MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
August 11, 2010

draft

ROLL CALL: Commissioner Helen Free
Commissioner Nick Gonzales
Commissioner Kate Griffith
Commissioner Jack Rodenhi

ABSENT: Commissioner Frank Hain

STAFF: Community Development Director Arleen Pelster
Planning Manager Lucille Breese
Assistant City Attorney June Ailin
Staff Assistant Angela Wynne

ORAL COMMUNICATIONS:

None.

APPROVAL OF MINUTES:

It was moved by Commissioner Free and seconded by Commissioner Gonzales that the minutes of July 14, 2010 be approved. The motion passed on a 4-0-1 vote with Commissioner Hain absent.

CONSENT CALENDAR:

None

PUBLIC HEARING ITEM:

1. CONDITIONAL USE PERMIT – CUP 10-04

A request by Antonio Moretti, representing A Taste of Santa Rita Hills, for Planning Commission consideration of a proposal for a Conditional Use Permit to operate a wine tasting room in an existing building. The project is located at 1505 East Chestnut Avenue in the *Business Park (BP)* Zoning District (Assessor Parcel Number: 99-520-03). This action is exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

Ms. Breese advised the Planning Commission that Commissioner Griffith and Commissioner Gonzales would have to step down on this item; therefore, there would not be a quorum to consider a request.

It was moved by Commissioner Free and seconded by Commissioner Rodenhi that consideration of Conditional Use Permit (CUP 10-03) be continued to the August 25, 2010 meeting. The motion passed on a voice vote of 4-0-1 with Commissioner Hain absent.

2. ZONING CONSISTENCY – ZC 10-01

Continued from the July 14, 2010 meeting

Planning Commission consideration of a recommendation to the City Council regarding a series of Zone Change's to amend the City of Lompoc Zoning Map. The proposed changes are necessary to achieve consistency with the General Plan Land Use Element Map. Copies of the maps showing specific parcels are available at City Hall at the Planning Division Counter, at the Main Library Reference Desk; or on the City of Lompoc website at:
http://www1.cityoflompoc.com/planningagenda/2010/100609/100609n3a3a.pdf.
The Commission recommended approval of the General Plan Environmental Impact Report at the July 14, 2010 meeting. The Zone Change is a component of the General Plan Update.

Ms. Breese summarized the written staff report.

Commissioner Gonzales indicated he had potential conflicts with proposed zoning map #3, #4, #5, #7, #8, #15, #16, and #23 and would step down when they were discussed. At the request of Commissioner Gonzales, the Planning Commission decided to consider the maps with which he had no potential conflict first. Commissioner Gonzales would then recuse himself and the balance of the maps will be considered.

ZONING MAP #1

PUBLIC HEARING OPEN AT 6:45 and CLOSED AT 6:45 p.m. No one spoke.

Commissioner Gonzales clarified that there were no requests from property owners within the area and that the proposed change is compatible to surrounding land use.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Gonzales that the Planning Commission approve Zoning Map #1. The motion passed on a 4-0-1 vote with Commissioner Hain absent.

ZONING MAP #2

PUBLIC HEARING OPEN AT 6:45 p.m. AND CLOSED AT 6:45 p.m. No one spoke.

Commissioner Gonzales asked staff to explain to those in attendance the difference between *High Density Residential and Medium Density Residential.* Ms. Breese addressed the audience and outlined the differences. Commissioner Free asked if the proposal will allow apartments and Ms. Breese indicated that duplexes and multi-

family dwellings are permitted. Commissioner Rodenhi stated that the change will assure consistency within the area.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Rodenhi that the Planning Commission approve Zoning Map #2. The motion passed on a 4-0-1 vote with Commissioner Hain absent.

ZONING MAP #6

PUBLIC HEARING OPEN AT 6:50 p.m. AND CLOSED AT 6:50 p.m. No one spoke.

Commissioner Rodenhi asked staff if there had been any property owner input to the proposed change and Ms. Breese indicated negatively.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Gonzales that the Planning Commission approve Zoning Map #6. The motion passed on a 4-0-1 vote with Commissioner Hain absent.

ZONING MAP #9

PUBLIC HEARING OPEN AT 6:52 p.m.

Susan Gallagher, 214 South F Street – asked about restrictions on property if map is approved; noted inconsistency in the area and requested the Commission to not change the zoning.

Jim Percell, 229 South F Street – purchased property to develop and opposes the zone change.

PUBLIC HEARING CLOSED AT 6:55 p.m.

Commissioner Rodenhi noted that staff had not received input from property owners in the area. Commissioner Rodenhi asked staff to clarify and define a *Medium Density (R2)* designation. Ms. Breese provided information. Commissioner Rodenhi summarized that changing the zoning from *High Density (R3)* to *Medium Density (R2)* would not inhibit Mr. Percell's building rights.

Commissioner Gonzales asked if the Land Use Map is the foundation for the General Plan. Commissioner Free stated her concern about providing zoning maps that did not accurately reflect actual zoning. Commissioner Rodenhi stated that the General Plan superseded zoning maps. Ms. Breese stated that some owners requested retaining the *High Density (R3)* zoning and that staff recommends a *Medium Density (R2)* zoning for General Plan consistency.

MOTION: It was moved by Commissioner Griffith that the Planning Commission accept Zoning Map #9. The motion failed to receive a second.

Commissioner Gonzales stated his concern with zoning against resident requests and public opinion. Ms. Pelster explained that existing structures are protected as legal non-conforming structures. Ms. Ailin advised the General Plan Map controls even if inconsistency is not noted.

Commissioner Rodenhi reviewed the 214 South F Street property and noted that other jurisdictions had similar problems with the General Plan and Zoning Maps.

Commissioner Gonzales indicated he will vote against the proposed map change, noting consistency, public opinion, and down-zoning.

Ms. Pelster stated a community workshop was held in March 2009; that a number of residential concerns were addressed and supported; and some spot-zoning still existed. Ms. Ailin suggested that the Planning Commission could allow the current zoning to remain and revisit at another time. Ms. Breese reported on each document received by residents in the area. There was further discussion between the Commissioners and staff regarding zoning consistency.

Commissioner Free commented that property owners may not be aware that a change of zoning may not affect their property. Commissioner Griffith asked Ms. Breese about notification to property owners in affected area. Ms. Breese indicated that each property received a notice; phone calls from residents were taken and addressed; that staff has not been advised of additional concerns until tonight's meeting.

MOTION: It was moved by Commissioner Griffith that the Planning Commission approve Zoning Map #9. The motion failed for a second.

MOTION: It was moved by Commissioner Rodenhi and seconded by Commissioner Gonzales that the Planning Commission continue discussion and approval of Map #9 to a date uncertain. The motion failed on a voice vote of 2-2-1 with Commissioner Free and Commissioner Griffith voting no and Commissioner Hain absent.

MOTION: It was moved by Commissioner Free that the Planning Commission approve Zoning Map #9, with the exclusion of five (5) specific properties.

Ms. Ailin indicated this option will result in short term spot-zoning.

Commissioner Free withdrew the motion.

The Planning Commission took a break at 7:35 p.m. and resumed at 7:45 p.m.

Ms. Pelster outlined the process of approving the General Plan. Commissioner Gonzales stated that the potential of zoning discrepancies is why he voted no on the approval of the General Plan Update Environmental Impact Report.

Ms. Ailin advised the Commission that there was no vested right in the law that zoning would not be changed. Commissioner Rodenhi indicated that Ms. Gallagher's property concerns had been addressed and asked Mr. Percell to restate the situation of her property. Mr. Percell indicated the property was purchased after March 2009; that the zoning map reflected the property as *High Density (R3)*; that most neighboring properties have duplexes at the rear; and wants to develop his property in a manner that is similar to his neighbors.

Ms. Pelster stated that, at this time, too many details are still needed to determine what structure the property owner can build.

MOTION: It was moved by Commissioner Gonzales that the Planning Commission table the approval of Zoning Map #9. The motion failed to receive a second.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Rodenhi that the Planning Commission approve Zoning Map #9 to be consistent with the General Plan since it won't have an adverse effect on the subject properties.

Commissioner Free indicated that she would support the motion; does not approve of down-zoning; and noted the map will maintain neighborhood character. Commissioner Gonzales indicated he would not support the motion; opposes down-zoning; and supports in-fill.

The motion passed on a roll call vote of 3-1-1 with Commissioner Gonzales voting no and Commissioner Hain absent.

ZONING MAP #10

PUBLIC HEARING OPEN AND CLOSED AT 8:00 p.m. No one spoke.

MOTION: It was moved by Commissioner Free and seconded by Commissioner Griffith that the Planning Commission approve Zoning Map #10.

Commissioner Gonzales stated that he would not support the motion since there were multi-family units in the area that would become legal non-conforming which was not logical.

The motion passed on a roll call vote of 3-1-1 with Commissioner Gonzales voting no and Commissioner Hain absent.

ZONING MAP #11

Commissioner Rodenhi indicated there were no property owner requests.

PUBLIC HEARING OPENED AND CLOSED AT 8:05 p.m. No one spoke.

Commissioner Gonzales asked why staff recommended the change from *Medium Density Residential* to *High Density Residential*. Ms. Breese indicated this recommendation was consistent with the General Plan.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Rodenhi that the Planning Commission approve Zoning Map #11. The motion passed on a 4-0-1 vote with Commissioner Hain absent.

ZONING MAP #12

PUBLIC HEARING OPENED AND CLOSED AT 8:06 p.m. No one spoke.

Commissioner Gonzales stated he would not support the recommended changes to the map and that the proposed change was contrary to logic. Commissioner Free noted that some land uses had been changed in the General Plan. Ms. Pelster agreed and noted that zoning was now following.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Rodenhi that the Planning Commission approve Zoning Map #12. The motion passed on a roll call vote of 3-1-1 with Commissioner Gonzales voting no and Commissioner Hain absent.

ZONING MAP #13

Commissioner Rodenhi stated that three (3) property owners of the total proposed in the area had requested a change to *High Density Residential (R3)*.

Public Hearing Opened at 8:14 p.m.

Will Schuyler, Lompoc resident - requested that the current zoning remain on the 400 block of North D Street along Maple Avenue where some owners want to possibly add units on larger lots.

Public Hearing Closed at 8:16 p.m.

Commissioner Gonzales clarified the action to be taken and Ms. Pelster stated that multi-family are a legal non-conforming use. Commissioner Gonzales stated that addressing and approving the General Plan maps prior to addressing the zoning maps had 'pigeon-holed' the Commission and indicated that he will not support staff recommendations.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Rodenhi that the Planning Commission approve Zoning Map #13. The motion passed on a roll call vote of 3-1-1 with Commissioner Gonzales voting no and Commissioner Hain absent.

ZONING MAP #14

Commissioner Rodenhi stated there had been no property owner input on this map.

PUBLIC HEARING OPEN AT 8:25 p.m.

Mary Leach, Lompoc resident – indicated that approving the Zoning Maps at this time was a 'housekeeping' item.

PUBLIC HEARING CLOSED AT 8:29 p.m.

MOTION: It was moved by Commissioner Gonzales and seconded by Commissioner Free that the Planning Commission approve Map #14. The motion passed on a unanimous voice vote with Commissioner Hain absent.

ZONING MAP #17

Commissioner Rodenhi stated there had been no property owner input on this map.

PUBLIC HEARING OPEN AND CLOSED AT 8:30 p.m. No one spoke.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Free that the Planning Commission approve Zoning Map #17. The motion passed on a unanimous voice vote with Commissioner Hain absent.

ZONING MAP #18

Commissioner Rodenhi stated that there had been no property owner input on this map.

PUBLIC HEARING OPENED AND CLOSED AT 8:32 p.m. No one spoke.

MOTION: It was moved by Commissioner Free and seconded by Commissioner Rodenhi that the Planning Commission approve Zoning Map #18. The motion passed on a unanimous voice vote with Commissioner Hain absent.

ZONING MAP #19

PUBLIC HEARING OPENED AND CLOSED AT 8:33 p.m. No one spoke.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Free that the Planning Commission approve Zoning Map #19. The motion passed on a unanimous voice vote with Commissioner Hain absent.

ZONING MAP #20

PUBLIC HEARING OPENED AT CLOSED AT 8:35 p.m. No one spoke.

MOTION: It was moved by Commissioner Rodenhi and seconded by Commissioner Free that the Planning Commission approve Zoning Map #20. The motion passed on a unanimous voice vote with Commissioner Hain absent.

ZONING MAP #21

Commissioner Rodenhi stated that there had been no property owner input on this map.

PUBLIC HEARING OPENED AND CLOSED AT 8:40 p.m. No one spoke.

Commissioner Gonzales asked which park the map included and Ms. Pelster indicated the area was located in the flood plain, cannot be developed, and was intended for recreational use. He stated he could support the change since the property cannot be developed.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Free that the Planning Commission approve Map #21. The motion passed on a unanimous voice vote with Commissioner Hain absent.

Commissioner Gonzales indicated that he was supporting the approval of Zoning Map #21 because the parcel was undevelopable.

ZONING MAP #22

Commissioner Gonzales indicated that he has a conflict of interest regarding Zoning Map #22. Commissioner Rodenhi stated that this map will be considered after Commission Gonzales recuses himself.

ZONING MAP #24

This change was an owner request.

Commissioner Griffith asked why the zoning was proposed for this map. Ms. Breese indicated that a change would result in spot-zoning and staff could not support. Commissioner Gonzales indicated his support of the staff recommendation since a change would result in spot-zoning.

MOTION: It was moved by Commissioner Free and seconded by Commissioner Gonzales that the Planning Commission approve Zoning Map #24. The motion passed on a unanimous voice vote with Commissioner Hain absent.

Commissioner Gonzales recused himself from the remainder of the maps to be discussed due to business and property interests within 500 feet of the proposed areas. Commissioner Gonzales left the Dias.

ZONING MAP #3

PUBLIC HEARING OPEN AT 8:45 p.m.

Butch Browder, Lompoc resident – stated that character of neighborhood is a *Single Family (R1)* and supports the staff recommendation.

PUBLIC HEARING CLOSED AT 8:47 p.m.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Free that the Planning Commission approve Zoning Map #3. The motion passed on a unanimous voice vote with Commissioner Gonzales not participating and Commissioner Hain absent.

ZONING MAP #23

This change was a property owner request for a parcel at 415 West Laurel Avenue.

PUBLIC HEARING OPEN AT 8:49 p.m.

Warren Culberson, Lompoc businessman – had previously provided a letter to the Planning Commission; discussed zoning history of his property; stated that a Conditional Use Permit for the property constrains a potential renter or property purchaser; and asked the Planning Commission to rezone the parcel to *Light Industrial*.

Will Schuyler, Lompoc resident – supported Mr. Culberson's concerns and asked staff to assist Mr. Culberson.

PUBLIC HEARING CLOSED AT 8:58 p.m.

Commissioner Griffith asked why staff is recommending against the property owner request. Ms. Breese indicated that the property is currently consistent with the General Plan and that a Conditional Use Permit can be issued for a compatible use. Ms. Pelster stated that a Conditional Use Permit is allowable because of the unique existing conditions and that flexibility can be utilized in developing a plan.

MOTION: It was moved by Commissioner Rodenhi and seconded by Commissioner Griffith that the Planning Commission accept the staff recommendation. The motion passed on a unanimous voice vote with Commissioner Gonzales not participating and Commissioner Hain absent.

Commissioner Free asked about Conditional Use Permit restrictions and revocation. Ms. Pelster clarified. Commissioner Griffith suggested that the Commission take the remaining maps as a block.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Rodenhi that the remaining Zoning Maps; #4, #5, #7, #8, #15, #16, and #22 be approved in one motion. The motion passed on a unanimous voice vote with Commissioner Gonzales recused and Commissioner Hain absent.

ZONING MAPS #4, #5, #7, #8, #15, #16, and #22

PUBLIC HEARING OPENED AT 9:14 p.m.

Mrs. Kara-Schiff, Lompoc resident – addressed Zoning Map #8 and 214 South I Street; bought property at height of the market understanding it was zoned *High Density Residential (R3)*; described current character of neighborhood; asked the Commission to retain the higher density; and, noted she was not able to attend the March 2009 workshop.

PUBLIC HEARING CLOSED AT 9:17 p.m.

Commissioner Rodenhi asked staff to identify the property and current uses. Ms. Breese indicated Mrs. Kara-Schiff's property is zoned *Medium Density Residential (R-2)* and the lot will allow an additional unit(s) dependent upon lot size and development standards.

MOTION: It was moved by Commissioner Rodenhi and seconded by Commissioner Griffith that the Planning Commission approve Zoning Maps #4, #5, #7, #8, #15, #16, and #22. The motion passed on a unanimous voice vote with Commission Gonzales not participating and Commissioner Hain absent.

Commissioner Gonzales returned to the Dias.

NEW BUSINESS:

None

ORAL COMMUNICATIONS:

None

WRITTEN COMMUNICATIONS:

None

DIRECTOR/STAFF COMMUNICATIONS:

Ms. Pelster asked the Planning Commission to adjourn to August 25, 2010.

COMMISSION REQUESTS:

Commissioner Gonzales clarified that previous General Plan decisions now impacted and directed current decisions. Commissioner Rodenhi commended staff on the presentation of the policy and statement changes and suggested that if the zoning changes had been similarly outlined, decisions might have been more easily reached.

Commissioner Griffith asked when the General Plan recommendations would move forward to the City Council and Ms. Breese indicated September 7, 2010.

Commissioner Free noted that some Council members had been in attendance at some of the Planning Commission meetings and had thanked the Commissioner's for their hard work on the General Plan.

NUMBER OF PEOPLE IN ATTENDANCE: 16

ADJOURNMENT:

It was moved by Commissioner Rodenhi and seconded by Commissioner Free that the Planning Commission adjourn to the August 25, 2010 meeting. The motion passed on a unanimous voice vote with Commissioner Hain absent. The meeting was adjourned at 9:27 p.m.

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Arleen T. Pelster, AICP	Jack Rodenhi
Secretary	Chair

G: Comm Dev\Minutes-PC\2010\8-11-10