

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: DECEMBER 11, 2006
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP, CITY PLANNER
RE: CUP 05-07 – STATUS REPORT

CONSENT CALENDAR ITEM NO. 1

(All items listed under Consent Calendar are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Commission votes on the motion to adopt).

CUP 05-07 – CONDITIONAL USE PERMIT

Status Report to Planning Commission regarding compliance with Conditions of Approval for Conditional Use Permit (CUP 05-07) granted to Calvin Tucker, representing New Life Ministries. The project is located at 336 North G Street (Assessor Parcel Number 85-022-03) in the *Commercial Industrial (CM)* Zoning District.

BACKGROUND:

March 13, 2006	Planning Commission adopted Resolution Number 476 (06) with Conditions of Approval, approving Conditional Use Permit for the operation of the New Life Ministries.
April 12, 2006	Mr. Tucker signed Conditions of Approval.
June 13, 2006	Engineering Division issued Stop Work Order.
Sept. 19, 2006	A letter was sent to Mr. Tucker regarding the lack of compliance with the Conditions of Approval.
Oct. 09, 2006	Planning Commission reviewed proposal, directed staff to return in two months with status report. Minutes of meeting attached (Attachment No.1)
Oct. 19, 2006	Building, Engineering, and Planning staff met with Mr. Tucker to clarify Conditional of Approval requirements. Letter of October 24, 2006 was sent requesting progress statement from Mr. Tucker by November 28, 2006 (Attachment No. 2)

Planning Staff has left messages for Mr. Tucker and received no reply. No plans have been submitted to any City Division as of the date of preparation of this Staff report (December 04, 2006), and site inspection of December 5, 2006 shows no change to the site since the October Planning Commission meeting.

RECOMMENDATION:

Staff recommends that the Planning Commission continue consideration of this item to the February 12, 2007 meeting for possible revocation of the Conditional Use Permit for lack of compliance with Conditions of Approval. Notice shall be provided to the applicant pursuant to the Lompoc City Code Section 8882 g. Conditional Use Permit Procedure Revocation of Conditional Use Permit.

ATTACHMENTS:

- 1) [Planning Commission Minutes of the October 09, 2006 Meeting](#)
- 2) [Letter dated October 24, 2006](#)

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 City Planner	Date

**Excerpt from the Lompoc Planning Commission Meeting
of October 9, 2006**

PUBLIC HEARING ITEMS:

5. CUP 05-07 – CONDITIONAL USE PERMIT

Planning Commission review of Conditional Use Permit (CUP 05-07) granted to Calvin Tucker, representing New Life Ministries. The Conditions of Approval allow operation of a church in an existing building after certain improvements are installed. The site is located at 336 North G Street (Assessor Parcel Number 85-022-03) in the Commercial Industrial (CM) Zoning District.

City Planner Lucille Breese summarized the written staff report.

Commissioner Fink asked if all engineering conditions listed apply to the project and Ms. Breese indicated that the engineering conditions were pared down for the project, that applicant had not obtained an encroachment permit. Commissioner Harman asked if specific landscape conditions are set for a small project and Ms. Breese responded that staff provides general guidance in the Condition of Approval and then work with the applicant, discussed types of appropriate landscaping, and addressed areas on the project where landscaping needs to exist.

PUBLIC HEARING OPEN

Public Hearing opened at 8:05 p.m.

Public Hearing closed at 8:13 p.m.

Calvin Tucker, Pastor – indicated that he may not have understood the requirements of the project, agreed to install a parking lot, noting that the church does not own the land, and explained that all efforts have been to installing the parking lot and not on landscaping the site. Mr. Tucker stated that exit lights have been installed inside the facility, indicated his lack of knowledge of the process, noted that the property owner has allowed some of the rent to be applied to offset improvements to the property, and stated his willingness to work with staff to remedy the situation.

PUBLIC HEARING CLOSED

Commissioner Fink apologized to Mr. Tucker if the Conditions of Approval were misunderstood and queried if there will still be a problem in meeting project requirements due to lack of funding. Commissioner Harman asked if the City would install sidewalk in the future. Ms. Breese stated that landscape will encompass the area and that staff will continue to work with the applicant.

Excerpt from the Lompoc Planning Commission Meeting of October 9, 2006

PUBLIC HEARING ITEMS:

5. CUP 05-07 – CONDITIONAL USE PERMIT

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Commissioner Harman asked the status of the parking lot and Ms. Breese indicated that project plans had not been reviewed by engineering and that a striping plan needed to be reviewed. Commissioner Harman noted the landscape of the site is minimal and agreed with the applicant that the landowner should have remedied the landscape condition prior to occupancy.

Commissioner Fink suggested continuing the item for six months, soliciting community assistance, and maintaining open dialogue with staff.

It was moved by Commissioner Fink and seconded by Commissioner Harman that the Planning Commission continue this item for six months.

Commissioner Harman stated that the Conditions of Approval need to be clarified for the applicant and suggested staff assist the applicant. Commissioner Games-Lyra and Commissioner Ruhge indicated their approval of the continuance. Commissioner Rodenhi agreed with the continuance but for a shorter return time to two months to monitor progress. Commissioner Fink asked Mr. Tucker how long he anticipated it would take to remedy and complete all requirements. Mr. Tucker indicated that the safety issue of lighting is the remaining issue to be resolved for the Fire Department and noted it is very close to completion, stated that the parking lot cannot be completed in two months, and that he can come back to the Commission in two months for a safety update but not for ADA compliance or parking. Mr. Tucker noted that the landscaping should be the owner responsibility, not the tenant's.

Commissioner Fink stated that his motion stands.

Commissioner Games-Lyra stated that within two months the safety issues could be cleared and the building occupied, and then other issues could be dealt with.

Commissioner Fink withdrew his motion. Commissioner Games-Lyra withdrew her second of the motion.

It was moved by Commissioner Fink, seconded by Commissioner Games-Lyra, that safety issues be resolved adequately in order to obtain the Certificate of Occupancy, that the Planning Division will receive a landscape plan and a parking plan within a two-month time frame. Staff is to return with a progress report in two months. The motion passed on a roll call vote of 5-0.

**Excerpt from the Lompoc Planning Commission Meeting
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PUBLIC HEARING ITEMS:

5. CUP 05-07 – CONDITIONAL USE PERMIT

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It was recommended that staff meet with the applicant to outline steps to take for completion of a Conditions of Approval.

ATTACHMENT NO. 2

October 24, 2006

Calvin M. Tucker
New Life Ministries
205 South Rose Street
Lompoc, CA 93436

Re: CUP 05-07: New Life Ministries

Dear Mr. Tucker,

Thank you for taking the time to meet with City staff representatives from the Building/Fire Safety, Engineering, and Planning Divisions on October 19, 2006. At the Planning Commission meeting on October 9, 2006, the Commission discussed unmet Conditions of Approval (COA) for Conditional Use Permit CUP 05-07 for the New Life Ministries at 336 North G Street. At that time, you indicated that you were unclear exactly what was required of you to meet the COA to allow you to continue utilizing the building. A brief summary of the meeting with staff is listed below:

Building/Fire Safety: Rick Curtze, Building Official/Fire Marshal advised you that you should obtain the services of an architect or engineer to assure conformance with the Code requirements. Mr. Curtze indicated that his staff had previously met with you and itemized the requirements. He noted the need to ensure that the building is compliant with State Building Codes including Disabled Access Regulations.

Engineering: Chuck Haight, Civil Engineering Associate advised that the parking lot must be constructed to City standards (includes striping and pavement). A dimensioned site plan is required for review and a detail of the type of pavement and base that is proposed and a striping plan showing the parking layout. All parking lots must be filtered prior to runoff entering the City street, a detail is required. Work performed within the City right-of-way requires an Encroachment Permit, he showed you where the area in question is located and provided you a copy of the City standards.

Planning: We spoke about the landscape requirements and you advised staff that there had been a change to the site plan and parking layout by the landlord. You were advised to prepare a plan showing the type of landscaping you propose, you were advised that there is mulch available from the City and you were provided a contact name. You were also advised not to proceed with additional work without prior approval from City staff.

The Commission directed that the CUP be reviewed in 60 days for a progress report on the status of the Conditions. The status report is tentatively scheduled for the December 11, 2006 Planning Commission meeting. Staff will prepare a brief report advising the Commission of any progress that we are aware of. As we agreed at the meeting, the Commission does not require that all of the work be completed within the 60 days, only that progress be shown on the project. Submittal of site plan, landscape plan, tenant improvement plan, etc., would show progress and could be reported to the Commission. Please provide any information that you want to have included to the Commission, in writing by November 28, 2006 to incorporate it into the staff report. Please contact me at 805.875.8273 with any questions.

Sincerely,

Lucille T. Breese, AICP
City Planner

C: Planning Commission
Chuck Haight, Civil Engineering Associate
Rick Curtze, Building Official/Fire Marshal
Project File- CUP 05-07