



## Planning Commission Agenda Item

**Planning Commission Meeting Date:** March 14, 2018

**TO:** Members of the Planning Commission

**FROM:** Stacy L. Lawson, Senior Environmental Coordinator  
s\_lawson@ci.lompoc.ca.us

**SUBJECT:** CUP16-01 Amendment to Conditions for Starbucks Coffee Drive-Thru

### **AGENDA ITEM NO. 1**

A request by staff for Planning Commission consideration of an amendment to the approved Conditions of Approval for CUP 16-01 relating to a street tree and a stormwater filter in the public right-of-way. The project site is 0.40 acres and is located at 400 East Ocean Avenue in the *Commercial Office (CO)* Zoning District. This action is exempt pursuant to Section 15061 of the California Environmental Quality Act (CEQA).

### **Scope of Review**

The Planning Commission is being asked to consider:

- Removal of approved Planning Project Specific Condition P51 and Amend Stormwater Condition S5.

### **Planning Commission Action**

1. Adopt Resolution No. 880 (18) approving an amendment to CUP 16-01 based upon the Findings of Fact in the Resolution and subject to the attached Draft Amended Conditions of Approval; or
2. Provide other direction.

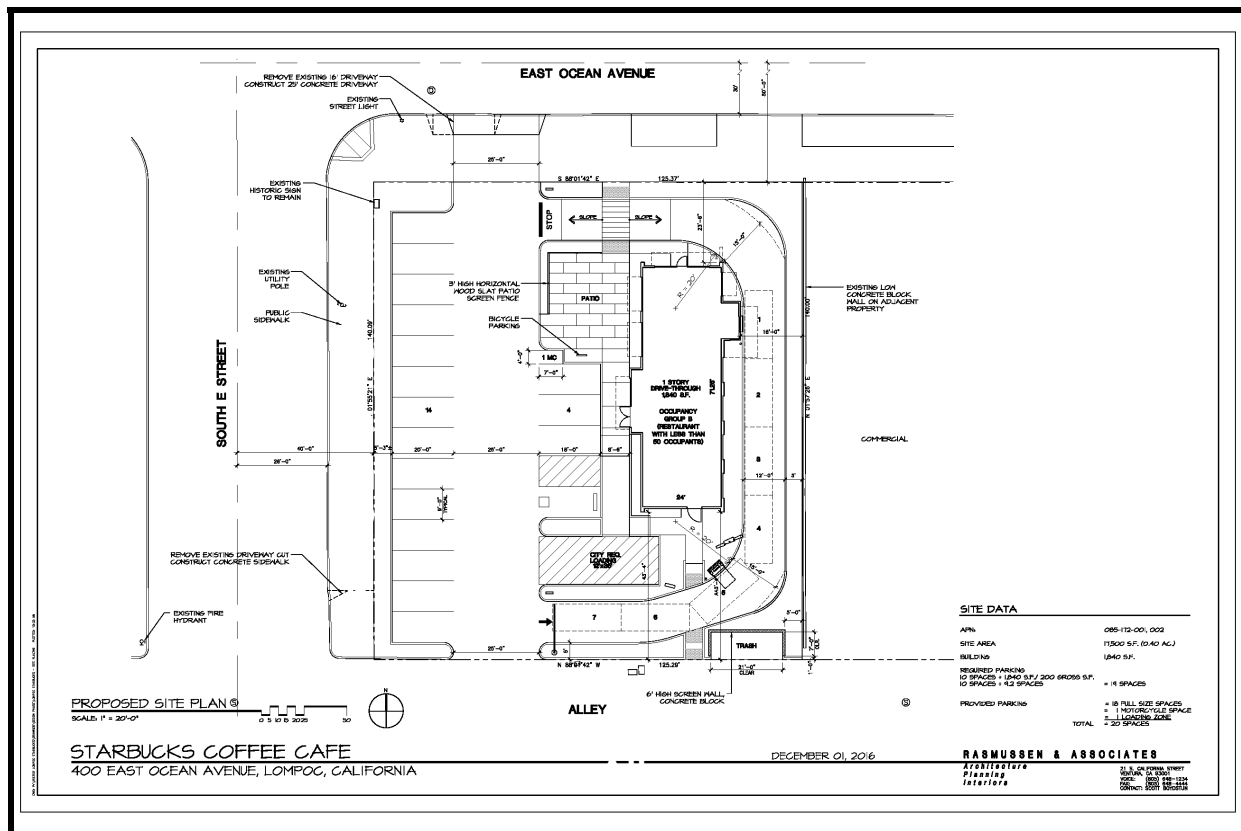
**Background**

On March 7, 2017, the Planning Commission approved CUP16-01 for the Starbucks Coffee Drive-Thru project. The approved site plan is shown in Figure 1 below.

On August 10, 2017, the property owner was issued a building permit to begin site improvements, as approved by the Planning Commission.

On February 1, 2018, the site improvements, shell building and Starbucks' interior improvements were found to be complete (per plans and conditions) and a Final Certificate of Occupancy for the site was granted.

**Figure 1: Approved Site Plan**



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## Discussion

Planning Condition of Approval P51 of CUP 16-01 required a street tree located in the area of the sidewalk repair on East Ocean Avenue to be re-planted with a street tree of appropriate species.

Condition P51 reads as follows:

- P51. As part of the sidewalk repairs that will occur within the existing parkway facing Ocean Avenue, a suitable replacement tree shall be re-planted within the parkway. The tree size shall be 24-inch box and the type/species of tree shall be reviewed by the Planning Division and Urban Forestry.

During development of the Starbucks project, two street trees were removed when the existing driveway, located on East Ocean Avenue, was re-aligned and repaired. Sidewalk improvements along East Ocean Avenue were also made in the Caltrans public right-of-way. When the applicant's contractor attempted to arrange an appropriate replacement street tree to be planted in the Caltrans right-of-way, it was determined Caltrans does not allow replacement/planting of street trees in their right-of-way once trees have been removed, unless a maintenance agreement between the City of Lompoc and Caltrans is finalized.

The applicant's engineer has provided a copy of a letter dated August 28, 2017 (Attachment 1), from the Caltrans District 5 Department of Transportation Encroachment Permit Office, which recommends trees to be replaced outside the Caltrans right-of-way. The letter states if trees are to be replaced within Caltrans right-of-way, a maintenance agreement between the City and Caltrans would be required.

Therefore, as the City has no jurisdiction within the Caltrans right-of-way, and does not have a prior practice or precedent for maintenance agreements within the Caltrans right-of-way, staff recommends the Planning Commission remove Condition P51, on the basis of infeasibility.

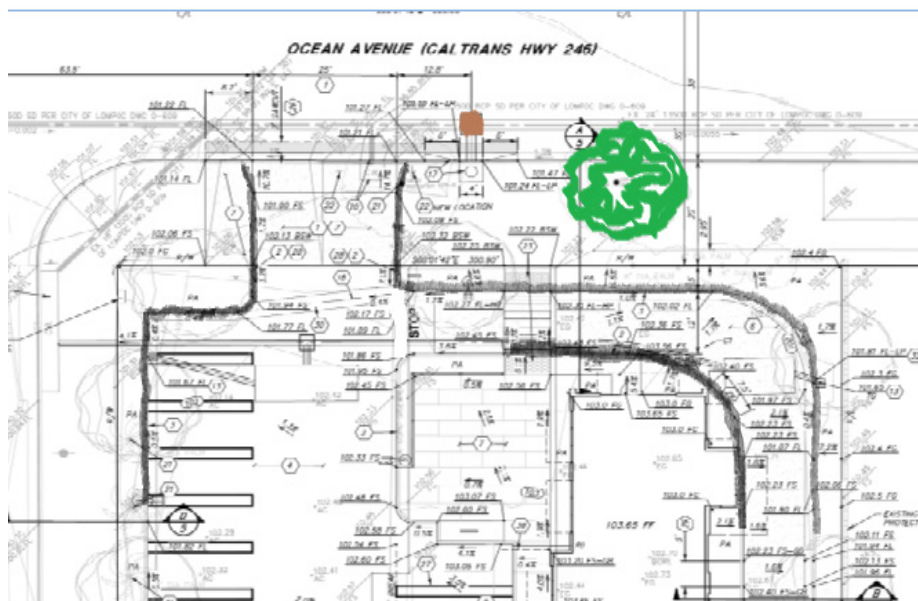
## Storm Drain Filters

The City of Lompoc is subject to a State Water Resources Control Board Small Municipal Storm Sewer System (MS4) permit. Under this permit, Lompoc is required to reduce or eliminate pollutants in storm water that runs off property and roadways in the City. New development is required to infiltrate storm water on-site. To protect groundwater, Lompoc has a practice of conditioning development projects to install storm water filters in inlets on-site and where appropriate, in the street inlets adjacent to a project. Filtering storm water using an inlet filter is the only means of treatment storm water receives before it infiltrates into the groundwater table, or in times of sustained rainfall, flows out to the estuary, or to the Pacific Ocean.

Stormwater Condition of Approval S5 requires the storm drain inlet (Shown in Figure 2 below), that was to be relocated on East Ocean Avenue, be properly fitted with a storm water filter that filters out trash, sediment, oil and grease.

**Figure 2: Ocean Avenue Frontage Plan**

Storm Drain Inlet shown in brown  
Street Tree removed shown in green



Condition S5 reads as follows:

- S5. All storm water that flows from paved areas of vehicle travel, maintenance, parking or uncovered outdoor storage, shall be filtered for trash, sediment, oil and grease, prior to discharge into City streets, storm drains, infiltration SCMs, landscaped area, biologically sensitive areas or the Santa Ynez River and its tributaries. Storm drain inlets within the site and the relocated street curb inlet on Ocean Avenue shall have properly installed filters meeting these requirements. Trash filters shall be of the type required by the City and the State Water Resources Control Board at the time of plan approval. Grading and Drainage plans submitted shall provide inlet details and filter details and cross-sections.

During construction, the applicant's contractor determined Caltrans does not generally allow storm drain inlet filters to be placed in Caltrans' right-of-way inlets.

The applicant's engineer provided a copy of a letter dated August 28, 2017 (Attachment 1), from the Caltrans District 5 Department of Transportation Encroachment Permit Office, which do not install a catch basin filter within the State right-of-way.

Staff has verified with Caltrans District 5 National Pollutant Discharge Elimination System (NPDES) Coordinator Pete Riegelhuth that "...storm water filters are not approved for use on the State highway system." He states "They tend to plug up if not maintained and put the traveling public at risk due to flooding."

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Again, given the City does not have jurisdiction within the Caltrans right-of-way, and Caltrans is subject to its own separate statewide NPDES permit, staff recommends the Planning Commission modify Stormwater Condition of Approval P51, on the basis of infeasibility, to be amended as follows:

- S5. All storm water that flows from paved areas of vehicle travel, maintenance, parking or uncovered outdoor storage, shall be filtered for trash, sediment, oil and grease, prior to discharge into City streets, storm drains, infiltration SCMs, landscaped area, biologically sensitive areas or the Santa Ynez River and its tributaries. Storm drain inlets within the site ~~and the relocated street curb inlet on Ocean Avenue~~ shall have properly installed filters meeting these requirements. Trash filters shall be of the type required by the City and the State Water Resources Control Board at the time of plan approval. Grading and Drainage plans submitted shall provide inlet details and filter details and cross-sections.

With the amendment of these two conditions, the project will still comply with all other Conditions of Approval as approved by the Planning Commission on March 7, 2017.

### **Environmental**

This action is exempt pursuant to Section 15061 of the California Environmental Quality Act (CEQA).

### **Noticing**

March 2, 2018:

- 1) Notices were mailed to property owners within 300 feet by US mail;
- 2) Notice was posted on the City website;
- 3) The project site was posted by City staff;

March 4, 2018:

- 4) Notice of the Public Hearing was published in the Lompoc Record.

### **Appeal Rights**

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

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**Attachments**

1. Copy of Letter from Caltrans District 5 Encroachment Permit Office dated August 28, 2017
2. Draft Resolution No. 880 (18) amending conditions for CUP 16-01

Staff Report has been reviewed and approved for submission to the Planning Commission			
<b>Christie Alarcon</b> Interim Economic Development Director	<b>Date</b>	<b>Brian Halvorson</b> Planning Manager	<b>Date</b>

**DEPARTMENT OF TRANSPORTATION**

ENCROACHMENT PERMIT OFFICE  
50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3152  
FAX (805) 549-3062  
TTY 711  
<http://www.dot.ca.gov/dist05>



*Making Conservation  
a California Way of Life.*

August 28, 2017

05-SB-1-20.29/20.32  
0517 6CD 0400

Taylor Megdal, Esq.  
c/o Jensen Design and Survey, Inc.  
Attn: Frederick T. Giroux  
1672 Donlon Street  
Ventura, CA 93003

Dear Mr. Giroux:

Encroachment Permit Application – Starbuck Coffee Cafe 400 East Ocean Avenue, Lompoc  
State Route 1

We have performed a preliminary review of the plans submitted for your Encroachment Permit Application and must ask you to provide additional information to fully evaluate your request. Please provide a written response to the comments below, and provide the following information as appropriate:

A. Proposed driveway:

1. Driveway ramp grades exceeds the State's maximum grade of 10.0%. Revise driveway ramp design to comply.
2. State Standard Plan for an urban driveway approach has a 45 degrees flare before transitioning the curb to full height. See attached standard plan A87A. Revise plans as necessary.
3. Provide a dimension for the depth of driveway ramp or sidewalk width behind the driveway ramp.

B. Catch basin/drain inlet

1. Do not install a catch basin filter within the State right of way.
2. Provide a copy of the drainage/hydrology report.
3. Provide copies of the referenced City's storm drainage and connection standards.



C. City of Lompoc - Conditions of Approval

1. Item P51. Proposed street trees within the State right of way requires an agreement from the City of Lompoc to own and maintain the street tree. Recommend new street trees, if any, be located behind the sidewalk outside of the State right of way.
2. Item EN26. Only one of the two trees fronting the development parcels is being removed. Confirm in writing from the City of Lompoc if removal of one of the two trees is acceptable to meet this condition.
3. Item EN28. Plans do not reflect the condition to "Remove and replace the existing cracked and broken/uplifted sidewalk and curb/gutter on Ocean Avenue." The easterly tree has uprooted the sidewalk, curb, gutter, and roadway pavement. Revise plans as needed to comply with condition.
  - a) Recommend a 3 foot wide roadway pavement replacement section adjacent to curb and gutter replacement to allow for a roller compactor.
  - b) Provide copies of referenced City of Lompoc Standards.
  - c) Location of call out for construction note 34 is not shown on the plans.
  - d) Check gutter flowline grades. There appears to be a slight ponding issue at the proposed driveway.
  - e) Provide written verification from the City of Lompoc that the curb ramp at the southeasterly corner of the intersection of Ocean Avenue and E Street does not require removal and replacement.

Please revise your plans to reflect the items mentioned above and submit 6 plan sets, folded to letter file size, for review. Revised plans will be subject to review by our various Department branches that may require additional information requests or changes made to your plans prior to the approval of your permit request.

We are required to notify you that your encroachment permit application, as submitted, is incomplete and denied without prejudice. Upon receipt of all the requested information, the Department will reconsider your current application. If this office does not receive the above or you or your engineer has not contacted us 45 calendar days from the date of this letter, your file may be closed without prejudice.

The Department's review of the submitted documents and plans should not be presumed to be a complete and thorough check of every aspect of the proposed project. The review is to identify components of the proposed project that do not comply with the Department's policies, requirements, guidelines, standards, or specifications that must be revised prior to the approval of



Taylor Megdal, Esq.  
August 28, 2017  
Page 3 of 3

Permit No. 0517 6CD 0400  
05-SB-1-20.29/20.32

the requested encroachment.

Please refer to permit reference number 0517 6CD 0400 in all correspondence or inquiries concerning your permit application. If you have any questions please call me at (805) 549-3497 from 9:00 a.m. to 4:00 p.m.

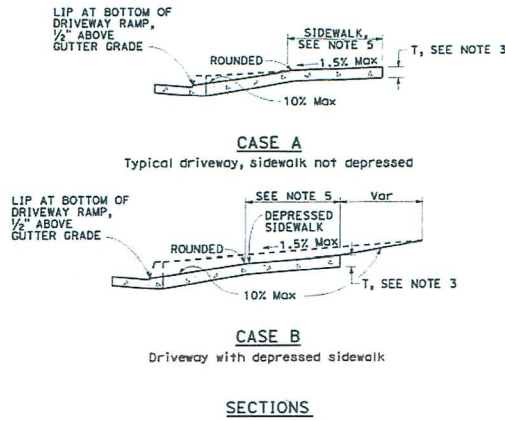
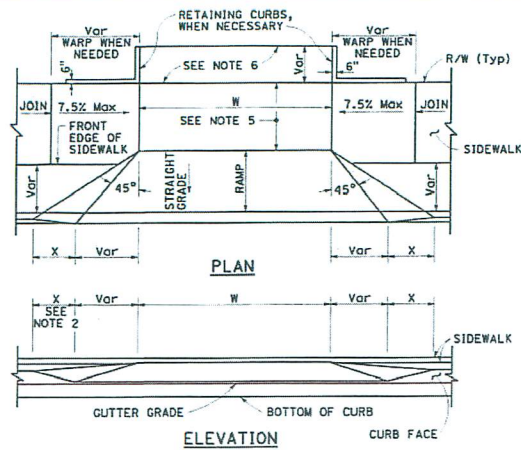
Sincerely,



Alan Kwong  
Transportation Engineer

Attachments:

State Standard Plan A87A

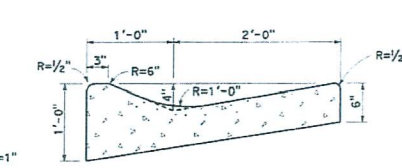
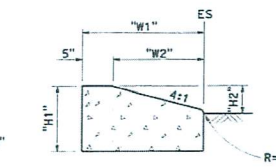
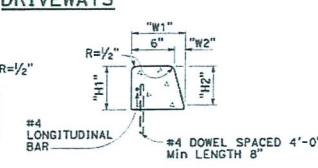
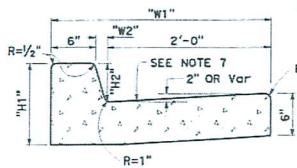
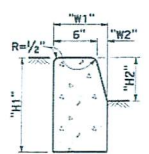


**TABLE A**

CURB TYPE	DIMENSIONS			
	"H1"	"H2"	"W1"	"W2"
A1-6	1'-2"	6"	7 1/2"	1 1/2"
A1-8	1'-4"	8"	8"	2"
A2-6	1'-0"	6"	2'-7 1/2"	1 1/2"
A2-8	1'-2"	8"	2'-8"	2"
A3-6	6"	5"	7 1/4"	1 1/4"
A3-8	8"	7"	7 3/4"	1 3/4"
B1-4	1'-0"	4"	7 1/2"	2 1/2"
B1-6	1'-2"	6"	9"	4"
B2-4	10"	4"	2'-7 1/2"	2 1/2"
B2-6	1'-0"	6"	2'-9"	4"
B3-4	4"	3"	7"	2"
B3-6	6"	5"	8 1/2"	3 1/2"
D-4	10"	4"	1'-6"	1'-1"
D-6	1'-0"	6"	2'-2"	1'-9"

**CURB QUANTITIES**

TYPE	CUBIC YARDS PER LINEAR FOOT
A1-6	0.02585
A1-8	0.03084
A2-6	0.05903
A2-8	0.06379
A3-6	0.01036
A3-8	0.01435
B1-4	0.02185
B1-6	0.02930
B2-4	0.05515
B2-6	0.06171
B3-4	0.00641
B3-6	0.01074
B4	0.05709
D-4	0.04083
D-6	0.06804
E	0.06661



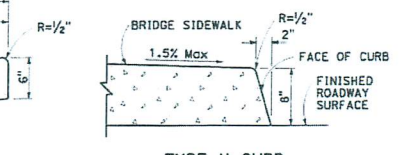
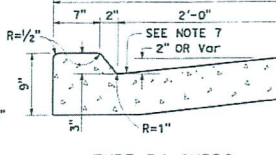
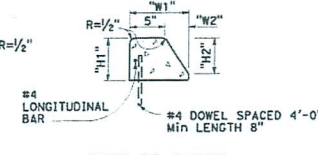
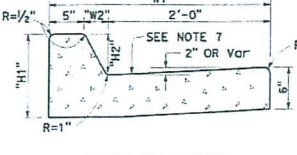
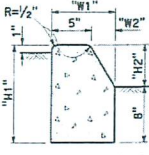
See Table A

See Table A

Superimposed on existing pavement See Table A

See Table A

See Table A



See Table A

See Table A

Superimposed on existing pavement See Table A

See Table A

On Bridges

**NOTES:**

- Case A driveway section typically applies.
- x=3'-0" except for curb heights over 10" where 4:1 slopes shall be used on curb slope.
- Sidewalk and ramp thickness "T" at driveway shall be 4" for residential and 6" for commercial.
- Difference in slope of the driveway ramp and the slope of a line between the gutter and a point on the roadway 5'-0" from gutter line shall not exceed 15%. Reduce driveway ramp slope, not gutter slope, where required.
- Minimum width of clear passageway for sidewalk shall be 4'-2".
- Retaining curbs and acquisition of construction easement may be necessary for narrow sidewalks or curb heights in excess of 6".
- Across the pedestrian route at curb ramp locations, the gutter pan slope shall not exceed 1" of depth for each 2'-0" of width.

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
**CURBS AND DRIVEWAYS**  
NO SCALE

**A87A**

PROJECT COUNTY ROUTE POST MILES TOTAL PROJECT SHEET TOTAL SHEETS

REGISTERED CIVIL ENGINEER

October 30, 2015

LANDS APPROVAL DATE

THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF DRAWN COPIES OF THIS PLAN SHEET.

Michael Jordan  
61788  
Exp. 3-31-16  
CIVIL ENGINEER  
STATE OF CALIFORNIA

**RESOLUTION NO. 880 (18)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING AN AMENDMENT TO CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) 16-01, STARBUCKS DRIVE-THRU AT 400 EAST OCEAN EAST AVENUE**

**WHEREAS**, a request by staff for Planning Commission consideration of an amendment to the approved Conditions of Approval for CUP 16-01 relating to a street tree and a stormwater filter in the public right-of-way. The project site is 0.40 acres and is located at 400 East Ocean Avenue (APN's: 085-172-001 and 085-172-002) in the *Commercial Office (CO)* Zoning District; and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on March 14, 2018; and

**WHEREAS**, at the meeting of March 14, 2018, City staff was present, and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of March 14, 2017, \_\_\_\_\_ spoke in favor of the project and \_\_\_\_\_ spoke in opposition to the project;

**WHEREAS**, this action is exempt pursuant to Section 15061 of the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION RESOLVES AS FOLLOWS:**

**SECTION 1:** After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds the proposed amended conditions as proposed, meets the requirements of the Lompoc Municipal Code and is consistent with all applicable policies and development standards.

- A. Starbucks Coffee Drive-Thru, with conditions as amended, is consistent with the applicable policies and development standards set forth in Lompoc Municipal Code Chapter 17.
- B. Starbucks Coffee Drive-Thru, with conditions as amended, is within the intent and purpose of the *Commercial Office (CO)* zoning district.
- C. Starbucks Coffee Drive-Thru, with conditions as amended, is not more obnoxious or detrimental to the public welfare, and is of a comparable nature and of the same class as the uses enumerated in Section

17.040.030 of the Lompoc Municipal Code.

D. The amended conditions stated in Exhibit A to this Resolution are necessary to protect the public health, safety, and welfare.

**SECTION 2:** Based upon the foregoing, the conditions of approval for Starbucks drive-thru are amended on March 14, 2018, as proposed in Exhibit A, and are incorporated by reference, as if fully set forth herein.

The foregoing Resolution was adopted, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at the Planning Commission meeting of March 14, 2018 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Brian Halvorson, Secretary

\_\_\_\_\_  
Ron Fink, Chair

Attachments: [Exhibit A – Amended Conditions of Approval](#)

**AMENDED CONDITIONS OF APPROVAL  
CUP 16-01 – STARBUCKS DRIVE-THRU  
400 EAST OCEAN AVENUE (APN: 085-172-001 and 085-172-002)**

As amended and approved by the Planning Commission on March 14, 2018, the following conditions have been deleted. All other Conditions of Approval attached to Planning Commission Resolution 855 (17) approved on March 8, 2017 for CUP 16-01 remain in effect.

**I. PLANNING**

**Planning – Project Specific Conditions**

P51. ~~As part of the sidewalk repairs that will occur within the existing parkway facing Ocean Avenue, a suitable replacement tree shall be re-planted within the parkway. The tree size shall be 24-inch box and the type/species of tree shall be reviewed by the Planning Division and Urban Forestry.~~

**XI. STORMWATER POST-CONSTRUCTION REQUIREMENTS**

**Prior to Issuance of Grading Permit**

S5. All storm water that flows from paved areas of vehicle travel, maintenance, parking or uncovered outdoor storage, shall be filtered for trash, sediment, oil and grease, prior to discharge into City streets, storm drains, infiltration SCMs, landscaped area, biologically sensitive areas or the Santa Ynez River and its tributaries. Storm drain inlets within the site ~~and the relocated street curb inlet on Ocean Avenue~~ shall have properly installed filters meeting these requirements. Trash filters shall be of the type required by the City and the State Water Resources Control Board at the time of plan approval. Grading and Drainage plans submitted shall provide inlet details and filter details and cross-sections.

I, Taylor Megdal, as project applicant do hereby declare under penalty of perjury that I accept all amended conditions approved by the Planning Commission. As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Taylor Megdal

\_\_\_\_\_  
Date

G:\COMDEV\Conditions of Approval\CUP\2018