

**MINUTES OF THE REGULAR MEETING  
OF THE LOMPOC PLANNING COMMISSION  
October 11, 2004**

ROLL CALL: Commissioner Jack Rodenhi  
Commissioner Ralph Harman  
Commissioner Ann Ruhge  
Commissioner Ed Shoemaker

ABSENT: Commissioner Fink

STAFF: City Planner Lucille Breese  
City Attorney Sharon Stuart  
Assistant Planner Keith Neubert  
Staff Assistant Angela Wynne

**APPROVAL OF MINUTES:**

It was moved by Commissioner Harmon and seconded by Commissioner Ruhge to approve the Minutes of the August 23, 2004 and September 13, 2004 Planning Commission meeting and the Joint Meetings with City Council on July 14, 2004, August 20, 2004, and September 28, 2004. The motion passed on a voice vote of 4-0-1, with Commissioner Fink absent.

**ORAL COMMUNICATIONS:**

None.

**CONSENT CALENDAR:**

(All items listed under Consent Calendar are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Commission votes on the motion to adopt.)

**PUBLIC HEARING ITEMS:**

**1. LOM 535-P – TENTATIVE PARCEL MAP**

A request by Kenneth Hampton, the property owner, for Planning Commission review and consideration of a proposal to subdivide a 21,000 square-foot parcel of land into two (2) parcels. The property is located in a Single Family Residential (7-R-1) Zoning District at 532 South J Street (Assessor Parcel Numbers: 91-203-09, 10, 11). A Mitigated Negative Declaration has been prepared and circulated through the State Clearinghouse (SCH No. 2004061027) pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Keith Neubert summarized the written staff report.

**PUBLIC HEARING**

Public Hearing opened at 6:35 p.m.  
Public Hearing closed at 6:37 p.m.

Kenneth Hampton, applicant, inquired about the assessor parcel numbers on the parcel. Mr. Neubert responded that the County Assessor assigns the parcel numbers as necessary.

## **PUBLIC HEARING CLOSED**

It was moved by Commissioner Harman and seconded by Commissioner Shoemaker that the Planning Commission certify the Negative Declaration and adopt Resolution No. 382 (04) approving LOM 535-P, the Tentative Parcel Map, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a voice vote of 4-0-1 with Commissioner Fink absent.

## **2. DR 04-16 – DEVELOPMENT PLAN REVIEW**

A request by the applicant, Kenny Gazin of Gemini Pacific Group dba Dogfathers, for Planning Commission review and consideration of a proposal to allow a hot dog stand at The Home Depot. The proposal is for a 120 square-foot mobile kiosk with tables and chairs to be placed under an existing trellis. The proposed project is located at 1701 East Ocean Avenue (Assessor Parcel Number: 99-141-29) in the *Planned Commercial Development (PCD)* Zoning District. This action is exempt pursuant to the California Environmental Quality Act (CEQA).

City Planner Lucille Breese summarized the written staff report.

Commissioner Harman inquired if this project was a change to The Home Depot Development Plan versus a Conditional Use Permit. Ms. Breese stated that although the business would operate on The Home Depot site, it would be reviewed independently.

## **PUBLIC HEARING**

Public Hearing opened at 6:40 p.m.  
Public Hearing closed at 6:40 p.m.

## **PUBLIC HEARING CLOSED**

Commissioner Ruhge stated that she thought this proposal was a good idea and noted that this section of the town does not have many restaurants.

It was moved by Commissioner Ruhge and seconded by Commissioner Rodenhi that the Planning Commission adopt Resolution No. 388 (04) approving the Dogfathers Hot Dog Stand (DR 04-16) at The Home Depot, 1701 East Ocean Avenue; based on the Findings of Fact in the Resolution and subject to the attached Conditions of Approval.

Commissioner Harman stated concerns regarding the limited outside storage area available to The Home Depot merchandise. Commissioner Shoemaker stated that he could see this proposal working for a weekend or a special promotion but not for a long-term use and noted that his is not in favor of the project. Ms. Breese clarified that the unit is self-contained and there is not a need for an outlet to the sewer. The kiosk will be powered by electrical hook-up to The Home Depot.

Alex DeLeon, applicant – Mr. DeLeon stated that electricity and water are the only utilities required for the kiosk. Mr. DeLeon stated that a similar kiosk is located at The Home Depot sites in San Luis Obispo and Atascadero. He clarified that no cooking is done in the kiosk; the hotdogs are precooked and are only warmed up. Mr. DeLeon noted that the scale shown on the plans is not accurate and that the kiosk area will be about one-half of the area shown in the drawings. He commented that the kiosk will not take all the display area and that The Home Depot manager had determined that this kiosk is a valuable asset to both the customers and employees.

Kenny Gazin, applicant - Mr. Gazin discussed the operation of the business, the specifics of the kiosk, the proposed menu, the relationship with The Home Depot, and noted that the business must meet all requirements of the Santa Barbara County Department Health Department.

The Commission held a discussion with the applicant regarding utility hook-ups, hours of operation, the proposed menu, the location of the kiosk, the hours of operation, and why this proposal was submitted separately from The Home Depot project.

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

**3. LOM 541-P – TENTATIVE PARCEL MAP, DR 04-17 – DEVELOPMENT PLAN REVIEW**

A request by Laura Hanson of LMH Design, representing the property owner, for Planning Commission review and consideration of:

- 1) LOM 541-P – a Tentative Parcel Map requesting subdivision of an approximately 20,293 square-foot parcel of land to create six (6) commercial condominiums.
- 2) DR 04-17 – Development Plan Review for the construction of an approximately 12,205 square foot professional office building including on-site parking and landscaping. The proposed building is three stories high and will be divided into six (6) individual commercial condominium office suites.

The project is proposed on an approximately 20,293 square foot parcel of land located at 1407 North H Street (Assessor Parcel Number: 93-450-33) and is zoned Planned Commercial Development (PCD). A Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Keith Neubert summarized the written staff report.

Commissioner Harmon inquired about any recent traffic studies in the area. Mr. Neubert noted that a traffic study recently was completed for the Dodge Dealership and that this project is proposed in the general vicinity. Mr. Neubert added that this project is below the threshold to require a traffic study. Commissioner Ruhge commented on the number of trees in the area and if they would be removed. Mr. Neubert replied that the trees in the rear of the

property would be maintained.

## **PUBLIC HEARING**

Public Hearing Opened at 6:58 p.m.

Public Hearing Closed at 7:02 p.m.

Laura Hanson, applicant – Ms. Hanson commented that one small shrub/tree located in the parking area may be removed but the remainder of the trees will remain on the site.

## **PUBLIC HEARING CLOSED**

Commissioner Harman commented that the project was very attractive. Commissioner Rodenhi also commented on the appearance of the project and asked how the common area would be maintained. Ms. Hanson indicated there would be a Property Owners Association. Commissioner Shoemaker commented that he is pleased the lot is being developed.

It was moved by Commissioner Harman and seconded by Commissioner Shoemaker that the Planning Commission certify the Negative Declaration and adopt Resolution No. 390 (04) approving LOM 541-P, the proposed Tentative Parcel Map to create six (6) commercial condominiums, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval; and adopt Resolution No. 391 (04) approving DR 04-17, allowing the construction of a professional office building, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a voice vote of 4-0-1 with Commissioner Fink absent.

## **4. DR 02-08 – AMENDMENT TO DEVELOPMENT PLAN**

A request by Alan Cawthon, the property owner, for Planning Commission review and consideration of a proposal to amend the approved Development Plan (DR 02-08) to allow an outdoor public address system to be operated during specific hours. The project is located at 415 West Central Avenue (Assessor Parcel Number: 93-450-31) and is zoned *Planned Commercial Development (PCD)*. This action is exempt pursuant to the California Environmental Quality Act (CEQA).

City Planner Lucille Breese summarized the written staff report.

## **PUBLIC HEARING**

Public Hearing opened at 7:05 p.m.

Public Hearing closed at 7:05 p.m.

Commissioner Harman asked Jackie Tanner, project representative, if alternate forms of communication had been tried. Ms. Tanner replied affirmatively, citing several examples. Commissioner Rodenhi asked if a system similar to the Nextel phones had been attempted. Ms. Tanner replied affirmatively, noting that the system was cumbersome to carry, would experience frequency difficulties, and that the technicians could not hear the ring while in the

service bays. Commissioner Shoemaker commented on the volume of paging systems of the local dealerships and noted he would like to see an alternative to the proposed employee parking. Commissioner Harman stated that Central Avenue is a noisy traffic area; the site is not positioned close to nearby homes, and is located near a storage facility. Commissioner Harman stated he would like to place a condition on the amendment that it will be revisited in 6 months for review. Commissioner Harman expressed concern with the possible impact on future development of the neighboring property to the west. Commissioner Rodenhi inquired about restating this proposal as a Conditional Use Permit. Ms. Breese indicated that infractions would result in code enforcement and stated that the City could work with the dealership. Commissioner Harman indicated that he would support the request because it was allowed for the Sunset and Ford dealerships and commented that this is a reasonable request.

It was moved by Commissioner Rodenhi and seconded by Commissioner Ruhge that the Planning Commission adopt Resolution No. 389 (04) approving the amendment to Development Plan DR 02-08 allowing the use of an outdoor public address (PA) system at 415 West Central Avenue (Assessor Parcel Number 93-450-31), based on the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a voice vote of 4-0-1 with Commissioner Fink absent.

## **5. DR 04-26 – DEVELOPMENT PLAN REVIEW**

A request by Adham Y. Refaat, AIA, of Nadel Architects, representing Beach Plaza, LLC, the property owner, for Planning Commission consideration of a proposal for improvements to the former K-Mart store. The improvements include demolition of the garden center, addition of approximately 6,597 square feet to the south of the building to replace the garden center, division of the building into four tenant spaces, and façade changes to the east, south, and west elevations. The project is located at 1009 North H Street (Assessor Parcel Numbers: 89-011-36) and is zoned *Planned Commercial Development District (PCD)*. This action is exempt pursuant to the California Environmental Quality Act (CEQA).

City Planner Lucille Breese summarized the written staff report.

### **PUBLIC HEARING**

Public Hearing opened at 7:17 p.m.  
Public Hearing closed at 7:17 p.m.

### **PUBLIC HEARING CLOSED**

Commissioner Shoemaker commented that this is a great improvement to the area. Commissioner Harman indicated he would have preferred the applicant to be present and expressed concern with the view from the street of the structural support elements for the façade. He proposed adding a Condition of Approval to assure the supports are not visible.

It was moved by Commissioner Shoemaker and seconded by Commissioner Ruhge that the Planning Commission adopt Resolution No. 387 (04) approving DR 04-26 allowing the improvements to the former K-Mart building, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval as amended. The motion passed on a voice vote of 4-0-1 with Commissioner Fink absent.

**6. LOM 543-P – TENTATIVE PARCEL MAP**

A request by Antonio and Esperanza Limon, property owners, for Planning Commission consideration of a proposal to subdivide a 17,500 square-foot parcel of land into two (2) 8,750 square-foot commercial parcels. The property is located in the Old Town Commercial (OTC) Zoning District at 117 South I Street (Assessor Parcel Number 91-103-07). A Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Keith Neubert summarized the written staff report.

**PUBLIC HEARING**

Public Hearing opened at 7:24 p.m.

Public Hearing closed at 7:25 p.m.

Jim Dixon, representing the applicant – stated that the site is located at 117 South I Street, the vacant area between the Chamber of Commerce and the City parking lot. Mr. Dixon noted that the owner desired to divide the property in order attract prospective buyers.

**PUBLIC HEARING CLOSED**

Commissioner Ruhge noted that the plan indicates an alley to the west of the site.

It was moved by Commissioner Ruhge and seconded by Commissioner Shoemaker that the Planning Commission certify the Negative Declaration; and adopt Resolution No. 383 (04) approving LOM 543-P, a Tentative Parcel Map, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval.

**7. DR 04-27 – DEVELOPMENT PLAN REVIEW**

A request by Jim Dixon of J.B. Dixon Engineering & Surveying, Inc., the applicant, for Planning Commission review and consideration of a proposal to construct a 2,250 square-foot industrial building. Approximately 1,930 square feet of the building will be utilized as manufacturing/warehousing and 320 square feet will be utilized as office space. The property is located in the Planned Manufacturing (PM) Zoning District at the southeast corner of Laurel Avenue and G Street (Assessor Parcel Number 85-022-05). This action is exempt pursuant to the California Environmental Quality Act (CEQA).

Assistant City Planner Keith Neubert summarized the written staff report.

**PUBLIC HEARING**

Public Hearing opened at 7:28 p.m.

Public Hearing closed at 7:37 p.m.

Jim Dixon, applicant - Mr. Dixon indicated that this was a unique project which will be for his engineering business and his son's suspension manufacturing business. Mr. Dixon commented that the building exterior would be stucco to upgrade the appearance and that a wall will enclose the back yard. He noted that he is attempting to set a standard for upgrading buildings in the area.

Steve Reese, Anton and Associate – Mr. Reese stated that this is a prefabricated metal building and that stucco and an upgraded roofing system will be included. He noted that the windows are stepped down to reflect the smaller scale of a neighboring buildings to the north.

**PUBLIC HEARING CLOSED**

Commissioner Rodenhi asked if standing seam roofs were more practical. Mr. Reese replied that metal coatings have a much longer life due to their lighter weight and require low maintenance. Commissioner Harman commented on the stoop and asked if there was consideration to enlarge that aspect. Mr. Reese stated he was considering a change. Commissioner Harman inquired if skylights were considered. Mr. Reese replied skylights were not included at this time. Commissioner Shoemaker inquired if a hex could be placed over the office for a better appearance and Mr. Reese replied that he would consider this option. Commissioner Shoemaker commented on the nice appearance of the building. Commissioner Ruhge complimented the project, noting that the project will improve the area.

It was moved by Commissioner Harman and seconded by Commissioner Rodenhi that the Planning Commission adopt Resolution No. 392 (04) approving DR 04-27 allowing the construction of an industrial building, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a voice vote of 4-0-1 with Commissioner Fink absent.

The Planning Commission took a break at 7:40 p.m. and resumed the meeting at 7:50 p.m.

**8. GP 04-04 – GENERAL PLAN AMENDMENT / ZC 04-06 – ZONE CHANGE / DR 04-28 – PRELIMINARY DEVELOPMENT PLAN**

A request by Marc Annotti of DS Ventures LLC, for Planning Commission consideration of a request for the 37.82 acre of the Seabreeze Estates Development (northern parcel):

- 1) General Plan Amendment (GP 04-04) – to change the existing General Plan Land Use Designation from *General Industrial with a Park Overlay to Open Space* on 11.58 acres, *Community Facility* on 4.09 acres, *Medium Density Residential* on 18.64 acres, and *Planned Manufacturing* on 3.51 acres and review of a Development Agreement limiting future uses on the *Planned Manufacturing* site;

- 2) Zone Change (ZC 04-06) -- to change the existing Zoning District designation from *Planned Manufacturing (PM)* to *Open Space (OS)* on 11.58 acres, *Public Facilities (P-F)* on 4.09 acres, *Medium Density Residential, Planned Development (R-2, PD)* on 18.64 acres, and *Planned Manufacturing (PM)* on 3.51 acres;
- 3) Preliminary Development Plan (DR 04-28) – to allow development of a 4.09 acre Community Park; to maintain a riparian/wetland area on 11.58 acres; to construct four 16 unit apartment buildings (64 units) and 81 single family residences on individual parcels for a total of 145 dwelling units; to provide a landscaped buffer area on the western boundary of the site with a bikeway; to construct the required streets and access ways; and, to allow future limited industrial development on 3.51 acres.

The parcel is located at the southeast intersection of Bailey Road and Central Avenue (Assessor Parcel Number: 93-070-62). An Environmental Impact Report (EIR) was circulated to the State Clearinghouse (SCH: No. 2002061109) pursuant to the California Environmental Quality Act (CEQA) and certified by the City Council on August 17, 2004. An Addendum to the EIR has been prepared and will be considered by the Commission.

City Planner Lucille Breese summarized the written staff report.

## **PUBLIC HEARING**

Public Hearing Opened at 8:05 p.m.

Public Hearing Closed at 8:33 p.m.

Jim Dixon, project engineer - Mr. Dixon distributed exhibits to the Commission and reviewed the odor study performed for the EIR and discussed the revised proposal.

Richard Monk of Hollister and Brace, representing the applicant - stated that the applicant had listened carefully to the concerns and comments of the City Council and the Commission. Mr. Monk noted that the proposed changes are a good compromise. Mr. Monk stated that the residential component was reduced from 216 to 145 and that there is a correction to page 9 reflecting the required affordable housing units.

David Schwartzman, applicant – cited the benefits of the proposed project; a City park, additional housing added to current stock, the contribution to the City to address the odor issue, and the proposed solid agricultural buffer.

Karen Neice, resident – Ms. Neice stated that she has a background in environmental engineering and chemistry. Ms. Neice stated that she had contacted the local Air Pollution Control District regarding the nuisance ruling and Notice of Violation. Ms. Neice questioned

that if the proposed ideas for odor mitigation do not work, would the City be liable. She cautioned the Commission to view the probability and encouraged more thought to the project.

Bess Christiansen – Ms. Christiansen congratulated Mr. Dixon on his upcoming project, commenting that it will be a nice addition to the City. She stated her objections to having residences across from the Wastewater Treatment Plant. Ms. Christiansen noted that the Utility staff and the Utility Commission still oppose the location of the project and that the park will be difficult to access. Ms. Christiansen questioned the Commission and staff of the project amenities and affordable units. She also asked why the Urban Forester is not involved with the landscaping of the project.

Rodney Ray, Acting Utility Director – stated that placing housing near a wastewater treatment plant is not prudent. He resubmitted the Utility Commission letter of May 14, 2003 opposing the project.

Bea Smith, realtor – stated that the new homes have been selling out quickly. She noted that the median priced home is \$400,000 and that this project will provide needed housing.

Pam Adkisson, First American Title – stated that multi-family housing is needed in the area and she commented on the thoughtfulness of the project.

Richard Monk – rebutted comments regarding complaints to the Air Pollution Control District and he outlined the steps that could be taken. Mr. Monk stated that the Willows project has only received one complaint of odor in 20 years. Mr. Monk stated his disagreement with the Utility Commission's opposition to this project.

Carol Harman, resident – stated that no consideration has been given to the fact that Lompoc is in a drought situation and the water supply is being overtaxed. She noted that the arsenic is only five feet above the water table. Ms. Harman stated her frustrations of staff's recommendations being overlooked.

Mr. Schwartzman – Mr. Schwartzman stated that the Planning staff is recommending approval of this project.

## **PUBLIC HEARING CLOSED**

Commissioner Harman stated that the item is not ready to be heard, there is no Precise Development Plan, the project is spot zoning, all necessary information is not provided.

It was moved by Commissioner Harman that the Planning Commission revisit this project in 2005. There was no second for the motion.

Commissioner Harman asked Mr. Dixon if the drawing he had presented was to scale. Mr. Dixon replied that it is proportional. Commissioner Harman questioned the size of the homes proposed and Mr. Dixon replied that the homes would vary between 1,400 to 2,000 square feet; he added that lot sizes have not been determined yet and the project will come back

with a Precise Development Plan. Commissioner Harman questioned the development agreement.

Commissioner Shoemaker stated his initial opposition to the project but with the changes made by the developer, he believes that the area on the north will provide an adequate buffer from the Wastewater Treatment Plant. Commissioner Shoemaker stated that he believes the odor will be eliminated and this will be a very 'workable' project. Commissioner Shoemaker noted his support for the project and that it will be a nice 'starter' home for many people.

Commissioner Ruhge stated her agreement with Commissioner Shoemaker and noted that the applicant has gone above and beyond previous City recommendations. She stated that she would like to see the project finished because it will provide badly needed housing and supports the project.

Commissioner Rodenhi requested that a height limit be placed in the industrial buildings. He stated the project looks like a nice development and thanked the developer for his hard work.

Commissioner Harman stated that when the applicant purchased the property he was aware of the zoning status. He stated that this type of housing would continue to cause blight in Lompoc. Commissioner Harman reminded the Commission that the Utility Department and the Utility Commission recommended against the project because that this is not a good location for the project and that the City will regret its decision.

It was moved by Commissioner Shoemaker and seconded by Commissioner Ruhge that the Planning Commission review the draft Addendum to the Environmental Impact Report (EIR 01-01) and recommend that the Council certify the Addendum. The motion passed on a roll-call vote of 3-1-1, with Commissioner Harman voting no and Commissioner Fink absent.

It was moved by Commissioner Shoemaker and seconded by Commissioner Ruhge that the Planning Commission adopt Resolution No. 384 (04) recommending that the Council approve the requested General Plan Amendment (GP 04-04). The motion passed on a roll-call vote of 3-1-1, with Commissioner Harman voting no and Commissioner Fink absent.

It was moved by Commissioner Shoemaker and seconded by Commissioner Ruhge that the Planning Commission adopt Resolution No. 385 (04) recommending that the Council approve the requested Zone Change (ZC 04-06). The motion passed on a roll-call vote of 3-1-1, with Commissioner Harman voting no and Commissioner Fink absent.

It was moved by Commissioner Shoemaker and seconded by Commissioner Ruhge that the Planning Commission adopt Resolution No. 386 (04) recommending that the Council approve DR 04-28 as a Preliminary Development Plan for the Northern Parcel of the Seabreeze Estates Development, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a roll-call vote of 3-1-1, with Commissioner Harman voting no and Commissioner Fink absent.

Commissioner Harman stated his objections to the development agreement which eliminates other options for that area that may be appropriate. He stated he recommends disapproval

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of this project. Commissioner Ruhge expressed her disagreement with Commissioner Harman regarding blight in the City.

**NEW BUSINESS:**

Commissioner Shoemaker asked staff to report on the possibility of removing the cobra lights in the Old Town. He noted that there was discussion during the adoption of the Old Town Specific Plan that this might occur.

**ORAL COMMUNICATIONS:**

None.

**WRITTEN COMMUNICATIONS:**

None.

**DIRECTOR/STAFF COMMUNICATIONS:**

City Planner Lucille Breese informed the Commission that the kinetic art sculpture at The Home Depot has been removed and that the artist is working on correcting the problem. Ms. Breese noted that this sculpture will remain kinetic.

**COMMISSION REQUESTS:**

Commissioner Rodenhi requested that the Commissioners refrain from making personal comments during the meetings.

**NUMBER OF PEOPLE IN ATTENDANCE: 14**

**ADJOURNMENT:**

On a motion by Commissioner Rodenhi and seconded by Commissioner Shoemaker, the Planning Commission adjourn to the Regular Meeting scheduled for November 8, 2004. The meeting was adjourned 9:05 p.m.

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Arleen T. Pelster, AICP  
Secretary

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Jack Rodenhi  
Chair