more obnoxious or detrimental to the public welfare, and which is of a comparable nature and of the same class as those identified in Section 17.064.060*” subject to obtaining a Conditional Use Permit (Zoning Ordinance Section 17.064.040.A).

Historically, this class of use has been allowed in the Industrial (I) zone, subject to a Conditional Use Permit (CUP). A CUP was issued in 1994 for a gymnastics & martial arts studio at 1501 East Laurel Avenue. A more recent CUP was issued in 2009 for a dance studio at 311 North F Street.

If the Commission issues a Conditional Use Permit (CUP) it will have the ability to return the CUP for review, and possible imposition of additional conditions upon permittee if operation of the boxing academy violates the conditions of approval for the CUP. Additionally, it should be noted that if conflicts occur between the conditionally permitted boxing academy and a future industrial use in the area, which is permitted by right, the legally operating industrial use would prevail.

### **Site Plan:**

The proposed use would be located in an existing building situated on the eastern half of the property. Vacant land zoned Business Park (BP) is located directly south of the proposed site and industrial uses are located to the north, east and west. The closest residential use is located approximately 130 feet to the southeast. Industrial uses in the vicinity include:

North -       Drilling company storage yard  
                  Towing yard  
                  Machine Shop

- West - Auto repair  
Auto paint & body  
Auto upholstery
- East - Auto repair  
Machine shop



### Parking

Parking Spaces – The boxing academy is required to provide one (1) space for each 250 square feet of gross floor area in the building per Zoning Ordinance Section 17.112.020(B) Schedule of Off-Street Parking Requirements. The existing building is 6,025 square feet ( $6,025 \div 250 = 24$  spaces).

Required:  
24 parking spaces

Proposed:  
0 parking spaces

The original 1961 building plan (Building Permit No. B156) excludes onsite parking. Due to this parking exclusion, the property is considered legal non-conforming. The applicant requests approval of a Conditional Use Permit to allow deviation from City parking requirements associated with the proposed boxing academy. Though unpermitted, the boxing academy has been utilizing the building for the past few years without any available onsite parking. Patrons park on the street or on the paved area directly in front of the building. To date, the City has not received any complaints regarding the parking situation.

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

Section 17.116.030(C)(2) Modifying Non-Conforming Structures and Developed Properties allows a CUP when the following specific findings can be made:

- A. Strict conformance with the Zoning Ordinance would preclude viable expansion or redevelopment of the site;
- B. Strict conformance with the Zoning Ordinance would result in disorderly or illogical transition(s) between existing and expanded areas of the site; and
- C. Deviation from Zoning Ordinance regulations would not jeopardize the public health, safety, and welfare, and would produce a quality built environment.

If the Commission issues a Conditional Use Permit it will have the ability to return the permit for review, and possible imposition of additional conditions, should there be complaints or negative impacts on the surrounding uses.

Commercial and industrial uses are required to provide one (1) bicycle parking space per 20 motor vehicle parking spaces per Zoning Ordinance Section 17.112.035. A bicycle rack that accommodates a minimum of one (1) bicycle is required for the proposed boxing academy. Due to the lack of on-site parking, and the anticipated high rate of minors using the facility, staff recommends that the Planning Commission require a bicycle rack to accommodate a minimum of five (5) bicycles. The bicycle rack type and location will be reviewed at staff level prior to issuance of Building Permits (COA P19).

**Staff Review:**

No Development Review Board (DRB) meeting was held for the project since the request is limited to a new use in an existing building. Plans were routed to City staff for review and Conditions of Approval were provided.

**ENVIRONMENTAL DETERMINATION:**

The project is categorically exempt from review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed pursuant to CEQA requirements following the Commission action.

**NOTICING:**

On April 29, 2011:

- 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; and
- 3) 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 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. 696 \(11\)](#) and [Conditions of Approval](#)
- 2) Floor Plans  
(PC only with staff report, documents available for review in Planning Division)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Arleen T. Pelster, AICP Community Development Director	Date	Lucille T. Breese, AICP Planning Manager	Date

**RESOLUTION NO. 696 (11)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE PERMIT TO OPERATE A BOXING ACADEMY IN AN EXISTING BUILDING AT 909 EAST CHESTNUT AVENUE (CUP 11-02)**

**WHEREAS**, a request was submitted by Roy Baca of Roy Baca's Boxing Academy, for Planning Commission consideration of a proposal for a Conditional Use Permit (CUP 11-02) to operate a boxing academy in an existing building. The project is located at 909 East Chestnut Avenue in the *Industrial (I)* Zoning District (Assessor Parcel Number: 85-052-25); and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on May 11, 2011; and

**WHEREAS**, at the meeting of May 11, 2011, \_\_\_\_\_ was present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of May 11, 2011, \_\_\_\_\_ spoke in favor of, and \_\_\_\_\_ spoke in opposition to, the proposal; and

**WHEREAS**, this project is Categorically Exempt pursuant to the provisions 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 a Conditional Use Permit may be granted to allow deviation from the parking requirements of the City's Zoning Ordinance. The project meets the requirements of Lompoc City Code Section 17.116.030(C)(2) – Modifying Non-Conforming Structures and Developed Properties and is consistent with the applicable policies and development standards, therefore it can be found that:

- A. 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.
- B. The site of the boxing academy relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.

- C. The proposed boxing academy will have no adverse effect upon the abutting and surrounding property from the permitted uses thereof.
- D. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- E. Strict conformance with the Zoning Ordinance would preclude viable expansion or redevelopment of the site.
- F. Strict conformance with the Zoning Ordinance would result in disorderly or illogical transition(s) between existing and expanded areas of the site.
- G. Deviation from Zoning Ordinance regulations would not jeopardize the public health, safety, and welfare, and would produce a quality built environment.

**SECTION 2:** Based upon the foregoing, CUP 11-02 is approved as proposed on May 11, 2011, subject to 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 May 11, 2011 by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Arleen T. Pelster, AICP, Secretary

\_\_\_\_\_  
Nicholas Gonzales, Chair

Attachment: Exhibit A – Conditions of Approval



**CONDITIONS OF APPROVAL  
CUP 11-02 – ROY BACA’S BOXING ACADEMY  
909 EAST CHESTNUT AVENUE – APN: 85-052-25**

The following Conditions of Approval apply to the plans for CUP 11-02, received by the Planning Division and stamped on April 8, 2011, and reviewed by the Planning Commission on May 11, 2011.

**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 Section 1.24.010 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 to specifically enforce the Conditions of Approval. 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. 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.

- P4. 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.
- P5. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P6. 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.
- P7. Minor changes to the site plan or architectural elevations shall be reviewed by the Community Development Director 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.
- P8. 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.

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

- P9. 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.
- P10. 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.
- P11. The applicant shall consent to all of the conditions in writing.
- P12. 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 prior to issuance of a certificate of occupancy.
- P13. 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.
- P14. 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 Community Development Director 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.

- P15. The approval granted by the Planning Commission is valid for one year from date of approval and will expire on May 11, 2012. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.
- P16. No outside vending machines, except fully enclosed newspaper racks, shall be allowed on-site.

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

- P17. If new lighting is proposed, two copies of the lighting plan 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 – Project Specific Conditions**

- P18. Permits shall be obtained from the Building Division for any interior / exterior work. The work shall be finalized prior to occupancy of the building.
- P19. A bicycle rack to accommodate a minimum of five (5) bicycles shall be provided on site. The location of the bicycle rack shall be reviewed and approved by the Planning Division prior to occupancy.

#### **Planning – Special Event Conditions**

- P20. Fire Department access to be maintained open at all times.
- P21. Two (2) exits from the building are required.
- P22. Exit signs are required at each exit.
- P23. A 2A-10BC fire extinguisher is required at the facility.
- P24. Alcohol is not permitted on the premises.
- P25. A minimum of two (2) uniformed security officers is required at each boxing event.
- P26. Two (2) portable restrooms are required for boxing events. Portable restrooms shall be stored out of public view when not in use for an event.
- P27. No combustible storage of any kind is allowed under the boxing ring.

## **II. BUILDING**

### **Building – General Conditions**

- B1. Project shall comply with the most recent adopted City/State building, electrical, plumbing, mechanical and fire codes.
  - a. State and local code requires that no change of occupancy shall be made in the character of occupancies or use of any building unless such building is made to comply with the most recent edition of the Building/Fire Codes.
- B2. Floor and site plans shall clearly indicate all exiting for each area within the building. Exiting shall be made to comply with the most recently adopted Building/Fire Code.
- B3. Approved fire-resistive assemblies (when used and/or required) shall be provided for occupancy separations, corridors, fire barriers/walls and/or exterior wall protection in compliance with the California Building/Fire Codes.
- B4. Plans shall clearly show compliance with environmental, light, sanitation, and ventilation requirements according to the most recently adopted California Building Codes.
- B5. Plans shall be submitted by a California licensed architect and/or engineer.
- B6. Prior to building permit issuance, the Building and Safety Division is required to review evidence of County of Santa Barbara Health Department approval (as required by the local Health Department).

## **III. FIRE**

No General or Project Specific Conditions

## **IV. POLICE**

### **Police – Project Specific Conditions**

- PD1. Livescan screening is required of all staff / volunteers who have access to children.
- PD2. No alcoholic beverages are allowed on the premises at any time.
- PD3. Any graffiti printed or marked upon the premises or any adjacent area under the control of the business shall be removed or painted over within 48 hours.
- PD4. The area shall be maintained free of litter.
- PD5. No loitering is allowed outside of the building.

## **V. ENGINEERING**

No General or Project Specific Conditions

**VI. AVIATION/TRANSPORTATION**

No General or Project Specific Conditions

**VII. SOLID WASTE**

No General or Project Specific Conditions

**VIII. ELECTRIC**

No General or Project Specific Conditions

**IX. WATER**

No General or Project Specific Conditions

**X. WASTEWATER**

No General or Project Specific Conditions

**XI. WIRELESS BROADBAND UTILITY**

No General or Project Specific Conditions

I, Roy Baca, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the boxing academy. As the applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date