

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: August 12, 2015
TO: Members of the Planning Commission
FROM: Lucille T. Breese, AICP, Planning Manager
Megan Lowery, Contract Planner
RE: Conditional Use Permit – CUP 15-03

AGENDA ITEM NO. 1

Continued from May 13, 2015 Planning Commission meeting, a request by Steve Arrowood, of Montemar Winery, applicant, for Planning Commission review and consideration of a Conditional Use Permit to allow outdoor 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).

Scope of Review:

The Planning Commission is being asked to consider:

- If the proposed project meets the property development standards for the *Industrial (I)* zone;
- If the proposed project, with a Conditional Use Permit, is compatible with surrounding uses, and appropriate for the site;
- If the required Findings of Fact can be made; and
- If the Conditions of Approval are appropriate for the project.

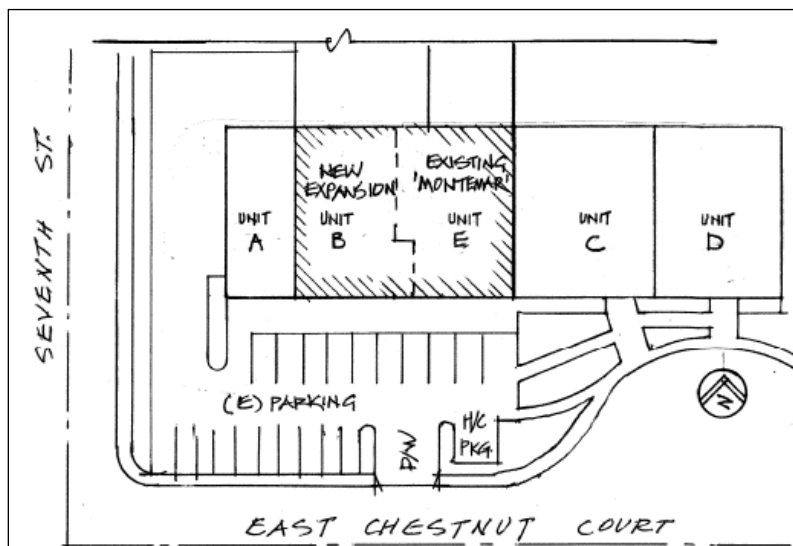
The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (Lompoc City Code Section 17.124.060).

PLANNING COMMISSION ACTION:

- 1) Adopt Resolution No. 809 (15) approving CUP 15-03, based upon the Findings of Fact in the Resolution, and subject to the attached draft Conditions of Approval; or
- 2) Provide alternate direction.

BACKGROUND:

The project proposed under Conditional Use Permit application CUP 15-03 included two parts, 1) the expansion into “Suite B” to accommodate new winery production facilities, and, 2) the expansion of wine tasting and winery activities into the rear yards of both Suites B and E.



At the May 13, 2015 meeting, the Planning Commission approved the winery production expansion into Suite B, but continued the discussion of proposed uses for the rear yards of Suites B and E. This staff report addresses the second part of the proposal, the expanded outdoor winery uses.

Prior Permit Approval:

A “wine tasting room at 1501 East Chestnut Court, Suite E” was approved under Minor Use Permit MUP 12-05, on January 9, 2013. Following this land use approval, the applicant applied for a building permit (B2013-0057) which approved the wine tasting room, shown as occupying the front of Suite E, with a maximum occupancy of 19 people. The rear yard of Suite E was not included in the building permit approval or occupancy calculations. The permit was finalized on December 10, 2013.

Since the prior permit approvals, two land use issues have arisen, 1) use of the rear yard area and, 2) broadening of uses beyond the permitted “wine tasting room.”

There are two underlying facts to keep in mind when considering this proposal:

- Wine tasting as defined by the ABC is defined and discussed on page 5 of this staff report. The City does not currently have a definition for wine tasting but the Planning Commission reviewed definitions in 2012 and it was generally agreed wineries would be addressed in the Zoning Ordinance update. Wine tasting has generally been viewed as small samplings from a winery where tasting is the focus of the activity.

- The underlying zoning is *Industrial (I)*. Wine tasting inside the building is accessory to the wine production and wine storage uses. The exterior game area, tasting, and music for this facility would not be consistent with the industrial zoning.

An Industrial Zone in Transition

The City acknowledges that the development of wineries and wine tasting rooms in the industrial pockets of the City has brought about new income and welcomed tourism into the City. However, like any other type of land use transition, this change needs to be codified in the Zoning Ordinance and General Plan.

Community support of a land use is not the same as zoning consistency. As an example, even if an entire community agreed that a flat, agricultural property is “a perfect building site” for a half-dozen houses that would undoubtedly create beneficial results for the City, the underlying agricultural zoning would still be technically inconsistent with the residential use. The Planning Commission can make an exception to zoning requirements, in certain instances, and approve a Conditional Use Permit which is a mechanism that uses Conditions of Approval to address the inconsistencies and ensure compatibility. However, should the intent be to allow additional residences in the same area, approving multiple Conditional Use Permits is a piecemeal approach; and is costly for applicants. If the area is intended to transition from agriculture to residential, the land use should be changed to allow the new residential use. Additionally, continually approving Conditional Use Permits in that area would set a precedent to allow residences in all agricultural areas—not just the area in question—even where it isn’t intended.

It is critical that a city designate areas to be consistent with their intended land use. This is especially true of areas transitioning from one type of use to another, where development of the new intended uses creates zoning inconsistencies. The process to do this is to amend the Zoning Map and General Plan Land Use Map to either change the designations entirely, or provide an “overlay” that allows the new uses within designated areas.

The “wine ghetto” is an area in transition. When looked at individually, wine tasting rooms can be accommodated within the existing buildings, but the fact remains that the underlying zoning and land use designations remain as *Industrial (I)*. This creates inconsistencies that have to be dealt with in each approval—resulting in limits to or prohibitions of exterior modifications, outdoor use, food sales, events, entertainment, etc. A “Wine Overlay” would codify the winery uses in the Zoning Code and General Plan. This would allow the City to dedicate the “wine ghetto” area to wine production and wine tasting functions. Furthermore, accessory uses, such as food trucks, entertainment, and exterior improvements could also be permitted as part of the overlay.

However, until a “Wine Overlay” is approved, the City must view the “intended land uses” in this area as those that are consistent with the *Industrial* designation:

I—Industrial Zoning District. This zone is intended to provide for light industrial, manufacturing, and limited accessory uses. The intent is to encourage sound industrial development in appropriate areas and to provide development standards to protect adjacent commercial districts.

Rear Yard Area:

As previously mentioned, the approved building permit identified the wine tasting room area as the area occupying the front of Suite E. This square footage was the basis for the maximum occupancy of 19 people. The rear yard of Suite E was not included in the building permit approval or occupancy calculations.

This is important because inclusion of the rear yard area would have increased the square footage calculations upon which occupancy and Building/Fire Code requirements were based. Increased occupancy loads affect the public life safety requirements imposed on a structure, such as fire exits, signage and fire extinguishers. Increased occupancies can also impact the Building Code requirements for utility services, including restrooms.

According to the applicant, “the backyard was completed during the project and reviewed by the City inspectors and building official during the construction phase.” The applicant also contends that “the backyard space at the Montemar tasting room (Suite E) has been operating as part of the tasting room with tasting taking place outside since we opened.” It is clear the applicant assumed that use of the backyard space was allowed; however, in review of the Building permit file, the wine tasting room is explicitly shown as inside the front area of Suite E only. As such, the expansion of uses into the rear yard of Suite E, and now also Suite B, are outside of the scope of the existing permits, and therefore require subsequent approval. The subject Conditional Use Permit, CUP 15-03, is intended to legitimize the rear yard use in Suite E, and consider additional expansion into the rear yard of Suite B.

Permit Requirements for Rear Yard Use

Wine tasting within the rear yard may be permitted by the Planning Commission under the approval of a Conditional Use Permit. However, allowing this use would set a precedent in the industrial zone district. It has been recommended to the applicant, and vintners in the area, that the more appropriate way to allow the additional activities they would like to see in the ghetto, would be through the use of a Wine Overlay specific to this area to avoid land use conflicts with permitted industrial uses.

The expansion into the rear yards would create an intensification of use, with a potential to create noise, lighting and other nuisances for adjoining properties. Conditions of Approval are included in Attachment 1 to address these factors. With the Conditions of Approval, the project would meet all zoning and land use requirements, and would be consistent with the General Plan.

In addition to the Planning/Land Use Conditions, the project would also have to comply with other departmental conditions, namely Building and Fire. The project will require an additional follow-up Building permit. During the Building permit review process, the occupancy load will be recalculated and Building and Fire Code requirements will need to be met. These requirements are outside of the Planning Commission purview, as they are established by the Uniform Building Code.

It should be noted that preliminary discussions regarding occupancy calculations, fire exits, restroom facilities and similar code requirements were intended to be informational only. As with all projects, the City provides preliminary Building and Fire Departmental review as part of the Development Review Board (DRB) meeting for applicants. The intent of the preliminary review is to provide early feedback to applicants regarding Code requirements, and identify potential Code compliance issues.

Broadening of Uses:

As mentioned above, MUP 12-05 permitted a “wine tasting room.” Wine tasting is defined by the Department of Alcoholic Beverage Control as follows:

“Winetasting is a presentation of samples of one or more wines, representing one or more wineries or industry labels, to a group of consumers for the purpose of acquainting the tasters within the characteristics of the wine or wines tasted. Licensees may engage in winetasting activities only as set forth in statute and this rule. In addition to furnishing wines as provided herein, licensees may supply small amount of bread, crackers, cheeses or nuts to clear the taste buds of the participants between successive samples of wine during a winetasting.”¹

This definition is consistent with the type of wine tasting room permitted with Minor Use Permits in the City. The scope of such wine tasting rooms are fairly limited, usually involving a serving area, a few tables or seating areas, and a small merchandise area enclosed within existing buildings. The Montemar Winery was this type of permit.

Expansion beyond an indoor area and the standard wine tasting activities, as described by the ABC above, goes beyond the scope of a Minor Use Permit.

Permit Requirements for Broader Winery Uses

Additional winery uses may be permitted by the Planning Commission under the approval of a Conditional Use Permit. However, as with the expansion into the rear yard, appropriate Conditions of Approval would need to be applied to the project to ensure the associated impacts are addressed.

The type of Conditions of Approval applied would vary depending on the scope of the proposed uses. Since it appears the applicant is interested in the more than just wine tasting uses, staff has prepared a table outlining criteria for the range of uses in three

¹ Article 9, Section 53 of the Business Regulations of the Dept. of ABC, Title 4, Division, 1

classes:

- 1) The traditional wine tasting/sales within the existing building with the exterior space being use for storage.
- 2) A more expanded wine tasting/sales CUP allowing a total of four (4) winery events per year and a maximum of six (6) special events per year, regardless of occupancy limits.
- 3) An event venue, allowing regular events of varying sizes in combination with wine tasting and sales.

Table 1, on Page 8 below, summarizes a range of uses and permit mechanisms to allow the proposed uses.

Again, it should be noted that allowing intense outdoor public use would set a precedent in all industrial areas and could cause land use conflicts with permitted uses. The suggested Wine Overlay would look at the specific area and consider Conditions of Approval that address potential conflicts. If the wine industry does not fund the Wine Overlay project, it will be considered by the City during the upcoming Zoning Ordinance update.

Wine Tasting

Should the proposed uses be limited to wine tasting and a handful of winery-related events only such as wine pickup and releases, the Conditions of Approval would involve standard conditions such as business hours, and outdoor storage limitations.

Wine Tasting + Limited Special Events

Should the proposed uses be expanded to also include special events (that are not winery-related) on the property, the associated impacts of the special events would need to be addressed. However, in this particular case the applicant does not have the specifics of the various special events intended to occur. Absent this information, the Conditions of Approval would need to be sufficient to govern the maximum use, or “worst case scenario.” Such conditions would likely be problematic and more restrictive than necessary.

To allow flexibility for the applicant in planning future events, and allow the City to apply event-specific Conditions of Approval, it is recommended that the Conditional Use Permit set the parameters of the type and number of special events, and then require a separate event-specific Temporary Use Permit (TUP) prior to each event.

Regular Events (Event Venue)

Should the primary use of the property be a venue for public or private events, then different Conditions of Approval would need to address the associated impacts of regular events. Factors such as traffic, parking, sanitary services, lighting, and noise

would need to be addressed. Additionally, it is anticipated that Building and Fire Code requirements would also need to address the larger number of occupants and public life safety elements impacted by the scope.

Occupancy Limits and “True Event Count”

The rationale for limiting the number of events in option 2 (above) is to ensure that the events remain as an accessory use to the wine tasting. The Planning Commission needs to consider the “true event count,” in other words the occurrence of any and all events at the property, to ascertain the appropriate conditions of approval for the project. For this reason a set number of events, regardless of occupancy limits, should be established. The recommended four (4) winery and six (6) special events were identified as reasonable limits in comparison to other wineries. Should the cap of 6 special events not apply to events under the occupancy limits, the “true event count” would be unlimited. For example, the winery could hold a special event every weekend (52 events/year) under the occupancy limits, in addition to the allowed winery and special events that exceed the occupancy limits. Sixty-two (62) events in a year would reasonably shift the primary land use from wine tasting, to event venue.

Table 1 – Land Uses and Permit Mechanisms

	Wine Tasting/Sales	Wine Tasting/Sales + Special Events	Regular Events (Event Venue)
Planning Permit	Minor Use Permit	Conditional Use Permit + Temporary Use Permit per event	Conditional Use Permit
Wine Sales	Permitted	Permitted	Permitted
Wine Tasting	Permitted	Permitted	Permitted
Food Services	Palate cleansers ¹ and pre-packaged foods	Palate cleansers and pre-packaged foods + food prepared onsite and/or catered foods allowed under the specific event permit	Permitted
Special Events	None	4 winery events per year + non-winery events allowed with specific event permit (maximum 6/yr)	Permitted
Amplified Music	None	None + allowed with the specific event permit	Permitted
Parking	1 space per 350 sq. ft.	1 space per 350 sq. ft. + temporary parking provided under specific event permit	1 space for each 5 permanently located seats or 1 space for each 35 sq. ft. of gross floor area in the assembly room or rooms
Exterior Lighting	None	None except as permitted under specific event permit	Permitted
Typical Hours of Operation	11am-6pm Thursday-Sunday	11am-6pm Thursday-Sunday + special events 12pm-10pm (maximum 6/yr)	6am-10pm Monday-Sunday
Typical Fire/Building Code Considerations	Non-habitable space	Habitable space Higher maximum occupancy Life safety requirements Restrooms Cooking facilities	Habitable space Higher maximum occupancy Life safety requirements Restrooms Cooking facilities

¹ Palette cleansers = a small amount of bread, crackers, cheeses or nuts to clear the taste buds of the participants between successive samples of wine

Applicant Proposal and Staff Response:

The applicant submitted a letter on June 19, 2015 outlining clarifications and requested changes to the items discussed at the May 13, 2015 meeting. The discussion below summarizes the applicant's requests. Staff has also provided responses to address the planning requirements pertaining to each request. The full text of the submission is included as Attachment 2.

Proposed Uses

Hours

- *Wine tasting and wine events would be allowed 11-9pm Thursday through Saturday, and 11am-7pm Monday through Wednesday*

Wine Events

- *Wine events would be defined as "winery sponsored events with the goal of selling wine"*
- *Wine events within the approved occupancy levels would be unlimited*
- *Wine events exceeding the approved occupancy levels would be limited to 6/year*

Special Events

- *Special events within the approved occupancy levels would be unlimited*
- *Special events exceeding the approved occupancy levels would be limited to 6/year, and would require approval of a Temporary Use Permit*
- *Charity events—defined as events where Montemar is donating its goods and/or services to a local charity in support of their fundraising goals and generating more customers—would qualify as a special event*
- *Wine club member events—defined as events where wine club members are holding a private event at Montemar—would qualify as a special event*

Amplified Music

- *Indoor and outdoor amplified music shall be limited to the hours of 2pm-9pm Thursday through Sunday and shall not exceed 85 dB at the property edges*

As discussed on Page 7 of this staff report, staff recommends limiting events to a set number per year, regardless of occupancy limit.

The applicant's June 19, 2015 submittal also addresses two areas of contention, 1) "revised occupancy coding," and 2) the conditions of approval.

Revised Occupancy Coding

As previously discussed on Page 5 of this staff report, occupancy load will be recalculated during the Building permit review process; occupancy calculations are outside of the Planning Commission purview, as they are established by the Uniform Building Code. Previous discussions with the applicant regarding occupancy calculations, fire exits, restroom facilities and similar code requirements were intended to be informational only to provide early feedback to applicants regarding Code requirements, and identify potential Code compliance issues.

Conditions of Approval

The applicant cites eight (8) planning conditions of approval for which adjustments are requested, and six (6) additional conditions to which the applicant contends do not apply.

- 1) *P16. The approval granted by the Planning Commission is valid for one year from date of approval and will expire on May 13, 2016. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.*

- Request to specify the "architectural approval" is what is subject to expiration, by adding the word "architectural."

Change incorporated. Condition was renumbered in Reso. 805(19) to P15.

- 2) *P19. No outside displays shall be placed in front of the building, including furniture, temporary or permanent signs not authorized by a sign permit, umbrellas, or similar functional or purely decorative display items.*

- Request to revise to allow temporary displays, signs, umbrellas or decorative items.

Remains unchanged. The underlying zoning and land use designation remains industrial; outdoor items are not consistent with industrial setting. Condition was renumbered in Reso. 805(19) to P18.

- 3) *P20. The trellis may be installed to frame the perimeter of the doorway, only if identical trellis' are installed to frame the other entrance doors on the building. Details and materials shall be submitted to the Planning Division for review prior to installation.*

- Request to allow the single proposed trellis as drawn.

Remains unchanged. The underlying zoning and land use designation remains

industrial; individualized décor is not consistent with industrial setting. Condition was renumbered in Reso. 805(19) to P19.

- 4) *P23. The hours of operation for wine tasting and wine events shall be between 12–5 pm Thursday through Monday, during the winter, and 11 am–5 pm on Thursdays, Sundays, and Mondays, and 11 am–8 pm Fridays and Saturdays, during the spring, summer and fall.*

- Requested revision to the hours of operation to 11am-9pm Thursday through Sunday, and 11am-7pm on Monday through Wednesday.

Change incorporated. Condition was renumbered in Reso. 805(19) to P22.

- 5) *P26. Winery events (wine pick-up parties and/or wine release parties) shall be limited to four (4) events per year.*

- Request to only limit events that exceed the approved occupancy levels; the number of events within the occupancy limits would be unlimited.

Limit of four (4) winery events a year, regardless of occupancy limit, remains. See discussion on Page 7 of this staff report. Condition was reworded and renumbered in Reso. 805(19) to P25.

- 6) *P27. No special events (non-winery events) are permitted as part of this approval. Special events including but not limited to fundraisers, charity events or private parties or receptions require a Temporary Use Permit approved by the Planning Division. Special events shall be limited to six (6) events per year.*

- Request to only limit events that exceed the approved occupancy levels; the number of events within the occupancy limits would be unlimited.

Limit of six (6) special events a year, regardless of occupancy limit, remains. See discussion on Page 7 of this staff report. Condition was reworded and renumbered in Reso. 805(19) to P26.

- 7) *P30. No outside seating shall be permitted in the front of the building, including tables, chairs, or umbrellas, or similar functional or purely decorative display items.*

- Request to revise to only “no outdoor seating.”

Remains unchanged. The underlying zoning and land use designation remains industrial; outdoor seating and décor are not consistent with industrial setting. Condition was renumbered in Reso. 805(19) to P28.

- 8) *P31. No indoor or outdoor amplified music shall be permitted. Unamplified acoustic music is permitted indoors and/or outdoors, and shall comply with the City’s noise regulations.*

- Request to revise to read as follows, “Indoor and outdoor amplified music shall be limited to between the hours of 2pm-9pm Thursday through Sunday. The dB level shall not exceed 85 dB at the property edge.”

Remains unchanged. The City has adopted a Noise Ordinance (Chapter 8.08) to “prohibit unnecessary, excessive, or annoying noises from all sources subject to its police power.” Given the unpermitted intensification of use on the property, and the proposed intensification of use as part of this project, staff recommends prohibiting the use of amplified music to ensure compliance with the Noise Ordinance and the City’s adopted Noise Element. Condition was renumbered in Reso. 805(19) to P29.

- 9) *F4. Ensure proper licensing of fire protection system engineers and California State Fire Marshal licensed installers for design specific systems. Additionally, a City of Lompoc business license may be required of any installers. Verify with the City Clerk any concerns for the local business license of project employees.*

- *Applicant suggests this condition does not apply*

Remains unchanged. Fire Code requirements are determined by the Fire Department during the building permit process. Conditions such as this are intended as guidance for potential compliance requirements.

- 10) *WW4. A grease interceptor/trap shall be installed in community buildings where commercial appliances will be used.*

- *Applicant suggests this condition does not apply*

Remains unchanged. Waste water requirements are determined by the Waste Water Division during the building permit process. Conditions such as this are intended as guidance for potential compliance requirements.

- 11) *WW5. All food service establishments shall demonstrate compliance with Federal, State, and City requirements and sized according to the California Plumbing Code. In instances where multiple food service establishments are proposed, each food service establishment shall have its own grease trap/interceptor. A diagram of the grease trap(s)/interceptor(s) shall be included in the Grading plans and contain location, size, and type.*

- *Applicant suggests this condition does not apply*

Remains unchanged. Waste water requirements are determined by the Waste Water Division during the building permit process. Conditions such as this are intended as guidance for potential compliance requirements.

12) *WW10. Provide an undercounter grease interceptor/trap in the kitchen/break room.*

➤ *Applicant suggests this condition does not apply*

Remains unchanged. Waste water requirements are determined by the Waste Water Division during the building permit process. Conditions such as this are intended as guidance for potential compliance requirements.

13) *WW11. Floor drain in storage area shall be screened in accordance with the City of Lompoc requirements.*

➤ *Applicant suggests this condition does not apply*

Remains unchanged. Waste water requirements are determined by the Waste Water Division during the building permit process. Conditions such as this are intended as guidance for potential compliance requirements.

14) *S5. The addition of 5,000 or more square feet of new or replaced impervious area, including awning, structures, patio or asphalt, etc. shall trigger applicable storm water requirements for five (5) percent or less Effective Impervious Area.*

➤ *Applicant suggests this condition does not apply*

Remains unchanged. Stormwater requirements are assessed by the Environmental Coordinator during the building permit process. Conditions such as this are intended as guidance for potential compliance requirements. Condition was renumbered in Reso. 805(19) to S4.

Staff Review:

No formal Development Review Board (DRB) meeting was held for this CUP, however the application was circulated and Building Division and Fire Department submitted conditions of approval. Both the Building Division and Fire Department have continued to express concerns about the project's ability to meet occupancy and life safety requirements. However, compliance with the Building and Fire Codes will be addressed during the Building permit review process. As stated previously, these requirements are outside of the Planning Commission purview, as they are established by the Uniform Building Code.

At this time, staff is recommending approval of CUP 15-03 allowing an expanded wine tasting/sales facility with limited winery and special events, subject to the attached Conditions of Approval (COA). As conditioned, the proposed use would be consistent with the Zoning Ordinance.

Should the applicant and/or the Planning Commission wish to permit the facility as an event venue, rather than a winery with limited events, zoning consistency and Conditions of Approval specific to that use will need to be addressed.

Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for Planning Commission review. A complete plan check occurs after construction plans have been submitted to the Building Division for building permits. Please note that not all COAs included with the Planning Commission Resolution for the project may be applicable. If the applicant has questions and/or concerns regarding specific conditions, he/she should contact the department/division that is recommending the condition. DRB members do not attend the Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions.

ENVIRONMENTAL DETERMINATION:

The proposed project, as conditioned, is Categorically Exempt, pursuant to Section 21084 of the California Environmental Quality Act (CEQA) and Section 15301, Existing Facilities, of the CEQA Guidelines. A Notice of Exemption will be filed, pursuant to CEQA requirements, following the Commission action.

NOTICING:

On July 31, 2015:

- 1) Notice of the Public Hearing was published in the Lompoc Record;
- 2) Notices were mailed to property owners within 300 feet by US mail;
- 3) Notices were placed on the City website; and
- 4) The project site was posted by City staff.

APPEAL RIGHTS:

Any person has the right to appeal the Planning Commission action to the City Council within ten (10) calendar days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

ATTACHMENTS:

- 1) [Draft Resolution No. 809 \(15\) and Conditions of Approval](#)
- 2) [Applicant Submittal, received June 19, 2015](#)
- 3) Project Site/Floor Plan
(PC only with staff report, documents available for review in Planning Division)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Teresa Gallavan	Date	Lucille T. Breese, AICP	Date
Economic Development Director / Assistant City Manager		Planning Manager	

RESOLUTION NO. 809 (15)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE PERMIT FOR A WINETASTING ROOM EXPANSION LOCATED AT 1501 EAST CHESTNUT COURT, SUITES B & E (Planning Division File No. CUP 15-03)

WHEREAS, a request was received from Steve Arrowood, applicant, for consideration of a Conditional Use Permit for a winery and wine tasting room expansion, located at 1501 East Chestnut Court, Suites B & E (Assessor Parcel Number: 099-520-001);

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on May 13, 2015;

WHEREAS, at the meeting of May 13, 2015, Steve Arrowood, the applicant, was present and answered Planning Commissioners' questions and addressed their concerns;

WHEREAS, at the meeting of May 13, 2015, Grant Gideon, Steve Pepe, Peter Work, Dennis Avila, Jack Armena, Jacob Cole spoke in favor of the project; and

WHEREAS, at the meeting of May 13, 2015, the Planning Commission split the request and adopted Resolution No. 799 (15) approving the wine production in Suite B subject to conditions of approval, and continued discussion on the expanded wine tasting uses proposed for Suites B & E to allow additional information to be presented prior to a decision being made; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 12, 2015;

WHEREAS, at the meeting of August 12, 2015, staff was present and answered Planning Commissioners' questions and addressed their concerns;

WHEREAS, at the meeting of August 12, 2015, _____ spoke _____ of the project; and

WHEREAS, the proposed project, as conditioned, is Categorically Exempt, pursuant to Public Resources Code Section 21084 of the California Environmental Quality Act (CEQA) and Section 15301, Existing Facilities, of the CEQA Guidelines.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the expansion of Montemar wine tasting requested in Suites B & E, as conditioned, meets the requirements of the Lompoc City Code and is

consistent with the applicable policies and development standards, therefore it can be found that:

- A. The proposed use, as conditioned, is consistent with the applicable policies and development standards set forth in Lompoc City Code Section 17.064.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. The site of the proposed use relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
- D. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.

SECTION 2: Based upon the foregoing, CUP 15-03 allowing expansion of wine tasting uses in Suites B & E is approved as proposed on August 12, 2015, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing Resolution No. 809 (15) was approved, on motion by Commissioner _____, and seconded by Commissioner _____, at the August 12, 2015 Planning Commission meeting by the following vote:

AYES:

NOES:

Lucille T. Breese, AICP, Secretary

Ron Fink, Chair

Attachment: [Exhibit A – Conditions of Approval](#)

**CONDITIONS OF APPROVAL
CUP 15-03 – MONTEMAR WINE TASTING EXPANSION
1501 EAST CHESTNUT COURT, SUITES B & E – APN: 099-520-001 &**

The following Conditions of Approval apply to Suite B on the proposed project and plans, for CUP 15-03, received by the Planning Division and stamped on April 7, 2015, and reviewed by the Planning Commission on May 13, 2015.

I. PLANNING

Planning – General Conditions

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 17.140.010, 17.152.010, and 17.152.020 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Sections 1.24.010 and 1.24.060 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. The applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of certificates of occupancy.
- P4. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P5. All revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division prior to submittal of construction drawings.
- P6. Minor changes to the site plan or architectural elevations shall be reviewed by the Planning Manager and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable.
- P7. Prior to the installation of any signage or sign related construction the applicant shall obtain all appropriate permits.
- P8. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees,

invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

Planning – Conditional Use Permit Conditions

- P9. The right to use an occupancy permit shall be contingent upon the fulfillment of any general and special conditions imposed by the conditional use permit procedure.
- P10. All of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors or assigns and a covenant to the effect may be required.
- P11. The applicant shall consent to all of the conditions in writing.
- P12. The resolution granting the application, together with all consent forms and a description of the property shall be recorded by the Recorder of the County of Santa Barbara prior to issuance of a certificate of occupancy.
- P13. This Conditional Use Permit may be reviewed and reconsidered by the Planning Commission at any time for the purpose of imposing new conditions to mitigate a nuisance or to revoke the permit to abate a nuisance.
- P14. The use permit granted is conditioned upon the rights or privileges acquired thereby being utilized within one year after the effective date of approval, and should the rights or privileges authorized hereby fail to be executed or utilized within said year, or when a building permit has not been issued within said year, or when some form of work is involved which has not actually commenced within said year, or if so commenced, is null and void; unless such permit has not been utilized or such construction work started or completed within such one year period by reason of delays caused by the City in approving plans, in which event the Community Development Director shall grant and record a commensurate extension. The Planning Commission may, at its discretion, and with the consent or upon request of the permittee, for any cause, grant a reasonable extension of time in addition to the one (1) year period hereinabove

provided. Such a request for extension shall have been filed with the Secretary of the Planning Commission fifteen (15) days prior to the expiration of the one (1) year.

- P15. The architectural approval granted by the Planning Commission is valid for one year from date of approval and will expire on August 12, 2016. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.

Planning – Architectural Conditions

- P16. If new mechanical, ventilation, and/or utility equipment is proposed, it shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the major structures on the site and with the neighborhood.
- P17. No outside vending machines, except fully enclosed newspaper racks, shall be allowed on-site.
- P18. No outside displays shall be placed in front of the building, including furniture, temporary or permanent signs not authorized by a sign permit, umbrellas, or similar functional or purely decorative display items.
- P19. The trellis may be installed to frame the perimeter of the doorway, only if identical trellis' are installed to frame the other entrance doors on the building. Details and materials shall be submitted to the Planning Division for review prior to installation.

Planning – Project Specific Conditions

- P20. The applicant shall contact the County of Santa Barbara Health Department and the State of California Alcoholic Beverage Control for appropriate permits.
- P21. 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.
- P22. The hours of operation for wine tasting and wine events shall be between 11am-9pm Thursday through Sunday, and 11am-7pm on Monday through Wednesday.
- P23. Any outdoor storage areas shall be screened from view. No material shall be stored above the height of a fence, or within ten (10) feet of the fence.
- P24. Permits shall be obtained from the Building Division for any interior / exterior work. The work shall be finished prior to occupancy of the building.
- 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 number require a Temporary Use permit approved by the Planning Division.
- P26. Six (6) special events—events that do not relate to the primary wine tasting use of the site, including but not limited to fundraisers, charity events or private parties or receptions—are allowed on the site with the approval of a Temporary Use Permit approved by the Planning Division. At the beginning of each calendar year, the

applicant shall provide a schedule to the Planning Division listing the six (6) planned events for that year.

- P27. Outdoor storage shall not exceed 50% of the outdoor area. No material shall be stored to a height greater than the height of the required wall or fence, if it is within ten feet of the required wall or fence.
- P28. No outside seating shall be permitted in the front of the building, including tables, chairs, or umbrellas, or similar functional or purely decorative display items.
- P29. No indoor or outdoor amplified music shall be permitted. Unamplified acoustic music is permitted indoors and/or outdoors, and shall comply with the City's noise regulations.
- P30. If new exterior lighting is proposed, two copies of the lighting plan shall be submitted to the Building Division with the building plans. The lighting plan shall be reviewed and approved by the Engineering and Planning Divisions prior to issuance of any permits for the project. The plan shall incorporate the following:
 - a. Details for external light fixtures both on and off the building(s), all lighting within private streets (including conduit and wiring), external illuminated signage, and any light fixtures at ground level. All lighting shall be shielded to prevent glare and minimize light intrusion to adjacent properties.

II. FIRE

Fire – General Conditions

- F1. Compliance shall be required to meet in accordance with the most restrictive of the following: 2013 California Fire Code (CFC) as amended by the City of Lompoc, the 2013 California Building Code (CBC), and the Lompoc City Code.
- F2. All fire extinguishers required to have an 'A' rating shall be sized 2A10BC. Location, number and types shall be in accordance the California Code of Regulations Title 19.
- F3. A final fire inspection is required and shall be scheduled with the Lompoc Fire Department (805) 875-8063 prior to the issuance of the Certificate of Occupancy.
- F4. City of Lompoc business license certificate may be required of project contractors. Verify with the City Clerk any concerns for the local business license of project employees.
- F5. Square footage and occupancy types are to be verified and approved by the Building and Fire Departments.
- F6. No work shall commence without approved plans and a building permit issued. All electrical, plumbing, interior walls, and other project specific work requires a licensed professional to submit plans for all tenant improvement projects in commercial buildings.
- F7. A "wet" signature and contractor's license number and stamp are required on all copies of plans submitted.

Fire – Project Specific Conditions

- F8. Illuminated exit signage and emergency egress lighting is required in the rear patio area as it is an “A2”. 2013 CFC Section 1011.
- F9. Emergency exit doors shall provide correct direction of swing and properly rated exit hardware. 2013 CFC Section 1008.
- F10. An operational permit is required to use a building or portion thereof used as an assembly. 2013 CFC Section 105.
- F11. An accessible path of travel complying with code requirements shall be shown on the permit submittal documents. 2013 CBC 11B.
- F12. The exterior rear yard space is for employee use only including storage and wine production. Any change of use requires a plan submittal to the City of Lompoc and approval from Building and Life Safety Division before the change of use is permitted.

III. POLICE -- No general or project specific conditions

IV. ENGINEERING -- No general or project specific conditions

V. ELECTRIC

Electric – General Conditions

- EL1. The Developer shall sign a Line Extension Agreement and pay all costs for the City to furnish and install electric power lines/equipment to and within the proposed development. These costs will include all labor, labor overhead, material, material handling charges and equipment/vehicle rentals necessary for the City to extend the City’s electrical distribution system to serve the project. The total estimated cost, as mentioned in the Line Extension Agreement, must be paid prior to the City issuance of building permits.
- EL2. The Developer shall provide a single line diagram showing voltage, phase, load requirements and size of planned switchboard. Three-phase electric services up to 200 Amps shall have 7-jaw meter sockets. Three-phase electric services above 200 Amps shall have 13-jaw meter sockets and provisions for a test switch and current transformers. The main switchboard shall conform to Electric Utility Service Equipment Requirements approved by the City of Lompoc. The developer shall pay the meter installation fee prior to the issuance of the building permit.
- EL3. Electric meters and main disconnect switches shall be located on the exterior of the building or in an enclosure opening only to the exterior of the building. Meter enclosures shall be accessible at all times to electric division personnel. If the enclosure is to be locked, the lock shall be keyed to Schlage Lock No. C38587.

- EL4. The Developer shall provide all necessary trenching and backfilling to Electric specifications. This will include trenching for primary cable, secondary cable, street light wiring and associated vaults and boxes. The Developer shall provide transformer pads as required. The project shall be at final grade prior to trenching for installation of underground electric facilities.
- EL5. The Developer shall furnish and install the service wire and conduit from the service panel to the transformer or secondary box. Upon approval of the building inspector, the City will make the final connections to the transformer and energize the service.
- EL6. For three-phase electrical service over 200 Amps, the Developer shall run a telephone service wire to the meter location for remote meter readings.
- EL7. Provide and install one 2-inch conduit, from the pull box in the street easement to the building, in same trench with the electrical service conduit.

Electric – No project specific conditions

VI. SOLID WASTE – No general or project specific conditions

VII. WATER – No general or project specific conditions

VIII. WASTEWATER

Wastewater – General Conditions

- WW1. All new sewer main and lateral installations will be of Polyvinyl Chloride Plastic (PVC) SDR35 sewer pipe, including all pipe fittings and miscellaneous appurtenances. No glue joints are permissible.
- WW2. All PVC SDR35 sewer piping shall be furnished in the following lengths:
 - Piping from 8" to 12" in diameter – 20' maximum length
 - Piping from 15" to 60" in diameter – 12.5' maximum length
- WW3. In existing paved streets or alleys trench backfill, from one-foot above sewer pipe to subgrade, shall be one-sack cement slurry. Slurry cement backfill shall conform to the provisions of Subsection 19-3.062, "Slurry Cement Backfill", of the Caltrans Standard Specifications.
- WW4. A grease interceptor/trap shall be installed in community buildings where commercial appliances will be used.
- WW5. All food service establishments shall demonstrate compliance with Federal, State, and City requirements and sized according to the California Plumbing Code. In instances where multiple food service establishments are proposed, each food service establishment shall have its own grease trap/interceptor. **A diagram of the grease trap(s)/interceptor(s) shall be included in the Grading plans and contain location, size, and type.**

- WW6. All Users proposing to dispose of industrial waste into the City's sanitary sewer shall apply and obtain a wastewater discharge permit prior to connection and/or discharging into the City's sanitary sewer.
- WW7. All water softeners shall indicate type (i.e., self-regenerating, tank exchange) and location on either, the Architectural Plans for softeners indoors or the Grading Plans for softener outdoors. All water softeners shall comply with Federal, State, and City requirements. The discharge of self-regenerating water softeners is prohibited from entering the City's sanitary sewer.
- WW8. All floor grating perforations shall be ½ inch or less in width or diameter.
- WW9. All wastewater improvements shall comply with Federal, State and City requirements for the protection of the City's Wastewater System.

Wastewater – Project Specific Conditions

- WW9. Submit Baseline Monitoring Report.
- WW10. Provide an undercounter grease interceptor/trap in the kitchen/break room.
- WW11. Floor drain in storage area shall be screened in accordance with the City of Lompoc requirements.
- WW12. If floor drains are to be installed within the covered outdoor storage area, design of surrounding surfaces shall ensure that stormwater does not enter the floor drain.

IX. AVIATION/TRANSPORTATION – No General or Project Specific Conditions

X. BUILDING

Building – General Conditions

- B1. The Project shall comply with the requirements of the most recently adopted California Code of Regulations Title 24 and City of Lompoc regulations.
- B2. Plans shall be submitted by a California licensed architect and/or engineer when required by the California Architect's Practice Act and by CBC [A]107.3.4.
- B3. Dimensioned building setbacks and property lines, easements, street centerlines, and dimensions between buildings or other structures, along with all significant site features, shall be shown and identified on plot plans.
- B4. All property lines and easements shall be shown and identified on the plot plan. A written statement by the Applicant that such lines and easements are shown is required.

- B5. The Title/Cover /first sheet of the plans shall include:
- a. Code Analysis addressing all work
 - b. Complete Scope of Work to be performed
 - c. Occupancy group(s)
 - d. Description of use(s)
 - e. Type of construction
 - f. Height of the structure(s) and number of stories
 - g. Floor area of structure(s), existing and new, broken down by Use or Occupancy Type, with Totals.
- B6. See City submittal requirements for other information that may be required in the Construction Documents, including but not limited to: Soils Engineer's Plan Review Letter, Energy Compliance Statements, CALGreen (CGBSC) code compliance forms, CWM Plan (Construction Waste Management Plan), listing of Special Inspections required, Deferred Submittals.
- B7. Provide accurate square footage calculations on the plans that clarify and differentiate between existing area to remain as is, demolished or disassembled area, altered or rehabilitated area, and new additional area.
- B8. State of California accessibility requirements shall be incorporated within the design of the site and structures.
- B9. The Project shall show compliance with the Energy codes, CALGreen codes, and current City and State water conservation regulations. See also SB 407 for requirements for non-compliant plumbing fixture replacement schedules regardless of construction.
- B10. Contractor shall minimize the use of street parking by construction workers and equipment during construction. Temporary toilet and handwash facilities for construction are required. Trash and debris shall be contained on-site.

Building – Project Specific Conditions

- B11. Provide on the first sheet a complete Code Analysis explaining in detail the design features and uses/occupancies.
- B12. The Occupancy Types and square footage calculations for each are not correct as provided based on previous discussions and current use. Please reassign, recalculate and clearly show all occupancy types and uses of all rooms and areas, and calculations for both exiting and required plumbing fixtures, including male/female and service sink.
- B13. An accessible path of travel complying with code requirements shall be shown on the permit submittal documents, with all equipment and fixtures indicated on the plans. Check all door swings and clearances at doors with the requirements of CBC 11B.
- B14. Energy compliance statements are required for new lighting, power, HVAC, etc.

XI. GRADING

Grading – Project Specific Conditions

GR1. Maintain emergency access at back of Unit B.

XII. STORM WATER

Storm Water – Project Specific Conditions

- S1. Interior and exterior drains shall drain to the sanitary sewer.
- S2. No wash water shall be discharged from the winery site into the storm drain system.
- S3. Roll-offs placed on public right-of-way must follow the City requirements below and roll-offs placed on private property shall be maintained so they do not create nuisance odors or discharge into City storm drains.
- S4. The addition of 5,000 or more square feet of new or replaced impervious area, including awning, structures, patio or asphalt, etc. shall trigger applicable storm water requirements for five (5) percent or less Effective Impervious Area (EIA). See <http://www1.cityoflompop.com/departments/comdev/StormWater/Hydromodification.pdf> for detailed requirements.

Storm Water – Additional Advisories

Roll-Off Containers In City Right-Of-Way Must:

- Be properly registered with the City of Lompoc's Solid Waste Division.
- Must have a properly installed impervious liner to prohibit drippings from the container.
- Must be equipped with a properly fitting cover.
- Must have identification showing winery name and 24/7 contact phone.
- Pomace must be placed in roll-offs, and roll-off covers re-placed. No winery waste is to be deposited in streets or alleys.
- If there is an accidental spill, it must be immediately cleaned up.
- Roll-offs must be collected weekly or more often eliminating odor & bacteria.
- Roll-offs not in compliance will be subject to removal.

Storm Drains

- The City's storm drain includes the street, curb, gutter, inlets and channels.
- Storm drains lead directly to natural waters (creek, river, ocean and groundwater).

- The sanitary sewer is the drain in the sink, toilet, or sometimes a floor drain, that is connected directly to the City’s Wastewater Reclamation Plant.
- Know where your facility’s drains discharge – storm drain or sanitary sewer!
- Direct discharge of untreated winery wastewater to natural waters is strictly prohibited by the State Water Resources Control Board.
- Wine grapes, parts and juice, operating wash water are pollutants. These pollutants create odor, and contribute to nutrient runoff to natural waters and nitrates in groundwater. These pollutants kill fish and aquatic life by depleting oxygen in natural surface water and ground water. Impacts are widespread and can affect ocean fisheries hundreds of miles away.

Winery Wastewater

- Discharge of any material into the storm drain is prohibited by City Ordinance, and State and Federal Law.
- This includes pollutants from winery wash water, grape juice, grape **parts** or any other materials.
- Sites with existing drainage systems leading to the street gutter are not exempt.
- All equipment, containers and palettes must be washed in areas where the wash water drains to a sanitary sewer connection, or is captured and discharged to the sanitary sewer.

I, Steve Arrowood, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the winery and tasting room. As the applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Name

Date

Response to the Planning Committee direction on the conditions of approval for CUP 15-03 Montemar winery and tasting room expansion

Cooperative de Garagistes LLC and its Montemar brand are submitting this response as part of its expansion at 1501 E Chestnut Ct Suites B and E. Project POC is Steve Arrowood 310.365.6236

Background

Montemar submitted MUP 12-02 in Dec of 12 and received approval in Jan of 13. The approved building permit was received and the project was completed and signed off before we opened. The backyard tasting space was requested in the MUP, discussed at length with the city and approved in the MUP. The backyard was completed during the project and reviewed by the city inspectors and building official during the construction phase. When we received final signoff everything including the backyard was finished and we opened in August of 13 with the backyard tasting space in place. All the planning and building staff involved in the original permit are no longer with the city so the memory of what was approved has been lost. In Dec of 14 the city notified us that they believed we were operating the backyard without a permit and they also believed we were going to exceed our occupancy during a charity event planned that evening for the Lompoc theater project. We met with the Fire Chief that day and worked out a temporary plan in case we did exceed occupancy (which we did not) I then met with the city building and planning officials to discuss their concerns. They were highly surprised when I presented an approved permit with the backyard clearly included but because the property exits were not specified they chose to believe that the backyard was

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never permitted vs the city overlooking something and not sp
the proper fire exits from the yard. I stated that I would be happy
retrofit new exits and new hardware on exiting exits to meet a fire
safety needs. It seemed like we had a path forward with me adding the
retrofit of the exits to my new winery permit. The city required a CUP,
which is more time consuming than would be the normal permit
process for a new winery and the winery project was held up for a
couple of months due to the added paperwork, reviews and planning
calendar.

Once I submitted the CUP, the city added a whole new set of
restrictions as well as requiring occupancy levels that are not applicable
to a wine tasting site. Discussing definitions of bars, nightclubs etc as
part of the written documentation and discussion when reviewing a
wine tasting venue shows lack of understanding for a city surrounded
by hundreds of tasting rooms. Montemar is not a unique tasting room
within SB County, perhaps within Lompoc it is slightly different given
the outside space. The last building official refused to accept anything
lower than A2 for the backyard which resulted in calculating 190 people
just in the back yard. This is 10x more than we have on a busy day and
4X more than anyone would ever want to have in the backyard. Since
this building official is now gone we are resubmitting the occupancy to
the original mercantile which is in line with wine tasting activities. This
would result in a total occupancy of 121 (Exiting). All this was discussed
at length during the planning committee meeting with the committee
agreeing that the restrictions of concern were not in the best interest of
the city, Montemar or the local wine industry as a whole. None of the
restrictions were driven by complaints; in fact the city has not had any
wine ghetto complaints. Montemar provided letters during the

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planning meeting from the adjacent neighbors and the lan. are in full support of Montemar's project and noted zero noise parking issues. These businesses would be the ones most impacted there were noise or parking issues. Additionally the city is in the process of fixing the outdated zoning in the wine ghetto after approving many tasting rooms in a business park formally home to many industrial tenants. A planning firm is already under contract to get the zoning in line with current use.

Here are the items discussed at the meeting and what Montemar heard as direction from the planning committee:

- Revised occupancy coding for the backyard from assembly (A2) to mercantile (M) based on its current and future use.
- 8 specific issues in the COA that Montemar believes need to be adjusted with the new proposed wording for each
- A few conditions of approval are questioned as to whether they apply this this project.

Revised occupancy coding

- As discussed above, Montemar was forced to code the outdoor tasting area as A2 in order to move forward as the winery part of the project was being held up. We missed one PC meeting due to this issue. This A2 occupancy coding resulted in a total occupancy of 221 (Exiting). This is a level of occupancy that would never be used and drives unreasonable plumbing requirements. Mercantile is the appropriate as it is the most common in wine tasting and no other wine tasting business has A2 that anyone could find. The benefits of coding the outdoor tasting area as Mercantile are many and as follows:

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- Total occupancy would only be 121 persons vs 221
- Fire exits and all fire safety items remain the same for either occupancy type
- Bathrooms drop from 3 accessible to 2
 - Project provides from 2 accessible and an addition regular bathroom
 - This is more than enough for our business

8 specific COAs that we request adjustments to

P16. The approval granted by the Planning Commission is valid for one year from date of approval and will expire May 13, 2016. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.

Suggested change – add architectural before the 1st approval.

Meaning the architectural approval is only valid for one year. Extension is available this is in case Montemar does not build and get final approval on the project. If we build the approval cannot be rescinded.

P19. No outside displays shall be placed in front of the building, including furniture, temporary or permanent signs not authorized by a sign permit, umbrellas, or similar functional or purely decorative display items.

Suggested change - No **permanent** outside displays shall be placed in front of the building, including furniture, temporary or permanent signs

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not authorized by a sign permit, umbrellas, or similar functional or purely decorative display items.

P20. The trellis may be installed to frame the perimeter of the doorway, only if identical trellises are installed to frame the other entrance doors on the building. Details and materials shall be submitted to the Planning Division for review prior to installation.

Suggested change - The trellis may be installed to frame the perimeter of the doorway as drawn

Rationale – many buildings in upscale developments allow tenants to personalize their storefront. Requiring the whole building to do it is not allowing it as all tenants can't agree on one style and will not want to pay for something they do not want and do not want others to pay to put something in front of their space. As written the answer is no trellis and does not support a local business improving their building and enhancing Lompoc.

P23. The hours of operation for wine tasting and wine events shall be between 12-5pm Thursday thru Monday, during the winter and 11am-5pm on Thursdays, Sundays and Mondays, and 11am-8pm Fridays and Saturdays during the spring, summer and fall.

Suggested change - The hours of operation for wine tasting and wine events shall be between 11-9pm Thursday thru Sunday and 11am-7pm on Monday thru Wednesday.

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P26. Winery events (wine pick-up parties and/or wine release parties) shall be limited to four (4) events per year

Suggested change – Winery events (wine pick up, wine release etc) are defined as winery sponsored events with the goal of selling wine. Any winery events exceeding the approved occupancy levels would be limited to 6 per year

P27. No special events (non-winery events) are permitted as part of this approval. Special events including but not limited to fundraisers, charity events or private parties or receptions require a Temporary Use Permit approved by the Planning Division. Special events shall be limited to six (6) events per year.

Suggested change – Special events can be defined into the following categories for fuller understanding.

Charity events – Events where Montemar is donating its goods and/or services to a local charity in support of their fund raising goals and generating more customers. Any charity event exceeding the approved occupancy levels would require a Temporary Use Permit approved by the Planning Division

Wine club member events – Events where wine club members are holding a private event at Montemar. Any wine club member event exceeding the approved occupancy levels would require a Temporary Use Permit approved by the Planning Division

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Other special events – Individual or business wants to hold an event at Montemar. Any other special event exceeding the approved occupancy levels would require a Temporary Use Permit approved by the Planning Division

Special events requiring a Temporary Use Permit shall be limited to six (6) events per year.

For understanding on how special events are currently handled in Santa Barbara County here is their definition. Winery special event as defined in the current Santa Barbara County ordinance ***“ An event of less than 1 day and occurring on a winery premises attended by 80 or more people, including concerts with or without amplified sound, such as weddings, and advertised events, fundraising events, winemaker dinners open to the general public, etc.*”**

Winery special events do not include wine industry wide events (e.g., Vintner’s Festival, Harvest Festival) including associated events held at individual wineries, the normal patronage of a tasting room, and private gatherings of the owner or employees where the general public does not attend.”

The SBC definition and constraint at 80 people have to cover all wineries in the county where there is wide variation on occupancy levels and associated exiting and plumbing capabilities. Once Montemar’s tasting room is completed and approved it will have a specific occupancy level with the associated exiting and plumbing capabilities. Also it is important to note that the planning official stated that there were no TUPs for wineries in the recent past.

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P30. No outside seating shall be permitted in the front of the building, including tables, chairs or umbrellas or similar functional or purely decorative display items.

Suggested change – No outside seating shall be permitted in the front of the building

Rationale - Balance is repetitive with P19

P31. No indoor or outdoor amplified music shall be permitted. Unamplified acoustic music is permitted indoors and/or outdoors, and shall comply with the City's noise regulations.

Suggested change – Indoor and outdoor amplified music shall be limited to between the hours of 2PM – 9PM Thursday thru Sunday. The dB level shall not exceed 85 dB at the property edges.

Note 85 dB at the property edge becomes 70dB on 7th street (the nearest homes). The ambient noise on 7th street is 70 dB or more. There have been no complaints to date and my adjacent neighbors support the music that we have had on most Saturdays for over 1 year.

F4. Ensure proper licensing of fire protection system engineers and California State Fire Marshall licensed installers for design specific systems. Additionally, a City of Lompoc business license may be required of any installers. Verify with the City Clerk any concerns for the local business license of project employees.

Suggested change – how does this apply

WW4. A grease interceptor/trap shall be installed in the community buildings where commercial appliances will be used.

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Suggested change – N/A

WW5. All food service establishments shall demonstrate compliance with Federal, State, and City requirements and sized according to the California Plumbing Code. In instances where multiple food service establishments are proposed, each food service establishment shall have its own grease trap/interceptor. A diagram of the grease trap(s)/interceptor(s) shall be included in the Grading plans and contain location, size and type.

Suggested change – N/A

WW10 - Provide an undercounter grease interceptor/trap in the kitchen/break room

Suggested change – N/A

WW11 - Floor drain in storage area shall be screened in accordance with the City of Lompoc requirements

Suggested change – N/A

S5. - The addition of 5,000 or more square feet of new or replaced impervious area, including awning, structures, patio or asphalt, etc. shall trigger applicable storm water requirements for five (5) percent or less Effective Impervious Area (EIA). See website for detailed requirements.

Suggested change – N/A

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Planning Division