



**MINUTES OF THE REGULAR MEETING  
OF THE LOMPOC PLANNING COMMISSION  
Wednesday, November 14, 2018, at 6:30 p.m.  
City Hall, 100 Civic Center Plaza, Council Chambers**

**ROLL CALL:** Commissioner Federico Cioni – absent  
Commissioner Ron Fink  
Commissioner Nicholas Gonzales  
Commissioner Mary Leach  
Commissioner Jack Rodenhi

**STAFF:** Planning Manager Brian Halvorson  
Principal Planner Greg Stones  
Assistant City Attorney Jeff M. Malawy  
Jennifer Daugherty of Lisa Wise Consulting, LLC  
Fire Marshal Dena Paschke  
Building Official Al Johnson

**ORAL COMMUNICATIONS:**

**CONSENT CALENDAR:**

(All items listed under Consent Calendar are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Commission votes on the motion to adopt.)

**1. 2019 Planning Commission Calendar**

**MOTION:** It was moved by Commissioner Leach, seconded by Commissioner Rodenhi to approve the Consent Calendar.

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

**PUBLIC HEARING ITEM:**

**1. GP 17-01 / ZC 15-02 – Comprehensive Update to Lompoc Municipal Code Title 17 (Zoning) – Continued from the October 10, 2018, Planning Commission meeting**

Planning Commission consideration of a comprehensive update to the Zoning Code including updates to the Land Use/Zoning Map, a General Plan Amendment/Zone Change for sixty-six existing parcels generally along East Ocean Avenue, rescinding the Old Town Specific Plan and comprehensive amendments, reorganization and adoption of a new Title 17 (Zoning) of the Lompoc Municipal Code. An Environmental Impact Report (EIR) Addendum to the 2030 General Plan EIR has been prepared for this project pursuant to the requirements of the California Environmental Quality Act (CEQA).

Staff: Brian Halvorson, Planning Manager  
E-mail address: [b\\_halvorson@ci.lompoc.ca.us](mailto:b_halvorson@ci.lompoc.ca.us)

**Jennifer Daugherty of Lisa Wise Consulting** gave a brief presentation and discussed a follow up item where the code would be changed to allow for directional signage for residential subdivisions (included in the sign standards and is explicit to multi-family residential subdivisions) that have vehicle access off of two or more streets and identified as necessary to facilitate emergency response as determined by the Fire Chief.

**Motion:** The commission approved this change on a vote of 4-0 with **Commissioner Cioni** absent.

A discussion on the determination of legal non-conforming structures (for example, when a determination can be made when a building permit is not available)

No public comment was received for this topic.

There was much discussion by staff and the Commission on this topic.

**Chair Fink** made a motion to forward this item with no recommendation to the City Council and allow them to address. **Chair Fink** emphasized that the Commission was reluctant to make a recommendation and that the Commission didn't have enough information to make a recommendation to the Council on this topic.

**Jennifer Daugherty from Lisa Wise Consulting** stated that at the end of the last hearing the comment was brought up as to whether a definition for special event might be needed. There was discussion about a definition (and the fact that staff was working on a draft concept definition) but no final decision was made on a specific definition.

#### **Public Comment**

**Steve Bridge** I wanted to comment on this as I'm sure won't be as controversial as the last section. There are multiple words in here that are open to true, interpretation and I just like to mention a few so that you can see the concern and my concern is I operate a winery it's not in the ghetto but this is in or out of so it applies to that so the first word is a periodic event so for example wineries have pickup parties once a quarter, so is that periodic we have a harvest event once a year is that periodic do we have to get temporary use permits for that. The second thing is approved in the business or land use entitlements so I assume that's the use permit just what we're referencing their. Use permits essentially say you can have a winery so what is in there I would think of pickup parties in there I would think receptions are in there I would think harvest events would be in there but that's an interpretation on my part and I already know the city has come to me and indicated that may not be in their definition. So I could get have to go get a TUP for every of them we're having because they're not periodic and they're not defined so it's very abstract and then the word large so is that does it exceed your Fire Code of the building or is it large because 30 people are large what constitutes large and how do I predict that if I'm having event if I'm having to pick a party and I get 25 people who respond they're gonna be there and 50 show up did I break the code you know like like the SIP Lompoc event I forget what they call it they they all go around to the wineries we expended expected twenty people in our winery last year over the day we probably had 150 I don't know that I could have projected that at no time did we break the Fire Code but someone can look at that and say you had this large event you didn't get approval before you held it we consider that special. So my recommendation is at a minimum if you're going to overlay this into a requirement that you have to go back and define within an operation what is a normal event which is a very difficult task I don't know how you would do that but if you're saying is special then you have to give me some guidance and you know I'm looking across the winery across you know our County and they have all of these events that heed the city coming to me and up we know why the city came to us it's because we had a nice

news article in the Noozhawk and it said we were having events that became special events they came now I have to redo my use permit or go in with TUPs so this is this is not as controversial at your last thing but it's important to me and I would like you to hear carefully think about what that means to an operation like a winery who does have periodic events probably regularly I don't know how you mix and match that but I think you know what I mean and we don't want to have to go in and get special permissions every time we do it so thank you.

### **Close of Public Comment**

There was much discussion on this item between staff and the Commission.

### **Public Comment:**

**Brandon Bridge** Brandon Bridge a local business owner and resident. The the frequency issue of any sort is that it restricts what may be an evolving business a changing business and how they operate to the changing times. One example I can give you is we probably don't really restrict McDonald's or have a if they've changed 24 hours or using that as an example all the businesses that have changed their hours there's also the idea that our art show is not periodic or over periodic so the frequency as you're scheduling these things becomes problematic in regards to how you're pairing them five years ago wine and design and wine and painting was not together so how do I now call that a special event because I've paired it with wine it's not if I have always done music but I've now added wine is my music adding the special frequency but more more specific let's use the wineries using bridal showers, baby showers that how do you define that frequency we don't know it's going to occur and many wineries in the ghetto have that frequency occurring that they can never define and they range anywhere from one to a hundred coming through there. So now you pair in one extra band for a little bit of their entertainment value did that now make it special you're giving them a walk through is that now special. So we have issue with the limitation of frequency or what defines special and I agree we should lean to our Building Code fire for the restrictions of what they've already granted us. So that's where the issue becomes.

**Brandon Bridge** Lack of language because now we have not just one industry we're trying to define something for all industries. Foursquare getting TUPs for every single jump house they put up it's all that special because jump houses are not part of a church or youth daycare so I don't know how we address it on a on a citywide scale

It shouldn't be determined what is special because one person says it's special versus the business. I think we need to revert back to our Fire Code on that because that's operational. I can't stop a tour bus from coming in.

But we're operating on the premise here that the hand got laid down because the large was not just periodic so we've got two points of data that have no real spectrum and we're talking about an art show that was scheduled a year ago that has ten people rotating through constantly did that become special because I don't do art or did I become a beacon of foot traffic and I don't know how to answer that and isn't foot traffic my main operational business I need to get people in but take again I'm a church take again how do you put this on every business and now say well that's special to me. I use the word special in my advertisement I don't know where that ends.

**Steve Bridge** Just two comments. Go back to what I said before which is what the normal operation within what the Building Code was allowed and recognize when you say something like a pickup party is a special event or a wedding, wine tasting rooms want those every weekend, that's what brings in the people. So you know if you start saying you can only have an event twice a quarter you're going to put them all out of business.

There was a Five minute recess

**Jennifer Daugherty from Lisa Wise Consulting** discussed the special event overlay zone and explained that text would be added that would not require a TUP if an event does not exceed 72 hours and there are no more than two events per tenant in a calendar quarter.

There was discussion about this topic by the Commission and staff.

**Assistant City Attorney Jeff Malawy** presented a summary of the regulations for a draft mobile vending ordinance and answered questions by the Commission.

**Recreation Manager Mario Guerrero** discussed Christmas parades and emphasized that the City does not allow vendors at these parades. He also mentioned they kind of assemble on their own but they're not part of our permitted parade process.

A discussion among staff, the Commission and members of the public continued on this topic.

The Commission recommended the following changes (or follow-up) to the Mobile Vending Ordinance to be forwarded to the Council:

- Change hours to 2:30am to 6:00am for when vending cannot occur.
- Staff agreed to look into who certifies food trucks and if an operator needs to provide evidence to the City of a business permit.
- Require that all mobile food vendors provide a safety inspection certificate from the County Health Department.
- Prohibit stationary sidewalk vendors in the parks when concessions are operating.
- Amend ordinance to allow sidewalk vendors to operate within 500 feet of a special event.

**The Commission made motions to adopt the following Resolutions:**

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Leach**, that the Commission adopt Resolution No. 889 (18) recommending Council approval of a portion of General Plan Amendment (GP 17-01) that removes text references to the Old Town Specific Plan as part of the comprehensive update to Title 17 (Zoning) of the Lompoc Municipal Code, based upon the Findings of Fact in the Resolution.

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

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Rodenhi**, that the Commission adopt Resolution No. 891 (18) recommending Council approval of a portion of General Plan Amendment (GP 17-01) that changes the General Plan Designation of thirty-six parcels east of A Street from Office Commercial to General Commercial, based upon the Findings of Fact in the Resolution.

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

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Gonzales**, that the Commission adopt Resolution No. 895 (18) recommending Council approval of a portion of Zone Change (ZC 15-02) that changes the Zoning Designation of thirty-six parcels east of A Street from Commercial Office (CO) to Planned Commercial Development (PCD), based upon the Findings of Fact in the Resolution.

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

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Leach**, that the Commission adopt Resolution No. 893 (18) recommending Council approval of a portion of Zone Change (ZC 15-02) that deletes the Commercial Office (CO) zoning designation, renames the Central Business District (C-2) zoning designation to Central Business (CB) zoning designation, adds the Planned Development, Special Event, and H Street Overlays, rescinds the Old Town Specific Plan and incorporates its provisions into the Zoning Code and adopts the comprehensive update to Title 17 (Zoning) of the Lompoc Municipal Code), based upon the Findings of Fact in the Resolution.

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

**Assistant City Attorney Jeff Malawy** described conflicts of interest as follows:

On Resolution 890 (18) which is number 4 in your list, **Commissioners Gonzales and Leach** have conflicts on those parcels and because that tonight will leave us with only two Commissioners, and because **Commissioner Cioni** is absent, we don't have enough commissioners to vote and we cannot do the legally required exception (where you pull names out of a hat because we have the option of waiting until the next meeting for **Commissioner Cioni** returns). Mr. Malawy stated that we will have to wait until December to vote on the other Resolutions and that would be the same for Resolution 894 (18) which is the Zoning amendment for the twenty five parcels west of A Street and for Resolution 892 (18) which is the Cypress Court parcels. **Commissioner Gonzales** has a conflict of interest on this Resolution because the Housing Authority (which is the owner) is a source of income for him and **Commissioner Rodenhi** was not present during the Housing Authority's testimony on those two items and if they recuse themselves we would be in the same position with only two Commissioners and so we need to wait for **Commissioner Cioni** to return.

There was a discussion about an error on the Agenda that referred to the adoption date of Planning Commission minutes incorrectly. Therefore, staff agreed to bring the minutes back to the next Planning Commission meeting.

**Chair Fink** mentions that this will be his last meeting as a Planning Commissioner.

**Assistant City Attorney Jeff Malawy** states that this actually means that since we can't wait until the next meeting because of the empty chair tonight (**Commissioner Cioni**) and at the next meeting we'll have the same problem, we cannot wait until the next meeting since you just said you're resigning at the end of this meeting, we can therefore pull a name out of the hat tonight.

The Public Hearing was re-opened.

**Assistant City Attorney Jeff Malawy** began with Resolution 890 (18). Mr. Malawy stated that **Commissioners Gonzales and Leach** have conflicts. Mr. Malawy stated that he would need to choose which of them can participate and then stated that would be **Commissioner Leach** who can participate and **Commissioner Gonzales** would recuse.

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Leach**, that the Commission adopt Resolution No. 890 (18) recommending Council approval of a portion of General Plan Amendment (GP 17-01) that changes the General Plan Designation of twenty-five parcels west of A Street from Office Commercial to General Commercial, based upon the Findings of Fact in the Resolution.

**VOTE:** The motion passed on a voice vote of 3-0-1, with **Commissioner Gonzales** Not Participating, with **Commissioner Cioni** absent.

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Leach**, that the Commission adopt Resolution No. 894 (18) recommending Council approval of a portion of Zone Change (ZC 15-02) that changes the Zoning Designation of twenty-five parcels west of A Street from Commercial Office (CO) to Planned Commercial Development (PCD), based upon the Findings of Fact in the Resolution.

**VOTE:** The motion passed on a voice vote of 3-0-1, with **Commissioner Gonzales** Not Participating, with **Commissioner Cioni** absent.

**Chair Fink** introduced Resolution 892 (18) and **Planning Manager Brian Halvorson** mentioned that there is supplemental information on this Resolution

**Assistant City Attorney Jeff Malawy** states that for Resolutions 892 (18) and 896 (18) **Commissioner Gonzales** has a conflict because the owner is a source of income for him and **Commissioner Rodenhi** was not here during the applicant's testimony. Mr. Malawy states that he will choose who can participate and **Commissioner Rodenhi** was selected to participate.

**Commissioner Gonzales** leaves the meeting.

**Planning Manager Brian Halvorson** mentioned that **Principal Planner Greg Stones** will present supplemental information for this item.

**Principal Planner Greg Stones** presented the following information:

- The smaller portion of the Cypress Court properties which was recommended to be zoned R1 was mentioned at the last meeting that the density could only support essentially 3 units, however based on our proposed zoning code and the physical size it would not be able to have 3 units because the proposed zoning code indicates that the lot sizes have to be seven thousand square feet. This particular lot size is about 17,000 square feet so it could only have two units, in order to meet the requirements of the proposed zoning code of seven thousand square feet lot size. In addition, the proposed zoning code indicates that lots have to be 90 feet in depth and this lot is 70 feet. So, hypothetically if this property is zoned R1 and somebody wanted to do a parcel map we would not be able to accommodate that because it would not meet the 90 foot depth requirement and because this lot is only 70 feet in depth, it would remain as R1 and you would not be able to make a parcel map out of it and create a second parcel. Mr. Stones went on to say that you could zone it to R1 but you would not be able to subdivide it so you would just have one lot. Since it cannot be subdivided, they would have to meet the standards of the zone and could not create additional lots on the property.

**Jennifer Daugherty of Lisa Wise Consulting** mentioned that the R2 zone has a minimum lot size of six thousand so you could get two lots with the minimum lot size and there is no minimum depth for R2 so under the R2 zoning you could get 2 units.

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Leach**, that the Commission adopt Resolution No. 896 (18) recommending Council approval of a Zone Change (ZC 15-01) that changes the Zoning Designation of two parcels west of Seventh Street between Ocean Avenue and Cypress Avenue from Single Family Residential (7R1) to Medium Density Residential (R2), based upon the Findings of Fact in the Resolution.

**VOTE:** The motion passed on a voice vote of 3-0-1, with **Commissioner Gonzales** Not Participating, with **Commissioner Cioni** absent.

**MOTION:** It was moved by **Commissioner Fink**, seconded by **Commissioner Leach**, that the Commission adopt Resolution No. 892 (18) recommending Council approval of the portion of the General Plan Amendment (GP 17-01) that changes the General Plan Land Use Designation of two parcels west of Seventh Street between Ocean Avenue and Cypress Avenue from Low Density Residential (LDR) to High Density Residential (HDR), based upon the Findings of Fact in the Resolution.

**VOTE:** The motion passed on a voice vote of 3-0-1, with **Commissioner Gonzales** Not Participating, with **Commissioner Cioni** absent.

**Commissioner Gonzales** returned to the meeting.

Close of Public Hearing

**NEW BUSINESS:** None

**ORAL COMMUNICATIONS:** None

**WRITTEN COMMUNICATIONS:** None

**APPROVAL OF MINUTES:** None (due to the need to make a correction)

**DIRECTOR/STAFF COMMUNICATIONS:** None


**COMMISSION REQUESTS:** None

**ADJOURNMENT:**

**MOTION:** It was moved by **Chair Fink**, seconded by **Commissioner Rodenhi** to adjourn at the meeting at 8:41 P.M. to the Regular Meeting on December 12, 2018, 6:30 P.M. in City of Lompoc, Council Chambers.

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

  
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Brian Halvorson  
Secretary

  
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Ron Fink  
Chair