

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: FEBRUARY 14, 2005
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP – CITY PLANNER
RE: CONDITIONAL USE PERMIT CUP 04-07 REVIEW

AGENDA ITEM NO 2.

A request by the Lompoc City Council for Planning Commission review and consideration of a Conditional Use Permit to allow establishment of a boarding house located at 202 East Cypress Avenue (Assessor Parcel Number: 86-203-19). The Commission's decision was appealed to the City Council, which upheld the appeal. The CUP proposal is being brought back to the Planning Commission for review and consideration. A Negative Declaration has been prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

AUTHORITY

The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (LCC Section 8882 d).

SITE DATA

1. Property Owner.....Richard Clark
2. Site Location.....202 East Cypress Avenue
3. Assessor Parcel Number.....86-203-19
4. Site Zoning.....High Density Residential (R-3)
5. General Plan Designation.....Medium Density Residential (R-2)
6. Current Site Use.....Vacant Building
7. Surrounding Uses/Zoning.....North – Residential/R-3
South –Residential/R-3
East – Residential/R-3
West – Residential/R-3

BACKGROUND

- 1952 The building at 202 East Cypress Avenue was constructed as a medical office building.
- February, 2000 The Commission adopted Resolution No. 128 (00) making the interpretation that a medical office facility was an acceptable use in the High Density Residential (R-3) zone with a Conditional Use Permit.
- March 13, 2000 The Commission adopted Resolution No. 128 (00) approving CUP 00-02 to allow operation of a medical office facility at this location.
- September 13, 2004 The Commission adopted Resolution No. 380 (04) denying CUP 04-07 to allow the proposed boarding house use at 202 East Cypress Avenue.
- November 2, 2004 The City Council heard the applicant's appeal, took public testimony, discussed the proposal, and directed staff to prepare a Resolution upholding the appeal. The Council adopted Resolution No. 5213 (04) on November 16, 2004 (attached). In adopting the Resolution, *the "Council directed the Planning Commission to receive an application for a Conditional Use Permit for operation of a boardinghouse at 202 East Cypress Avenue and consider granting said permit with appropriate conditions to address the effects of the proposed use including parking, density, length of tenancies, etc."*

PROPOSAL

Mr. Clark has submitted a revised plan (attached) showing two additional parking spaces on the site. These parking spaces are accessed from a new driveway on G Street. The Engineering Division has reviewed the plan and indicated that the driveway would be allowed due to the residential character of the neighborhood. This will provide a total of seven (7) parking spaces on the site. Additionally, Mr. Clark has submitted correspondence, dated January 10, 2005, addressing the parking issue (attached).

DISCUSSION

Council has directed that the Commission consider whether a Conditional Use Permit (CUP) is the appropriate process for a boardinghouse at 202 East Cypress Avenue, because a *boardinghouse* is not specifically listed as a permitted or conditionally permitted use in any residential zone. In reviewing a request for a CUP, Section 8880 Intent and Purpose states that *"the Planning Commission may modify such uses to the extent that such uses can be made compatible and harmonious with adjacent uses. In granting a conditional use permit, the Planning Commission may allow deviations from the yard, fence, height, and lot size regulations of the zone. This flexibility is intended to*

provide a necessary means by which certain land uses can be designed and arranged in accord with existing conditions of the neighborhood, site, topographic and street conditions, as well as the utilization of various design concepts”.

The specific findings that the Commission must make, to approve a Conditional Use Permit, are listed below:

SECTION 1: *After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the project, as conditioned, meets the requirements of the Lompoc City Code and is consistent with the City General Plan 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 7500.*
- B. *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. *The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.*
- D. *The site of 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.*
- E. *The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.*

These are included in the Resolution of approval adopted by the Planning Commission.

Staff has researched other jurisdictions and found no specific regulations for boardinghouse use. Cities generally utilize the CUP process and apply the regulations that are closest in the code. The City of San Luis Obispo applies a use that requires a minimum gross floor area of 300 square feet per adult with a parking requirement of one off-street space per adult occupant, less one. Additionally there is a requirement of one bathroom provided for every three adult occupants.

There have been no changes to the proposed interior layout of the building. The proposal is for an eleven (11)-bedroom project, ranging in size from 108 square feet to 204 square feet, five (5) bathrooms, a 288 square foot dining room/kitchen. However, the on-site parking has been increased to seven (7) spaces. The analysis contained in the September 13, 2004 Planning Commission staff report remains unchanged (attached).

The *Medium Density Residential (R-2)* section of the Zoning Ordinance is attached for Commission review. This section lists the Permitted Uses and the Conditionally Permitted Uses in the R-2 Zone. In order to grant the CUP, the Commission must make a finding that the boardinghouse “*will not be more obnoxious or detrimental to the public welfare, and which are of a comparable nature and of the same class enumerated in this section,*”.

The General Plan Designation for the area is *Medium Density Residential*. The Land Use Development Standards allow an Average Population Density (Persons/net acre) for this land use designation of 41 persons per acre. The project site is 7,000 square feet or .16 of an acre and would allow a maximum density of 7 persons on this site. The request for an eleven (11)-bedroom unit exceeds the Land Use Development Standards and the Commission would not be able to make the finding that the project was consistent with the City’s General Plan requirements. The applicant is aware of this inconsistency and requested that the Commission consider his proposal even though he understands that it is inconsistent with the General Plan.

NOTICING

Notice of the Public Hearing was published in the Lompoc Record on February 4, 2005. All property owners of record, within 300 feet of the subject property, were notified of the public hearing by U.S. Mail on February 4, 2005.

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 \$34.30 and must be submitted with the appeal.

RECOMMENDATION

It is recommended that the Planning Commission:

1. Hold the public hearing;
2. Review the staff report and consider the proposal; and
3. Continue the review of the CUP and direct the applicant to return with a proposal that conforms to the General Plan density standards.

ATTACHMENTS

1. [Council Resolution No. 5213 \(04\)](#)
2. Correspondence from Mr. Clark, dated January 10, 2005
3. [Planning Commission staff report, dated September 13, 2004](#)
4. Section 7500, City of Lompoc Zoning Ordinance
5. Revised site plan, date stamped received January 6, 2005
(Planning Commission only, available in Planning Division for review)

RESOLUTION NO. 5213 (04)

**A Resolution of The Council of the City of Lompoc, County of
Santa Barbara, State of California, Regarding the Appeal of
Richard Clark of the Planning Commission
Denial of a Conditional Use Permit
(Planning Division File No. CUP 04-07)**

WHEREAS, the Planning Commission held a duly noticed public hearing on September 13, 2004 for consideration of a Conditional Use Permit (CUP 04-07), for the establishment of a boarding house. After considering the staff report, hearing testimony from the applicant representative, and the public, the Planning Commission adopted Resolution No. 380 (04) denying the request for a Conditional Use Permit for a boardinghouse at 202 East Cypress Avenue (Assessor Parcel Number: 86-203-19); and,

WHEREAS, a timely appeal of the Planning Commission action was filed by Richard Clark, the property owner, for City Council review and consideration of the recommended denial; and

WHEREAS, the City Council held a duly noticed public hearing on November 2, 2004 to consider the staff report and to hear testimony from the appellant, the applicant and members of the public.

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

SECTION 1. Based upon the staff reports and the testimony received at the public hearing of the appeal of CUP 04-07, the City Council finds that the Planning Commission's denial of the Conditional Use Permit was not appropriate; inasmuch as, although the Zoning Ordinance does not specifically provide for boardinghouses as permitted or conditionally permitted uses in Medium Density (R-2) or High Density (R-3) zones, the City's basic Conditional Use Permit standard (whether the proposed use falls within the intent and purpose of the zone, will be comparable to the enumerated conditionally permitted uses in the zone and will be no more detrimental than the enumerated conditionally permitted uses in the zone) is sufficient in this instance to allow proper evaluation of this application for a Conditional Use Permit

SECTION 2. Based upon the finding contained in Section 1, the appeal is granted, and the Planning Commission's action of September 13, 2004 is noted as received by Council, but is hereby set aside. Council directs the Planning Commission to receive an application for a Conditional Use Permit for operation of a boardinghouse at 202 East Cypress Avenue and consider granting said permit with appropriate conditions to address the effects of the proposed use including parking, density, length of tenancies, etc.

SECTION 3. Judicial review of this decision shall be governed by the time limits of Code of Civil Procedure Section 1094.6.

SECTION 4. 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 November 16, 2004 by the following electronic vote:

AYE: Councilmember(s):

NO: Councilmember(s):

ABSENT: Councilmember(s):

Dick DeWees, Mayor
City of Lompoc

ATTEST:

Jane C. Green, City Clerk
City of Lompoc

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: SEPTEMBER 13, 2004
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP
CITY PLANNER
RE: CUP 04-07 - CONDITIONAL USE PERMIT

AGENDA ITEM NO. 7

A request by Richard L. Clark, the property owner, for Planning Commission review and consideration of a Conditional Use Permit to allow establishment of a boarding house/hotel located at 202 East Cypress Avenue (Assessor's Parcel Number: 86-203-19). The existing use will be changed from a medical office building to residential. The proposed use will consist of eleven (11) bedrooms, five (5) bathrooms, a kitchen, dining room, and laundry facilities. The proposed use will not include staff members or employees on the premises. No medical assistance or other personal needs will be provided to the occupants. A Negative Declaration has been prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

AUTHORITY:

The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (LCC Section 8882 d).

SITE DATA:

1. Property Owner Richard Clark
2. Site Location 202 East Cypress Avenue
3. Assessor Parcel Number 86-203-19
4. Site Zoning High Density Residential (R-3)
5. General Plan Designation Medium Density Residential
6. Current Site Use Vacant building
7. Surrounding Uses/Zoning North -- Residential / R-3
South -- Residential / R-3
East -- Residential / R-3
West -- Residential / R-3

BACKGROUND:

1952 -- the building at 202 East Cypress Avenue was constructed as a medical office building.

February 2000 – the Commission adopted Resolution No. 128(00) making the interpretation that a medical office facility was an acceptable use in the High Density Residential (R-3) zone with a Conditional Use Permit.

March 13, 2000,-- the Commission adopted Resolution No. 128 (00) approving CUP 00-02 to allow operation of a medical office facility at this location.

CONFORMANCE WITH ADOPTED CITY POLICIES:

GENERAL PLAN:

The General Plan Land Use Designation for the project site is Medium Density Residential. The purpose of this Designation is:

To provide residential areas which are in close proximity to schools, shopping, and other services; and which are at densities that area responsive to the economic considerations of developing affordable ownership housing and rental housing at various price levels. This category provides a buffer between lower-density detached-housing areas, higher-density multiple-family areas, and commercial areas.

The Land Use Designation is intended as a residential area with a higher density than the single-family residential neighborhoods, but a lower density than the multiple-family apartment areas. The average population density for the Low Density Residential area is 17 persons per net acre and the average population density for the High Density Residential area is 61 persons per net acre. The proposed project is located on a site that is approximately 7,000 square feet or .16 of an acre.

ZONING ORDINANCE

The site is zoned *High Density Residential (R-3)*. When the Council adopted the General Plan in 1997, Resolution No. 4641 (97) stated that when there was an inconsistency between the General Plan Land Use Designation and the Zoning Designation, the property in question is to be developed in conformance with the zoning district which is consistent with the General Plan Land Use Designation. In the case of this property that would mean that the development standards of the *Medium Density (R-2)* zoning district must be met. The stated purpose of the R-2 Residential District is:

To stabilize and maintain the residential character of the district and permit a suitable environment for family living on a smaller scale by permitting a higher density with two families to the lot while maintaining individual privacy, open space, and facilities.

Proposed Use:

The applicant has presented the following project description:

“The proposed use is a boarding house consisting of eleven bedrooms, five bathrooms, a kitchen and dining room, and laundry facilities. The boarding house will be open to residents similar to other typical dwelling units as needed. There will be no employees or staff members on the premises. Occupants will have access to the kitchen to prepare their own meals. There will be no assistance provided for medication or other personal needs. The utilities will be provided and paid by the owner.”

Consistency with the Development Standards of the R-2 zone include, Section 7608 - Maximum Density per Dwelling Unit in the Medium Density (R-2) zone is that 2,000 square feet of land area be provided per dwelling unit. In the case of a 7,000 square foot lot, 3 dwelling units would be permitted. Additionally, a landscaped open area of not less than 250 square feet shall be provided on the same building site for each dwelling unit.

The Council held numerous meetings regarding the Boarding House issue in 2002 and 2003 and on June 24, 2003 adopted Ordinance No. 1483 (03) amending the Zoning Ordinance definition of Rooming House to:

Rooming House --- *Rooming house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Rooming house includes boarding house and lodging house.*

The Council generally concluded during the discussion that a Rooming House was a commercial venture and was not appropriate in a Single Family Residential Zoning District. The use was not added to any of the Residential District use lists. Additionally, it was agreed that parking was a major concern for an existing residential neighborhood.

Parking:

The project site has five (5) uncovered parking spaces located on the east side of the property adjacent to the alley. When the site was considered for a CUP to allow a medical office facility, the applicant was advised that additional off-site parking had to be provided to meet the eleven (11) spaces that the use would require. Section 8853 4 – General Provisions of the ZO allows parking for commercial uses to be provided within 300 feet of the site. This is generally provided on a parking lot where the existing business is willing to share parking based upon the fact that the two businesses have different peak hours of operation. The reciprocal agreement must be recorded and run with the land. The building was never operated under the CUP and the reciprocal parking agreement was not recorded.

Analysis:

The applicant is requesting a Conditional Use Permit to allow a Rooming House Use on a site currently zoned *High Density Residential (R-3)* that must be developed utilizing the *Medium Density Residential (R-2)* development criteria. Neither of these Zoning Districts lists a Rooming House as a Permitted or a Conditionally Permitted Use. Uses that are listed have specific standards for density and parking requirements. The Rooming House designation is not currently permitted in any Residential Zone in the City. Development Standards for a Rooming House have not been established and it is recommended that the Commission direct staff to include consideration of standards for this use category with the new Development Code. Until that occurs, it is recommended that the Commission deny the proposed request.

NOTICING:

Notice of the Public Hearing was published in the Lompoc Record on August 20, 2004. All property owners of record, within 300 feet of the subject property, were notified of the public hearing by U.S. Mail on September 3, 2004.

STAFF REVIEW:

A Development Review Board (DRB) meeting was held for this project on August 16, 2004. The applicant representative met with staff to discuss the proposal. The following comments were received:

Police Department: Expressed concern with impact on existing residential area due to lack of on-site parking.

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 \$34.30.

RECOMMENDATION:

It is recommended that the Planning Commission

- 1. Adopt Resolution No. 380 (04) denying CUP 04-07 to allow the proposed Boarding House use at 202 East Cypress Avenue.**

ATTACHMENTS:

1. Draft PC Resolution No. 380 (04)
2. Site Plan
(Planning Commission only, available for review in Planning Division)