

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
August 12, 2015**

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

STAFF: Planning Manager Lucille Breese
Assistant City Attorney Jeff Malawy

ORAL COMMUNICATIONS -- None

CONSENT AGENDA

PUBLIC HEARING ITEMS:

**2. CUP 12-04 – Conditional Use Permit
Continued from June 10, 2015 meeting**

Planning Commission review of possible modifications to Conditions of Approval for 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).

Chair Fink advised the audience that due to a large amount of material received by the City today, that neither the staff nor the Commission has had the opportunity to review, he would suggest the hearing be continued to a future date.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Clark that the Planning Commission continue the public hearing on CUP 12-04 to a future date due to the information provided which may result in new information being presented.

VOTE: The motion passed on a voice vote of 5-0.

**1. CUP 15-03 -- Conditional Use Permit
Continued from May 13, 2015**

A request by Steve Arrowood, of Montemar Winery, for Planning Commission review and consideration of a Conditional Use Permit to allow expansion and interior remodel of the existing winery, located at 1501 East Chestnut Court, Suites B and E, in the *Industrial (I)* Zoning District (Assessor Parcel Number: 099-520-001). This action is exempt from the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report and advised the Commission of Supplemental Information provided for their information.

Chair Fink advised the audience that the hearing would be broken into individual segments to facilitate a focused review.

Segment No. 1 -- Hours of Operation as shown in Condition of Approval (COA)P-22.

OPEN PUBLIC HEARING

Steve Arrowood, applicant -- noted he will accept the proposed hours of operation as they were what he proposed.

CLOSE PUBLIC HEARING

The Planning Commission concurred, COA P22 was retained.

Segment No. 2 -- Wine Events

OPEN PUBLIC HEARING

Steve Arrowood, applicant -- suggested the Commission utilize the Santa Barbara County Wine Ordinance, requested "a wine event" be when there are over 100 occupants, handed out information which he reviewed; and, stated the definition was unclear.

Commissioner Rodenhi agreed he was not clear.

CLOSE PUBLIC HEARING

Commissioner Fink asked Attorney Malawy about Alcohol Beverage Control (ABC licensing) and what the Commission as prevue over. Attorney Malawy replied the Commission may allow various uses under the CUP and the applicant would be responsible for obtaining the appropriate ABC license.

Commissioner Cioni noted he was under the impression that special events and wine events were unlimited and only needed a Temporary Use Perm (TUP) if over occupancy; noted he felt the CUP would allow uses beyond the Industrial; and disagreed that there was a nuisance.

Commissioner Clark agreed it was not clear why there was a difference between a "winery event" and a "special event" why limit the number.

Commissioner Rodenhi noted focusing on the number of participants may not be the best approach; suggested wine tasting was drinking and sampling wine; suggested a clear definition; agreed requirements for event could be different than day-to-day operation; and noted the table in the staff report showed three (3) levels of intensity.

Commissioner Leach noted her understanding that the four (4) proposed "winery events" were similar to quarterly wine club members picking up their wine which is pretty traditional; suggested the six (6) special events would not be limited to wine club members only; and noted the use may be moving from "wine tasting" to a "wine bar".

Commissioner Clark stated the different use would require a separate ABC license.

Commissioner Leach agreed and stated whatever was agreed upon would be setting a precedent and noted here belief that the area could not withstand intense use change; noted she was uncomfortable with and industrial use with tasting changing to a wine bar and expressed concern that the next expansion would be a restaurant.

Commissioner Cioni noted the area is attempting to move from *Industrial* to allow serving food and agreed the wine overlay process will have to do this in a holistic way with the overlay process not a piece-by-piece manner; stated there was a COA regarding food prep, what is proposed is more like having a party; shouldn't make into a restaurant and wine bar without need to limit extra events; and felt change was positive.

Attorney Malawy directed the Commission to COA P25 and P26 for information on a definition.

Commissioner Clark felt the staff was over complicating the request.

Commissioner Leach expressed concern with overriding occupancy limits set by City.

Commissioner Fink noted occupancy loads are based on the size of the building and are set by Fire and Building Departments; stated he was not comfortable with approving anything that exceeded occupancy load; suggested anything beyond wine tasting would require a TUP or if the applicant exceeded the occupancy.

The Commission discussed allowing uses that exceeded the allowed occupancy. Staff reminded the Commission the current allowed occupancy is 19 persons in the wine tasting area.

Commissioner Leach stated six (6) special events a year is appropriate. Commissioner Clark asked how Mr. Arrowood was going from an occupancy of 19 to 80 plus and reiterated he didn't see a difference between winery or special events. Commissioner Cioni suggested striking out "*winery events*".

The Commission changed COA P25 and retained P26 as is.

Segment No. 3 -- Amplified Music

OPEN PUBLIC HEARING

Steve Arrowood, applicant – stated in an effort to have the CUP approved, he would agree with P16 but felt P19 and P30 were duplicates, stated his outdoor display would be during business hours with no outdoor seating in the front; and agreed with accepting the rest of the COA.

CLOSE PUBLIC HEARING

Commissioner Clark discussed outdoor furniture; stated the Commission had approved outdoor tasting at Arcadian; and asked why preclude the trellis in the front of the building.

Commissioner Leach noted the intention is to retain the front of the building as an industrial use and agreed the backyard is not as visible.

Commissioner Fink noted the intention is to retain the front of the building with a consistent appearance.

Segment No. 4 – Change in Industrial Zoning

OPEN/CLOSE PUBLIC HEARING

Commissioner Cioni stated the area is no longer strictly *Industrial* although not officially "*wine overlay*".

Commissioner Leach indicated the community still had a need for industrial areas and cautioned against taking the industrial areas with the introduction of a wine bar/restaurant.

Commissioner Clark expressed concern that there had been many CUP's granted for non-industrial uses in the industrial zones and noted concern with lack of industrial area for jobs.

Commissioner Rodenhi noted in the past there had been a surplus of industrial land which couldn't be rented for traditional manufacturing uses so wine was a good option.

Commissioner Fink suggested the wine industry had slipped into the industrial areas; noted he would prefer better paying jobs; and stated the discussion would happen with the zoning ordinance update.

Commissioner Cioni stated the industrial complex on the north side of town would offer other options; stated the wine ghetto is a unique space with incredible potential for world class attraction; and suggested the industrial feel should be retained while allowing expanded uses.

MOTION: Commissioner Fink made a motion that the Commission adopt Resolution No. 809. He withdrew the motion to allow Mr. Arrowood to speak.

Mr. Arrowood stated he agreed to revised P21 but objects to P31 as proposed.

Commissioner Rodenhi suggested deleting P31, the Commission discussed and Commissioner Fink read the condition. It was agreed games are fine; Commissioner Leach suggested taking the word "only" out and adding "and associated activities".

Commissioner Fink asked Mr. Arrowood if he would agree. Mr. Arrowood stated he doesn't understand the benefit, stated it just complicates the matter and noted Building and Fire will review.

Commissioner Cioni suggested striking the language.

Commissioner Clark asked why add the language if Fire will review.

Commissioner Leach asked if some of the area is production.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Cioni that the Planning Commission adopted Resolution No. 809 based on the findings of fact in the resolution and with the Conditions of Approval as amended.

P21. Wine tasting shall remain the primary use of the property. The provision of palette cleansers (such as a small amount of bread, crackers, cheese or nuts) or pre-packaged food from outside food vendors, for wine tasting visitors is permitted. However, the kitchen shall not be used for preparation of food products for public consumption. No on-site food preparation for public consumption or private winery event is permitted. Food services by caterers are allowed during wine events and special events, but must utilize self-contained cooking equipment (no outdoor grills) and food waste disposal systems, to ensure that the kitchen facilities on the premise are not used during such events.

- P25. ~~Four (4)~~ Winery events—events that relate to the primary wine tasting use of the site, including wine release/pick-up events—are permitted as part of this approval. Winery events exceeding the permitted occupancy require a Temporary Use Permit approved by the Planning Division.
- P29. No indoor or outdoor amplified music shall be permitted that exceeds 75 dB. Unamplified acoustic music is permitted indoors and/or outdoors, and shall comply with the City's noise regulations.

VOTE: The motion passed on a roll call vote of 5-0.

3. TA 15-01 – Text Amendment

Planning Commission will consider a recommendation to the City Council regarding an amendment, including but not limited, to Zoning Ordinance *Section 17.008.020 Definitions and Standards*. The proposed amendment will, allow chickens as household pets within the City limits with specific criteria. If adopted the Ordinance would be effective Citywide in residential zones. 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 noted staff had inadvertently omitted a prohibition against keeping roosters, she requested that language be added to the recommendation.

OPEN PUBLIC HEARING

Archie Mitchell of the Lompoc Valley Beekeepers Association – stated he would be interested in the discussion regarding beekeeping being allowed by the City and asked that he be noticed when those discussions occur.

Kathy Herrigel, resident – indicated she is pro-chicken; stated there are 67 other jurisdictions in California that allow chickens; noted it is good to know where eggs are from; agreed that the chickens must be cared for; and requested approval of the Text Amendment.

Jen Kozumplik, resident – indicated she has two (2) boys who will enjoy taking care of the chickens and noted they are quiet animals.

Patrick Wiemiller, resident – agreed with the benefits of chickens, however, when he came to work for the City he chose to live in the City and not in a rural environment next to barnyard animals; indicated the choices other jurisdictions made to allow chickens were not compelling to him; noted the City's code enforcement resources are already overwhelmed and if chickens are allowed there are individuals who do not follow the regulations and would become a code enforcement problem; noted the City Council recent focus on Economic Development for an urban not rural experience; questioned if this type of use would be consistent with the intention of asking business to invest in the community; and stated although he agrees with the value he doesn't care to live adjacent to the use.

Trena Larson, resident – stated people have a right to know where their food comes from and noted Lompoc is a semi-rural area.

Veda Justefsen, resident – voiced support for allowing chickens; indicated she grew up in South America where she had chickens; and spoke to her experience which she would like for her children.

CLOSE PUBLIC HEARING

Commissioner Leach indicated she would like to see six (6) small animals allowed instead of the four (4) proposed and suggested if there is an alley at the rear of the property, the rear setback could be eliminated.

Commissioner Fink asked if the regulations would apply to a development with a Homeowners Association. Attorney Malawy responded a Homeowners Association could prohibit chickens.

Commissioner Rodenhi agreed with eliminating the rear setback if an alley ran behind a property.

Commissioner Fink asked if a person would still be allowed 50 pigeons, four (4) dogs, and six (6) chickens. Staff responded affirmatively. Commissioner Fink expressed with the possible cumulative impact and stated this could be a significant concern.

Commissioner Cioni noted the issue of 50 pigeons on a residential property would be a concern. Commissioner Rodenhi stated he had difficulty imagining anyone with 50 pigeons.

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Cioni, that the Commission adopt Resolution 810 (15) based upon the Findings of Fact in the Resolution including the proposed Conditions of Approval with the modifications/additions:

- 2. At least ten feet from the rear property line, unless an alley abuts the rear of the property then no rear setback required;**
- 5. The cumulative number of small animals on any property shall be a maximum of six (6);**
- 6 Roosters are prohibited.**

VOTE: The motion passed on a roll call vote of 4-1, with Commissioner Fink voting no.

NEW BUSINESS -- None

WRITTEN COMMUNICATIONS -- None

APPROVAL OF MINUTES -- Minutes of July 8, 2015:

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Rodenhi, that the Commission accept the minutes of July 8, 2015 as presented.

VOTE: The motion passed on a voice vote of 5-0.

ORAL COMMUNICATIONS -- None

Audrey Carlson, resident -- spoke regarding Chris Smith at 710 North First Street, Apt B -- she stated Mr. Smith had been operating in the neighborhood since 2007, stated vehicles block traffic and created noise pollution which caused a negative impact on the neighborhood; indicated she had called the police regarding the 72 hour regulations however, Mr. Smith would move the vehicles before he was cited, she indicated the intent of the 72 hour regulation was lost; and she presented photographs of activity in the area going back two (2) years.

COMMISSION REQUESTS:

- Status Report: HUP -07-100 -- Chris Smith, 710 North First Street, Apt B


Staff provided a brief update, stating that Mr. Smith had not improved the situation and requested the HUP be set for revocation hearing. The Planning Commission concurred and directed staff to return the matter on September 9, 2015.

DIRECTOR/STAFF COMMUNICATIONS:

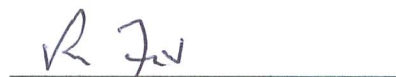
Planning Manager Lucille Breese advised the Planning Commission:

- There are business items for the September 9 meeting;
- At the August 18 meeting, the City Council will consider the Economic Development Element for adoption; and,
- Requested the Commission consider a second meeting in September for the Chipotle/Habit development on North H Street. The Commission concurred.

ADJOURNMENT: Commissioner Fink adjourned the meeting at 9:04 pm



Lucille T. Breese, AICP
Secretary



Ron Fink
Chair