



## Planning Commission Agenda Item

**Planning Commission Meeting Date:** August 14, 2019

**TO:** Members of the Planning Commission

**FROM:** Cody Graybehl, Associate Planner  
c\_graybehl@ci.lompoc.ca.us

**SUBJECT:** Conditional Use Permit (CUP 18-04)  
Fifteen Unit Apartment Complex

### **AGENDA ITEM NO. 3**

A request from Tony Tomasello of RRM Design Group representing the Housing Authority of the County of Santa Barbara (property owner) for Planning Commission consideration of a fifteen unit apartment complex. The project site is 0.39 acres in size and located at 1401 East Cypress Avenue (APN: 085-150-089) in the Commercial Office (CO) zoning district. This action is categorically exempt pursuant to Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA).

### **Scope of Review**

The Planning Commission is being asked to consider:

- If the proposal meets the development standards for the Commercial Office (CO) Zoning District;
- If the proposal is consistent with State Density Bonus Law;
- If the proposal is consistent with the Architectural Review Guidelines;
- If the required Findings in the Resolution can be made; and
- If the Conditions of Approval are appropriate for the project.

### **Recommendation**

1. Adopt Resolution No. 914 (19) approving a Conditional Use Permit (CUP 18-04) for a fifteen unit apartment complex based upon the Findings in the Resolution and subject to the attached draft Conditions of Approval; or
2. Provide other direction.

**Background**

November 2, 2018	Conditional Use Permit (CUP) application received for a fifteen-unit apartment complex
November 14, 2018	The Planning Commission made a recommendation to the City Council as part of a comprehensive update to the zoning code to amend the General Plan designation on the site from Office Commercial (OC) to Medium Density Residential (MDR) and a Zone change from Commercial Office (CO) to Medium Density Residential (R2)
December 21, 2018	CUP application deemed complete
February 19, 2019	The City Council considered the General Plan amendment and Zone change but recommended the item (along with the entirety of the comprehensive update to the zoning code) be returned to the Planning Commission on April 10, 2019
February 27, 2019	The Planning Commission considered the CUP for approval but continued the item to June 12, 2019 with a request for staff to follow up on several project issues raised at the meeting
April 10, 2019	The Planning Commission made a recommendation to the City Council as part of a comprehensive update to the zoning code to amend the General Plan designation on the site from OC to MDR and a Zone change from CO to R2
April 29, 2019	Staff made a site inspection of the existing drainage conditions of the site with the facility housing authority maintenance manager
May 21, 2019	The City Council continued General Plan amendment and Zone change associated with the site to the June 18, 2019 City Council meeting as part of the overall comprehensive zoning update
June 12, 2019	The Planning Commission considered the CUP for approval after staff addressed environmental concerns brought up at the February 27, 2019 meeting (traffic, parking, lot size, safety/crime, drainage/flooding) but continued the item to August 14, 2019 with a request for staff follow up on two project issues (RHNA and Crime) discussed at the meeting

- July 2, 2019                      The City Council considered approval of a General Plan amendment and Zone change at the site from OC/CO to MU/MU (Mixed Use) and directed staff to bring this change back to the next Council meeting for approval consideration
- July 16, 2019                      The City Council approved changing the General Plan designation of the site from OC to MU (the rezoning of the site will be brought back to the Council following adoption of the comprehensive update to the zoning code)
- August 6, 2019                      The City Council approved the Zone change of the site from CO to MU, which will take effect September 6, 2019.

### **Conformance with State Density Bonus Law**

As mentioned in past reports, the proposal qualifies for a 35% density bonus, three developer concessions, waiving of development standards, and the prescriptive parking requirements which are outlined in Cal. Gov. Code §65915. This is the case because the applicant is proposing that 100% of the fifteen units are to be restricted to lower income residents (to households earning 60% or less than the area median income). At this time, the applicant is not requesting a density bonus but is requesting one concession (refer to Attachment 3). Additionally, the proposed project qualifies for the prescriptive parking rates, which the applicant is requesting. The prescriptive parking rates do not count toward one of the three concessions. The prescriptive parking rates and concession request were discussed in the previous Planning Commission staff report dated February 27, 2019 shown as Attachment 3.

### **Discussion**

At the June 12, 2019 meeting the Planning Commission expressed concern in regards to traffic, parking (on-street), safety (crime), impacts to City budget, and the requirements and methodology of the Regional Housing Needs Assessment (RHNA).

#### *Traffic*

Concerns expressed at the last hearing mostly focused on traffic related to driver behavior (such as speeding) and not necessarily the amount of traffic that the project itself will generate (only 6 peak hour trips). Currently, the speed limit on Cypress Avenue is 35 miles/hour and 25 miles/hour on 7<sup>th</sup> Street. Stop signs are located at the corner of Cypress Avenue/7<sup>th</sup> Street and there is also a Stop sign at the corner of Cypress/5<sup>th</sup> Street (both signs going eastbound on Cypress). To revise speed limits or location and/or number of Stop signs on these streets would require a traffic study, to see if speed limit (or Stop sign) changes are warranted. Only the City Council can revise speed limits or traffic control measures. Overall, upon analyzing traffic and coordinating with the Engineering Division, the proposed project will not create significant impacts related to Transportation/Traffic Circulation as cited in the draft Initial Study for this project.

*Parking (On-Street)*

The Commission inquired about on-street parking on 7<sup>th</sup> Street and staff confirmed that most of 7<sup>th</sup> Street allows on-street parking (except near an intersection or fire hydrant). The availability of parking on 7<sup>th</sup> Street is important as it provides additional parking for guests and supplements parking for the overall Cypress developments which will also include commercial uses sometime in the future.

To date, there have not been concerns by the Police Department or Public Works Department regarding the existing on-street parking located on 7<sup>th</sup> street.

*Safety (Crime Rates)*

The Planning Commission requested that staff look into crime rates and determine if this project would increase the crime when compared to other apartment complexes of similar areas. Therefore, staff coordinated with the Police Department regarding available crime data regarding the potential impact the project could have on crime rates in the area. After coordinating with the Police Department (Police Chief), staff was informed that the requested crime data is not available and that the lack of staffing (i.e. crime analyst) and funding within the Police Department would prevent them from providing these types of research services. On the other hand, the Police Chief stated that the installation of security lighting in the parking lot, on-site surveillance cameras, and the submittal of a security plan could help reduce the likelihood of crime from occurring. Therefore, staff has included a draft Condition of Approval addressing this safety concern (COA PD1).

Although not the primary concern by the Commission, there was also a concern that the current on-site manager may not be able to appropriately manage an additional 15 units. If the Commission wishes, another Condition of Approval could be added requiring additional hours or staffing to assist in the management of the 15 additional housing units.

*City Budget*

The Commission made a request to quantify the impact that this project will have on the City's budget. Staff reached out to Finance (Management Services) Director Dean Albro to inquire if the City has a method or tool to assess or analyze impacts that affordable projects have on the City's budget. Unfortunately, at this time, the City does not conduct nor have the necessary tools (software) to complete this type of analysis but does receive property tax reports from a consultant (HdL Coren & Cone) that analyzes assessed property values in the City of Lompoc based on Santa Barbara County tax rolls (and how changes in value affect Lompoc's General Fund). For this project site, approximately \$1,600/year are paid in property taxes. Of this amount, the City's portion is approximately \$256. At some point, it is anticipated that this property will be removed from the County Assessor roll.

In general, all residential projects do have more of a financial burden on the City's budget than commercial or industrial projects. This is a known fact and is not specific to the City of Lompoc but any City since residential projects require more essential services such as Police, Fire, Public Works, and Utility services that are costly. Nonetheless, Police and Fire can serve the project and have mentioned that the Housing Authority continues to be a great partner when it comes to working with the City on any issues (related to public health/safety) that may come up from time to time.

### *RHNA*

The Planning Commission requested that staff provide further analysis of the RHNA methodology and asked whether RHNA allocations are apportioned based on the City's share of existing affordable housing. Staff coordinated with SBCAG staff (Brian D. Bresolin) and confirmed that allocations are based on a combination of factors that consider the State Department of Finance population forecast (population growth), household formation (headship rates) by age and ethnicity, allowances for vacancies and replacement housing units, and projected housing need.

Therefore, as part of this methodology, RHNA does not focus on a City's existing supply of affordable housing (but does look at future need) to determine allocations but does take into consideration Zoning capacity (estimated housing capacity) based on reviewing adopted General Plan Housing Elements.

Government Code section 65584(d)(4) does require the RHNA allocation to further the following objective: "Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey." However, the current RHNA allocation for Lompoc has already been decided, and the time to challenge the allocation has passed. The Planning Commission must therefore use the RHNA allocation given to Lompoc for the current planning period.

For the proposed project, the units are restricted to the low income category. The City's 2018 General Plan Annual Report provides a progress report for the number of units built in each category of the RHNA distribution goals for the 2014-2022 period. The City still needs to build 82 units restricted to the low income category to meet this specific RHNA distribution goal (Attachment 5). Therefore, the City has not met its RHNA goal for the 2014-2022 reporting period for affordable housing in this income category.

### *Drainage*

Although drainage was mentioned and discussed more thoroughly at the meeting of February 27, 2019, staff has drafted a new Condition of Approval to ensure that drainage is monitored and corrected. Therefore, COA P67 requires that the Planning Division provide an update to the Planning Commission one year after occupancy of the apartment complex which will allow the Planning Commission to provide input or revised conditions of this permit if drainage problems persist.

### **Requirements for Approving CUP**

The proposed project is located in the CO Zone. Multi-family apartment complexes are not permitted by right in the CO zone. Consequently, the development of the project requires a Conditional Use Permit (CUP).

Per Lompoc Municipal Code section 17.040.030, a use may obtain a CUP only if the Planning Commission finds that that the use: (i) falls within the intent and purpose of the zone, (ii) will not be more obnoxious or detrimental to the public welfare than the uses enumerated in LMC 17.040.030, and (iii) is of the same nature and class as the uses enumerated in LMC 17.040.030.

The uses enumerated in LMC 17.040.030 are: (1) churches, (2) restaurants, and (3) multiple-family uses.

### **Housing Accountability Act**

In addition to the criteria for approving a CUP, the Commission must consider the requirements of the Housing Accountability Act (HAA) (Government Code § 65589.5). The HAA applies to this proposed project and is designed to limit the ability of local governments to reject proposed housing projects, including affordable housing projects. The HAA requires the Commission to make specific written findings, based on the preponderance of the evidence in the record, if it wishes to deny the CUP.

#### **(A) Low- and Moderate-Income Housing: GC § 65589.5(d)**

The proposed project would serve very low, low-, or moderate-income households, as defined by law, and is therefore subject to Government Code section 65589.5(d), which establishes requirements for the denial of housing development projects for very low, low-, or moderate-income households. If the Commission wishes to deny the CUP, or condition approval of the CUP in a manner that renders the project infeasible, the Commission must make at least one of the following findings based on the preponderance of the evidence in the record:

- (1) The City has met or exceeded its share of the regional housing need allocation pursuant to Government Code section 65584 for the planning period for the income category proposed for the housing development

project. If the housing development project includes a mix of income categories, then the City must have met or exceeded its share of regional housing need allocation for all such categories. (The proposed units would be restricted to low income residents earning 60% or less than of the area median income)

- (2) The project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. A “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
- (3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.
- (4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- (5) The housing development project is inconsistent with both the City’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project.

**Staff Recommendation:** Staff reviewed each of the five criteria above and determined that a preponderance of evidence does not exist to support any of those findings to disapprove the project.

**(B) All Housing Development Projects: GC § 65589.5(j)(1)**

Moreover, pursuant to Government Code section 65589.5(j)(1) – applicable to all housing development projects – the Commission may not disapprove the project or impose a condition that the project be developed at a lower density unless it finds that both of the following conditions exist:

- (1) The project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

**Staff Recommendation:** Staff is not aware of any evidence that would support these findings by a preponderance of the evidence. The site can meet the required development standards (after applying Density Bonus Law provisions) of the CO zoning district. There are no specific adverse impacts upon the public health or safety (as demonstrated in the Draft Initial Study shown in Attachment 2) related to the project that require project denial. This was also discussed within the staff report presented to the Planning Commission on February 27, 2019 (Attachment 3).

**Next Steps**

Although the project as shown in Attachment 4 is recommended for approval, if the Commission decides to not approve the project, the Commission should provide staff specific direction regarding the basis for disapproval in accordance with the requirements of the HAA, including the specific, adverse impact to public health and safety caused by the Project and why that impact cannot be mitigated or avoided by adding Conditions of Approval. The Commission should then continue the item to allow staff to draft a Resolution of denial that includes written findings required by the HAA, to be adopted at the next meeting.

**Environmental Determination**

The project is categorically exempt from further environment review pursuant to Section 15332 (In-fill Development Project) of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed for the project following the Planning Commission action.



**Noticing**

On June 12, 2019, the Planning Commission continued this item to the August 14, 2019 meeting. In addition, on June 7, 2019 and August 9, 2019 the project site was posted by City staff and posted on the City Hall bulletin board.

**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 and the required fee is \$257.80.

**Attachments**

1. Draft Resolution No. 914 (19)
2. Draft Initial Study/Environmental Checklist
3. Staff Report dated February 27, 2019 (without attachments)
4. Vicinity Map & Plan Set
5. Regional Housing Needs Allocation (2014-2022) Progress
6. Public comment received June 19, 2019

Respectfully submitted,

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Brian Halvorson  
Planning Manager

**APPROVED FOR SUBMITTAL TO THE PLANNING COMMISSION:**

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Christie Alarcon  
Community Development Director

**RESOLUTION NO. 914 (19)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE (CUP 18-04) PERMIT FOR A FIFTEEN UNIT APARTMENT COMPLEX**

**WHEREAS**, Tony Tomasello of RRM Design Group representing the Housing Authority of the County of Santa Barbara (Applicant) has requested Planning Commission consideration of a fifteen-unit apartment complex (Project). The project site is 0.39 acres in size and is located at 1401 East Cypress Avenue (APN: 085-150-089) in the Commercial Office (CO) zoning district; and

**WHEREAS**, Applicant is proposing that 100% of the fifteen units be restricted to lower income residents; and

**WHEREAS**, Applicant has requested a reduction in the applicable parking ratio, pursuant to Government Code section 65915(p); and

**WHEREAS**, Applicant has requested a concession to allow a reduction in the width of the required landscape buffer for parking lots across from residential districts from 10 feet to 5 feet, pursuant to Government Code section 65915(d); and

**WHEREAS**, the Project is not permitted as of right in the zone in which it is located and therefore requires a Conditional Use Permit (CUP); and

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public meeting on February 27, 2019, continued to June 12, 2019 and then continued to August 14, 2019; and

**WHEREAS**, at the meeting of August 14, 2019 \_\_\_ was present, and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of August 14, 2019, \_\_\_ spoke in favor of and \_\_\_ spoke in opposition to the project.

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

**SECTION 1:** The above recitals are true and correct and are incorporated herein.

**SECTION 2:** This action is exempt pursuant to Section 15332 of the CEQA Guidelines (In-fill Development Projects) and none of the exceptions listed in Section 15300.2 of the CEQA Guidelines are applicable.

**SECTION 3:** The Planning Commission makes the following findings:

- A. The proposed multi-family residential use, as conditioned, is consistent with the applicable policies and development standards set forth in Lompoc Municipal Code Title 17.

- B. The proposed multi-family residential use, as conditioned, is consistent with the applicable policies of State Density Bonus Law (Government Code Section 65915). The Project is entitled to the requested concession, waiving of development standards, and the requested reduction of the parking ratio, pursuant to Government Code section 65915(d)(2)(C), because the Project restricts at least 30 percent of the total units for lower income households
- C. The site for the proposed multi-family residential use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
- D. The site of the proposed multi-family 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 multi-family use will have no adverse effect upon the abutting and surrounding properties from the permitted uses thereof.
- F. The proposed multi-family use is within the intent and purpose of the Commercial Office (CO) zoning district.
- G. The proposed multi-family use 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.
- H. The conditions stated in Exhibit A to this Resolution are necessary to protect the public health, safety, and welfare.
- I. The proposed project is in substantial compliance with the City's Architectural Review Guidelines.
- J. The proposed project is deemed to be in compliance with the City's General Plan pursuant to Government Code section 65589.5.

**SECTION 4:** Based upon the foregoing, the proposal under CUP 18-04 located at 1401 East Cypress Avenue is approved on August 14, 2019, subject to the conditions attached as Exhibit A, which are incorporated by reference as if fully set forth herein.

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The foregoing Resolution was adopted, on motion by Commissioner\_\_\_\_, seconded by Commissioner \_\_\_\_, at the Planning Commission meeting of August 14, 2019 by the following vote:

**AYES:**

**NOES:**

**NOT PARTICIPATING:**

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Brian Halvorson, Secretary

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Federico Cioni, Vice-Chair

Attachments: Exhibit A – Draft Conditions of Approval

**DRAFT CONDITIONS OF APPROVAL  
CUP 18-04  
Fifteen Unit Apartment Complex  
1401 East Cypress Avenue (APN: 085-150-089)**

The Draft Conditions of Approval apply to plans prepared by Tony Tomasello of RRM Design Group dated December 6, 2018 received by the Planning Division on December 6, 2018 prepared for the Housing Authority of the County of Santa Barbara (property owner) and reviewed by the Development Review Board on January 8, 2019 for a fifteen unit (one bedroom) apartment complex with parking and landscaping.

**I. PLANNING**

**Planning - General Conditions**

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
  
- P2. In conformity with Sections 17.140.010, 17.152.010, and 17.152.020 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Sections 1.24.010 and 1.24.060 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. 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 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 Planning Manager 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.

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

- P9. Building permits shall be obtained from the City of Lompoc for all tenant improvements to the structure and all new construction.
- P10. The applicant shall notify the City of Lompoc Planning Division of a change of ownership for the property or a change of project representative within 30 days of such change at any time during the City process prior to final Certificate of Occupancy.

- P11. Lompoc Municipal Code Section 17.006.030 allows any person to appeal a decision of the Planning Commission within 10 calendar days after the Planning Commission's decision. No grading, building, demolition, or other ministerial permit, nor any other discretionary permit, shall be issued by the City for the Project until the later of (1) the expiration of the 10-day appeal period, or (2) the City Council's decision on the appeal, if a timely appeal is filed.
- P12. 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.
- P13. 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.
- P14. All of the conditions shall be consented to in writing by the applicant.
- P15. 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.
- P16. 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 Zoning Administrator 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 Zoning Administrator fifteen (15) days prior to the expiration of the one (1) year.

### **Planning - Architectural Conditions**

- P17. All facades which extend above the roof line shall be finished on all elevations exposed to public view.
- P18. All mechanical, ventilation, and utility equipment shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the major structures on the site and with the neighborhood.
- P19. Foam material shall not be used for architectural features from the ground level to six (6) feet above ground level. Foam material may be used on portions of the building which are a minimum of six feet above ground level.

P20. Development proposals in the vicinity of natural objects that have unique aesthetic significance shall not be permitted to block, alter, or degrade existing visual quality without the provision of suitable visual enhancement.

**Planning - Site Plan Conditions**

P21. Architectural review is required for this project prior to issuance of building permits.

P22. No outside vending machines, except fully enclosed newspaper racks, shall be allowed on site. All newspaper racks shall be pedestal-mounted.

**Planning - Landscaping General Conditions**

P23. Seven (7) sets of the landscape and irrigation plans shall be submitted to the Planning Division for distribution and review by various City departments/divisions. The landscape and irrigation plans shall be reviewed and approved prior to issuance of grading or encroachment permits.

The landscape and irrigation plans shall be prepared by a licensed landscape architect or other qualified professional project designer as designated by City staff; shall have overall dimensions of 24" x 36"; shall show all existing and proposed public utilities within the project limits; and shall have the following approval blocks:

- 1) City Engineer;
- 2) Planning Manager – private property landscaping;  
and
- 3) Urban Forestry Supervisor – right-of-way landscaping

P24. A Landscape Maintenance Agreement, in a form satisfactory to the City Attorney, shall be recorded prior to issuance of building permits for the project.

P25. The project must conform to the Urban Forestry Administrative Guidelines.

P26. The final landscaping Conditions of Approval shall be printed on the landscape plans filed with the City.

**Planning - Landscaping Irrigation Conditions**

P27. The project must conform to Chapter 15.52 of the Lompoc Municipal Code Water Efficient Landscape Standards and the State of California Model Water Efficiency Landscape Ordinance.



- P28. All irrigation must be low-water use, per manufacturer's specifications. A copy of the specifications must be provided to the Planning Division before installation. Installation must include check valves as needed to prevent runoff.
- P29. All irrigation under paving must be Schedule 80 PVC or greater with tracer wires and sleeves.

### **Planning - Landscaping Tree Conditions**

- P30. All trees must be planted at least ten feet away from public utilities, to include but not limited to water, sewer, electric, storm drain, cable, telephone, etc.
- P31. All trees must be installed with support staking. All nursery stakes must be removed from trees.
- P32. All trees and plant material selection shall be made with the concurrence of the Planning Division.

### **Planning - Landscaping Installation Conditions**

- P33. Installation of all irrigation and landscaping shall be performed by a licensed landscape contractor. Open trench inspection of the irrigation installation is subject to approval of City officials.
- P34. A layer of walk-on bark (brown in color) two to four inches deep must be applied in all landscape areas. A sample of the bark shall be submitted to the Planning Division for review and approval prior to the issuance of building permits.
- P35. All plant material is subject to inspection by the Planning Division and must be guaranteed for two years from the date of final inspection.
- P36. Prior to the final inspection by the Planning Division, a Certificate of Substantial Compliance shall be completed and submitted to the Planning Division.
- P37. All landscaping shall be installed and accepted by the City prior to issuance of a certificate of occupancy for the building.
- P38. A variety of drought tolerant landscaping shall be planted within the areas for the proposed new landscaping. The species, size and number of plants shall be shown on the plans submitted for plan check and approved by the Planning Division prior to installation.
- P39. Additional landscaping shall be installed and shown on the final landscape plans at the undeveloped corner portion (southeast corner) of 125 South Seventh Street (APN: 085-150-090) of the site. The species, size and number of plants shall be shown on the plans submitted for plan check and approved by the Planning Division prior to installation.

- P40. An additional 24-inch box tree shall be added to the southern parking lot planter to reduce visibility of the parking lot from Cypress Avenue. The species and size of tree shall be shown on the plans submitted for plan check and approved by the Planning Division prior to installation.

### **Planning - Air Quality Conditions**

- P41. Dust (PM<sub>10</sub>) - a dust abatement program shall be prepared by the applicant and submitted with the grading/improvement plans. The program shall be reviewed and approved by the City Engineer, Senior Environmental Coordinator, and Planning Manager prior to issuance of grading permits. The dust abatement program shall include, but is not limited to, the following dust control measures:
- a. Sprinkle all construction areas with water (recycled when possible) at least twice a day, during excavation and other ground-preparing operations, to reduce fugitive dust emissions.
  - b. Construction sites shall be watered and all equipment cleaned in the morning and evening to reduce particulate and dust emissions.
  - c. Cover stockpiles of sand, soil, and similar materials, or surround them with windbreaks.
  - d. Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces or have adequate freeboard to prevent spillage.
  - e. Post signs that limit vehicle speeds on unpaved roads and over disturbed soils to 10 miles per hour during construction.
  - f. Soil binders shall be spread on construction sites, on unpaved roads, and on parking areas; ground cover shall be re-established through seeding and watering.
  - g. Sweep up dirt and debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over those surfaces.
  - h. Require the construction contractor to designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
  - i. The name and 24/7 contact information for the person responsible for dust control shall be provided to the City prior to issuance of grading permits.

- j. If dust is not controlled on the site, the City shall shut down work on the project until the applicant can provide adequate dust control.
- k. Streets and alleys surrounding the project shall be kept clean and free of dirt.

P42. Ozone (O<sub>3</sub>) Precursors: (NO<sub>x</sub> and ROC)

- a. All construction equipment engines and emission systems shall be maintained in proper operating order, in accordance with manufacturers' specifications, to reduce ozone precursor emissions from stationary and mobile construction equipment.
- b. If feasible, electricity from power poles or ground lines shall be used in place of temporary diesel- or gasoline-powered generators.

**Planning – Cultural Resources Conditions**

P43. If archaeological artifacts are unearthed or exposed during demolition or construction, the artifacts and the site shall be evaluated by an experienced Archaeologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Archaeologist.

P44. If paleontological artifacts are unearthed or exposed during demolition or construction, the artifacts and the site shall be evaluated by an experienced Paleontologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Paleontologist.

P45. If human remains are discovered during construction, the County Coroner, and the Native American Heritage Commission shall be notified and their recommendations and requirements adhered to, prior to continuation of construction activity.

**Planning - Mitigation Monitoring Conditions**

P46. Hours of construction shall be limited to:  
Monday through Friday - between the hours of 7:30 a.m. and 5 p.m.  
Saturday - between the hours of 8 a.m. and 5 p.m.  
Sunday – None

Minor modifications to the hours of construction may be granted by the Planning Manager upon a request in writing.

## **Planning –Covenants, Conditions & Restrictions (CC&R's)**

- P47. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for approval, prior to recordation.
- a. The applicant shall create a Property Owner's Association (POA) for the maintenance of the common facilities, including but not limited to: common areas, private drives, and landscaping.
- P48. The Covenants, Conditions & Restrictions (CC&R's) shall be reviewed and approved as to form by the City Attorney prior to recordation. The CC&R's shall state that no provision in the document may be amended without the prior written approval of the City of Lompoc. The CC&R's shall be recorded prior to the issuance of building permits.
- P49. The CC&R's shall include the following restrictions:
- a. A requirement that Storm Water filters in the storm drain system shall be maintained and replaced, when necessary, by the POA so that all storm water and drainage will be filtered, prior to entering the City's storm drain system. Filters used shall remove sediment, oil, grease, trash and floatables. A requirement that the filter media in the storm water filtration devices are regularly cleaned-out, maintained and replaced, per manufacturer's recommendations by the POA.
  - b. The POA shall ensure that regular inspections are conducted to evaluate the levels of accumulated sediment, oil and grease, and that accumulated materials are removed at least twice a year, in October, before the rainy season begins and in April, after the rainy season has ended. The POA shall ensure that the filters are cleaned out more often if necessary to ensure they are functioning properly.

## **Affordable Housing Requirements**

- P50. Applicant shall comply with affordable housing requirements for Old Town Lompoc Redevelopment Project (Amendment area No. 2) as specified in General Plan Housing Element Policy 1.11.
- P51. The proposed project is fifteen (15) units and three (3) affordable units are required to be dispersed throughout the development. The applicant must designate the affordable units on the site plan and sign a covenant prepared by the City of Lompoc Successor Housing Agency, which will be recorded on the property for a period of 55 years.
- P52. Three (3) of the dwelling units shall be at prices affordable to very-low, low- and median income families. The distribution and affordability levels of these units, termed "rent-controlled units" / "controlled-sale units" shall be as follows:

<b>Income Level</b>	<b>One Bedroom Units</b>
Very-Low	1
Low/Moderate	2
<b>Total</b>	<b>3</b>

- P53. Prior to the issuance of building permits, the property owner(s) shall sign a covenant which runs with the land against each rent-controlled unit. The covenant shall be prepared by the City of Lompoc Successor Housing Agency in order to assure continued affordability. The covenant shall specify:
- a. the formula for determining new rental price;
  - b. affordability control mechanisms upon rental;
  - c. refinancing restrictions;
  - d. qualifications of eligible renters;
  - e. annual reporting requirements;
  - f. occupancy requirements;
  - g. the period during which affordability is to be maintained;
  - h. that the owner grants to the Agency, or other entity designated by the Agency, an option to purchase the property at any time the owner wishes to sell; and,
  - i. that the covenant shall be in effect for a 55-year period starting from the issuance of the Certificate of Occupancy.
- P54. Prior to the issuance of building permits, the applicant and property owner(s) shall agree to cooperate in implementing the affordability controls, and obtain the lender's approval of the affordability control documents.
- P55. Prior to issuance of Certificates of Occupancy, the applicant and property owner(s) shall obtain the City's/Successor Housing Agency's approval of the renter selection process, the initial rent, and the eligibility of the initial renters of rent-controlled units.
- P56. Prior to the issuance of Certificates of Occupancy, the renters of the rent-controlled units shall agree to occupy the units as their principal place of residence.

- P57. Prior to the issuance of certificates of occupancy, the owner(s) shall agree to assign to the City/ Successor Housing Agency the right to any rents collected above affordable levels specified in the recorded covenant.
- P58. Prior to any sale or other transfer of any interest in the rent-controlled units, it must be approved by the City/ Successor Housing Agency as being in compliance with the requirements set forth in the covenant. Full disclosures must be made in writing to the City regarding the terms of the sale, including copies of closing statements from escrow and all other documents.

### **Planning – Project Specific Conditions**

- P59. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted except in accord with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction of such activities.
- P60. No signage is proposed at this time. Any signage shall require a separate sign permit through the Planning and Building Divisions.
- P61. A Temporary Use Permit shall be obtained from the Planning Division prior to installation of a construction trailer on the project site.
- P62. The applicant shall contact all applicable regulatory agencies and apply for necessary permits prior to occupancy.
- P63. The applicant is eligible to request up to three (3) concessions due to the project providing at least 30 percent of the total units for lower income households as stated in the State Density Bonus (Government Code Section 65915). However, the applicant is requesting one concession in order to reduce the required ten foot wide landscape planter area between any parking area and adjacent residential districts (LMC 17.092.040) to five feet wide.
- P64. The applicant is requesting to utilize the prescriptive parking requirement outlined in Government Code Section 65915 which states uncovered parking spaces are allowed and that the maximum required parking is one parking space per one-bedroom unit, and this includes guest spaces and accessible spaces.
- P65. Landowner must covenant to restrict use of property to 100% affordable or provide additional off-street parking as required by this Chapter if property is converted to other uses.

- P66. Bicycle racks to accommodate two (2) bicycles shall be provided on-site. The location and type of bicycle racks shall be reviewed on the site plan drawing and approved by the Planning Division prior to issuance of building permits.
- P67. Drainage of the site will be monitored and the Planning Division will update the Planning Commission on drainage conditions of the site one year after occupancy. If there are drainage problems on the site, the Planning Commission may amend conditions of this permit in order to rectify any drainage issues.
- P68. The equipment enclosure located on the northeast portion of the site has slating material that is missing and in disrepair. New vinyl slating (wood is not an approved material) material that matches the existing apartment buildings shall be installed on the fenced enclosure and shown on the building plans submitted as part of the plan review process.

## II. ENGINEERING

### Engineering - General Conditions

- EN1. Public Improvements are required with this development. Public Improvements include all work within the public right-of-way or easement, as well as improvements to public infrastructure. Separate Public Improvement Plans **are not required**. Public Improvements may be included within the Grading Plan Set. As such, the Grading Plan (once approved) will be used for encroachment permit issuance.

#### Public Improvements:

- a. Utilities – Electric (conduit, transformers, street lights, etc.), Water and Sewer
- b. Streets, Sidewalk, and Curb & Gutter (Public and Private)
- c. Street Signing and Striping
- d. Drainage – Storm Drain Lines, Inlets & Filters, Main Lines, Sidewalk Drains, etc.
- e. Existing and proposed public easements (permanent structures shall not be constructed over any public easements)

#### Private Improvements:

- a. Connection Points to utility mains for sewer laterals, water services and storm drain

- EN2. Public Improvement Plans shall be prepared by or under the supervision of a registered civil engineer.

- EN3. All Public Improvements shall be provided at the Applicant's expense and in accordance with City of Lompoc "Standard Requirements for the Design and Construction for Subdivisions and Special Developments". These Standard Requirements are available at: <http://www.cityoflompoc.com/standards/>
- EN4. "Development Assistance Brochures" are available to facilitate the preparation of plans and reports by the Applicant's engineer and are an essential reference for the preparation of the Grading and Public Improvements Plan submittals. "Development Assistance Brochures" are available at: [http://www.cityoflompoc.com/PublicWorks/develop\\_asst.htm](http://www.cityoflompoc.com/PublicWorks/develop_asst.htm)
- EN5. In conformance with Title 12, Chapter 12.28.040 of the Lompoc City Code, the Improvement Plans, including but not limited to, grading, water, sewer, streets, electrical system, and other surface and subsurface improvements, shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System by Record Of Survey filed August 22, 2003, in Book 172, Pages 4 through 7, Santa Barbara County Records. All drawings, improvement plans and survey maps shall be prepared in accordance with the requirements currently in effect.
- EN6. An "R" value shall be determined by the Soils Investigation and included in the Soils Report or an "R" value of 15 can be assumed for design. A note shall be placed on the Public Improvement Plan stating that "R" value samples shall be obtained and tested at the completion of rough grading, and the pavement sections confirmed or revised, to the satisfaction of the City Engineer.

#### Easement Dedication

- EN7. All public utilities such as water mains, sewer mains, electric lines, electric transformers, etc., within the development shall be located within public utilities easements (PUE).

PUE's shall be dedicated by grant deed as described below and shall be prepared by a licensed land surveyor or qualified civil engineer. Grant deed forms are available at: <http://www.cityoflompoc.com/PublicWorks/engineering.htm>

Applicant shall submit a draft copy of the deed (including an 8-1/2"x11" deed map and legal exhibit) to the Engineering Division for review and approval. With draft submittal include all referenced documents and a preliminary title report current within the last ninety days.

After the Engineering Division has reviewed and approved the draft grant deed, the Applicant will submit the original deed to the Engineering Division for acceptance and recordation. The submitted deed originals must be signed by the grantee(s) and notarized, and signed and stamped by a licensed land surveyor or qualified civil engineer. A PUE deed ready for recordation shall be on file in the Engineering Division prior to approval of the Improvement Plans.



### Plan Review

- EN8. First plan check submittal shall include hydraulic calculations (storm drain and sanitary sewer), a current Soils Investigation Report, and all other calculations and data necessary for review and approval of the project plans.

### Landscape Plans

- EN9. Any landscape and irrigation plans required by the Planning Division shall be approved by the Public Works and Utility Departments prior to Public Improvement Plan approval by the Engineering Division. An approval block shall be provided on the landscape plan title sheet for the City Engineer's signature.
- EN10. All trees and large rooted shrubbery must be planted at least ten feet away from public utilities, including but not limited to, water, sewer, electric, stormdrain, cable and telephone.

### Permits & Fees

- EN11. Encroachment Permit Fees are based on the City fee schedule in effect at the time of permit issuance.
- EN12. An Encroachment Permit shall be obtained from the Engineering Division for any work within City street right-of-way or easement. An itemized Engineer's cost estimate for construction of the proposed public improvements noted in EN1 shall be submitted to the Engineering Division and is used for determining the Encroachment Permit Fee. The Form used for Cost Estimates may be obtained on the City's website at the following location: <http://www.cityoflompoc.com/PublicWorks/engineering.htm>
- EN13. Prior to the issuance of an Encroachment Permit, the Applicant shall provide a letter to the Engineering Division, addressed to the City Engineer, stating that the engineer who prepared the Public Improvement Plans, or his/her designated representative, will perform periodic site observations of work shown on the approved Public Improvement Plans and that Record Drawings will be submitted and approved prior to occupancy.
- EN14. STREET IMPROVEMENT and TRAFFIC SIGNAL IMPACT FEES will be imposed upon the issuance of a building permit and are based on the City of Lompoc Development Impact Fee Schedule in effect at the time of permit issuance.

### Drainage

- EN15. A Drainage/Hydrology Report shall be submitted to the Engineering Division with the first plan check submittal of the Public Improvement Plans.

EN16. Drainage from parking lots to the public right-of-way or easement will be filtered through a City approved filter system. The filter shall be located on the development property and maintained by the property owner.

Sidewalk/Driveways

EN17. All driveways shall provide a minimum 4-foot sidewalk area behind the apron, at 2 percent slope toward the street, for ADA compliance.

Final Approval

EN18. Prior to issuance of the Certificate of Occupancy, any Public Improvements damaged during construction shall be repaired as directed by the Public Works Inspector and in conformance with the City of Lompoc Standard Plans and Specifications.

EN19. Prior to issuance of the Certificate of Occupancy, Record Drawings in conformance with Development Assistance Brochure (DAB) E-30 shall be prepared and approved by the City Engineer. DAB E-30 can be downloaded from the City Engineering web page

(<http://www.cityoflompoc.com/departments/pworks/engineering.htm>).

EN20. After construction is complete and the City has approved the Record Drawings, the Applicant shall provide the Engineering Division with a copy of the Record Drawings, in a computer format (DWG, DGN or DXF file) readily compatible for transfer to the City Geographic Information System.

**Engineering – Project Specific Conditions**

**NO PROJECT SPECIFIC CONDITIONS**

**III. ELECTRIC**

**Electric - General Conditions**

EL1. The Developer shall sign a Line Extension Agreement and pay all costs for the City to furnish and install electric power lines/equipment to and within the proposed development. These costs will include all labor, labor overhead, material, material handling charges and equipment/vehicle rentals necessary for the City to extend the City's electrical distribution system to serve the project. The total estimated cost, as mentioned in the Line Extension Agreement, must be paid prior to the City issuance of building permits.

- EL2. The Developer shall provide a single line diagram showing voltage, phase, load requirements and size of planned switchboard. Three-phase electric services up to 200 Amps shall have 7-jaw meter sockets. Three-phase electric services above 200 Amps shall have 13-jaw meter sockets and provisions for a test switch and current transformers. The main switchboard shall conform to Electric Utility Service Equipment Requirements approved by the City of Lompoc. The Developer shall pay the meter installation fee prior to the issuance of the building permit.
- EL3. Electric meters and main disconnect switches shall be located on the exterior of the building or in an enclosure opening only to the exterior of the building. Meter enclosures shall be accessible at all times to electric division personnel. If the enclosure is to be locked, the lock shall be keyed to Schlage Lock No. C38587.
- EL4. The Developer shall provide all necessary trenching and backfilling to Electric Specifications. This will include trenching for primary cable, secondary cable, street light wiring and associated vaults and boxes. The Developer shall provide transformer pads as required. The project shall be at final grade prior to trenching for installation of underground electric facilities.
- EL5. The Developer shall furnish and install the service wire and conduit from the service panel to the transformer or secondary box. Upon approval of the building inspector, the City will make the final connections to the transformer and energize the service.
- EL6. Provide and install one 2-inch or 3-inch conduit (as required) from the pull box in the street easement to the building, in same trench with the electric service conduit.
- EL7. Public Utility Easement required for all City owned electrical lines and pad mounted equipment located on private property.

**Electric – Project Specific Conditions**

**NO PROJECT SPECIFIC CONDITIONS**

**IV. SOLID WASTE**

**Solid Waste – General Conditions**

- SW1. Trash enclosures shall be designed in accordance with City standards for up to 450-gallon automated containers accessible to automated trash collection trucks and in locations as approved by the City Solid Waste Superintendent. The trash collection trucks are side loading and have a 40-foot turning radius.

On-site circulation for the trucks shall be designed so trash collection trucks will not need to back up in order to turn around and exit.

- SW2. Trash enclosures shall not have any doors and shall be enclosed on three sides with a six-foot wall, which is architecturally compatible with the on-site buildings as approved by the Planning Division, or a solid waste agreement with the city shall be completed prior to issuance of a building permit.
- SW3. Trash enclosure access openings must be placed no more than one-foot from drive aisle.
- SW4. Trash containers must be kept side-by-side and parallel with alley or drive aisle. Enclosures with more depth than the minimum required seven-foot depth of one container must be constructed with a wheel-stop sufficient to keep the containers at the front edge of the enclosure so that the operator of the trash collection truck does not have to move containers out for collection.
- SW5. If the applicant cannot provide an acceptable on-site trash enclosure, the property owner shall submit a written agreement indicating that the property owner/business operator will relocate the dumpster on collection days to a location as approved by the Solid Waste Superintendent. The applicant shall return the dumpsters to the enclosure within twelve (12) hours of pickup. Said agreement must be made prior to the issuance of building permits.
- SW6. In accordance with the CalGreen Building Code (Sections 4.408 and/or 5.408), applicants are required to submit a site specific Solid Waste Management Plan (SWMP) and divert at least 65% of the construction materials during the project. The SWMP shall include, but not be limited to, the following information: identification of the waste materials to be diverted from landfill disposal through recycling or reuse, diversion methods and strategies, identification of diversion facilities where materials will be taken, and the designee of the responsible party to implement the SWMP. The approved SWMP shall be reproduced on the architectural/construction plans.

### **Solid Waste – Project Specific Conditions**

#### **NO PROJECT SPECIFIC CONDITIONS**

## **V. WATER**

### **Water – General Conditions**

- W1. This facility must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.

- W2. All meter protection shall be by an approved Reduced Pressure Principle Backflow Prevention Assembly (RP) at the service connection. Information on acceptable assemblies is available from the City Water Division.
- W3. All public water system components must be constructed within public right-of-way or public easements.
- W4. When a fire sprinkler system is required or proposed, the utility plan shall show the location of "Fire Department Connection" FDC with reference dimensions to the nearest fire hydrant. Fire Department requires fire department connections to be within 50' of a fire hydrant.
- W5. When a fire sprinkler system is required or proposed the utility plan shall show the fire line connection point to water main.
- W6. All requests for information needed to design fire sprinkler systems and to determine available or needed fire hydrant flow shall be made with the City Water Division.
- W7. The make, size, and location of all water meters shall be determined by the Engineer/Architect or his authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the owner/contractor/developer.

#### **Water –Project Specific Conditions**

#### **NO PROJECT SPECIFIC CONDITIONS**

### **VI. WASTEWATER**

#### **Wastewater – General Conditions**

- WW1. All new sewer main and lateral installations will be of Polyvinyl Chloride Plastic (PVC) SDR35 sewer pipe, including all pipe fittings and miscellaneous appurtenances. No glue joints are permissible.
- WW2. All PVC SDR35 sewer piping shall be furnished in the following lengths:
  - Piping from 8" to 12" in diameter – 20' maximum length
  - Piping from 15" to 60" in diameter – 12.5' maximum length
- WW3. In existing paved streets or alleys trench backfill, from one-foot above sewer pipe to subgrade, shall be one-sack cement slurry. Slurry cement backfill shall conform to the provisions of Subsection 19-3.062, "Slurry Cement Backfill", of the Caltrans Standard Specifications.

WW4. All water softeners shall indicate type (i.e., self-regenerating, tank exchange) and location on either, the Architectural Plans for softeners indoors or the Grading Plans for softener outdoors. All water softeners shall comply with Federal, State, and City requirements. The discharge of self-regenerating water softeners is prohibited from entering the City's sanitary sewer.

WW5. All wastewater improvements shall comply with Federal, State and City requirements for the protection of the City's Wastewater System.

### **Wastewater – Project Specific Conditions**

#### **NO PROJECT SPECIFIC CONDITIONS**

### **VII. AVIATION/TRANSPORTATION**

#### **NO GENERAL OR PROJECT SPECIFIC CONDITIONS**

### **VIII. BUILDING AND LIFE SAFETY – BUILDING AND FIRE DEPARTMENTS**

#### **Building – General Conditions**

- B1. The Project shall comply with the requirements of the most recently adopted California Code of Regulations Title 24 and City of Lompoc regulations.
- B2. Plans shall be submitted by a California licensed architect and/or engineer when required by the California Architect's Practice Act and by CBC [A]107.3.4.
- B3. A separate Grading Plan complying with City Standards and Appendix J of the 2016 CBC is required.
- B4. Fire-resistive assemblies may be required for occupancy separation and/or exterior wall protection. Parapets may be required in accordance with the CBC and CFC.
- B5. Dimensioned building setbacks and property lines, easements, street centerlines, and dimensions between buildings or other structures, along with all significant site features, shall be shown and identified on plot plans.
- B6. All property lines and easements shall be shown and identified on the plot plan. A written statement by the Applicant that such lines and easements are shown is required.
- B7. The Title/Cover /first sheet of the plans shall include:
  - a. Code Analysis addressing all work
  - b. Complete Scope of Work to be performed
  - c. Occupancy group(s)

- d. Description of use(s)
  - e. Type of construction
  - f. Height of the structure(s) and number of stories
  - g. Floor area of structure(s), existing and new, broken down by Use or Occupancy Type, with Totals.
- B8. See City submittal requirements for other information that may be required in the Construction Documents, including but not limited to: Soils Engineer's Plan Review Letter, Energy Compliance Statements, CALGreen (CGBSC) code compliance forms, CWM Plan (Construction Waste Management Plan), listing of Special Inspections required, Deferred Submittals.
- B9. State of California accessibility requirements shall be incorporated within the design of the site and structures.
- B10. Fire sprinklers are required per Building, Fire, and/or City codes.
- B11. The Project shall show compliance with the CALGreen codes and current City and State water conservation regulations.
- B12. Contractor shall minimize the use of street parking by construction workers and equipment during construction. Temporary toilet and hand wash facilities for construction are required. Trash and debris shall be contained on-site.
- B13. All special inspections shall be stated when required on the plans. All special inspectors are required to check-in at City Hall with the Building Division prior to conducting any inspections. Inspection results are required to be submitted within 48-hours to the Building Division at 100 Civic Center. No special inspectors shall perform work on weekends or without checking in.
- B14. No one shall occupy the building until a Certificate of Occupancy has been issued by the Building Official.
- B15. A pre-construction meeting is required on site prior to commencement of work. Schedule a pre-construction meeting at least 72-hours in advance with the Building Division. All key team members shall be present including the General Contractor and the Architect and/or Engineer of Record.

### **Building –Project Specific Conditions**

### **NO PROJECT SPECIFIC CONDITIONS**

## **Fire – General Conditions**

- F1. Ensure proper licensing of fire protection system engineer(s) and California State Fire Marshal licensed installers for design specific systems. Additionally, a City of Lompoc business license may be required of any installers. Verify with the City Clerk any concerns for the local business license of project employees.
- F2. All FDC's and fire sprinkler risers shall be maintained with a protective coat of red paint (OSHA Red or similar) to protect against marine influences and rust for the life of the system.
- F3. All fire sprinkler systems are to be maintained accordingly. Annual flow testing is required and a current 5-year fire sprinkler certification is required for the life of the system.
- F4. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance the California Code of Regulations Title 19. Any areas of hazard may require larger extinguishers, consult Title 19.
- F5. All newly installed Fire Department connections will be required to install Knox brand FDC caps (or substantially similar as determined by the Fire Chief). Lompoc Ordinance No. 1601 Section 507.5.8.
- F6. A Knox key box shall be installed as directed by the Fire Code Official when a building permit is obtained for any work. The key box shall contain keys that will allow the fire department access to all portions of the building. The keys shall have tags affixed identifying their purpose. The nominal height of the Knox box installations shall be 5 feet above grade. Consult with the Fire Marshal for placement and specifications.
- F7. Fire alarms shall be tested on a routine basis, including annual audible testing with the Lompoc Fire Department present.
- F8. Any area that requires a red curb shall be maintained at all times. OSHA Red or similar paint is required with a highly reflective white paint stenciled on the red paint that reads: "FIRE LANE – NO PARKING" in repeating intervals.
- F9. Electric gates shall have Knox box access key pad and emergency power back-up.
- F10. All gates placed in the path of circulation shall operate automatically.

## **Fire – Project Specific Conditions**

- F11. Driveways through the parking lot area provided on APN 085-150-090 must remain clear to circulate for aerial apparatus access.



F12. Any future electric gates shall have Knox box access key pad and emergency power back-up.

F13. All future gates placed in the path of circulation shall operate automatically.

## IX. GRADING

### Grading – General Conditions

GR1. Grading Plans shall be prepared by or under the supervision of a registered Civil Engineer or Architect.

GR2. Grading shall be designed in accordance with the City's "Standard Requirements for The Design and Construction for Subdivisions and Special Developments," as last revised. Said Standard Requirements are available online at: <http://www.cityoflomdoc.com/PublicWorks/engineering.htm>

GR3. Grading Plans shall be prepared in conformance with City of Lompoc "Development Assistance Brochures." E-10 through E-90 that apply, "Development Assistance Brochures" are available to facilitate the preparation of plans and reports by the Applicant's engineer and are an essential reference for the preparation of Grading Plan submittals. "Development Assistance Brochures" can be obtained from the City Engineering web page: [http://www.cityoflomdoc.com/PublicWorks/develop\\_asst.htm](http://www.cityoflomdoc.com/PublicWorks/develop_asst.htm)

GR4. In conformance with Title 12, Chapter 12.28.040 of the Lompoc City Code, the Improvement Plans, including but not limited to, grading, water, sewer, streets, electrical system, and other surface and subsurface improvements, shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System by Record Of Survey filed August 22, 2003, in Book 172, Pages 4 through 7, Santa Barbara County Records. All drawings, improvement plans and survey maps shall be prepared in accordance with the requirements currently in effect.

GR5. First plan check submittal shall include estimated grading quantities, a current soils investigation report, retaining wall calculations, drainage and infiltration analysis/calculations, and all other pertinent information (as needed) relating to the Grading Plans and their approval.

GR6. The Soils Investigation Report shall be prepared by a Soils Engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Soils Investigation Report are fulfilled during construction. **A signature block shall be provided on the Grading Plan stating that the Soils Engineer has verified that the plans are in accordance with the Soils Report.**

**The signature block shall list the title of the Soils Report, the preparer and the date prepared.**

- GR7. Dust and Erosion Control shall be in conformance with the Standards and regulations of the City of Lompoc. An Erosion Control Plan shall be part of the Grading Plan.
- GR8. An Erosion and Sediment Control Plan and related inspections, as required by the State Water Resources Control Board, will be required as a part of the grading permit.
- GR9. Building pads shall have a drainage gradient of 2% toward approved drainage facilities. Finished grades shall slope 5% for 10 feet away from the building.
- GR10. Grading Permit fees are based on Section 2 of the Master Fee Schedule adopted by City Council Resolution No. 5386(07).
- GR11. A Grading Permit issued by the Building Division is required prior to any excavation or filling on the site. Any stockpiling of fill dirt will require a Temporary Grading Permit.
- GR12. Prior to the issuance of a Grading Permit, the Applicant shall provide a letter to the Building Division, addressed to the Building Official, stating that the engineer who prepared the Grading Plans, or his/her designated representative, will perform periodic site observations of work shown on the approved Grading Plans. **In addition, the letter shall state that the Owner is aware that as-built drawings will need to be completed by the design engineer and approved by the City prior to the issuance of the Certificate of Occupancy.**
- GR13. Drainage from parking lots and private streets to the public right-of-way will be filtered through a City approved filter system. The filter shall be located on the development property and maintained by the property owner.
- GR14. The on-site drainage system must be properly designed to maximize infiltration of roof and/or surface runoff into the underlying soil before discharging into a public storm drain, street or alley.
- GR15. Parking lot design and structural section shall conform to the City's Standard Requirements, Section 8 and conforming to E-70 DAB.
- GR16. Areas of the parking lots that will be used for truck traffic shall be designed with a heavier structural section than areas for passenger cars.
- GR17. An "R" value shall be determined by the Soils Investigation and included in the Soils Report. A note shall be placed on the Grading Plan stating that "R" value samples shall be obtained and tested at the completion of rough grading, and the pavement sections confirmed or revised, to the satisfaction of the City Engineer.

- GR18. Prior to the issuance of the Certificate of Occupancy, Record Drawings in conformance with Development Assistance Brochure (DAB) E-30 shall be prepared and approved by the City Building Official. DAB E-30 is available upon request at the Engineering Division or on line at the following City of Lompoc web address: <http://www.cityoflompoc.com/PublicWorks/pdf/E30.pdf>
- GR19. A licensed surveyor/engineer shall verify pad elevations, setbacks, and roof elevations and provide documentation to the City prior to the issuance of the Certificate of Occupancy.
- GR20. As a part of the permit review process, a preliminary engineering geologic report shall be prepared under City direction which includes recommendations for remedial measures to ensure the stability of natural and manufactured slopes within the area affected by the development. The report shall be prepared by a Certified Engineering Geologist, licensed in the State of California.
- GR21. Prior to the approval of construction permits, the applicant shall submit a final engineering geologic report of the graded site addressing the stability of natural and manufactured slopes based on conditions as actually encountered during grading. The report shall be prepared by a Certified Engineering Geologist, licensed in the State of California, and shall include an as-graded geologic map.
- GR22. The City shall require the following for areas with 20 percent slopes or greater: Stability of slopes shall be addressed by a Registered Soils Engineer as a part of the routine soils investigations required by the City.
- GR23. The City shall require the liquefaction potential to be evaluated by a Registered Soils Engineer for all critical facilities and major structures (reinforced concrete or steel-frame, two-stories or more in height).
- GR24. After the Record Drawings have been approved, the Applicant shall provide the City Management Services Department, Information Systems Division, with the following as-built information, in a computer format readily compatible for transfer to the City Geographic Information System [computer formats acceptable for delivery include DGN (native Micro-station); DWG (same as or less than Version 14); DXF]. Record Drawing information submitted in computer format will include but not be limited to the following:

<b>WATER</b>	<b>WASTEWATER</b>	<b>ELECTRIC</b>	<b>DRAINAGE</b>	<b>SURFACE</b>
Mains	Mains	Lines	Manholes	Road
Valves	Manholes	Transformers	Inlets	Curb/Gutter
Blowoffs	Lift Stations	Junction Boxes	Swales	Sidewalk
Air Vacs	Laterals	Pull Boxes	Basins	Drives
Fire Hydrants		Poles	Structures	Access Ramps
Services		Street Lights	Filters	Parking Lots
Meters			Curb Drains	Survey Mon's
RP Backflow				Retaining Walls
				Bus Turnouts

**GRADING – PROJECT SPECIFIC CONDITIONS**

GR25. Due to the proximity of the retaining walls to the property line, verification of a construction easement on APN 085-150-090 shall be provided prior to approval of grading plans and permit issuance.

**X. STORMWATER**

**Stormwater – Stormwater Standard Conditions for Post-Construction Projects**

- S1. A Storm Water Control Plan shall be fully completed and submitted and signed, stamped and dated by a licensed civil engineer along with construction drawings.
- S2. The project improvement plans shall show compliance with the storm water requirement for five (5) percent or less Effective Impervious Area (EIA). Storm Water Control Measures (SCMs) including infiltration structures, bio-retention or infiltration basins, vaults or similar, shall be shown, details and cross-sections provided on improvement, grading, drainage and landscaping plans. SCM design, location and proposed plantings shall be subject to review by the City Engineering and Planning Divisions, prior to issuance of grading permits. Percolation testing shall be conducted to determine if the proposed location, size, method and construction proposed for the Infiltration Area(s) will be able to meet the 95% EIA infiltration requirement. Minor modifications to the location and methods of stormwater infiltration, consistent with other conditions of approval, may be approved by Planning Division Staff, as long as the requirement for 5% EIA is met.

- S3. A statement shall be included on the improvement plans that reads “The site and each infiltration area (Structural Storm Water Control Measures or SCM) is adequately sized and designed to capture and infiltrate 95% of the runoff from the 85<sup>th</sup> percentile, 24-hour storm, over the new or replaced impervious area on-site, within 72 hours. The statement shall be signed and stamped by a licensed professional engineer.
- S4. Grading and Drainage plans shall provide elevations and directional arrows to show how run-off from each area of the property will be directed to infiltration areas and SCMs. Plans shall identify the 5% of the site which is not to be infiltrated.
- S5. If pervious pavement is proposed, its design shall comply with City of Lompoc Technical guidance sources, including the Central Coast Low Impact Development Initiative (LIDI) permeable pavement details.
- S6. If the applicant proposes to incorporate Rain Gardens to address the 95% infiltration requirements, LIDI guidance should be followed: [http://www.centralcoastlidi.org/uploads/LIDI\\_Bioretenion\\_Technical\\_Specificati ons\\_2013.03.06.pdf](http://www.centralcoastlidi.org/uploads/LIDI_Bioretenion_Technical_Specificati ons_2013.03.06.pdf). Mulch is to be high quality compost, not bark or rock. Material under mulch to be Bioretention Soil Media and aggregate, not amended planting soil, as shown on detail. Bioretention Soil Media shall be consistent with that identified by the Low Impact Development Initiative (LIDI) training of 65% sand, 20% sandy loam and 15% high quality compost, resulting in a final product having 5% organic matter. Filter fabric is not recommended. Plantings to be specific to rain garden types (reference LIDI training).
- S7. Any proposed Rain garden areas shall be fully de-compacted prior to construction and shall be protected from compaction during site development.
- S8. 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. Trash filters shall be of the type required by the City and the State Water Resources Control Board at the time of installation.
- S9. Storm drain inlets shall be stenciled or marked “No Dumping, Drains to the River” and storm infiltration inlets shall be stenciled “No Dumping, Drains to Groundwater”.
- S10. Roof drains and gutters shall be directed to landscaping or infiltration structure, unless to do so would result in foundation damage or slope instability, as verified by a statement to that effect, stamp and signature, by qualified engineer, on the improvement plans.

- S11. All infiltration areas and other Storm Water Control measures shall be installed on the private property in interest, which will contain the new building and uses. Storm water control measures, must be located on the project site.
- S12. The property owner shall be responsible for maintaining structural (SCMs) free from trash, litter, and odor and in a manner that allows full functioning and infiltration capacity of the SCM. Maintenance shall be regularly performed as described in the Storm Water Control Measure Maintenance Plan prepared for the project. Infiltration areas shall be maintained to ensure they continue to infiltrate the 85<sup>th</sup> percentile storm, are clean and devoid of trash/refuse and that plant material is living. If infiltration areas cease to function properly and result in off-site flooding, any cost incurred by the City of Lompoc in remediating the situation shall be assessed to the property owner.
- S13. Each SCM shall be inspected a minimum of once a year, prior to October 1, cleaned out and replaced as necessary and a report detailing the inspection, date, person inspecting, condition of the SCM and measures taken to clean or replace, shall be submitted to the City of Lompoc Planning Division, documenting the inspection and any maintenance actions taken.
- S14. The project engineer shall prepare a memo listing short and long-term maintenance requirements, recommended frequency of maintenance, and details of maintenance, for each SCM to be installed. The memo shall be submitted with the improvement plans and will be incorporated into the Storm Water Control Measure (SCM) Maintenance Plan and property owner's commitment to SCM maintenance (see 10 below).
- S15. The property owner(s) shall sign a statement accepting responsibility for the operation and proper maintenance of all the Stormwater Control Measures installed on-site, including but not limited to: storm chambers, storm water filters, gutters, landscaping and "No Dumping Drains to the River / Groundwater" stencils or markers on storm drain inlets, in a form acceptable to the City Attorney, which shall be recorded prior to issuance of occupancy permit for the project.
- S16. Prior to Issuance of Occupancy Permits, privately owned LID features and facilities, and on-site treatment structures and controls shall be inspected by the designing engineer to ensure they are properly in place, per the approved plans. As-built plans shall be produced, signed and stamped by the engineer or a letter issued with signature, date and stamp, verifying the proper installation of the project SCMs, including, but not limited to: Infiltration basins or boxes and interceptors or other required storm water filters.
- S17. No pollutants, including, but not limited to, sediment, chemicals, trash and contaminated storm water shall be discharged from private property into, or where they could be transported to, City property, the City's storm drain system, streets, storm channels, or waterways, either during or after construction.

**Stormwater –Project Specific Conditions**

**NO PROJECT SPECIFIC CONDITIONS**

**XI. POLICE – PROJECT SPECIFIC CONDITONS**

PD1. Provide a security plan (including locations of security lighting in the parking lot, and surveillance cameras on-site) to be submitted during the building permit process and shall be reviewed and approved by the Police Department and Planning Division prior to sign off on the building permit.

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

\_\_\_\_\_  
Tony Tomasello, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry Deese, Property Owner

\_\_\_\_\_  
Date

G:\COMDEV\Projects\CUP\2018\CUP 18-04 Cypress and Seventh Fifteen Unit Apartment Complex\Conditions of Approval

## DRAFT ENVIRONMENTAL CHECKLIST FORM

## A. PROJECT INFORMATION:

<b>Project Title:</b> Cypress and Seventh Apartments	<b>Project No:</b> CUP 18-04
<b>Lead Agency Name and Address:</b> City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436	<b>Contact Person and Phone Number:</b> Cody Graybehl Associate Planner (805) 875-8277
<b>PROJECT DESCRIPTION / LOCATION:</b> A fifteen-unit apartment complex. The project site is 0.39 acres and is located at 1401 East Cypress Avenue (APN: 085-150-089) in the Planned Commercial (PCD) zoning district. The northern project boundary abuts an existing senior residential development, the southern project boundary fronts Cypress Avenue, the eastern project boundary fronts onto Seventh Street and the western project abuts a single-family residential property. Regional access to the site is provided by Highway 246, which links the City to Highway 101 to the east. Highway 246 becomes Ocean Avenue at the entrance into the City from the East. Direct site access is proposed at Cypress Avenue (the southern project boundary) and Seventh Street (the eastern project boundary).	
<b>Public Agencies with Approval Authority</b> (Including permits, funding, or participation agreements): City of Lompoc	
<b>Project Applicant, Name and Address:</b> Larry Deese Housing Authority of County of Santa Barbara 815 West Ocean Avenue Lompoc, CA 93436	<b>Project Consultant:</b> Tony Tomasello RRM Design Group 10 East Figueroa Street, #200 Santa Barbara, CA 93101
<b>General Plan Designation:</b> General Commercial	<b>City Zoning Designation:</b> Planned Commercial Development
<b>Surrounding Land Use Designation:</b> North – General Commercial South – Low Density Residential East – Low Density Residential West – Low Density Residential	<b>Surrounding Land Uses:</b> North – Residential South – Residential East – Residential West – Residential
<b>Environmental Setting:</b> Existing urbanized area	
<b>Have California Native American tribe traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?</b> No	
<b>NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office Historic Preservation. Please also note the Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.</b>	



**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"/> Air Quality                   |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Geology / Soils               |
| <input type="checkbox"/> Energy                      | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water           | <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources             |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services               |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation           | <input type="checkbox"/> Tribal Cultural Resources     |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                 | <input type="checkbox"/> Mandatory Findings            |

**References:**

The Initial Study was prepared using the following information sources:

- Application materials;
- City of Lompoc 2030 General Plan;
- City of Lompoc Zoning Ordinance;
- City of Lompoc Traffic Study Guidelines;
- State Water Resource Control Board GeoTracker;
- ITE Trip Generation Manual (10<sup>th</sup> edition),
- Gov. Code § 65589.5.
- Field Reconnaissance;

**B. ENVIRONMENTAL IMPACTS:**

Identify the potential for significant adverse impacts below.

<b>I. AESTHETICS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project (except as provided in Public Resource Code Section 21099):				
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 public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views?			X	

Comments:

- a) The project site is located north of Cypress Avenue, south of Ocean Avenue, and west of South Seventh Street. The area is urbanized and has been developed. The proposed project would be consistent with the developed area's surrounding uses. The proposed project would not have a substantial adverse impact on a scenic vista given there is no scenic vista in the immediate area as identified in the Scenic Ridgelines and Roads Map in the Urban Design Element of City's 2030 General Plan, created in 2008 and adopted in November of 2013.
- b) The proposed project would not substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, given there aren't such resources on or adjacent to the project site.
- c) The proposed project would not degrade the existing visual character or quality of public views of the site and its surrounding, given the City's Architectural Review Guidelines will be applied to the project, and reviewed by the Planning Commission, to establish compliance with the existing visual character and quality of the site's surroundings.
- d) The proposed project includes a site lighting photometric plan, which demonstrates that lightening on-site would not create a new source of substantial light or glare which would adversely affect day or nighttime views.

<b>II. AGRICULTURAL AND FORESTRY RESOURCES</b> 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) Conflict with existing zoning for, or cause rezoning or, of forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Public Resources Code section 51104(g))				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) 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 project would 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 given the site is not farmland or been recently utilized as farmland.
- b) The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract given the parcel does not have a Williamson Act contract and is not farmland.
- c-d) The proposed project would not conflict with existing zoning for, or cause rezoning or, of forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Public Resources Code section 51104(g)) because the site is zoned Planned Commercial Development and does not contain any of the resources listed above.

e) The project would not result in other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use, because the project site and surrounding area has been utilized for residential purposes and has not been utilized recently for farming.

III. AIR QUALITY Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions such as those leading to odors adversely affecting a substantial number of people?			X	

Comments:

a) Based on the Air Pollution Control Districts' guidelines, projects are considered consistent with the Clean Air Plan (CAP) if they incorporate appropriate CAP Transportation Control Measures (TCM) and any applicable stationary source control measures, and are consistent with Air Pollution Control District (APCD) rules and regulations. Although the project would result in additional vehicle trip generation, the project would be considered an infill development and therefore would not substantially increase average vehicle miles traveled in the City. In addition, the project includes compatible uses given the area has been developed with high density residential to the North of the site. Measures to reduce the number and length of motor vehicles traveled by facilitating transit use, carpooling, bicycling and other non-motorized modes of transportation have been incorporated by reference into the Lompoc 2030 General Plan in accordance with the Clean Air Plan for Santa Barbara County. Since the proposed project would incorporate applicable TCMs and would not involve stationary emissions sources, the project is considered consistent with the CAP and impacts are considered less than significant.

b) Air Quality Standards: Applicable air quality criteria for evaluation of the project's impacts are federal air pollutant standards established by the U.S. Environmental Protection Agency (EPA) and reported as National Ambient Air Quality Standards (NAAQS), and the California Ambient Air Quality Standards (CAAQS). The City of Lompoc is located in the South Central Coast Air Basin (SCCAB). The site is under the jurisdiction of the Santa Barbara County Air Pollution Control District (SCAPCD). At present, the South Coast Basin of Santa Barbara County is in attainment for all state and federal air quality standards except for state standards for ozone and particulate matter (PM<sub>10</sub>).

Ozone is a secondary pollutant that is not produced directly by a source but is formed by a reaction between NO<sub>x</sub> and reactive organic gases (ROG) in the presence of sunlight. Reductions of NO<sub>x</sub> and ROG would lead to ozone concentration reductions. The major sources for this pollutant include: grading, demolition, mineral quarries, agricultural tilling, vehicle exhaust and road dust. Grading and motor vehicle emissions are the major sources leading to the lack of attainment for the PM<sub>10</sub> levels in the area.

Construction Impacts: Project construction would result in temporary air quality impacts due to the use of heavy construction equipment and the generation of fugitive dust during construction of the proposed apartment building. Heavy construction equipment emits numerous air pollutants, including reactive organic compounds (ROC), nitrogen oxides (NO<sub>x</sub>), and particulate matter that is less than ten microns in diameter (PM<sub>10</sub>). PM<sub>10</sub> is comprised of finely divided solids or liquids such as dust, soot, aerosols, fumes and mists.

The APCD has set a 25-pound per day construction threshold for ROC and NO<sub>x</sub>, but does not require quantification of construction-related PM<sub>10</sub> emissions. The rough grading phases of the project would involve heavy-duty construction equipment, which is the primary source of emissions during construction. Grading and excavation work on-site would be required and could potentially generate fugitive dust (fine particulate matter - PM<sub>10</sub>), but the concentrations of these emissions would be temporary. A dust abatement program would be required, as a condition of approval, with the grading/improvement plan that would implement measures to reduce fugitive dust generation during grading/construction to less than significant levels.

The County does not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. However, since Santa Barbara County violates the state standard for PM<sub>10</sub>, dust reduction measures, as referenced above, are required for all discretionary construction activities.

c) Sensitive Receptors: Existing residential uses, both low and high density, as well as vacant residential land surround the site. Adjacent sensitive receptors (senior housing) could be substantially affected by project emissions during construction. APCD requirements pertaining to minimizing construction-related emissions, as stated above, would be implemented during project construction. Therefore, the project would result in less than significant impacts upon the implementation of the condition of approval discussed below.

d) Odors: The proposed project would contain multi-family housing. This use would not generate significant amounts of objectionable odor that would affect adjacent properties.

Condition of approval integrated into the project:

Because of the potential for the project to result in exposure of adjacent sites to temporary air quality nuisances, during project construction, the following condition of approval is required:

Dust (PM<sub>10</sub>) - a dust abatement program shall be prepared by the applicant and submitted with the grading/improvement plans as required by LMC 15.72.260. The program shall be reviewed and approved by the City Engineer, Senior Environmental Coordinator, and Planning Manager prior to issuance of grading permits. The dust abatement program shall include, but is not limited to, the following dust control measures:

- a. Sprinkle all construction areas with water (recycled when possible) at least twice a day, during excavation and other ground-preparing operations, to reduce fugitive dust emissions.
- b. Construction sites shall be watered and all equipment cleaned in the morning and evening to reduce particulate and dust emissions.
- c. Cover stockpiles of sand, soil, and similar materials, or surround them with windbreaks.
- d. Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces or have adequate freeboard to prevent spillage.
- e. Post signs that limit vehicle speeds on unpaved roads and over disturbed soils to 10 miles per hour during construction.
- f. Soil binders shall be spread on construction sites, on unpaved roads, and on parking areas; ground cover shall be re-established through seeding and watering.
- g. Sweep up dirt and debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over those surfaces.
- h. Require the construction contractor to designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.

- i. The name and 24/7 contact information for the person responsible for dust control shall be provided to the City prior to issuance of grading permits.
- j. If dust is not controlled on the site, the City shall shut down work on the project until the applicant can provide adequate dust control.
- k. Streets and alleys surrounding the project shall be kept clean and free of dirt.

Ozone (O<sub>3</sub>) Precursors: (NO<sub>x</sub> and ROC)

- a. All construction equipment engines and emission systems shall be maintained in proper operating order, in accordance with manufacturers' specifications, to reduce ozone precursor emissions from stationary and mobile construction equipment.
- b. If feasible, electricity from power poles or ground lines shall be used in place of temporary diesel- or gasoline-powered generators.

The Planning Division will verify inclusion of the required condition of approval prior to approval of a grading/improvement plan.

<b>IV. BIOLOGICAL RESOURCES</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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	
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 state or 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 project is within an existing urbanized area and would not have a substantial adverse effect on sensitive species identified in any local or regional plans. Additionally, the project site would not impact any sensitive species identified in California Department of Fish and Game or U.S. Fish and Wildlife Service plans. Lastly, the project site would not affect federally protected wetlands, migratory wildlife corridors and biological resources. This determination was made after referring to the City's 2030 General Plan Conservation and Open Space element that discusses biological resources as well as natural resources in general.

e) The project site is not within any of the areas of the City identified in the City's 2030 General Plan Conservation and Open Space which contains natural resources of "Biological Significance".

f) The proposed project is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan and therefore would have no impact on such plans.

<b>V. CULTURAL RESOURCES</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in pursuant to § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Comments:

a) The proposed project will not cause a substantial adverse change in the significance of a historical resource, as identified in Section 15064.5, because the subject site is currently vacant and does not contain any historical resources.

b) The proposed project will not cause a substantial adverse change in the significance of an archaeological resource, as identified in Section 15064.5, because the subject site is not within the City's Cultural Resource Overlay, which highlights areas of the City with potential for the presence of significant archaeological resources. Standard conditions of approval related to the accidental discovery of archaeological resources during site construction activities would be included within project approval.

c) The proposed project would not disturb any human remains, including those interred outside of formal cemeteries because the site is not within City's Cultural Resource Overlay and is not located on a formal cemetery, as stated in b above. Standard conditions of approval related to the accidental discovery of human remains during site construction activities would be included with project approval.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause 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 spreading, 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 direct or indirect risks to life or property?			X	
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
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

Comments:

a) i-ii) The site is not identified to be located on an earthquake fault line according to the City of Lompoc 2030 General Plan "Regional Earthquake Fault Lines" Map and, therefore, the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death due to rupture of a known earthquake fault or from strong seismic ground shaking.

iii-iv) The site is located within a Class 3 (high severity) liquefaction zone according to the City of Lompoc's 2030 General Plan "Liquefaction Hazards" map. The following 2030 General Plan Safety Element Implementation Measure(s) will be incorporated into the project which would result in a less than significant impact in regard to direct or indirect cause for potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction and landslides:

- Measure 25: As a part of the permit review process, a preliminary engineering geologic report shall be prepared under City direction which includes recommendations for remedial measures to ensure the stability of natural and manufactured slopes within the area affected by the development. The report shall be prepared by a Certified Engineering Geologist, licensed in the State of California;

Prior to the approval of construction permits, the applicant shall submit a final engineering geologic report of the graded site addressing the stability of natural and manufactured slopes based on conditions as actually encountered during grading. The report shall be prepared by a Certified Engineering Geologist, licensed in the State of California, and shall include an as-graded geologic map;

and the City shall require the following for areas with 20 percent slopes or greater: Stability of slopes shall be addressed by a Registered Soils Engineer as a part of the routine soils investigations required by the City. [Policies 4.3 and 5.1]

- Measure 26: The City shall require the liquefaction potential to be evaluated by a Registered Soils Engineer for all critical facilities and major structures (reinforced concrete or steel-frame, two-stories or more in height) within the liquefaction hazard areas as shown on the Geologic & Soils Hazards map. [Policy 4.3]

b) The proposed project would not result in substantial soil erosion or the loss of topsoil because standard conditions of approval would be applied which include an erosion and sediment control plan being submitted with a grading plan.

c) See the response and the associated conditions of approval from a) iii-iv above.

d) The proposed project will implement general grading conditions of approval that require a Soils Investigation Report to be prepared by a Soils Engineer who will observe, test, and certify that all recommendations outlined in the Soils Investigation Report are fulfilled during construction. Additionally, an "R" value shall be determined by the Soils Investigation and included in the Soils Report. A note shall be placed on the Grading Plan stating that "R" value samples shall be obtained and tested at the completion of rough grading, and the pavement sections confirmed or revised, to the satisfaction of the City Engineer. These general grading conditions of approval will cause any substantial direct or indirect risks to life or property due to the project being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), to be less than significant.

e) Not applicable to project given that no septic tanks or alternative wastewater disposal systems are required. The project would utilize the City's sewer system for the disposal of wastewater.

f) The project would not directly or indirectly destroy a unique paleontological resource on site or unique geologic feature because the project location is not located within an area of such resources (Cultural Resource Overlay). As mentioned above conditions of approval will be applied in the event accidental discovery occurs.

Grading conditions of approval applied and integrated into the project addressing geological/soil impacts include:

- a. Grading Plans shall be prepared by or under the supervision of a registered Civil Engineer or Architect.
- b. A Grading Permit issued by the Building Division is required prior to any excavation or filling on the site. Any stockpiling of fill dirt will require a Temporary Grading Permit.
- c. First plan check submittal shall include estimated grading quantities, a current soils investigation report, retaining wall calculations, drainage and infiltration analysis/calculations, and all other pertinent information (as needed) relating to the Grading Plans and their approval.
- d. The Soils Investigation Report shall be prepared by a Soils Engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Soils Investigation Report are fulfilled during construction. A signature block shall be provided on the Grading Plan stating that the Soils Engineer has verified that the plans are in accordance with the Soils Report. The signature block shall list the title of the Soils Report, the preparer and the date prepared.
- e. An Erosion and Sediment Control Plan and related inspections, as required by the State Water Resources Control Board, will be required as a part of the grading permit.



- f. An "R" value shall be determined by the Soils Investigation and included in the Soils Report. A note shall be placed on the Grading Plan stating that "R" value samples shall be obtained and tested at the completion of rough grading, and the pavement sections confirmed or revised, to the satisfaction of the City Engineer.
- g. Due to the proximity of the retaining walls to the property line, verification of a construction easement on APN 085-150-090 (adjacent property to the north of the project site) shall be provided prior to approval of grading plans and permit issuance

A licensed surveyor/engineer shall verify pad elevations, setbacks, and roof elevations and provide documentation to the City prior to the issuance of the Certificate of Occupancy.

<b>VII. ENERGY</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Comments:

- a) The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation because standard conditions of approval would be applied to the project. These conditions include the proper maintenance of all construction equipment engines and emission systems to ensure that they remain in working order.
- b) The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency given that standard conditions of approval would be applied requiring energy compliance statements and CALGreen (CGBSC) code compliance forms.

<b>VIII. GREENHOUSE GAS EMISSIONS</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Comments:

- a-b) The project would have a less than significant impact on greenhouse gas emissions, either directly or indirectly, because the project would include standard building conditions of approval that include compliance with the CALGreen codes.

IX. 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 or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

Comments:

a-c) The proposed project will not create a significant hazard to the public or the environment given the project is residential housing and does not include the use, transportation or disposal of hazardous materials on the site.

d) The proposed project 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 State's Water Resource Control Board GeoTracker system.

e) The proposed project is not located within an airport land use plan. Additionally, the project is not located within the City of Lompoc's 2030 General Plan Airport Noise Exposure Map (see Noise Element) or the City's Airport Clear Zone or Approach Overlay. Therefore, the project would not result in a safety hazard or excessive noise for people residing in the project area.

f) The proposed project would not impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project would not create physical or permanent barriers to travel on site or for the surrounding uses.

g) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, because the proposed site is located in the urbanized area of the City of Lompoc and not within a wildfire hazard areas, as listed in the City of Lompoc's Wildland Fire Hazard Areas Map in the Safety Element.

X. 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 or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				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 or through the addition of impervious surfaces, in a manner which would: i. result in substantial erosion or siltation on- or off-site; ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii. 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; or			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

Comments:

a) The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Storm water general conditions of approval require that a Storm Water Control Plan and Storm Water Control Measures be provided which would address any potential degradation of water quality standards.

b) The proposed project does not utilize groundwater and therefore would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

c) i.-iii. Storm water general conditions of approval require that a Storm Water Control Plan and Storm Water Control Measures be provided which would address any potential drainage issues reducing impacts to a less than significant impact. The adjacent site to the North (Cypress Court Senior Housing Apartment Complex) recently experienced flooding of an apartment on the ground floor level during recent rain events. After discussion with the Facility Maintenance staff of the HACSB, it was determined that the flooding stemmed from improper grading and flashing when the building was originally constructed, and was not a result of an inherit physical site condition. Furthermore, future grading plans at the project site (1401 Cypress Court) would address any potential flooding issues and reduce the impact to a less than significant impact.

d) The project is not located within any flood hazard areas as determined by referencing the City of Lompoc 2030 General Plan Safety Element Flood Hazard Areas map which provides the location of 100-year floodplain (Zone A) and 500-year floodplain (Zone X500) areas in the City. Additionally, the project is not located near the ocean or a lake, and does not pose a risk of releasing pollutants due to inundation from said sources of water.

e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan given there are none on the project site.

The following condition of approval will be integrated into the project: Stormwater conditions of approval would be applied to the project, which would address potential impacts to erosion, siltation or runoff which include:

- a. A Storm Water Control Plan shall be fully completed and submitted and signed, stamped and dated by a licensed civil engineer along with construction drawings.
- b. The project improvement plans shall show compliance with the storm water requirement for five (5) percent or less Effective Impervious Area (EIA). Storm Water Control Measures (SCMs) including infiltration structures, bio-retention or infiltration basins, vaults or similar, shall be shown, details and cross-sections provided on improvement, grading, drainage and landscaping plans. SCM design, location and proposed plantings shall be subject to review by the City Engineering and Planning Divisions, prior to issuance of grading permits. Percolation testing shall be conducted to determine if the proposed location, size, method and construction proposed for the Infiltration Area(s) will be able to meet the 95% EIA infiltration requirement. Minor modifications to the location and methods of stormwater infiltration, consistent with other conditions of approval, may be approved by Planning Division Staff, as long as the requirement for 5% EIA is met.
- c. A statement shall be included on the improvement plans that reads "The site and each infiltration area (Structural Storm Water Control Measures or SCM) is adequately sized and designed to capture and infiltrate 95% of the runoff from the 85<sup>th</sup> percentile, 24-hour storm, over the new or replaced impervious area on-site, within 72 hours. The statement shall be signed and stamped by a licensed professional engineer.
- d. 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. Trash filters shall be of the type required by the City and the State Water Resources Control Board at the time of installation.
- e. Prior to Issuance of Occupancy Permits, privately owned LID features and facilities, and on-site treatment structures and controls shall be inspected by the designing engineer to ensure they are properly in place, per the approved plans. As-built plans shall be produced, signed and stamped by the engineer or a letter issued with signature, date and stamp, verifying the proper installation of the project SCMs, including, but not limited to: Infiltration basins or boxes and interceptors or other required storm water filters.

Each Stormwater Control Measure (SCM) shall be inspected a minimum of once a year, prior to October 1, cleaned out and replaced as necessary and a report detailing the inspection, date, person inspecting, condition of the SCM and measures taken to clean or replace, shall be submitted to the City of Lompoc Planning Division, documenting the inspection and any maintenance actions taken.

<b>XI. LAND USE AND PLANNING</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Comments:

- a) The proposed project would not physically divide an established community because it is located within an area of the City that has been previously developed.

b) The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect given that the project was reviewed and deemed complete while within the Commercial Office zoning district, that allows multi-family housing with approval of a Conditional Use Permit. The Housing Accountability Act (HAA), Gov. Code § 65589.5, states “For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.” Therefore, the zoning change to Planned Commercial Development on the site will not create a significant impact to a land use plan, policy or regulation because it is compliant with the HAA.

<b>XII. MINERAL RESOURCES</b> 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 project would 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 or of a local importance as the “Land Capability (Irrigated) Classifications” Map in the Lompoc 2030 General Plan identifies the location as having soils with slight limitations that restrict their use.

<b>XIII. NOISE</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or 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

Comments:

a) Short-term construction impacts could create a temporary significant impact on adjacent residential uses. The impact will be addressed and reduced to less than significant by implementing standard conditions of approval including limited hours of construction.  
b) The proposed project would not result in a generation of excessive groundborne vibration or groundborne noise levels given that it is a residential proposal and does not propose activities of such nature.

c) The proposed project is not located within vicinity of a private airstrip or airport land use plan including the City's clear zone or approach overlay and would not result in excessive noise levels for people residing in the project area.

Condition of approval integrated into the project:

In order to limit short-term noise impacts, which will result during the construction phase, limits will be placed on the allowed hours of construction.

Hours of construction shall be limited to:

Monday through Friday - between the hours of 7:30 am and 5 pm

Saturday - between the hours of 8 am and 5 pm

Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.

<b>XIV. POPULATION AND HOUSING</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?				X

Comments

a-b) The proposed project would not induce unplanned population growth in the project area, directly or indirectly, or displace substantial numbers of existing housing or people necessitating the construction of housing elsewhere. The proposed project is within a developed area and therefore will not extend growth. The proposed project is vacant and will provide opportunities for low-income residents' new housing opportunities without displacing people or housing.

<b>XV. PUBLIC SERVICES</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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,b,d,e,f) The proposed project will not result in substantial adverse physical impacts associated with the provision of 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 project would be required to pay AB 1600 Impact fees & Lompoc Unified School District fees which would off-set potential impacts.

c) Staff requested that the Lompoc Police Department provide a report of the calls for service received from the adjacent senior housing complex since opening in 2013. After reviewing the report, staff found that there have been thirty-three (33) calls related to personal or property crimes that posed a threat to health and safety. Given that the total number of calls over the lifetime of the Cypress Court Senior Housing project averages to less than six (6) calls per year, and considering the current proposal is only fifteen (15) one (1)-bedroom units, staff does not believe a significant impact will occur to police protection.

<b>XVI. RECREATION</b> 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) The proposed project would not substantially 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, as the project will not significantly increase the number of individuals frequenting existing parks or other recreational facilities in the area given the project is only fifteen (15) one (1) bedroom units. Additionally, AB 1600 Impact Fees would be paid to off-set impacts.

b) The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

<b>XVII. TRANSPORTATION</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X
c) Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Comments:

a) The proposed project would not conflict with a program, plans or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities given the project will not result in the blocking, conversion or loss of roadways, bikeways, sidewalks or parking. Additionally, according to the City of Lompoc Traffic Study Guidelines, which utilized ITE Trip Generation regression equations, a project which generates fewer than 25 peak hour trips will not be expected to significantly contribute to traffic congestion, whereas a project which generates more than 50 peak hour trips will generally be considered a potentially significant trip generator. Staff has determined that the proposed project would generate 6.15 PM Peak Hour Trips (see calculations below). Therefore, the project would not have a significant impact on traffic congestion.

Calculations for PM Peak Hour Trips:

Multi-Family Housing (Midrise) creates 0.41 PM Peak Hour Trips per unit (ITE Trip Generation 10<sup>th</sup> edition)  
Project proposes 15 units  
15 units X 0.41 trips/unit = 6.15 PM Peak Hour Trips

b) The project would not conflict with CEQA guidelines section 15064.3, subdivision (b). Public transit exists in the form of a bus station at 5<sup>th</sup> Street and Casa Serena, which is located within approximately 0.2 miles of the project site. The close proximity of the bus stop will lessen the impact on transportation citywide by providing a variety of transit options for residents at the project site.

c) The proposed project would not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment) given the project is located on an parcel which is already being served by existing roadways and no design feature would increase hazards.

d) The proposed project would not result in inadequate emergency access given the project would not result in the blocking, conversion or loss of roadways utilized for emergency access.

<b>XVIII. TRIBAL CULTURAL RESOURCES</b>	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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or project with cultural value to a California Native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	



Comments:

a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or project with cultural value to a California Native American tribe or to resources listed in i.-ii. above, given the location does not contain such resources and the site is not located within the City's Cultural Resources Overlay, historic structures overlay and does not contain any landmarks that could qualify for the types of resources listed above.

<b>XIX. UTILITIES AND SERVICE SYSTEMS</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) 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	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

Comments:

a) The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects given that the project area is located in an urbanized area of the city and there are facilities that can adequately provide services for the above resources.

b-c) The proposed project would not require the construction of new water facilities, or the expansion of existing facilities given the project is located within an existing urbanized area of the City and that the water and wastewater facilities are adequate to service the new development.

d-e) The City of Lompoc landfill has sufficient capacity to service the proposed use. The project will conform to federal, state and local management regulations regarding solid waste.

<b>XX. WILDFIRE</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Comments:

a) The project does not substantially impair the City of Lompoc’s Comprehensive Emergency Management Plan objectives. The City will manage emergencies using the National Incident Management System (NIMS), Standardized Emergency Management System (SEMS) and the Incident Command System (ICS).

b-d) The project location would not be located within or near state responsibility areas or lands classified as very high or high fire hazard severity zones as confirmed by the City of Lompoc 2030 General Plan Wildland Fire Hazard Areas map.

<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) Have the potential to substantially 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, substantially 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	

<b>DETERMINATION:</b>	
On the basis of this initial evaluation:	
X	Staff has confirmed the determination that the project is categorically exempt pursuant to Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA).
	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.

Cody Graybeh  
Associate Planner

Date

**C. The following Conditions of Approval will be integrated into the project:**

**I. Air Quality**

Dust (PM<sub>10</sub>) - a dust abatement program shall be prepared by the applicant and submitted with the grading/improvement plans as required by LMC 15.72.260. The program shall be reviewed and approved by the City Engineer, Senior Environmental Coordinator, and Planning Manager prior to issuance of grading permits. The dust abatement program shall include, but is not limited to, the following dust control measures:

- a. Sprinkle all construction areas with water (recycled when possible) at least twice a day, during excavation and other ground-preparing operations, to reduce fugitive dust emissions.
- b. Construction sites shall be watered and all equipment cleaned in the morning and evening to reduce particulate and dust emissions.
- c. Cover stockpiles of sand, soil, and similar materials, or surround them with windbreaks.
- d. Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces or have adequate freeboard to prevent spillage.
- e. Post signs that limit vehicle speeds on unpaved roads and over disturbed soils to 10 miles per hour during construction.
- f. Soil binders shall be spread on construction sites, on unpaved roads, and on parking areas; ground cover shall be re-established through seeding and watering.
- g. Sweep up dirt and debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over those surfaces.
- h. Require the construction contractor to designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
- i. The name and 24/7 contact information for the person responsible for dust control shall be provided to the City prior to issuance of grading permits.
- j. If dust is not controlled on the site, the City shall shut down work on the project until the applicant can provide adequate dust control.
- k. Streets and alleys surrounding the project shall be kept clean and free of dirt.

**Ozone (O<sub>3</sub>) Precursors: (NO<sub>x</sub> and ROC)**

- a. All construction equipment engines and emission systems shall be maintained in proper operating order, in accordance with manufacturers' specifications, to reduce ozone precursor emissions from stationary and mobile construction equipment.
- b. If feasible, electricity from power poles or ground lines shall be used in place of temporary diesel- or gasoline-powered generators.

The Planning Division will verify inclusion of the required condition of approval prior to approval of a grading/improvement plan.

**II. Geology/Soils**

Grading conditions of approval would be applied to the project and submitted with grading/improvement plans, which would address geological/soil impacts and include:

- a. Grading Plans shall be prepared by or under the supervision of a registered Civil Engineer or Architect.
- b. A Grading Permit issued by the Building Division is required prior to any excavation or filling on the site. Any stockpiling of fill dirt will require a Temporary Grading Permit.

- c. First plan check submittal shall include estimated grading quantities, a current soils investigation report, retaining wall calculations, drainage and infiltration analysis/calculations, and all other pertinent information (as needed) relating to the Grading Plans and their approval.
- d. The Soils Investigation Report shall be prepared by a Soils Engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Soils Investigation Report are fulfilled during construction. **A signature block shall be provided on the Grading Plan stating that the Soils Engineer has verified that the plans are in accordance with the Soils Report. The signature block shall list the title of the Soils Report, the preparer and the date prepared.**
- e. An Erosion and Sediment Control Plan and related inspections, as required by the State Water Resources Control Board, will be required as a part of the grading permit.
- f. An "R" value shall be determined by the Soils Investigation and included in the Soils Report. A note shall be placed on the Grading Plan stating that "R" value samples shall be obtained and tested at the completion of rough grading, and the pavement sections confirmed or revised, to the satisfaction of the City Engineer.
- g. Due to the proximity of the retaining walls to the property line, verification of a construction easement on APN 085-150-090 shall be provided prior to approval of grading plans and permit issuance

A licensed surveyor/engineer shall verify pad elevations, setbacks, and roof elevations and provide documentation to the City prior to the issuance of the Certificate of Occupancy.

### III. Hydrology/Water

Stormwater conditions of approval would be applied to the project, which would address potential impacts to erosion, siltation or runoff which include:

- a. A Storm Water Control Plan shall be fully completed and submitted and signed, stamped and dated by a licensed civil engineer along with construction drawings.
- b. The project improvement plans shall show compliance with the storm water requirement for five (5) percent or less Effective Impervious Area (EIA). Storm Water Control Measures (SCMs) including infiltration structures, bio-retention or infiltration basins, vaults or similar, shall be shown, details and cross-sections provided on improvement, grading, drainage and landscaping plans. SCM design, location and proposed plantings shall be subject to review by the City Engineering and Planning Divisions, prior to issuance of grading permits. Percolation testing shall be conducted to determine if the proposed location, size, method and construction proposed for the Infiltration Area(s) will be able to meet the 95% EIA infiltration requirement. Minor modifications to the location and methods of stormwater infiltration, consistent with other conditions of approval, may be approved by Planning Division Staff, as long as the requirement for 5% EIA is met.
- c. A statement shall be included on the improvement plans that reads "The site and each infiltration area (Structural Storm Water Control Measures or SCM) is adequately sized and designed to capture and infiltrate 95% of the runoff from the 85<sup>th</sup> percentile, 24-hour storm, over the new or replaced impervious area on-site, within 72 hours. The statement shall be signed and stamped by a licensed professional engineer.
- c. 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. Trash filters shall be of the type required by the City and the State Water Resources Control Board at the time of installation.
- d. Prior to Issuance of Occupancy Permits, privately owned LID features and facilities, and on-site treatment structures and controls shall be inspected by the designing engineer to ensure they are properly in place, per the approved plans. As-built plans shall be produced, signed and stamped by the engineer or a letter issued with signature, date and stamp, verifying the proper installation of the project SCMs, including, but not limited to: Infiltration basins or boxes and interceptors or other required storm water filters.

Each Stormwater Control Measure (SCM) shall be inspected a minimum of once a year, prior to October 1, cleaned out and replaced as necessary and a report detailing the inspection, date, person inspecting, condition of the SCM and measures taken to clean or replace, shall be submitted to the City of Lompoc Planning Division, documenting the inspection and any maintenance actions taken.

#### **IV. Noise**

In order to limit short-term noise impacts, which will result during the construction phase, limits will be placed on the allowed hours of construction.

Hours of construction shall be limited to:

Monday through Friday - between the hours of 7:30 am and 5 pm

Saturday - between the hours of 8 am and 5 pm

Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.



## Planning Commission Agenda Item

**Planning Commission Meeting Date:** February 27, 2019

**TO:** Members of the Planning Commission

**FROM:** Cody Graybehl, Associate Planner  
c\_graybehl@ci.lompoc.ca.us

**SUBJECT:** Conditional Use Permit – CUP 18-04  
Fifteen Unit Apartment Complex

### AGENDA ITEM NO. 2

A request from Tony Tomasello of RRM Design Group representing the Housing Authority of the County of Santa Barbara (property owner) for Planning Commission consideration of a proposal for a fifteen-unit apartment complex. The project site is 0.39 acres and is located at 1401 East Cypress Avenue (APN: 085-150-089) in the Commercial Office (CO) zoning district. This action is categorically exempt pursuant to Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA).

### Scope of Review

The Planning Commission is being asked to consider:

- If the proposal meets the development standards for the Commercial Office (CO) Zoning District;
- If the proposal is consistent with State Density Bonus Law;
- If the proposal is consistent with the Architectural Review Guidelines;
- If the required Findings of Fact in the Resolution can be made; and
- If the Conditions of Approval are appropriate for the project.

### Planning Commission Action

1. Adopt Resolution No. 898 (19) approving a Conditional Use Permit (CUP 18-04) for a fifteen-unit apartment complex, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval; or
2. Provide other direction.

### Site Data

1. Property Owner: Housing Authority County of Santa Barbara
2. Site Location: 1401 East Cypress Avenue
3. Assessor's Parcel Number: 085-150-089
4. General Plan Designation: Office Commercial
5. Site Zoning: Commercial Office
6. General Plan Designation: Office Commercial
7. Site Use: Vacant Lot
8. Surrounding Uses/Zoning:
  - North - Residential (Cypress Court Senior Housing) / CO
  - South - Vacant Lot(s) & Single Family Residential / 7R-1
  - East - Casa Serena Senior Apartments & Single Family Residential / R-3PD & 7R-1
  - West - Single Family Residential / 7R-1
9. Site Area: 0.39 acres

### Background

The site is a 0.39-acre undeveloped vacant lot located at the corner of Cypress Avenue and Seventh Street. The site is adjacent to the Cypress Court complex which includes 60 affordable senior apartments completed in 2013 and also owned by the Housing Authority of Santa Barbara County.

### Proposal

A fifteen unit one-bedroom affordable housing development is proposed by the Applicant. Each unit would be deed restricted to families and households earning less than 60% of the Area Median Income (AMI) which qualifies for the lower-income group designation according to Section 50079.5 of the Health and Safety Code. Sixteen uncovered parking spaces are being provided as well as private balconies, drought tolerant landscaping and an outdoor community area (barbeque and seating) to the east of the proposed development.



### **Conformance with General Plan**

The General Plan Land Use designation for this property is Office Commercial (OC) and the stated purpose is:

*To provide commercial areas for business, medical, and professional offices outside of the Old Town area which are easily integrated into adjacent residential areas. This category provides a buffer between residential areas and major roadways. (Lompoc 2030 General Plan, Land Use Element, Table LU-1).*

This project is deemed to be consistent and in conformance with the General Plan pursuant to Government Code section 65589.5.

Policy 1.11 contained in the General Plan Housing Element states:

*In accordance with State law, residential development projects within the Old Town Redevelopment Project, Amendment No. 2 area shall provide 15% of new housing affordable to low- and moderate-income households with at least 40% of those units to be used by very low-income households.*

The proposed project is located within the Old Town Redevelopment Project (Amendment area No. 2), therefore, at least 15% percent of all the units must be affordable to low- and moderate-income households with at least 40% of those units to be used by very low-income households.

The proposed project consists of fifteen one bedroom units of which three affordable units are required. The Applicant must designate these three units as affordable units on the site plan and prepare a covenant to be approved by the City Attorney and recorded on each of the affordable units for a period of 55 years (COA 53) in order to be consistent with the General Plan Housing Element Policy 1.11.

For clarification, even though the applicant is proposing to have all fifteen units restricted to affordable, the City will only be requiring a covenant for three units to be restricted to affordable. This is the case because General Plan Housing Element Policy 1.11 and covenant requirements listed above only applies to 15% (3 units) of the total number of units being proposed.

### **Conformance with Zoning Ordinance**

The zoning for the site is Commercial Office (CO). The purpose of this zone is:

*To provide a district for office-type uses with yard and open space and architectural requirements similar to those in residential districts in order that such uses can be located in close proximity thereto. (Lompoc Municipal Code Section 17.040.010).*

The proposed apartment complex is consistent with the zoning district and development standards for the district as identified in Table 1 below.

Table 1: Commercial Office (CO) District Development Standards		
Category	Development Standard	Proposed
Maximum Height	40 feet or three stories	39 feet 10 inches, 3 stories
Maximum Site Coverage	100 percent, less parking area	23 percent
Minimum Front Yard	None	38 feet 5 inches
Minimum Rear Yard	None	113 feet 5 inches
Minimum Side Yard	None	10 feet (adjacent to Cypress Avenue) 11 feet 4 inches (adjacent to Cypress Court development)
Minimum Building Site and Width	5,000 square feet; 30 feet in width	17,057 Square Feet; 72 feet 9 inches wide
Minimum Parking	Dwelling, 100% Affordable Units <sup>1</sup>  Studio and 1 Bedroom: 1 covered space per unit  Community Rooms/Clubhouses Open to the Public: 1 space per 35 sq. ft. of gross floor area in the main assembly room or rooms  Visitor Parking: 1 space after first 10 units, then 1 additional space for every 5 units thereafter  17 spaces required	16 uncovered spaces <sup>2</sup>
Minimum Loading Zone Requirement	Multifamily Dwellings—containing 30 or more rental units: 1 striped space, measuring 12 ft. by 35 ft.  None	None
Minimum Open Area per Unit	Not less than 200 square feet of open area per unit shall be provided on the site, which may include landscaped areas, walkways and recreational areas, but not structures or driveways or parking areas.  3,000 square feet	7, 129 square feet
Minimum Floor Area of Dwelling Unit	550 square feet	702 square feet

<sup>1</sup> Landowner must covenant to restrict use of property to 100% affordable or provide additional off-street parking as required by this Chapter if property is converted to other uses. A condition of approval has been created for this requirement (COA P65).

<sup>2</sup> Pursuant to the prescriptive parking rates provided in Cal Gov. Code §65915(p) of the State Density Bonus Law, the maximum required parking is one parking space per one-bedroom unit, and this is inclusive of guest spaces and accessible spaces. Additionally, this section specifies that on-site parking may be uncovered.

### **Conformance with State Density Bonus Law**

The proposal qualifies for a 35% density bonus, three developer concessions, waiving of development standards, and the prescriptive parking requirements which are outlined in Cal. Gov. Code §65915. This is the case because the applicant is proposing that 100% of the fifteen units are to be restricted to lower income residents (to households earning 60% or less than the area median income). At this time, the applicant is not requesting a density bonus but is requesting one concession (discussed in the landscape section below). Additionally, the proposed project qualifies for the prescriptive parking rates, discussed in Table 1, which the applicant is requesting. The prescriptive parking rates do not count toward one of the three concessions. The prescriptive parking rates and concession request are discussed further below.

### **Site Plan**

The project would front Seventh Street and be accessed from a proposed driveway on East Cypress Avenue. As proposed, the apartment complex would consist of a singular building which contains both two and three story elevations, with a total floor area of 3,950 square feet, as shown on the attached plan set (Attachment 3). Additionally, parking would be located to the west of the apartment complex and a common outdoor area with amenities such as a barbeque and seating would be located to the east of the apartment complex.

### **Parking & Circulation**

Upon the request of the developer, a city shall not require a vehicular parking ratio (including handicapped and guest parking) greater than one on-site parking space for one bedroom units. The Applicant qualifies for the prescriptive parking rates provided in Cal. Gov. Code §65915(p) of the State Density Bonus Law and is requesting that the prescriptive parking rates be applied. Based on this section, fifteen uncovered parking stalls are required and sixteen uncovered parking stalls are being provided as proposed. Therefore, adequate parking is being provided on the project site.

### **Floor Plan**

The apartment complex proposes fifteen one bedroom units providing approximately 702 square feet of living space which includes a living room, kitchen, private patios/balconies and individual laundry areas.

### **Architectural Review Guidelines**

The bulk of the building would be composed of Craftsman style architecture and the exterior of the building would be composed of cement plaster stucco. An earth tone paint scheme would be utilized consisting of Belle Grade grey and Chablis (yellowish green). Awnings, balconies, vinyl windows and variable-height pitched composition shingle roofing would break up the single wall plane and would reduce building bulk. The awnings would be placed over windows to provide sun and rain protection and would be Isle of Pines green. The proposed architectural style is complimentary and compatible to the Cypress Court Senior Housing Apartments adjacent to the site and is also sensitive to the surrounding neighborhood character. Specifically, the proposed building's proportion, size, mass, materials, exterior colors and height are compatible with the senior housing project.

Lighting would be provided in the parking lot with shielding in order to prevent glare or light from "spilling" onto neighboring properties. Additionally, the parking lot would be adequately screened from view by trees in the landscape planter between the parking lot and Cypress Avenue.

All of the architectural features listed above can be seen on the proposed elevations, see attachment 3. In summary, the design integrates thoughtful building materials, colors and detailing. Staff has reviewed the proposed building elevations and the project meets the City's Architectural Review Guidelines.

### **Landscaping**

Drought tolerant landscaping is proposed throughout the site and includes a variety of shrubs, vines and trees. Additionally, landscaping would be installed at the undeveloped corner portion (southeast corner) at 125 Seventh Street (APN: 085-150-090) of the site (COA P39). The species, size and number of plants will be shown on the plans submitted for plan check and approved by the Planning Division prior to installation (COA P38).

According to Cal. Gov. Code §65915(d) of the State Density Bonus Law the applicant qualifies for three incentives or concessions from development standards, and is requesting a concession to allow a reduction in the width of the required landscape buffer for parking lots across from residential districts. The applicant's request is a reduction in landscaping planter width in the parking lot area from ten feet to five feet (17.092.040). Staff will be conditioning the reduced landscape buffer area to ensure that appropriately sized trees (24-inch box) and shrubs are utilized to reduce visibility of the parking lot (COA P40) from Cypress Street.

### **Signage**

No signage is proposed at this time and any future signage will be reviewed through a sign permit at staff level for compliance with the City's Sign Regulations (COA P60).

### **Development Review Board**

A Development Review Board (DRB) meeting was held for the project on January 8, 2019. The Applicant met with staff to discuss draft Conditions of Approval which had been formulated.

The Development Review Board (DRB) presented departmental standard Conditions of Approval (COA) to advise applicants of requirements during the development review process. Project specific conditions are included from staff after reviewing the plans for Planning Commission consideration. A complete plan check occurs after construction plans have been submitted to the Building Division for building permits. If the applicant has questions and/or concerns regarding specific conditions, he/she would contact the department/division that is recommending the condition. DRB members do not attend the Planning Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions. As conditioned, the project meets the development standards of the zoning ordinance and therefore the DRB recommends that the Planning Commission adopt Resolution No. 898 (19) approving the Conditional Use Permit (CUP 18-04) based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.

### **Housing Accountability Act**

The proposed project is subject to the Housing Accountability Act (HAA) (Government Code § 65589.5), which, among other things, establishes criteria for the review of proposed housing development projects by local governments. The HAA is designed to limit the ability of local governments to reject proposed housing projects, and especially affordable housing projects, and therefore requires local governments to make specific written findings if they wish to reject a proposed housing project.

Pursuant to Government Code section 65589.5(d), the Commission may not disapprove the proposed project or condition approval in a manner that renders the project infeasible unless the Commission determines that at least one of the following findings is supported by the preponderance of the evidence:

- (1) The City has met or exceeded its share of the regional housing need allocation pursuant to Government Code section 65584 for the planning period for the income category proposed for the housing development project.
- (2) The project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

- (3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.
- (4) The housing development project is inconsistent with both the City's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete.

Moreover, pursuant to Government Code section 65589.5(j)(i), the Commission may not disapprove the project or impose a condition that the project be developed at a lower density unless it finds that both of the following conditions exist:

- (1) The project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the project or the approval of the project upon the condition that it be developed at a lower density.

If the Commission decides to disapprove the project, staff recommends that the Commission give direction to staff regarding the basis for disapproval and continue this item to allow staff to draft a resolution that includes the written finding required by the HAA.

### **Environmental Determination**

The project is categorically exempt from further environment review pursuant to Section 15332 (In-fill Development Project) of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed for the project following the Planning Commission action.

### **Noticing**

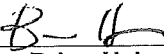
On February 12, 2019 notices were also mailed to property owners within 300 feet by US mail, posted on the City's website and the project site was also posted by City staff. In addition, on February 17, 2019 a notice of the Public Hearing was published in the Lompoc Record.

**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.

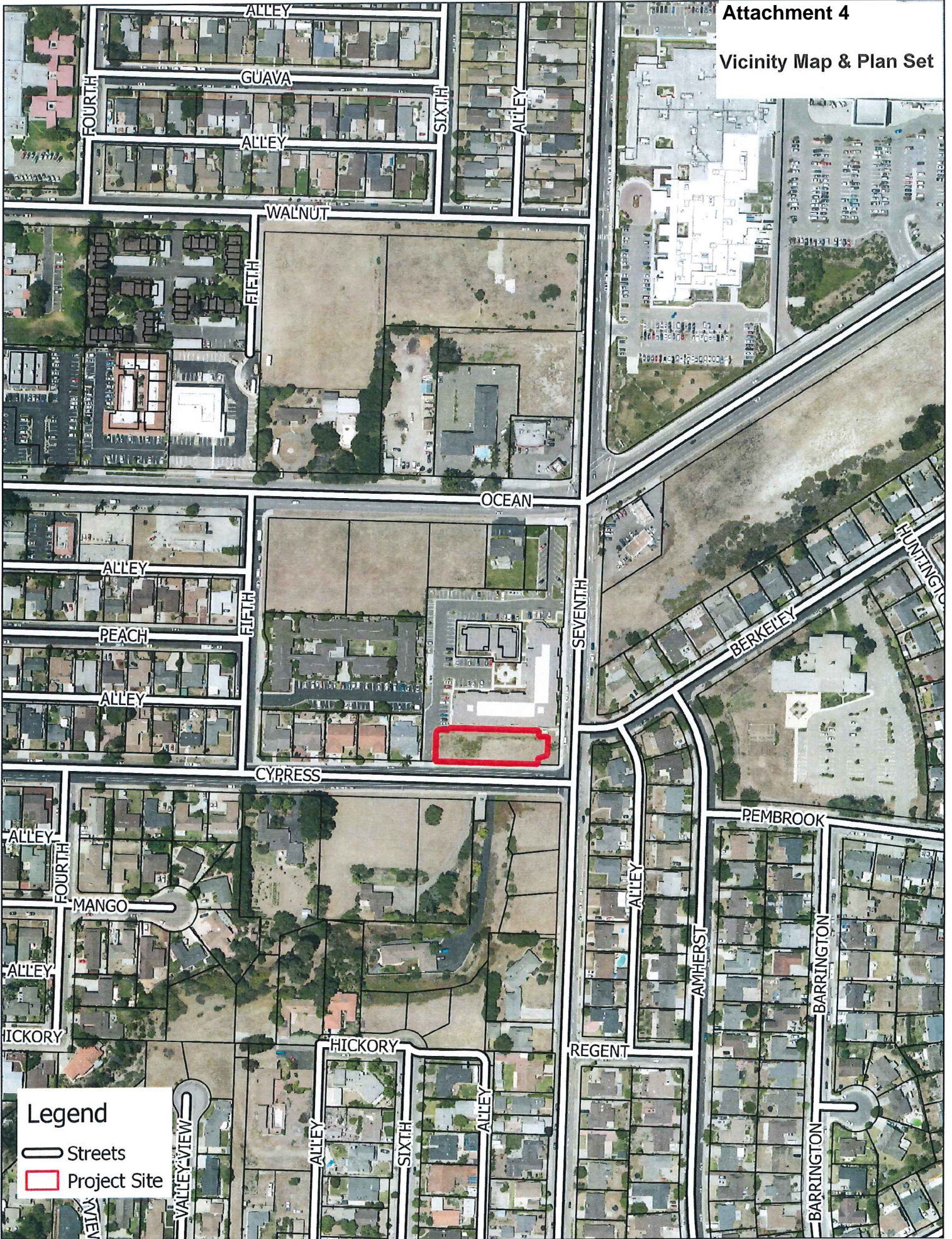
**Attachments**

1. Draft Resolution No. 898 (19)
2. Vicinity Map
3. Plan Set
4. Letter from Price, Postel & Parma

Staff Report has been reviewed and approved for submission to the Planning Commission	
	2-21-19
Brian Halvorson, Planning Manager	Date

Attachment 4

Vicinity Map & Plan Set



**Legend**

-  Streets
-  Project Site

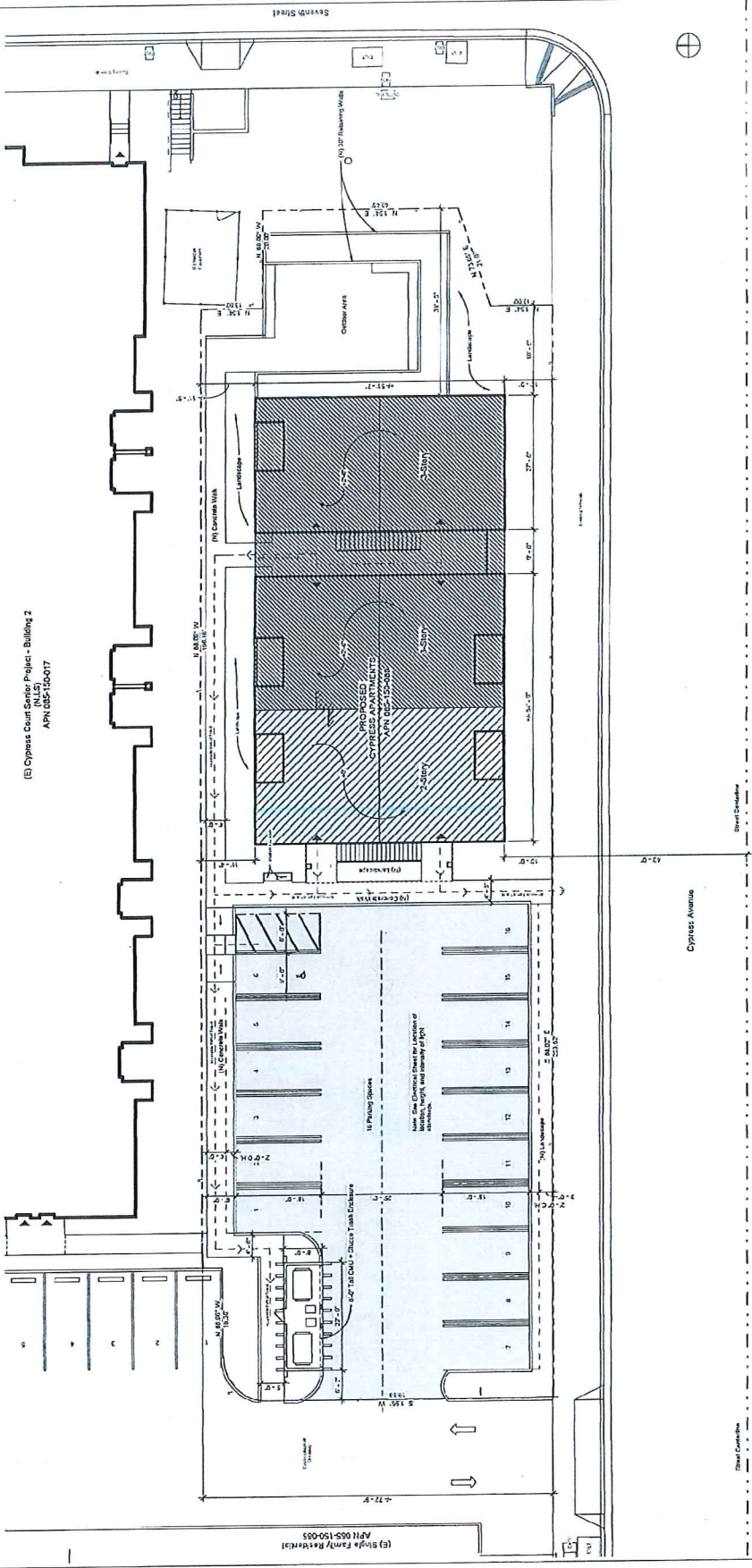




**RRM Design Group**  
 10 E. Figueroa St., Suite 200  
 Santa Barbara, CA 93101  
 Tel: 805.943.8233  
 Fax: 805.943.8184  
 www.rrmdesign.com

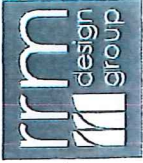
**Cypress & 7th Apartments**  
 1401 East Cypress Ave., Tempe, CA

**A1.0**  
11.16.16



(B) Cypress Court Senior Project - Building 2  
 APN: 005-150-017

(B) Siska Campy Residential  
 APN: 005-150-035



**RRM Design Group**  
 19 E. Figueroa St., Suite 200  
 Santa Barbara, CA 93101  
 Tel: 805.963.8883  
 Fax: 805.963.8184  
 www.rmdesign.com

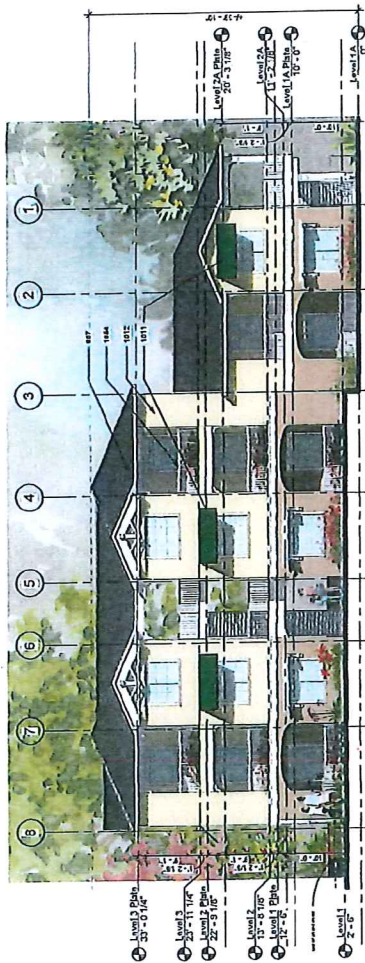
Cypress & 7th Apartments  
 1401 East Cypress Ave., Tempe, CA

**A2.1**  
12x18

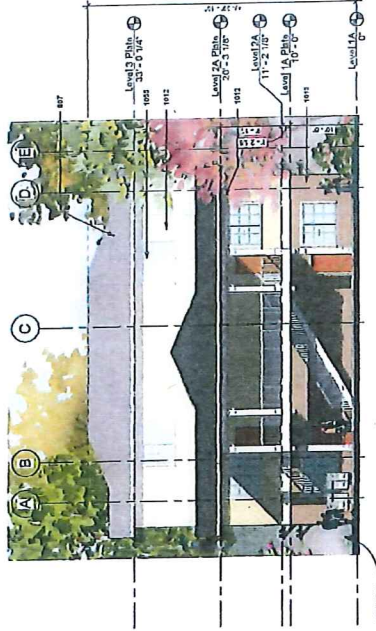
Keynote	Elevation Keynotes	Description
1007	1007	CONCRETE SINGLE ROOF, TYP.
1011	1011	AWNING, TYP. SEE COLOR BOARD.
1012	1012	CEMENT PLASTER STUCCO MATERIAL 01, TYP. SEE COLOR BOARD.
1013	1013	CEMENT PLASTER STUCCO MATERIAL 02, TYP. SEE COLOR BOARD.
1024	1024	GUARDRAIL, TYP.
1025	1025	VINYL WINDOWS, TYP.



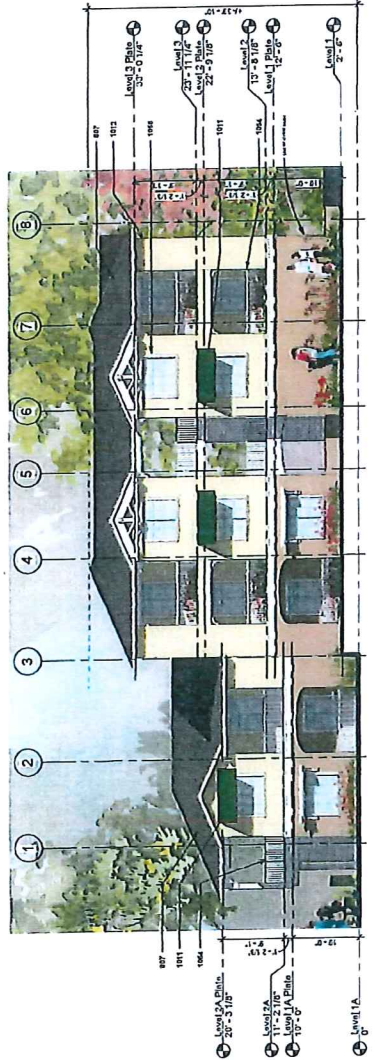
**1 North Elevation**  
 SCALE: 1/8" = 1'-0"



**2 East Elevation**  
 SCALE: 1/8" = 1'-0"



**3 West Elevation**  
 SCALE: 1/8" = 1'-0"



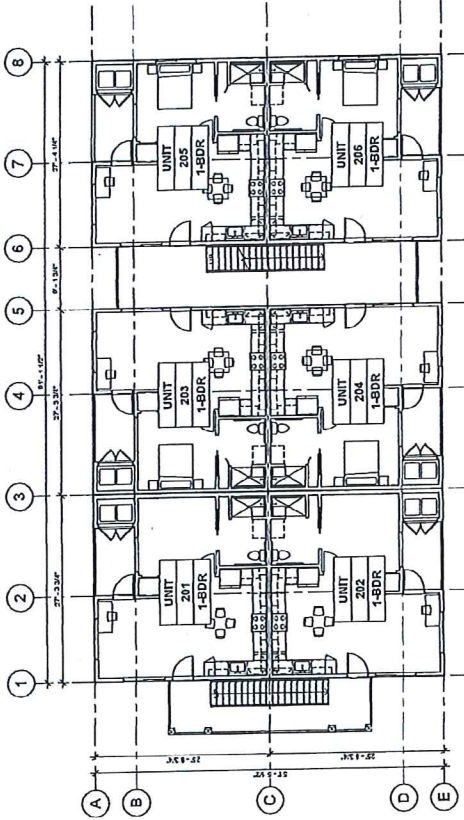
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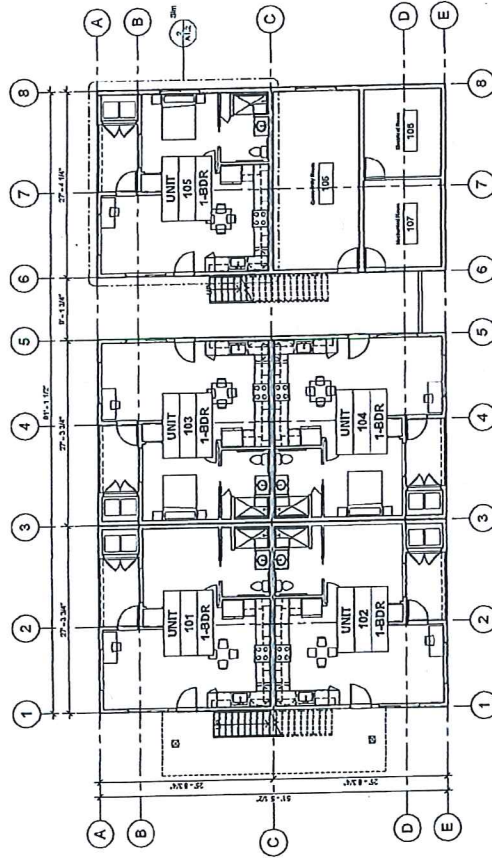
**RDM Design Group**  
 12 E. Figueroa St., Suite 200  
 Santa Barbara, CA 93101  
 Tel: 805.762.8223  
 Fax: 805.762.8184  
 www.rdmdesign.com

Cypress & 7th Apartments  
 1401 East Cypress Ave., Longport, CA  
 Level 1 and Level 2 Plans

**A1.1**  
 11.8.13



2 Level 2  
 SCALE: 1/8" = 1'-0"



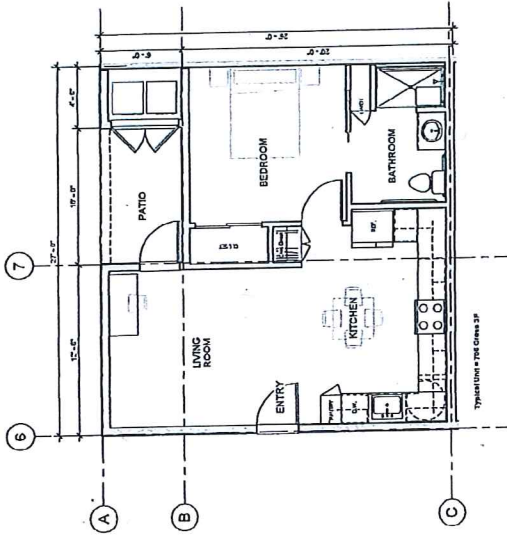
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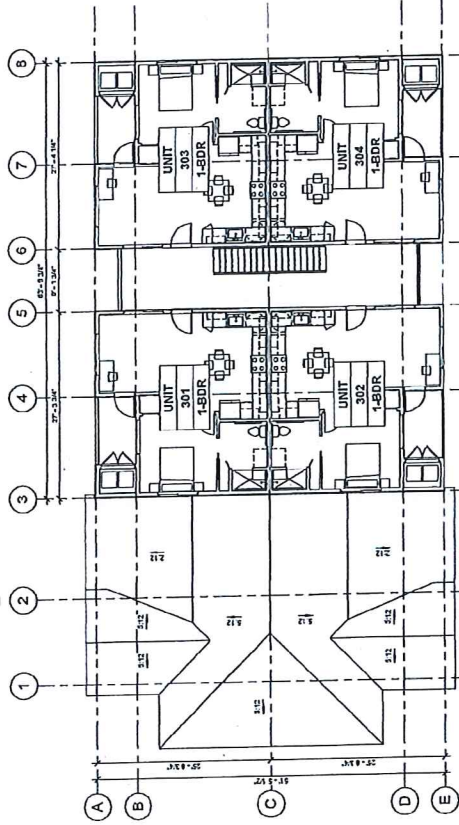
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 Tel: 805.963.8283  
 Fax: 805.963.8184  
 www.rmdesign.com

Cypress & 7th Apartments  
 1401 East Cypress Ave., Longport, CA  
 Level 3 Plan, Typical Unit

**A1.2**  
1/8"=1'-0"



② Typical Unit Plan  
 SCALE: 1/4" = 1'-0"



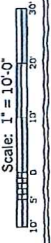
① Level 3  
 SCALE: 1/8" = 1'-0"



L-2



North



December 4, 2018

**Preliminary Landscape Plan**  
**Off Site Improvements**

Housing Authority of the County of Santa Barbara  
 125 South Seventh Street, Lompoc, CA 93436



**General Notes**

1. Landowner of 125 South Seventh Street will irrigate the proposed landscape
2. See L.1 for Plant List and Water Conservation Notes

Trees adjacent to street, 15 gallon minimum  
 per Development Standards 17.092.020

See L.1 for 1401 East  
 Cypress Avenue  
 Landscape Plan

See L.1 for  
 Trees and  
 Shrubs

Seventh Street

Cypress Avenue

Facing North



Facing East



Facing West





TABLE 4 – REGIONAL HOUSING NEEDS ALLOCATION PROGRESS

## UNITS COMPLETED BY LEVEL OF AFFORDABILITY

Income Level		RHNA Allocation by Income Level	Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Year 2021	Year 2022	Total Units to Date (All Years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	127	2	19	--	--	--					21	106
	Non-deed Restricted		--	--	--	--	--					--	
Low	Deed Restricted	85	2	1	--	--	--					3	82
	Non-deed Restricted		--	--	--	--	--					--	
Moderate	Deed Restricted	95	--	--	--	--	--					--	53
	Non-deed Restricted		--	42	--	--	--					42	
Above Moderate		220	54	--	--	4	3**					61	159
<b>Total RHNA by COG. Enter allocation number:</b>		527*	58	62	0	4	3					127	
<b>Total Units with Certificate of Occupancy:</b>													
<b>Remaining Need for RHNA Period:</b>												400	

\*In 2016, with the annexation of the Summit View Homes Development, the City accepted an additional two (2) units.

\*\*In 2018, there is a net gain of three (3) housing unit since five (5) were constructed and two (2) were lost via demolition.



Graybehl, Cody

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**From:** Margie Lopez <smuckienip@gmail.com>  
**Sent:** Wednesday, June 19, 2019 10:08 AM  
**To:** Ornelas, Veda  
**Cc:** Halvorson, Brian; Stones, Greg  
**Subject:** Cypress Court Addition / Housing Authority County of Santa Barbara

To Whom It May concern,

I wanted to write to you about my concern for the building addition that the Housing Authority wants to build on the 7th Street and Cypress Ave side of the existing Cypress Court complex at 125 South Seventh Street. Why do they think they need an additional building and how does the planning department justify it?

I was mildly aware of the boarder markers at the back of the property a few months ago. And even less aware of the council date to discuss it. I did go look at one of the signs but it was so water logged that it was pretty much unreadable, and ... well life is busy.

I understand that several embarrassments from our building showed up to the council meeting to voice their concerns. My question is that when there is a "perfectly useable" building at the front of the complex, why would Housing want to build additional units at the back? At least that's the deal they sold you many years ago to get permits for this building.

My comments have more to do with the building itself and not so much concern about more units on this parcel. Santa Barbara county needs affordable housing since most of us have been priced out of the owner market. Those of us on fixed incomes can't even begin to play the "prevailing market level" rental game.

The building at the front Ocean Street side has sat empty for the last 4-5 years. I am one of the original tenants and have watched it deteriorate over a very short time, Which would say something about the quality of construction. It currently makes a nice green house for the plants and trees growing inside. The interior was never completed so the dirt floor affords the trees and bushes a place to grow. It could easily be a build to suit yourself property, but the catch is that the building leaks from the foundation which is how I believe that **terrarium** inside survives. For the amount of money they want to spend on an additional building they could just do a "build to suit themselves" remodel.

As long as we are talking about drainage, the Cypress side and the 7th Street side of the existing building have serious foundation leaks whenever we have a measurable rain. The woman in Unit 105 has been evacuated to hotels at least twice, while the attempt to dry out her unit. The walls in the first floor have absorbed water to the point it came inside and up the walls. The area has had to be tarpped off with blower fans in an effort to dry it out on a couple of occasions. (Hum, water begats mold, only signs we are starting to see now.)

The Cypress, and the 7th Street side of the building have both flooded so bad this year that I was sure Housing maintenance was going to have to do some serious repair. Build french drains, or something to deflect the water, ya no, nothing happened except a council meeting asking to build an addition on the slope at the back. Even if they were to grade the parcel to try and ward off

the enviable water shed, the 7th Street hill water would also have to have the water redirected. Sounds like a project, if it was done right would be a lot more than they bargained for.

One other thought, the 7th Street side of the existing building has a large vacant area inside where the potential space that could easily become 2-3 units. If they chose to do so along with the remodel of the front building that could probably reach their goal of 15 units. The hills on the Cypress Ave. are beautiful and we do all enjoy them, Possibly the neighbors looking down from upper 7th, and Cypress don't feel the same way about their view of our building.

Thank you for your time,

Marjorie Lopez  
125 South 7th Street  
Apt # 304