

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: JULY 11, 2005
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP, CITY PLANNER
RE: CONDITIONAL USE PERMIT – CUP 05-04

AGENDA ITEM NO. 5

A request by Gary Mead, the applicant, for Planning Commission review and consideration of a Conditional Use Permit to operate a 2,933 square-foot arcade inside the Mi Amore Pizza Restaurant at 1321 North H Street, Suite M (Assessor Parcel Number: 89-490-03). The site is located in the Planned Commercial Development (PCD) Zoning District and an arcade is listed as a use requiring a Conditional Use Permit. A Negative Declaration has been prepared pursuant to 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 Owners.....CLZ Properties, LLC
2. Site Location.....1321 North H Street, Suite M
3. Assessor Parcel Number.....89-490-03
4. Site Zoning.....Planned Commercial Development (PCD)
5. General Plan Designation.....General Commercial
6. Site Use.....Existing Shopping Center
7. Surrounding Uses/Zoning.....North: Commercial (PCD)
South: Commercial (PCD)
East: Commercial (PCD)
West: Residential (R-2, PD)

BACKGROUND:

January 30, 1984	The Planning Commission approved Development Plan DR 81-12 for the Lompoc North Shopping Center.
1985	Construction of the Lompoc North Shopping Center was completed.
April 4, 2005	A minor modification was issued to remove the storefronts of three existing tenant spaces adjacent to the Mi Amore Pizza Restaurant and replace them with windows to match the existing restaurant.
June 2, 2005	An application was received for a Conditional Use Permit to operate an arcade at the Mi Amore Pizza Restaurant .

PROPOSAL:

The proposal is for a Conditional Use Permit to operate a 2,933 square-foot arcade inside the Mi Amore Pizza Restaurant at 1321 North H Street, Suite M (Assessor Parcel Number: 89-490-03). The site is located in the Planned Commercial Development (PCD) Zoning District and an arcade is listed as a use requiring a Conditional Use Permit. The arcade is intended for use by patrons of the restaurant. The hours of operation for the restaurant are 11:00 a.m. to 10 p.m. The arcade will be open during the same hours of operation as the restaurant.

CONFORMANCE WITH ADOPTED CITY POLICIES:

General Plan:

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

To provide commercial areas for a wide variety of retail, office, and service-oriented enterprises which meet the needs of residents and visitors. To accommodate commercial uses which operate more effectively outside the other commercial areas of the community.

The proposed arcade will serve the existing population and provide services to patrons of the restaurant. It would be consistent with the General Plan designation and all applicable policies.

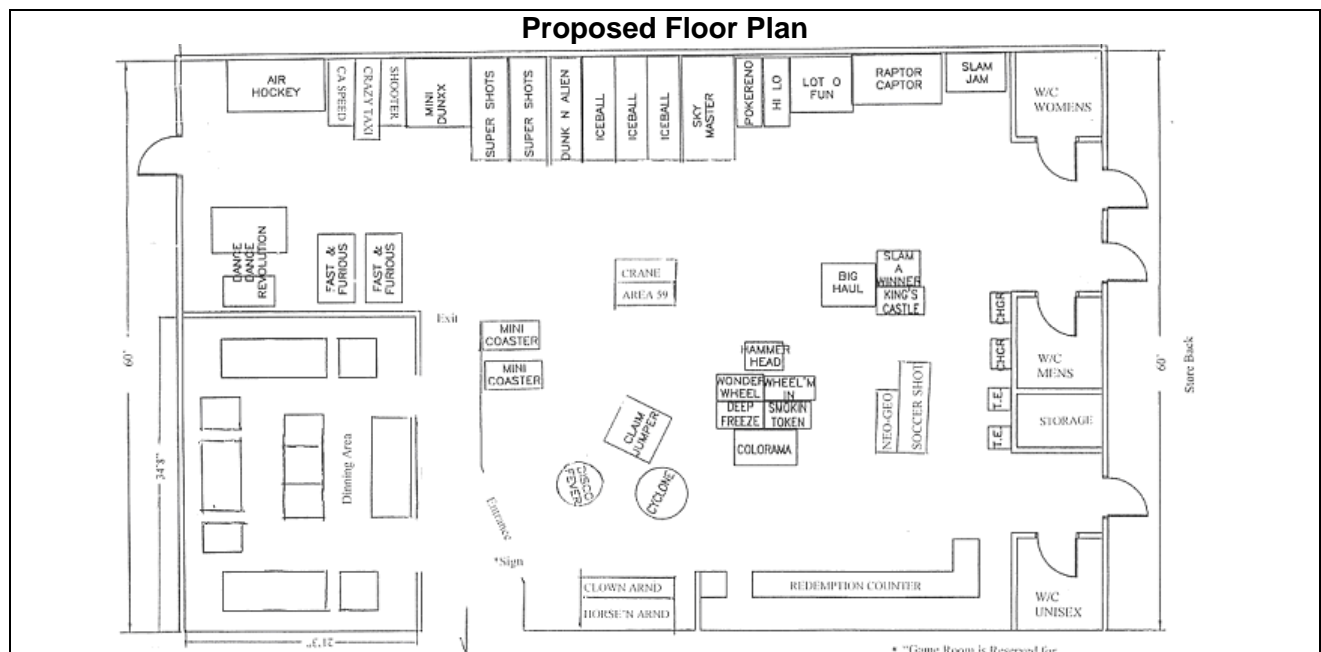
Zoning Ordinance:

Zoning Ordinance Section 7006 defines an amusement arcade as any business establishment which has located on its premises for public use six (6) or more amusement machines or a lesser number of machines which occupy more than 10 percent of the floor space of the establishment devoted to product sales.

An amusement machine is defined as any mechanical or electronic device including, but not limited to pin ball machines, pool tables, video games, computer games, shuffle boards, etc., for which a charge is made for the privilege of playing, using, or operating the device and does not entitle the payor to receive tangible merchandise or a market value equal to the charge to play, use, or operate the device.

The zoning for the site is Planned Commercial Development (PCD). Zoning Ordinance Section 8002 Uses Permitted states that amusement arcades are permitted subject to obtaining a Conditional Use Permit (CUP) in the PCD/C2 Zoning District. The CUP process allows the Commission to evaluate each project individually and assure compatibility with existing uses.

The proposed arcade would occupy approximately 2,933 square feet of space directly adjacent to the Mi Amore Restaurant. The arcade is intended for use by patrons of the restaurant and will be aimed at children between the ages of 5 and 12. Access is provided through the restaurant. To ensure the safety of the children, the Police Department has included a Condition of Approval requiring digital cameras monitoring the arcade to be set up to display the entire floor space of the area on color television screens placed in the restaurant seating area visible to the patrons of the restaurant (COA PD1). Additionally, a Condition of Approval is included requiring that the doors opening directly to the exterior be utilized strictly for emergency egress and connected to an alarm system (COA PD2).



A minor modification to the building was approved at staff level, on April 4, 2005, to remove the storefronts of three existing tenant spaces adjacent to the Mi Amore Pizza Restaurant and replace them with windows to match the existing restaurant. No further exterior changes to the approved architecture are proposed.

Parking –

A parking analysis performed in October 2003 shows that the shopping center is currently providing 465 parking spaces of the 525 spaces required. The tables below show the previous use and proposed uses of the subject space:

Zoning Ordinance Section 8851 Schedule of Off-Street Parking Requirements :

<u>Previous Use</u>	<u>Square Feet</u>	<u>Parking Requirement</u>
Commercial	4,200 square feet	One space for each 250 square feet or 17 spaces
Total:	4,200 square feet	17 parking spaces

<u>Proposed Uses</u>	<u>Square Feet</u>	<u>Parking Requirement</u>
Restaurant Public Accommodation Area	742 square feet	One space for each 60 square feet or 12 spaces
Remaining Restaurant Space	525 square feet	One space for each 250 square feet or 2 spaces
Arcade	2,933 square feet	One space for each 100 square feet or 29 spaces <u>and</u> 10 bicycle spaces in bike racks not more than 25 feet from the main entrance
Total:	4,200 square feet	42 parking spaces

Previous Use:
 17 parking spaces

Proposed Uses:
 42 parking spaces

Though the proposed arcade increases the number of spaces that the shopping center is deficient by 25, the impact will be lessened in comparison to the previous commercial use because the arcade is intended for use by the patrons of the restaurant. Section 8856.2 Mixed Occupancies and Consolidated Parking of the Zoning Ordinance allows for a reduction in the amount of required parking when the parking demand generated by the different uses included within any consolidated arrangement occurs at distinctly different times. The arcade will be open during the same hours of operation as the restaurant. Though hours of operation are the same for the uses within the building, the arcade is intended for use by patrons of the restaurant. Access to the arcade will be through the restaurant only and not directly from the outside of the building. Adequate parking is available for customers and employees of the restaurant and arcade using the consolidated parking interpretation.

Section 8851 Schedule of Off-Street Parking Requirements of the Zoning Ordinance requires 10 bicycle spaces in bike racks located not more than 25 feet from the main entrance to the arcade premises and in such a manner as to not impede pedestrian and/or automobile traffic. A Condition of Approval is included requiring bike racks to accommodate 10 bicycles in accordance with this section. The location of the bicycle racks shall be approved by the Planning Division prior to installation (COA A1).

Based upon the information provided on the plans and the conditions imposed upon the project, the use would be in conformance with the Lompoc City Zoning Ordinance.

Staff Review:

A Development Review Board (DRB) meeting was not held for this project as the use is proposed in an existing vacant building with minimal proposed modifications. The proposal was reviewed by the Building Division and Police Department. The following project specific Conditions of Approval were received:

Police Department – Stated that digital cameras monitoring the arcade shall be set up to display the entire floor space of the area on color television screens placed in the restaurant seating area visible to the patrons of the restaurant (COA PD1); Direct access to the arcade from the exterior is prohibited. The doors opening directly to the exterior shall be utilized strictly for emergency egress and connected to an alarm system (COA PD2).

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.

Staff recommends approval of CUP 05-04 subject to the attached Conditions of Approval.

ENVIRONMENTAL DETERMINATION:

An Initial Environmental Study has been performed for the proposed use. Pursuant to the provisions of the California Environmental Quality Act (CEQA) a Negative Declaration has been prepared. It is recommended that the Commission review the document and certify the Negative Declaration for the proposal. A Notice of Determination will be filed following the Planning Commission action.

NOTICING:

Notice of Public Hearing was published in the Lompoc Record on June 17, 2005 and all property owners of record within 300 feet of the subject property were notified by U.S. Mail on July 1, 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 \$35.10.

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) Certify the Negative Declaration; and,**
- 2) Adopt Resolution No. 421 (05) approving CUP 05-04, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval.**

ATTACHMENTS:

- 1) Draft Resolution No. 421 (05) and Conditions of Approval
- 2) Initial Environmental Study and Negative Declaration
- 3) Floor Plan
(PC only with staff report, documents available for review in Planning Division)

RESOLUTION NO. 421 (05)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ARCADE AT THE MI AMORE PIZZA RESTAURANT AT 1321 NORTH H STREET, SUITE M (CUP 05-04)

WHEREAS, a request was submitted by Gary Mead, the applicant, for Planning Commission review and consideration of a Conditional Use Permit to operate a 2,933 square-foot arcade inside the Mi Amore Pizza Restaurant at 1321 North H Street, Suite M (Assessor Parcel Number: 89-490-03). The site is located in the Planned Commercial Development (PCD) Zoning District; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on July 11, 2005; and

WHEREAS, at the meeting of July 11, 2005, _____ was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of July 11, 2005, _____ spoke in favor of, and _____ spoke in opposition to, the proposal; and

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 the proposed arcade, 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 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.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. 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.

- D. The demand for parking stalls by customers of the proposed arcade will not be in conflict with the demand by customers of the shopping center as the arcade is intended for use by patrons of the restaurant and access to the arcade will be through the restaurant only; therefore, the minimal parking reduction proposed is acceptable as consolidated parking in accordance with section 8856.2 of the Zoning Ordinance.
- E. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.

SECTION 2. Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Negative Declaration which have been prepared for the proposal, show no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:

- F. The proposed project, as conditioned, does not have a significant effect on the environment; and
- G. Any effect of the proposed use upon fish and wildlife is de minimis and therefore no filing fee is required pursuant to the Fish and Game Code Section 711.4.

SECTION 3: Based upon the foregoing, CUP 05-04 is approved as proposed on July 11, 2005, 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 July 11, 2005 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A - Conditions of Approval

**CONDITIONS OF APPROVAL
CUP 05-04 – MI AMORE PIZZA ARCADE
1321 NORTH H STREET – APN: 89-490-03**

The following Conditions of Approval apply to the plans for the Mi Amore Pizza Arcade, prepared by Gary Mead, received by the Planning Division and stamped on June 2, 2005, and reviewed by the Planning Commission on July 11, 2005.

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 8900, 8935, and 8936 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 0107 and 0128 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. 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.
- P4. 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.
- P5. 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.
- P6. Minor changes to the site plan, architectural elevations, or landscape plans 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.
- P7. 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.

- P8. 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.

- P9. The conditions hereby imposed are in addition to the conditions imposed by DR 81-12. In the case of any conflicts, the conditions listed herein shall prevail.

Planning - Conditional Use Permit Conditions

- P10. 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.
- P11. 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.
- P12. All of the conditions shall be consented to in writing by the applicant.
- P13. 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 start of operation of the arcade.
- 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. 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.

II. BUILDING AND FIRE SAFETY

Building - General Conditions

- B1. Project shall comply with the most recent adopted City and State building codes.
- a. The Building 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. Plans shall be submitted by a California licensed architect and/or engineer.
- B3. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection. Parapets may be required in accordance with the UBC and UFC.
- B4. The Title Sheet of the plans shall include:
- a. Occupancy group
 - b. Description of use
 - c. Type of construction
 - d. Height of the building
 - e. Floor area of building(s)
- B5. California disabled access regulations shall be incorporated within the plans.
- B6. Buildings shall comply with the State's Energy Regulations.
- B7. An exiting plan and exiting systems complying with Chapter 10 of the UBC shall be

clearly indicated on all submitted plans/documents. The number of complying exits shall comply with UBC Table 10-A.

III. FIRE

- F1. An approved key box containing appropriate keys to buildings shall be made accessible and installed according to City Standards.

Fire - Equipment and Protection System Conditions

- F2. Fire alarm systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, or the Lompoc City Code.
- F3. Automatic sprinkler systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, and the Lompoc City Code.
- F4. Fire alarm systems and automatic sprinkler systems shall be supervised on a 24-hour basis at a location approved by the Fire Department.
- F5. Four sets of plans for fire alarm systems and sprinklers shall be submitted to the Building and Fire Safety Division for review and approval, prior to the start of framing construction. When approved, two sets of the plans will be returned to the applicant, two sets will be retained by the Building and Fire Safety Division. Plan submittal and installation shall be in accordance with National Fire Protection Association and UFC standards.
- F6. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to UFC Standard 10-1.

IV. AVIATION/TRANSPORTATION

- A1. Bicycle racks to accommodate 10 bicycles shall be provided on site, located not more than 25 feet from the main entrance and in such a manner as to not impede pedestrian and/or automobile traffic. The location of the bicycle racks shall be approved by the Planning Division prior to installation.

V. POLICE DEPARTMENT

- PD1. The digital cameras monitoring the arcade shall be set up to display the entire floor space of the area on color television screens placed in the restaurant seating area visible to the patrons of the restaurant.
- PD2. Direct access to the arcade from the exterior is prohibited. The doors opening directly to the exterior shall be utilized strictly for emergency egress and

connected to an alarm system.

VI. ENGINEERING

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

I, Gary Mead, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the Mi Amore Pizza Arcade. As applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Name

Date

**CITY OF LOMPOC
ENVIRONMENTAL CHECKLIST FORM**

A. PROJECT INFORMATION:

Project Title: Conditional Use Permit	Project No: CUP 05-04
Lead Agency Name and Address: City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436 P.O. Box 8001, Lompoc, CA 93438-8001	Contact Person and Phone Number: Lucille T. Breese City Planner, AICP (805) 875-8273
PROJECT DESCRIPTION / LOCATION: A request by Gary Mead, the applicant, for Planning Commission review and consideration of a Conditional Use Permit to operate a 2,933 square-foot arcade inside the Mi Amore Pizza Restaurant at 1321 North H Street, Suite M (Assessor Parcel Number: 89-490-03). The site is located in the Planned Commercial Development (PCD) Zoning District and an arcade is listed as a use requiring a Conditional Use Permit.	
Public Agencies with Approval Authority (Including permits, funding, or participation agreements): City of Lompoc	
Project Applicant, Name and Address: Gary Mead Mi Amore Pizza & Pasta 1321 North H Street, Suite M Lompoc, CA 93436 Phone: 805-729-0285	Project Consultant: same as applicant
General Plan Designation: General Commercial	City Zoning Designation: Planned Commercial Development (PCD)
Surrounding Land Use Designation: North – General Commercial South – General Commercial East – General Commercial West – Medium Density Residential	Surrounding Land Uses: North – Commercial South – Commercial East – Commercial West – Medium Density Residential
Environmental Setting: Existing urbanized area.	
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact", as indicated by the checklist on the following pages.	
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Public Services	<input type="checkbox"/> Hydrology / Water Quality
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> [] Mandatory Findings of Significance	<input type="checkbox"/> Noise
	<input type="checkbox"/> Population / Housing
	<input type="checkbox"/> Recreation
	<input type="checkbox"/> Transportation / Traffic

B. ENVIRONMENTAL IMPACTS:

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Comments:

- a) The proposed arcade will not have a substantial adverse impact on a scenic vista as there is no scenic vista in the immediate area identified on the City of Lompoc Urban Design Features Map in the Urban Design Element of the City's General Plan, adopted in October of 1997.
- b) The proposed arcade will not substantially damage scenic resources within a state scenic highway, as the site is not located adjacent to a state scenic highway.
- c) The proposed arcade will be operating in an existing building and will not degrade the existing visual character or quality of the site and its surroundings.
- d) The proposed arcade will be operating in an existing building and will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Comments:

- a) The proposed arcade will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use as the site is within the existing City limits and was previously developed.
- b) The proposed arcade will not conflict with existing zoning for agricultural use, or a Williamson Act contract as the site was previously developed.
- c) The proposed arcade will not involve changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use, as the site was previously developed.

III AIR QUALITY	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Comments:

- a-d) The proposed project will not conflict with or obstruct implementation of the applicable air quality plan, or violate any air quality standard or contribute substantially to an existing or projected air quality violation. The arcade will utilize an existing building and therefore, no construction will take place that will violate any air quality standard.
- e) The arcade will not create any objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comments:

a-d) The proposed arcade will not have a substantial adverse effect on any species identified as a sensitive species in local or regional plans or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor will the project affect federally protected wetlands, nor will the project affect migratory wildlife corridors, nor will the project affect biological resources, because the arcade is proposed on a site that was previously developed in an urbanized area and is not identified in the Lompoc General Plan as being in an area of biological significance.

e) The site is not identified on the "Biologically Significant Areas" Map located in the City of Lompoc General Plan adopted October 1997.

f) The use is proposed on property within an urbanized area on a site that was previously developed. The City of Lompoc Biological Resources Study, prepared by Arthur D. Little in February 1987, identifies no biological resources that will be impacted by the arcade.

V. CULTURAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X

V. CULTURAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Comments:

a-b) The proposed arcade will not cause a substantial adverse change in the significance of a historical or archaeological resource, as identified in Section 15064.5, because the subject site is not identified in the City of Lompoc Cultural Resource Study as having a historical or archaeological resource on the site.

c) The proposed arcade will not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997.

d) The proposed arcade will not disturb any human remains, including those interred outside of formal cemeteries. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997.

VI. GEOLOGY AND SOILS	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral reading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments:

a) The site is not identified on the City of Lompoc General Plan "Geologic and Soils Hazards" Map as being located in an area subject to liquefaction, landslides, or seismic activity, therefore, the arcade will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death.

b-e) Based upon the 1987 study by the Morro Group, "City of Lompoc Seismic and Geologic Conditions Study", the area is not subject to unusual geologic activity nor does it have unique features.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments:

a-c) The proposed arcade will not create a significant hazard to the public or the environment as no hazardous materials will be used or stored on the site.

d) The proposed arcade will not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment, based on a check of the lists prepared by the Certified Unified Program Agency of unauthorized releases and fuel tank locations.

e-f) The proposed arcade is located within two miles of the Lompoc Municipal Airport, however, the project is proposed in an existing building within an existing shopping center, and would not result in a safety hazard for people residing or working in the project area. The project is not located within the vicinity of a private airstrip.

g) The proposed arcade will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project will not involve the installation of permanent barriers to travel.

h) The proposed arcade will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, because the site of the proposed arcade is located in the urbanized area of the City of Lompoc.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				X

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Comments:

a-e) The arcade will not violate any water quality standards or waste discharge requirements; the arcade will not substantially deplete groundwater supplies or interfere with groundwater recharge; the arcade will not substantially alter the existing drainage pattern of the site or area; the arcade will not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off.

f) The proposed arcade will not otherwise substantially degrade water quality. There are no rivers or creeks within the project area.

g) The proposed arcade is located in Zone X of Community Panel No. 060334-0002D, revised 05 June 97 outside the 500-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

h) The proposed arcade will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

i-j) The proposed arcade will not create a threat of inundation by seiche, tsunami, or mudflow. The subject site is located approximately 8 miles from the ocean, so tsunamis are very unlikely. The site is also not located near a water body or a significant slope or volcano, so mudflows and seiches are very unlikely.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
---	--	--	--	---

Comments:

- a) The proposed use will not physically divide an established community as it is located within the existing City limits in an established area.
- b) The proposed arcade will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect as the proposed use is consistent with the City General Plan and Zoning Ordinance. The City Planning Commission will review the plans to assure conformance with the City's Zoning Ordinance.
- c) There is not a habitat conservation plan or natural community conservation plan, which applies to the site, therefore, there will be no conflict with such a plan.

X MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments:

- a-b) The proposed arcade will not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state as the "Mineral Resources" Map in the Lompoc General Plan, adopted October 1997, does not identify the project area as being a locally important mineral resource recovery site.

XI. NOISE Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X

XI. NOISE Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments:

- a-b) The proposed arcade will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, nor will it expose persons to excessive groundborne noise levels.
- c) The proposed arcade will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- d) The proposed arcade will not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- e-f) The proposed arcade is located within two miles of the Lompoc Municipal Airport, however, the project is proposed in an existing building within an existing shopping center, and would not expose people residing or working in the project area to excessive noise levels. The project is not located within the vicinity of a private airstrip.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments:

- a) The proposed arcade will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure).
- b-c) The proposed arcade will not displace any people or housing, necessitating the construction of replacement housing elsewhere.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
b) Fire Protection?				X
c) Police protection?				X
d) Schools?				X
e) Parks?				X
f) Other public facilities?				X

Comments:

a-f) The proposed arcade will not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire, Police, Schools, Parks, or other public services, because the site is currently within an urbanized area which is already adequately served by City services. The City has sufficient resources to provide required services.

XIV. RECREATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Comments:

a-b) The proposed arcade will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

XV. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comments:

- a) The proposed arcade will not cause an increase in traffic which is substantial, in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) because the use will not induce a substantial increase in traffic or impact street capacity.
- b) The proposed arcade will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways, because the arcade will not substantially increase the amount of traffic in the area.
- c) The proposed arcade will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks because the proposed restaurant / commercial building is located in an existing building in an existing shopping center.
- d) The proposed arcade will not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment) as an existing building will be utilized on a previously developed site.
- e-f) The proposed arcade will not result in inadequate emergency access or parking capacity, as the project will not result in blocked roadways and on site parking will be provided.
- g) The proposed arcade will not conflict with policies, plans or programs which support alternative transportation, including buses and bicycles, as the project will not result in blocked roadways, bikeways or reduced parking.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments:

- a) The proposed arcade will not exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board.
- b-c) The proposed arcade will not require the construction of new water or wastewater treatment facilities, or expansion of existing facilities.
- d-e) The project site is located within the City of Lompoc City limits, and the City has sufficient resources to service the site with water and wastewater facilities.
- f-g) The City of Lompoc landfill has sufficient capacity to service the proposed use. The project will conform to regulations regarding solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE Does the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DETERMINATION: On the basis of this initial evaluation:	
X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION , pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lucille T. Breese
 City Planner, AICP

Date

CITY OF LOMPOC NEGATIVE DECLARATION

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act, as amended to date, a Negative Declaration is hereby made on the following project:

- Title:** Conditional Use Permit – CUP 05-04
- Location:** 1321 North H Street, Suite M (Assessor Parcel Number: 89-490-03)
- Description:** A request by Gary Mead, the applicant, for Planning Commission review and consideration of a Conditional Use Permit to operate a 2,933 square-foot arcade inside the Mi Amore Pizza Restaurant at 1321 North H Street, Suite M (Assessor Parcel Number: 89-490-03). The site is located in the Planned Commercial Development (PCD) Zoning District and an arcade is listed as a use requiring a Conditional Use Permit.

The Planning Division of the City of Lompoc has determined that:

- There are no significant adverse environmental impacts created by this project.
- There are no significant adverse environmental impacts associated with this project if the following conditions/mitigation measures are met.

June 16, 2005
Date

Lucille T. Breese, City Planner AICP
for Planning Division