

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
October 8, 2008**

draft

ROLL CALL: Commissioner Judith Grames-Lyra
Commissioner Bob Lingl
Commissioner Jack Rodenhi

ABSENT: Commissioner Helen Free
Commissioner Frank Hain

STAFF: Community Development Director Arleen Pelster
Planning Manager Lucille Breese
City Attorney Sharon Stuart

APPROVAL OF MINUTES:

It was moved by Commissioner Lingl and seconded by Commissioner Rodenhi that the Planning Commission approve the Minutes of September 10, 2008. The motion was approved on a 3-0-2 voice vote with Commissioner Free and Commissioner Hain absent.

ORAL COMMUNICATIONS:

None

CONSENT CALENDAR:

1. LOM 528 – TIME EXTENSION

A request submitted by Kerry Moriarty, the property owner, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 528) to subdivide an existing 41,650 square-foot parcel of land into 16 parcels. The project is known as Las Casitas and is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District at 115 South Third Street (Assessor Parcel Number: 85-150-47). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

2. LOM 533 – TIME EXTENSION

A request submitted by Carlos Yanez of Coastal Vision, Inc., the applicant, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 533) to subdivide an existing 26.22 acre parcel of land into 146 parcels. The project is known as River Terrace and is located in the *Medium Density Residential, Planned Development (R-2, PD)* and *Planned Commercial Development (PCD)* Zoning Districts at the intersection of East Laurel Avenue and Twelfth Street (Assessor Parcel Number 91-141-21). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

3. LOM 550 – TIME EXTENSION

A request submitted by Don Barber of Barber Builders Inc., the property owner, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 550) to subdivide an existing 3.31 acre parcel of land into 8 residential parcels and common area. The project is known as George Ann Estates and is located in the *Single Family Residential (7-R-1)* Zoning District at the southeast corner of North Avenue and V Street (Assessor Parcel Number: 89-040-28). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

4. LOM 554 – TIME EXTENSION

A request submitted by Marshall Ochylski, representing the property owner, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 554) to subdivide an existing 1.36 acre parcel of land to create 13 residential parcels and common area. The project is known as Mosaic Walk and is located in the *Medium Density Residential, Planned Development (R-2, PD)* Zoning District at the southeast corner of Ocean Avenue and R Street (Assessor Parcel Numbers: 91-110-47). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

5. LOM 555 – TIME EXTENSION

A request submitted by Marshall Ochylski, representing the property owner, for consideration of a time extension for Vesting Tentative Subdivision Map (LOM 555) to subdivide an existing 5.13 acre parcel of land to create 60 residential parcels and common area. The project is known as Mosaic Walk and is located in the *Medium Density Residential, Planned Development (R-2, PD)* Zoning District at the southeast corner of Ocean Avenue and U Street (Assessor Parcel Numbers: 91-110-34, 35). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

It was moved by Commissioner Grames-Lyra and seconded by Commissioner Lingl that the Consent Calendar be approved. The motion was approved on a 3-0-2 voice vote with Commissioner Free and Commissioner Hain absent.

PUBLIC HEARING ITEM:

1. LOM 585 – VESTING TENTATIVE SUBDIVISION MAP

A request by Angela Carroll, representing the property owner, for Planning Commission review and consideration of a one (1) lot Vesting Tentative Subdivision Map for condominium purposes, converting nine (9) existing rental apartments into nine (9) for-sale condominiums. The property is located at 213 East College Avenue in the *High Density Residential (HDR) Zoning District* (Assessor Parcel Number: 87-132-05). A Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Gina Lopez summarized the written staff report.

PUBLIC HEARING OPEN

Public Hearing opened at 6:35 p.m.

Public Hearing closed at 6:37 p.m.

Jim Dixon, Project Engineer – discussed the intent to convert the existing apartment project to condominiums and noted there would be no physical changes, only a condominium map.

Craig Lieberman, tenant and partner in condominium project – noted that currently there is no market for condominium sales and the partnership intended to keep the units rented and this was an option for future use.

PUBLIC HEARING CLOSED

The Commission discussed with Mr. Dixon what would happen to the existing tenants who are not able to purchase into a condominium project and Mr. Dixon noted that, in accordance with State Law, notices were provided to the tenants and it is up to the owner of the units as to their disposition.

Commissioner Grames-Lyra expressed concern that community was losing rental housing opportunity with this condominium conversion. Commissioner Rodenhi commented that a condo owner could rent if the rental market was good but this also provided an entry level home ownership opportunity, which was positive. Discussion ensued regarding the existing development and its condition.

It was moved by Commissioner Lingl and seconded by Commissioner Rodenhi that Planning Commission certify the Negative Declaration, recommend that the City Council review and certify the Negative Declaration adopt Resolution No. 622 (08) recommending that the City Council approve LOM 585, the Vesting Tentative Subdivision Map, based on the Findings of Fact in the Resolution and subject to the Conditions of Approval. The motion passed on a 3-0-2 vote with Commissioner Free and Commissioner Hain absent.

2. CUP 08-01 – CONDITIONAL USE PERMIT

A request by Chris Elliott of WiLoCo, representing Clearwire U.S., LLC, for Planning Commission review and consideration of a Conditional Use Permit (CUP 08-01) to allow operation of an unmanned wireless telecommunication facility on an existing building at 425 West Central Avenue (Assessor Parcel Number: 93-450-49) in the *Planned Commercial Development (PCD)* Zoning District. A Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Gina Lopez summarized the written staff report.

Chris Elliot, applicant and representative for the project – was available for questions.

PUBLIC HEARING OPEN

Public Hearing opened at 6:47 p.m.

Public Hearing closed at 6:57 p.m.

PUBLIC HEARING CLOSED

Commissioner Lingl inquired of Mr. Elliot if he could give a presentation regarding how the system operates. Mr. Elliot discussed linking of sites and network functions, and further discussion ensued regarding the service and technology associated with the site, Radio Frequency Radiation exposure, wireless traffic paths and other pertinent matters.

It was moved by Commissioner Ling and seconded by Commissioner Grames-Lyra that the Planning Commission certify the Negative Declaration and adopt Resolution No. 595 (08) approving CUP 08-01 based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a 3-0-2 vote with Commissioner Free and Commissioner Hain absent.

Due to potential conflict of interest, Commissioner Rodenhi excused himself from Item #3.

CUP 08-02 – CONDITIONAL USE PERMIT

A request by Chris Elliott of WiLoCo, representing Clearwire U.S., LLC, for Planning Commission review and consideration of a Conditional Use Permit (CUP 08-02) to allow construction of a forty (40) foot cross and operation of an unmanned wireless telecommunication facility at 1517 West College Avenue (Assessor Parcel Number: 93-174-16) in the *Single Family Residential (7-R-1)* Zoning District. A Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Gina Lopez summarized the written staff report.

PUBLIC HEARING OPEN

Public Hearing opened at 7:10 p.m.

Public Hearing closed at 7:17 p.m.

Ralph Harman, resident – indicated he had questions regarding the location of the equipment whether it would be mounted on or proposed to be inside the cross, noted that the proposed screening around the base of the structure of chain-link with slats was not an acceptable screening method, the expressed concern regarding the location of the cross on the property noting the ordinance regarding height requirement that it be 200 feet from any adjacent residences had not been met, and noting that the “exceptions” provided in the ordinance imply that these exceptions will be located on a structure, not free-standing. He expressed concern that much of the analysis is too complicated for the general public to comprehend, noted that the use of the cross for this purpose is personally offensive to him and noted that he perceived that there were many safety concerns. He expressed concern this would set a precedent for all churches.

PUBLIC HEARING CLOSED

Commissioner Lingl asked Mr. Elliot to address the concerns expressed. Mr. Elliot noted that equipment would be located inside cross structure, that there would be no guide wires or generators used, and noted that the Condition of Approval address the safety concerns and screening brought up by the speaker. He also indicated that representatives of the church were present in the audience. Commisioner Grames-Lyra asked the applicant to discuss the equipment cabinet with the proposed chain-link, discuss the dimensions, and indicate if it was a vandalism prevention measure.

Mr. Elliot indicated that the chain-link enclosure exists and noted that the company would be willing to improve the appearance of the enclosure and the fencing. The Commission inquired of Mr. Elliot if the 40’ height was needed for transmission purposes and Mr. Elliot responded affirmatively. Discussion ensued regarding alternate sites, the number of sites currently in Lompoc which total three; the existing Water Treatment Plant, the site previously approved at the Shepard Building, and this proposed site. Discussion ensued

regarding the chain-link fencing, the use of residential land and it was noted that this was a Conditional Use Permit which could be reviewed in the future if necessary.

It was moved by Commissioner Grames-Lyra and seconded by Commissioner Lingl that the Planning Commission certify the Negative Declaration and adopt Resolution No. 596 (08) approving CUP 08-02 based upon the Findings of Fact in the Resolution and subject to the Conditions of Approval. The motion passed on a 2-1-2 vote with Commissioner Rodenhi abstaining and Commissioner Free and Commissioner Hain absent.

4. DR 08-08 – DEVELOPMENT PLAN REVIEW

A request by Mark Brooks of Raytheon Systems, the property owner, for Planning Commission consideration of a proposal to expand an existing processing facility in two phases. Phase 1 includes the construction of a 1,500 square foot addition and installation of a 9,000 gallon nitrogen tank at the southwest corner of the building. Phase 2 includes the construction of a 1,150 square foot detached building at the rear of the property. The site is zoned *Business Park (BP)* and is located at 425 Commerce Court (Assessor Parcel Number: 93-450-03). This action is exempt pursuant to the California Environmental Quality Act (CEQA).

Principal Planner Keith Neubert summarized the written staff report.

PUBLIC HEARING OPEN

Public Hearing opened at 7:33 p.m.

Public Hearing closed at 7:34 p.m.

Steve Reese, architect – indicated he was the applicant/representative, discussed the proposal and indicated that the applicant was in agreement with proposed Conditions of Approval.

PUBLIC HEARING CLOSED

Commissioner Grames-Lyra requested a discussion of how safety is provided with the use of the liquid nitrogen tank. Mr. Reis explained that the tank would be behind a 12' foot high masonry wall, that is an inert gas and is not a safety risk.

It was moved by Commissioner Rodenhi and seconded by Commissioner Grames-Lyra that the Planning Commission adopt Resolution No. 624 (08) approving DR 08-08 allowing expansion of an existing processing facility in two phases based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a 3-0-2 vote with Commissioner Free and Commissioner Hain absent.

5. TA 08-01 – TEXT AMENDMENT

Planning Commission consideration of a Text Amendment to the City's Zoning Ordinance to amend Chapter 4, Article 1 – Parking Regulations. The proposed Text Amendment will amend and update the parking requirements for development within the City. The Planning Commission action will be a recommendation to the City Council. If adopted, the Ordinance will be effective Citywide. A Negative Declaration has been prepared for this project in accordance with the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report.

Commissioner Grames-Lyra inquired of staff if any feedback had been received and staff referred to two letters which had been presented to the Planning Commission.

PUBLIC HEARING OPEN

Public Hearing opened at 7:45 p.m.

Public Hearing closed at 8:05 p.m.

Tom Davidson – indicated he was representing Sea Smoke, noted that the staffers of the wine industry are very busy at the moment due to the crush. He expressed concern that the examples in the staff report show changes for the parking were not going the correct way, he discussed that similar wineries to the Loring Winery would have 31 or 32 parking spaces required in Buellton or Santa Maria and noted that wineries are a low intensity use during 10 months of the year while wine ages. He indicates he understands the concerns about restricting future uses but urged the Commission not to burden current businesses with artificially high parking requirements and noted that one space for 1,000 square feet of winery area is typical.

Ralph Harman, resident – noted that unreasonable parking requirements can be a hindrance to economic development and urged the Planning Commission to try think out of a square footage requirement mindset.

Scott Sanderfer, Cerdoc – indicated he is representing the winery next to Sea Smoke, noted he agreed with Mr. Davidson's comments and that one space per 1,000 square feet is a more reasonable parking requirement.

Jim Dixon, resident – commented on Attachment 1 of the staff report, his comments are as follows; page 4 he asked the Commission to consider whether covered parking would be desired in the Old Town, page 11 he suggested that the words "easement" be added to the language under item #12, page 13 on the landscaping requirements he noted it should indicate areas other than parking areas should be landscaped, page 14 he referred to the requirement for five foot of screening and indicated that five feet may be excessive between compatible uses and requested that the language indicated that the landscaping start at the

back of sidewalk. He also suggested that the reference to asphalt curbs be deleted as they are not durable and do not hold up. Page 17 on the Table he requested that the 17 foot overhang be specified for 90 degree parking spaces and on Page 18 he suggested that the mistake in the slope calculation be fixed.

Frances Romero, resident – indicated she is representing Mark Hudgens on the Santa Rita Hills winery project. She referred to her letter which had been previously submitted to the Commission regarding winery storage. Ms. Romero discussed the very low parking needs for barrel storage and noted that the options didn't get where the Commission seemed to wish to go which was to reduce the parking requirements. She indicated that parking studies are difficult and this was a good start.

Ralph Harman – commented that whenever excessive parking is provided it tends to turn into unauthorized storage areas.

PUBLIC HEARING CLOSED

Ms. Pelster explained that the staff had followed the Planning Commission's direction from the previous meeting to apply different regulations to several projects by way of example. She noted that the Planning Commission commented it would be useful to have some examples to review. She noted with regard to wineries the staff is not recommending that any of these standards be adopted, which is noted on page four of the staff report that more discussion was needed because these parking requirements would actually be higher than those existing.

With regard to single family and duplexes being calculated at two spaces per unit, she noted that was at the Planning Commission's direction and she indicated that staff has some suggestions regarding winery parking for the Planning Commission to hear when deemed it appropriate.

Planning Commission discussed the proposed parking and examples. Commissioner Grames-Lyra commented that generally the winery parking was too high, that hotels and convention centers and associate uses should be calculated. Regarding mixed-uses she noted that parking such as covered parking or garages may be a secure parking which was desired by users. She indicated that ambulance businesses need employee parking. Commissioner Lingl commented that the Commission never intended to increase the winery parking and that was why staff was directed to run several examples to see the outcome of some of the standards which other cities and counties were using. Commissioner Rodenhi commented that one space per 1,000 square feet may be a good standard for wineries and noted that when the Commission was invited to visit the Loring Winery that Mr. Brian Loring said that they were being able to put some of the additional parking to good use during the crush operations. Commissioner Rodenhi also commented that some residential projects have good parking requirements and they seem to be working. He cited as an example Walnut Grove, which is working quite well and noted that some projects such as the Willows and on "R" Street are not working and generally queried what the difference may be.

Ms. Pelster indicated, with regard to winery parking, the Commission may wish to consider a menu approach which would provide needed flexibility for very small winery operations and large wine centers such as the Santa Rita Hills wine center. She noted that deed restrictions could be utilized when parking may be inadequate for other more intense uses and that the business owners could decide the level of risk associated with the parking provided and its potential impact on future uses.

Commissioner Rodenhi indicated it was a good idea. Commissioner Grames-Lyra commented that flexibility would be a good factor. Commissioner Lingl commented that it was important to get the winery's input and requested that staff send a special invitation in the form of a letter to the wineries. Tom Davidson approached the rostrum and indicated that he represents Santa Rita Hills Growers Alliance and noted that he would personally develop suggestions for the Commission's considerations. The Commission discussed the need to consider other warehousing parking as it may be too high and that flexibility is always a desirable factor. Commissioner Rodenhi requested that the staff do a few surveys of medical facilities at several different times of the day. The Commission also generally noted that visitor parking was needed in residential facilities and directed staff to bring the item back in November for further review and discussion.

NEW BUSINESS:

Planning Commission Meeting Calendar for 2009 was accepted.

ORAL COMMUNICATIONS:

Ralph Harman, resident – inquired when a quorum is not achieved, noting that with only three Commissioners, and with it being necessary for Commissioner Rodenhi to recuse himself on an item, was this actually a quorum or not. City Attorney Sharon Stuart indicated that City had followed the Fair Political Practices Commission recommendations on what constitutes a quorum and noted that the matter required two votes to pass and two affirmative votes were cast.

WRITTEN COMMUNICATIONS:

None

DIRECTOR/STAFF COMMUNICATIONS:

Staff noted that the Planning Commission's recommendations on the General Plan would be before the City Council on October 21, 2008 and that an EIR Scoping meeting for the Bailey Avenue Specific Plan would be held on October 29. It was noted that these were not regular Planning Commission meetings and attendance was optional.

COMMISSION REQUESTS:

None

NUMBER OF PEOPLE IN ATTENDANCE: 14

ADJOURNMENT:

It was moved by Commissioner Lingl and seconded by Commissioner Grames-Lyra that the Planning Commission meeting be adjourned to the November 12, 2008 meeting. The motion passed on a unanimous voice vote of 3-0-2 with Commissioner Free and Commissioner Hain absent.

The Commission adjourned at 8:33 p.m.

Arleen T. Pelster, AICP
Secretary

Jack Rodenhi
Chair