

RESOLUTION NO. 6110(17)

**A Resolution of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Denying the Appeal Submitted by Tom Davidson and Morris Sobhani,
of the Planning Commission determination of February 8, 2017,
Determining a Temporary Use Permit was not
The Appropriate Mechanism to Allow Food Service in the Wine Ghetto**

WHEREAS, the Planning Commission held a duly noticed public hearing on February 8, 2017, to consider a request for an interpretation that the preparation and sale of food in the Wine Ghetto is a use within the intent and purpose of a staff-issued Temporary Use Permit (TUP); and

WHEREAS, after considering the staff report and hearing testimony from the public at the February 8, 2017, Planning Commission meeting, the Planning Commission made the determination preparation and sale of food in the Wine Ghetto is not a use within the intent and purpose of a staff-issued TUP, on a split vote (vote 3-2, with Commissioners Gonzales, Leach and Fink voting that food preparation and service is not appropriate for approval with a TUP, and Commissioners Cioni and Rodenhi voting food preparation and service is appropriate for approval with a TUP); and

WHEREAS, a timely appeal of the Planning Commission action was filed by Tom Davidson and Morris Sobhani for City Council review and consideration of the Planning Commission's February 8, 2017, determination; and

WHEREAS, at a duly noticed public hearing on March 21, 2017, the City Council considered the staff report, heard testimony from the appellants and members of the public, and received evidence and directed staff to return with a Resolution denying the appeal and returning the matter to the Planning Commission to develop a permit for Food Service in the Wine Ghetto pending completion of the complete update to the City's Zoning Ordinance (Title 17 of the Lompoc Municipal Code).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: Based on the staff report, and the testimony and other evidence received at the public hearing, the City Council denies the appeal filed by Tom Davidson and Morris Sobhani.

SECTION 2: The City Council also directs the Planning Manager to present an agenda item to the Planning Commission and City Council to consider amendments to the City's Zoning Ordinance to allow food service in the Wine Ghetto pending the completion of the complete update to the City's Zoning Ordinance.

SECTION 3: After reviewing and considering the appeal, the staff report, correspondence, hearing testimony, and the evidence presented, and due deliberation on the matters presented, the City Council finds the Planning Commission made the correct interpretation of the Lompoc Municipal Code inasmuch as the preparation and sale of food in the Wine Ghetto is not within the intent and purpose of the provisions of the existing TUP provisions, and reiterates the findings made by the Planning Commission and makes the following finding of fact:

A TUP covers events which operate on a more limited timeframe than the preparation and sale of food in the Wine Ghetto, which was intended as an interim use until the completion of the Zoning Ordinance Update anticipated to take approximately another 12 months.

SECTION 4: Based upon the foregoing, the appeal is denied.

The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and duly passed and adopted by the City Council of the City of Lompoc at its regular meeting on April 4, 2017 by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Bob Lingl, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc