

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
March 14, 2012**

ROLL CALL: Commissioner Allan Clark
Commissioner Ron Fink
Commissioner Nicholas Gonzales
Commissioner Mary Leach
Commissioner Kate Griffith

STAFF: Planning Manager Lucille Breese
Principal Planner Keith Neubert
Assistant City Attorney June Ailin

ORAL COMMUNICATIONS: -- None

APPROVAL OF MINUTES: -- in consideration of the public and with concurrence from the Planning Commission, Commissioner Gonzales moved Approval of the Minutes to the end of the Public Hearing Items

February 8, 2012
January 11, 2012 (continued from Feb. 8, 2012)

Commissioner Griffith stepped down from consideration of the Public Hearing items due to possible conflict of interest with the business she is part owner of and/or location of the proposed use near the business.

PUBLIC HEARING ITEMS:

1. CONDITIONAL USE PERMIT – CUP 11-13

A request by Jay Higgins, representing Verizon Wireless, for Planning Commission review and consideration of a Conditional Use Permit for operation of an unmanned wireless telecommunication facility. The facility includes a new 60' high monopine with nine (9) new panel antennas, and an equipment shelter and generator at ground level. The project is located at 1119 West Laurel Avenue in the *Industrial (I)* Zoning District (Assessor Parcel Number: 89-200-022). This action is exempt from the California Environmental Quality Act (CEQA).

Principal Planner Keith Neubert presented the verbal staff report.

Commissioner Fink questioned the height of structures in the adjacent area. Mr. Neubert indicated the highest point on the batch plant is 43' and light poles in JM Park are similar to those in Thompson Park and are between 50' to 70'.

Jay Higgins, representing Verizon Wireless – noted that the site completes the Verizon upgrade for Lompoc.

Commissioner Leach noted she had read this type of facility will become obsolete in the future. Commissioner Fink questioned the height of the monopine. Mr. Higgins indicated that the monopine is the most durable facility of its type and indicated recent installations.

OPEN/CLOSE PUBLIC HEARING at 6:45 p.m.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Gonzales that the Planning Commission adopt Resolution No. 718 (12) based on the Findings of Fact in the resolution and subject to the draft conditions of approval.

VOTE: The motion passed on a 4-0-1 roll call vote, with Commissioner Griffith not participating.

2. CONDITIONAL USE PERMIT – CUP 12-03

A request by Kate Griffith of Flying Goat Cellars, for Planning Commission review and consideration of a Conditional Use Permit for operation of a wine tasting room, including retail sales of wine related merchandise and art, in an existing building. The project is located at 1520 East Chestnut Court, Unit A in the *Industrial (I)* Zoning District (Assessor Parcel Number: 99-522-04). This action is exempt from the California Environmental Quality Act (CEQA).

Principal Planner Keith Neubert presented the verbal staff report.

Commissioner Fink noted this type of permit would normally be eligible for a Minor Use Permit (MUP) and asked why it was handled as a CUP. Planning Manager Lucille Breese responded the MUP ordinance provides the staff may refer any MUP to the Planning Commission for any reason. This particular permit was referred because the applicant is a Planning Commissioner and the permit resolves a Code Enforcement action. Commissioner Gonzales agreed with the staff decision since the issue had been addressed at City Council and the staff was acting in a conservative manner.

Kate Griffith of Flying Goat Cellars noted errors in the staff report showed the site on Chestnut Avenue not Chestnut Court and requested Condition of Approval B6 be changed so it is consistent with the condition regarding restrooms in the previous five (5) CUP's for wine tasting that have been approved.

Commissioner Leach agreed with a change to the COA if the previous CUP's had different language. The Commission concurred the language should be the same.

OPEN/CLOSE PUBLIC HEARING at 6:53 p.m.

Commissioner Fink inquired about when the Flying Goat facility was established. Norm Yost, one of the owners, responded it was established in 2008. Commissioner Fink inquired as to why a CUP was required now. Staff responded the operation of the facility was now different from what was originally anticipated.

MOTION: It was moved by Commissioner Gonzales and seconded by Commissioner Fink that the Planning Commission adopt Resolution No. 719 (12) based on the Findings of Fact in the resolution and subject to the draft conditions of approval; with a change to COA B-6

~~From B6. Bathroom facilities must be accessible and be available for public use~~

To: B6. Mens and Womens Restrooms may be required depending on Use and Occupant Loads.

VOTE: The motion passed on a 4-0-1 roll call vote, with Commissioner Griffith not participating.

3. CONDITIONAL USE PERMIT – CUP 12-04

A request by Darren Savella of CrossFit Ohana, for Planning Commission review and consideration of a Conditional Use Permit for operation of a gym in an existing building. The project is located at 1251 West Laurel Avenue, Units 32 to 37 in the *Industrial (I)* Zoning District (Assessor Parcel Numbers: 89-510-32 to 37). This action is exempt from the California Environmental Quality Act (CEQA).

Principal Planner Keith Neubert presented the verbal staff report.

Darren Savella of CrossFit Ohana explained the new fitness methodology and requested approval of the proposal.

OPEN/CLOSE PUBLIC HEARING at 6:58 p.m.

Commissioner Leach stated that she would not vote in favor of the CUP; expressed concern with the Planning Commission allowing non-permitted uses in the Industrial Zones; noted commercial space is available for the use; noted potential commercial uses in the Bailey Avenue Specific Plan Area; had discussed the matter with her appointing Council member; and until the Zoning was resolved, she could not support the CUP for the use.

Commissioner Fink expressed understanding of Commissioner Leach's quandary; however this business will fill a vacant space and he will support request.

Commissioner Clark expressed a similar concern as Commissioner Leach; however he drove by the building and it does not have a typical industrial appearance and is located adjacent to residential so he will support request.

Commissioner Gonzales noted that an inhibitor to industrial uses may be the existing uses in place; the property is currently bank owned; and, the portion of the building requested for the gym is closest to residential so he will support request.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Gonzales that the Planning Commission adopt Resolution No. 720 (12) based on the Findings of Fact in the resolution and subject to the draft conditions of approval.

VOTE: The motion passed on a 3-1-1 roll call vote, with Commissioner Leach voting no and Commissioner Griffith not participating.

**4. SANTA RITA HILLS WINE CENTER –
LOM 593 – Tentative Parcel Map
DR 12-01 – Development Plan
CUP 12-01 and 12-02 – Conditional Use Permit**

A request by Tom Davidson of 3D Ranch Development, representing the property owner, for Planning Commission consideration of changes to a development plan:

LOM 593 – Tentative Parcel Map proposes four (4) parcels

DR 12-01 – Development Plan proposes a four (4) phased project on the site.

Phase 1 will include use of the existing warehouse buildings and installation of improvements on Twelfth Street; Phases 2, 3, 4 will be developed at a later date and reviewed by the City;

CUP 12-01 – Conditional Use Permit for Building 4 which is 16,000 square feet, proposes wine tasting and office use for a single tenant with a 9,600 square foot leasehold of approximately 2,400 square feet or 25% of the individual tenant space;

CUP 12-02 – Conditional Use Permit for Building 1 proposes wine tasting and office use in a 16,000 square foot building of approximately 4,000 square foot or 25% of the building.

The site is located at 300 North Twelfth Street, Phase 1 is located in the *Business Park (BP)* Zoning District and future Phases 2, 3, 4 are located in the *Planned Commercial Development (PCD)* Zoning District (Assessor Parcel Number: 99-141-22).

An Environmental Impact Report (EIR) was prepared by Impact Sciences of Camarillo CA for the approved project, circulated through the State Clearinghouse (SCH No. 2008081067), and certified by the City of Lompoc in July 2009. The changes to the approved development plan have been reviewed and an Addendum to the Final EIR has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese presented the verbal staff report; explained that there was a previously approved project on the site; and indicated the new owner requested a phased project.

Tom Davidson representing the property owner noted the approved project required many expensive improvements and was not feasible as approved; indicated the improvements will be made as future phases develop; and requested approval of phase 1 to allow the existing buildings to function and the site to be improved with temporary improvements until the future phases are identified.

OPEN PUBLIC HEARING at 7:20 p.m.

Norm Yost, owner Flying Goat Cellars – noted this is a fantastic opportunity for the City which will bring in additional tourists and be good for the industry.

Morris Sobhani, adjacent property owner – noted he is not against the project but he does have some concerns:

- 1) the proposal shows four (4) parcels, one of which is zone commercial; the parcels could be sold; the City need to exercise more control because the property is in such a sensitive location at the entry to the City; there should be some indication of future use;
- 2) the proposed parking lot on the south side of the building is not practical, the distance is too great from the wine tasting facility, people will park on street or in other available parking lots; he suggested possibly using a portion of the existing buildings for on-site parking; and
- 3) the existing loading dock on Twelfth Street was developed by Grefco; he suggests it be abandoned to improve safety of customers and relieve congestion in neighborhood, notes there are other loading docks for the building.

CLOSE PUBLIC HEARING at 7:03 p.m.

Commissioner Fink asked Mr. Davidson about the turning radius for trucks on Twelfth Street. Mr. Davidson indicated trucks can access the loading dock.

Commissioner Leach commented the Environmental Impact Report (EIR) described the original project which is different from the project being proposed; expressed support for phase 1, concern with lack of information for phases 2, 3, 4; noted that the previous project was fantastic; expressed concern about access and parking if the project has multiple owners; expressed concern with requested flexibility in type of material on parking area; wanted it noted there is no guarantee regarding future of project; and expressed concern with future residential units to the north.

Commissioner Gonzales noted with the Conditional Use Permit any negative impacts could be returned for review; stated there are often changes to projects during the development stages; and asked Mr. Davidson if he understood all future projects would need review by the Planning Commission.

Mr. Davidson indicated he understood the need to return to the City for future approval.

Commissioner Fink noted the property has two different zoning designations – Business Park and Planned Commercial Development; stated that future projects will be returned to the Planning Commission for review.

Assistant City Attorney Ailin noted that it was not uncommon for different parts of a Business Park to have different owners and a reciprocal parking and access agreement among the owners.

The Commission decided to discuss each item separately

Discussion regarding the Addendum

The Commission discussed the Addendum to the EIR and the need for future environmental study with future phases.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Clark that the Planning Commission accept the Addendum prepared for the Santa Rita Hills Wine Center by Impact Sciences, dated March 2012.

VOTE: The motion passed on a 3-1-1 roll call vote, with Commissioner Leach voting no and Commissioner Griffith not participating.

Discussion regarding LOM 593-P / DR 12-01

The Commission discussed the parking for Phase 1 is not located on the Phase 1 parcel. Staff advised that as development occurs reciprocal parking and access agreements will be required so the site operates as one parcel. It was suggested that a COA be included on the parcel map advising future developers of the need for reciprocal agreements.

Commissioner Leach suggested a red curb prohibiting parking along Twelfth Street for safety. Commissioner Fink suggested leaving that determination to the City Engineer. Mr. Davidson noted the previous project didn't have a requirement for a red curb. The Commission discussed this further.

Commissioner Leach expressed concern with the existing driveway, the surface of the proposed temporary parking, the entrance on the north side of the building designated as "entry only", the surface of the driveway around the building, the lack of detail provided regarding improvements to the building, the term "temporary" with regard to the parking and driveway surface and how long that would be, and the precedent it would set to approve a project that does not meet City development standards. There was a lengthy discussion concerning these issues.

Commissioner Gonzales noted the applicant was attempting an adaptive reuse of existing buildings and noted the future projects would be returned for review. Commissioner Fink indicated that he was fully confident that the City engineering staff would require the applicant to meet the City standards as identified in the Conditions of Approval. Commissioner Clark indicated he was confident the developer would want to improve the property so it was attractive to his customers as it became feasible. Commissioner Leach agreed but again expressed concern that other developers had to meet City development standards.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Gonzales that the Planning Commission adopt Resolution No. 714 (12) approving LOM 593-P based on the Findings of Fact in the resolution and subject to the draft conditions of approval with and additional COA requiring a reciprocal parking and access agreement for each future phases of the project.

VOTE: The motion passed on a 4-0-1 roll call vote, with Commissioner Griffith not participating.

MOTION: It was moved by Commissioner Gonzales and seconded by Commissioner Fink that the Planning Commission adopt Resolution No. 715 (12) approving DR 12-01 based on the Findings of Fact in the resolution with the addition of the following:

A finding stating concessions with respect to application of some development standards have been made in connection with the approval of Phase 1 of the proposed project due to the project involving adaptive reuse of existing buildings located on the outskirts of the City. The City will impose all City development standards on future phases of development.

A COA requiring a reciprocal parking and access agreement for each future phase of the project.

A COA requiring the parking lot and all driveways serving Phase 1 be paved in accordance with City development standards before a certificate of occupancy is issued for the next phase of development.

VOTE: The motion passed on a 4-0-1 roll call vote, with Commissioner Griffith not participating.

Commissioner Leach questioned the location and number of proposed bathrooms for the tasting rooms. Mr. Davidson responded the plans would be submitted for building permits and be subject to the Uniform Building Code requirements.

MOTION: It was moved by Commissioner Gonzales and seconded by Commissioner Fink that the Planning Commission adopt Resolution No. 716 (12) approving CUP 12-01 based on the Findings of Fact in the resolution and subject to the draft conditions of approval.

VOTE: The motion passed on a 4-0-1 roll call vote, with Commissioner Griffith not participating.

MOTION: It was moved by Commissioner Gonzales and seconded by Commissioner Leach that the Planning Commission adopt Resolution No. 717 (12) approving CUP 12-01 based on the Findings of Fact in the resolution and subject to the draft conditions of approval.

VOTE: The motion passed on a 4-0-1 roll call vote, with Commissioner Griffith not participating.

Commissioner Griffith returned to the dais

APPROVAL OF MINUTES: -- in consideration of the public and with concurrence from the Planning Commission, Commissioner Gonzales moved consideration of the Minutes to the end of the Public Hearing Items

February 8, 2012
January 11, 2012 (continued from Feb. 8, 2012)

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Griffith, that the Minutes of the January 11, 2012 meeting be adopted with the changes proposed by Commissioner Griffith.

Commissioner Fink noted the Planning Commission Manual of Procedures addresses the requirements for the content of the minutes and he believes the minutes as presented meet the standard, he does not favor a change. Commissioner Leach suggested that a change would be appropriate if it accurately reflected the discussion. Commissioner Griffith stated the minutes were a misstatement of fact and a misinterpretation of her comments and quoted the Manual of Procedures allowing her to request a change. Commissioner Griffith referred to comments made by the City Administrator and City Attorney at a City Council meeting and her request for staff to comment on allegations made against her as a Planning Commissioner, not just against her business.

Commissioner Gonzales inserted comments regarding the minutes that were no longer being challenged and indicated in the future if someone were to challenge a Commissioner on conflict of interest the person raising the issue should be referred to the Fair Political Practice Commission complaint process. It was noted this was problematic since the issue had arisen at a Council meeting. Commissioner Gonzalez stated he understood that, he was addressing future issues that could arise at a Planning Commission meeting.

Commissioner Leach noted if the comments were accurate regarding the January 11 meeting it would be appropriate to add them for clarification as the Manual of Procedures allows.

VOTE: The motion failed on a 2-3 roll call vote with Commissioners Clark, Fink, and Gonzales voting no.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Clark, that the Minutes of the January 11, 2012 meeting be adopted as originally presented.

VOTE: The motion passed on a 4-1 roll call vote with Commissioner Griffith voting no and expressing her disagreement.

Commissioner Gonzales was absent from the February 8, 2012 meeting and asked Commissioner Fink to chair this item.

MOTION: It was moved by Commissioner Clark, seconded by Commissioner Leach, that the Minutes of the February 8, 2012 meeting be adopted as amended.

Add – Written Communications – reference the correspondence received from Mr. Obermire regarding the Chemical Dependency Recovery Facility

Add - Commissioner Requests – Commissioner Gonzales' request was concerning conflict of interest policy.

VOTE: The motion passed on a 4-0-1 roll call vote with Commissioner Gonzales abstaining because he was absent from the February 8 meeting.

NEW BUSINESS --

- Distribution of Architectural Review Guidelines (ARG)

Staff indicated the City Council had requested the ARG be distributed to the Commission for review. A public hearing is scheduled for March 28, 2012 to discuss the document. Staff also distributed the proposed meeting schedule for City Council and Planning Commission through the end of 2012.

Commissioner Leach inquired what are the requested changes to the ARG to be considered by the Commission.

Commissioner Fink noted normally changes would flow from the Planning Commission to the City Council and at the public hearing he will suggest a sub-committee be formed to work with professional architects to review the ARG.

Commissioner Leach expressed concern with the City Council review of the Zoning Ordinance changes.

Assistant City Attorney Ailin it is not unusual for a City Council to ask the Planning Commission to consider an issue, what is different here is the level of detail the City Council is providing. However, State law requires a public hearing regarding amendments to a zoning ordinance be held by the Planning Commission with a recommendation sent forward to the City Council prior to adoption of Zoning Ordinance changes.

Commissioner Griffith stated she hadn't been advised of a second meeting in March.

Commissioner Gonzales apologized and stated he had been asked at a City Council meeting and had indicated he was sure his fellow Commissioner's would agree to the necessary meetings to achieve the Council's goals. He also noted the underlying issue is Economic Development and a review of existing City regulations to see if they are pertinent.

- Discussion regarding Zoning Administrator Process

Staff indicated since the Zoning Administrator process was relatively new, there were questions that had arisen regarding proper implementation of the staff authority. The Ordinance allows the staff to refer any permit to the Planning Commission and it was the understanding of the staff that any permit that may be controversial should be referred to the Planning Commission. Two Conditional Use Permits heard by the Commission had the potential to be MUP's and raised the questions.

- 1) CUP 12-03 for Flying Goat Cellars was referred to the PC because the applicant was a Planning Commissioner and there was a Code Enforcement case; and
- 2) CUP 12-04 for CrossFit Ohana was referred to the PC because a gym is not on the list of conditionally permitted uses in the Industrial zone.

Assistant City Attorney Ailin indicated that the Zoning Ordinance language in the Industrial Zone was very broad and the decision to allow a gym was a policy decision for the Planning Commission. Additionally, it is best that requests from persons who are elected officials or members of boards or commissions be handled through the Planning Commission to assure members of the public that there is no special treatment being granted.

Commissioner Gonzales indicated it was his belief it was better to err on the side of caution and that in order to alleviate the perception of special treatment anything not ministerial would be reviewed by the Planning Commission. The Commission generally concurred.

ORAL COMMUNICATIONS - None

WRITTEN COMMUNICATIONS -- None

DIRECTOR/STAFF COMMUNICATIONS:

Planning Manager Lucille Breese announced:

- MUP's are being processed for the expansion of the Sweet Repeats Thrift Store in the OTC and a new wine tasting facility on Chestnut Court adjacent to the "wine ghetto";
- There are business items scheduled for the April 11, 2012 meeting;
- A second meeting is scheduled on March 28, 2012 to discuss the Architectural Review Guidelines; and
- The City Council meeting schedule for review of the Zoning Ordinance and adoption of the 2030 General Plan was distributed.

COMMISSION REQUESTS --

- **Continued from February 8, 2012** -- Reconsideration of Minutes of October 12, 2011 Planning Commission meeting (requested by Commissioner Griffith)

Commissioner Griffith withdrew the request.

- Discussion of possible additions to the Planning Commission Manual of Procedures regarding conflicts of interest policy (requested by Commissioner Gonzales)

Commissioner Leach asked about Commissioner Gonzales' request and stated she doesn't understand complaints against Commissioner Griffith.

Commissioner Griffith stated that the comments against her were a direct reference to her trying to use her position as a Planning Commissioner for financial gain in her business.

Assistant City Attorney Ailin explained the focus of the ethics law is on economic interests; generally, on issues where there may be a perception of impropriety there is no legal requirement to abstain from a vote. The Commission has generally made it a policy not to vote on issues related to the industry in which they work in order to avoid an appearance of impropriety and that is an option but is not required in all instances.

Commissioner Leach asked about the Subdivision Review Board Notice the Commission had received. Principal Planner Neubert indicated that Mr. Belluz was combining two parcels. Commissioner Clark indicated the intent was to construct a garage on the site.

Commissioner Clark indicated he would be at the Planners Institute in San Jose the week of March 19th.

Commissioner Fink asked about the revisions to the Sign Ordinance. Staff indicated the information would be presented to the Commission as indicated on the City Council schedule.

ADJOURNMENT:

Commissioner Gonzales adjourned the meeting at 9:30 p.m.

Lucille T. Breese, AICP
Secretary

Nicholas Gonzales
Chair