

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
April 8, 2015**

ROLL CALL: Commissioner Federico Cioni
Commissioner Allan Clark
Commissioner Ron Fink
Commissioner Mary Leach -- absent
Commissioner Jack Rodenhi

STAFF: Planning Manager Lucille Breese
Associate Planner Jarrett Yanez
Assistant City Attorney Jeff Malawy

ORAL COMMUNICATIONS -- None

CONSENT -- None

PUBLIC HEARING ITEMS:

1. CUP 12-04 – Conditional Use Permit Continued from March 11, 2015 meeting

Planning Commission review of possible revocation of Conditional Use Permit (CUP 12-04) issued February 13, 2012, for operation of a CrossFit Gym 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).

Planning Manager Lucille Breese summarized the written staff report; indicated the Commission may direct staff to proceed with revocation or allow additional time for monitoring the situation since the building plans have been submitted and are available to be issued; and advised that supplemental information had been provided to the Commission and was available for the public.

Attorney Malawy advised the audience that the only topic on the agenda for discussion is the toilets, any other matters should be discussed with the Commission at the end of the meeting during Oral Communications.

OPEN PUBLIC HEARING

Darren Savella operator of CrossFit Ohana -- stated the gym has never been cited by the City; indicated no members have complained; stated he believed the portable facility would adequately meet the ADA requirement; indicated the size of the classes does not require a second bathroom; apologized for missing the March 2 deadline to submit plans but his architect was unable to meet the deadline; indicated he now has two (2) estimates to share with the landlord; and, asked for assurance that installing the toilets would fulfill all requirements of the CUP and there would be no further issues.

Richard Drago, 1327 Crown Circle – indicated that starting in June 2014 there is correspondence showing problems with CrossFit. Commissioner Fink reminded Mr. Drago of the topic at hand. Mr. Drago stated that Mr. Savella has treated both neighbors and the Planning Commission without respect.

CLOSE PUBLIC HEARING

Commissioner Fink noted Mr. Savella had been given additional time to comply with the CUP conditions and he had not met the timeline.

Commissioner Clark stated he didn't believe the business would remain in the current location and noted the deadlines had been missed.

Commissioner Cioni noted the business operator had been granted additional time to comply and if the toilets were constructed he would be in compliance with the original COA; however there was no way to guarantee other issues would not be raised in the future and suggested allowing the applicant the additional time to comply..

Commissioner Rodenhi referred to the 2012 project description; indicated although the program is healthy, it is noisy; and noted the original approval didn't discuss noise.

Attorney Malawy noted the topic to discuss is toilets.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Cioni, that the Commission direct staff to continue to monitor the situation and report back on a regular basis with intent that the additional toilet be installed within 180 days of building permit issuance.

VOTE: The motion passed on a voice vote of 3-1-1, with Commissioner Clark voting no and Commissioner Leach absent.

2. GP 15-01 – General Plan Amendment / ZC 15-01 Zone Change

Continued hearing on Parcel No. 089-213-027 and adoption of Resolution No. 793 (15) and 794 (15) making a recommendation to the City Council on eleven parcels.

Planning Commission review of a City Council initiated amendment to the General Plan Land Use Map and Zoning Map to consider eleven parcels along Laurel Avenue historically used for industrial purposes. The project proposes to change the General Plan designation to Industrial ("I"), and zoning district to Industrial ("I") for the eleven parcels identified as Assessor Parcel Numbers 091-225-001, 089-231-011, 089-231-027, 089-213-025, 089-221-014, 089-221-011, 089-221-010, 089-221-005, 089-221-021, 089-221-008 and 089-221-009. A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report and indicated there would be no change to the use since the Church is operating with a CUP and would be permitted in either zoning designation and indicated there was supplemental information provided to the Commission on this item.

OPEN PUBLIC HEARING

Jim Moore, property owner – indicated he misunderstood the notice and was against a change to Industrial.

Mr. Wilcot, neighboring property owner – expressed his objection to changing the parcel to Industrial due to proximity to residential, indicated there is enough *Industrial* land.

Linda Wilcot, neighboring property owner -- expressed concern with *Industrial* designation adjacent to the residential, requests that the Church use be continued.

CLOSE PUBLIC HEARING

The Commission discussed the property owner requests and the issue of "spot zoning" and determined the parcel should not be recommended for a change to Industrial designation.

MOTION: It was moved by Commissioner Clark, seconded by Commissioner Fink, that the Commission adopt Resolution 793 (15) based upon the Findings of Fact in the Resolution recommending City Council amend the General Plan Land Use Map:

Change the Land Use Designation on six (6) parcels to *Industrial*
Retain the existing Land Use Designation on five (5) parcels.

Parcel No.	APN	Address	Recommendation
1	091-225-001	114 West Laurel Ave	Change to Industrial
2	089-231-011	415 West Laurel Ave	Retain existing R-3
3	089-213-027	921 West Laurel Ave	Retain existing
4	089-213-025	909 West Laurel Ave	Retain existing Industrial
5	089-221-014	420 North O Street	Change to Industrial
6	089-221-011	414 North O Street	Change to Industrial
7	089-221-010	719 West Laurel Ave	Retain existing CC
8	089-221-005	421 North N Street	Retain existing R-2
9	089-221-021	413 North N Street	Change to Industrial
10	089-221-008	405 North N Street	Change to Industrial
11	089-221-009	715 West Laurel Ave	Change to Industrial

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Leach absent.

MOTION: It was moved by Commissioner Clark, seconded by Commissioner Fink, that the Commission adopt Resolution 794 (15) based upon the Findings of Fact in the Resolution recommending City Council change the Zoning Map designation per the following summary:

Change the Zoning Map for six (6) parcels to *Industrial*
Retain the existing Zoning Map for five (5) parcels

Parcel No.	APN	Address	Recommendation
1	091-225-001	114 West Laurel Ave	Change to Industrial
2	089-231-011	415 West Laurel Ave	Retain existing R-3
3	089-213-027	921 West Laurel Ave	Retain existing
4	089-213-025	909 West Laurel Ave	Retain existing Industrial
5	089-221-014	420 North O Street	Change to Industrial
6	089-221-011	414 North O Street	Change to Industrial
7	089-221-010	719 West Laurel Ave	Retain existing CC
8	089-221-005	421 North N Street	Retain existing R-2
9	089-221-021	413 North N Street	Change to Industrial
10	089-221-008	405 North N Street	Change to Industrial
11	089-221-009	715 West Laurel Ave	Change to Industrial

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Leach absent.

3. CUP 15-01 – Conditional Use Permit

A request by Steve Reese, agent for the applicant, Susan Harlow, for Planning Commission review and consideration of a Conditional Use Permit to allow an addition and interior remodel of the existing residence and reconstruction of the previously existing garage with a bedroom addition, on the “existing non-conforming” property, located at 521 South G Street, in the *Single Family Residential (7-R-1)* Zoning District (Assessor Parcel Number: 085-331-013). This action is exempt from the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report and noted supplemental information had been presented to the Commission and the applicant.

OPEN PUBLIC HEARING

Steve Reese, project architect – has reviewed staff report and COA, has no concerns with either; noted the site is challenging; stated the original garage was constructed in the 1890's and demolished for safety reasons; and, indicated the reconstruction would allow the owners to utilize the site.

CLOSE PUBLIC HEARING

The Commission expressed concurrence that the design was an effective use of the site and would benefit the community.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Clark, that the Commission adopt Resolution 798 (15) based upon the Findings of Fact in the Resolution including the proposed Conditions of Approval.

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Leach absent.

4. CUP 15-02 – Conditional Use Permit

A request by Roy Baca of Lompoc Boxing and Training Center, for Planning Commission consideration of a proposal for a Conditional Use Permit (CUP 15-02) to operate a boxing gym to serve community youth in an existing building. The project is located at 311 North Second Street in the *Industrial (I)* Zoning District (Assessor Parcel Number: 085-052-23). This action is exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

Associate Planner Jarrett Yanez summarized the written staff report

OPEN PUBLIC HEARING

Roy Baca, applicant – stated he has run the Lompoc Gym for the last 17 years and does not anticipate a problem in the new location.

CLOSE PUBLIC HEARING

Commissioner Clark noted the boxing gym appears to be a great idea for the community.

Commissioner Rodenhi noted that Mr. Baca has a long history in the community.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Rodenhi, that the Commission adopt Resolution 800 (15) based upon the Findings of Fact in the Resolution including the proposed Conditions of Approval.

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Leach absent.

5. HUP 07-100 – Home Use Permit

Planning Commission review of issues relating to Home Use Permit (HUP 07-100) issued December 20, 2007, to allow a home office for a Mobile Auto Mechanic at 710 North First Street, Apt B, in the *Medium Density Residential (R-2)* Zoning District (Assessor Parcel Number: 087-112-014). This action is exempt from the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report and noted this had been a long standing code enforcement case for the City.

OPEN PUBLIC HEARING

Chris Smith – indicated he has been attempting to clean up the site and stated he has no place to move his business

CLOSE PUBLIC HEARING

Commissioner Fink asked how much time would it take Mr. Smith to clear the site. Mr. Smith indicated he had no firm answer since it is a difficult situation; noted he has spoken with his neighbors and they have no problem with his operation; acknowledged he needs to move; and, requests a couple of months.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Clark, that the Commission allow Mr. Smith four (4) months to clean the site and staff is to return in 60 days with a status report.

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Leach absent.

6. DR 15-03 – Finding of Conformity

A request by Christie Alarcon, City of Lompoc Community Development Program Manager for the Planning Commission to make a finding of conformity with the City's General Plan pursuant to Government Code Section 65402(a) regarding the disposition of City owned property located at 203 North N Street (Assessor Parcel Number: 091-051-008). This action is exempt from the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report

OPEN PUBLIC HEARING

Nicholas Gonzales, resident – expressed concern with the item and presented some information regarding new legislation that may apply regarding the expiration of covenants and gift of public funds.

CLOSE PUBLIC HEARING

Attorney Malawy noted the Commission is only considering if the sale is consistent with the General Plan but asked for a brief recess to review the material presented by Mr. Gonzales.

The Commission took a 5-minute break.

Attorney Malawy reported the new legislation was interesting and applies to transfer of housing for specific affordable units. He noted the Marks House Is already being utilized for transitional housing and the current use will continue so there is not a problem.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Cioni, that the Commission adopt Resolution 801 (15) based upon the Findings of Fact in the Resolution including the proposed Conditions of Approval.

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Leach absent.

NEW BUSINESS -- None

ORAL COMMUNICATIONS --

Richard Drago, 1327 Crown Circle – asked why his issues could not be discussed since they were included in the PC packet.

Attorney Malawy advised the information was provided at the request of Commissioner Fink and was not part of the agenda item.

Mr. Drago advised that he has retained a law firm to resolve the issue; stated he has attempted to meet with Mr. Savella; expressed concern with the Noise Analysis prepared by the City consultant; and, asked the CUP be revoked for nuisance.

Sylvia King, resident -- stated that she attends the CrossFit Ohana gym; they are operating in an Industrial area; and discussed other types of Industrial uses that would be permitted on the site.

WRITTEN COMMUNICATIONS -- None

APPROVAL OF MINUTES: March 11, 2015

Staffed handed out minimal suggested changes to page 3 and page 7 of the minutes

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Cioni that the Commission approve the minutes of March 11, 2015 as amended.

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Leach absent

DIRECTOR/STAFF COMMUNICATIONS:

Planning Manager Lucille Breese advised the Planning Commission:

- Reminded the Commission that Form 700's are due to the City Clerk;
- Noted there are business items for the May meeting;
- Staff is currently interviewing candidates for Assistant Planner;
- City Council will consider the request to authorize a contract for the Zoning Ordinance Consultant at the April 21 meeting

COMMISSION REQUESTS:

Commissioner Rodehni requested a review of the project description for the CrossFit Ohana project; noted no hours of operation were included with the original CUP and suggested that decision may need to be revisited; indicated the complaints from the neighbors although he questions some of the allegations being made.

Attorney Malawy indicates that the PC Manual of Procedures only requires one Commissioner to request an item be placed on the agenda and asked Commissioner Rodenhi if he was doing so at this time. Commissioner Rodenhi agreed.

Commissioner Cioni noted it was the PC prerogative to re-open consideration of a CUP, although this CUP has been heard and appealed and if the gym moves another industrial use could move in by right; and noted the City has hired an independent third party to analyze the noise issue which was determined to be within the City standards, noise is weighted over a 24-hour time period, and asked on what grounds would a new COA be imposed.

Commissioner Clark suggested noise may not be the issue but instead seismic shaking.

Commissioner Fink expressed concern with multiple hearings on this CUP but was willing to honor Commissioner Rodenhi's request.

The Commission directed staff to return the CUP for review of the project description at a date in the future

ADJOURNMENT: Commissioner Fink adjourned the meeting at 8:10 p.m.

Lucille T. Breese, AICP
Secretary

Ron Fink
Chair