



Adopted June 12, 2019

**Minutes of the Regular Meeting of the Lompoc Planning Commission
Wednesday, April 10, 2019, at 6:30 p.m.
City Hall, 100 Civic Center Plaza, Council Chambers**

ROLL CALL: Commissioner Nicholas Gonzales, Chair
Commissioner Federico Cioni, Vice- Chair
Commissioner Christopher Braxton
Commissioner Sasha Keller
Commissioner Mary Leach

STAFF: Planning Manager Brian Halvorson
Principal Planner Greg Stones
Associate Planner Cody Graybehl
Assistant Planner Hannah Nguyen
Assistant City Attorney Brian Wright-Bushman

Commissioner Cioni informed the Commission that he would need to leave the meeting at 8:30 P.M. for a work commitment.

ORAL COMMUNICATIONS: None

PUBLIC HEARING ITEMS:

ITEM 1:

CUP 19-01 – CLH Retail Solutions

A request for a Conditional Use Permit from Liz Rogan, representing applicant Richard Smith of Cropland Health (CLH) Retail Solutions, LLC for Planning Commission consideration of a proposal to operate a 1,449 square foot commercial cannabis dispensary in an existing building. The project site is 21,750 square foot in size and located at 321 North Second Street (APN: 085-052-023) in the Industrial (I) zoning district. This action is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Commissioner Leach informed the Commission that she owned property within 500 feet and recused herself.

Assistant Planner Hannah Nguyen summarized the written staff report with a PowerPoint presentation.

Richard Smith of Cropland Health (CLH) Retail Solutions, LLC, applicant, stated that his goal is to provide well-paying jobs with positions starting at \$15.00 per hour and expand his business. He had already completed a distribution application and would like to add manufacturing. He stated that running a successful business will allow him to give back to the community that he grew up in and cares about. He also spoke regarding security protocols and safety regarding people under 21 years of age.

Commissioner Gonzales stated that there would be a limit of 5 minutes per speaker.

Open Public Comment

Lin Rolens, resident, recited the letter that she provided to the Commission in opposition of the project and provided images of the project site and surrounding area to the Commission.

Liz Rogan, Cannabis Consultant, project representative, spoke to cannabis industries being strictly

regulated. Stated that products exiting a cannabis store are in locked containers that are childproof. Spoke to the improvement this business has brought to the location and the surrounding area.

Rob Trailer, attorney for CLH Solutions, thanked Staffed for their work and appreciated the staff report. He stated that the meeting was appropriately noticed. Noted that the proposed use allowed in the code and the property is properly zoned and asked the Commission to support the application.

Joe Simonson, resident, voiced concerns regarding the location of the proposed use, regarding access and families living across the street.

Stan Leach, resident, spoke to the state of the neighborhood.

Close of Public Comment

Commissioner Cioni inquired if there could be monitoring of traffic.

Planning Manager Brian Halvorson stated that a condition could be added to monitor traffic at the project site for one year after opening and return to the Commission with a status report.

MOTION: It was moved by **Commissioner Cioni**, seconded by **Commissioner Keller** to adopt Resolution No. 903 (19) approving a Conditional Use Permit (CUP 19-01) for Cropland Health (CLH) Retail Solutions, based upon the Findings of Fact in the Resolution, and subject to the attached amended Conditions of Approval.

VOTE: The motion passed on a roll call vote of 3-1-1, with **Commissioner Braxton** voting No and **Commissioner Leach** Not Participating.

ITEM 2:

GP 17-01 / ZC 15-02 – Comprehensive Update to Lompoc Municipal Code Title 17 (Zoning) – Continued from the February 19, 2019, City Council meeting

Planning Commission consideration of a comprehensive update to the Zoning Code including updates to the Land Use/Zoning Map, rescinding the Old Town Specific Plan, 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).

Planning Manager, Brian Halvorson, summarized the written staff report with a PowerPoint presentation.

Assistant City Attorney Brian Wright-Bushman stated that Commissioner Gonzales and Leach have conflicts for Resolution No. 904 (19). In addition, Resolution No. 904 (19) is about incorporating the Old Town Specific Plan into the Zoning ordinance update, and Resolution No. 907 (19) contains language rescinding the Old Town Specific Plan. Mr. Wright-Bushman suggested speaking about these Resolutions together following public Comment.

Commissioner Gonzales recused himself for discussions on Resolutions Nos. 904 (19), 905 (19), and 906 (19) due to conflicts of interest.

Commissioner Leach recused herself for discussions on Resolution No. 904 (19) due to conflicts of interest.

Open Public Comment on the Old Town Specific Plan / Close Public Comment

MOTION: It was moved by **Commissioner Cinoi**, seconded by **Commissioner Braxton**, that

the Commission adopt Resolution No. 904 (19) recommending that City Council approve a portion of the General Plan Amendment (GP 17-01) that removes 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 3-0-2, **Commissioner Gonzales** and **Commissioner Leach** Not Participating.

MOTION: It was moved by **Commissioner Cinoi**, seconded by **Commissioner Keller** to close discussion on the Old Town Specific Plan to approve the rescission of the Old Town Specific Plan and incorporating its provisions into the Zoning Code as listed in Resolution No. 907 (19).

VOTE: The motion passed on a voice vote of 3-0-2, with **Commissioner Gonzales** and **Commissioner Leach** Not Participating.

Commissioner Leach returned to the dais.

Open Public Comments on Resolution Nos. 905 (19) and 906 (19).

Tony Tomasello of RRM Design Group representing the Housing Authority of the County of Santa Barbara, requested that the Commission not move forward with either of these Resolutions which if passed would create a hardship for the property owner.

John Linn, resident spoke to his recollection of the property and project history and stated support for the Commission to move forward with this item.

Close Public Comment

MOTION: It was moved by **Commissioner Leach**, seconded by **Commissioner Cioni**, that the Commission adopt Resolution No. 905 (19) recommending the City Council approve changing the General Plan (GP 17-01) designation of one parcel (APN: 085-150-089) at the northwest corner of Seventh Street and Cypress Avenue from Office Commercial (OC) to Medium Density Residential (MDR) and change the General Plan (GP 17-01) designation of one parcel (APN: 085-150-090) at the southwest corner of Seventh Street and Ocean Avenue from Office Commercial (OC) to partly High Density Residential (HDR) 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 4-0-1. with **Commissioner Gonzales** Not Participating.

MOTION: It was moved by **Commissioner Leach**, seconded by **Commissioner Cioni**, that the Commission adopt Resolution No. 906 (19) recommending the City Council change the zoning map designation of one parcel (APN: 085-150-089) at the northwest corner of Seventh Street and Cypress Avenue from Commercial Office (CO) to Medium Density Residential (R-2), and change the zoning map designation of one parcel (APN: 085-150-090) at the southwest corner of Seventh Street and Ocean Avenue from Commercial Office (CO) to partly High Density Residential (R-3), 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 4-0-1 with **Commissioner Gonzales** Not

Participating.

Commissioner Gonzales returned to the Dias.

Open Public Comments on Spot Zoning / Close Public Comment

MOTION: It was moved by **Commissioner Gonzales**, seconded by **Commissioner Braxton**, that "Spot Zoning" be forwarded to City Council without a definition in the Zoning Code Update.

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

Open Public Comment on Minor Use Permits (MUP) for Restaurants in Industrial/Business Park Zones

Steve Arrowood, resident, stated that he was under the impression that Restaurants were an entitled use and did not require an MUP and spoke to the issues of infrastructure and cost for restaurants to become established in the wine ghetto.

Close Public Comment

MOTION: It was moved by **Commissioner Cioni**, seconded by **Commissioner Braxton** to recommend to the Council that restaurants be a permitted use in the Industrial (I) and Business Park (BP) Zones.

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

Open Public Comment on Accessory Uses in the Industrial/Business Park Zones

Steve Bridge, resident presented a PowerPoint presentation and spoke regarding portions of the City of Lompoc's General Plan that states the City will support the wine industry and the Zoning Ordinance is used to implement the General Plan. He spoke to the cost of a Temporary Use Permit (TUP) and having to obtain multiple TUPs for multiple events. Mr. Bridge also stated the Wine industry is considered manufacturing. He noted that the City of Paso Robles allows wineries up to 10,000 sq. ft. and recalled the history of the proposed Special Event Overlay (SEO). Showed photographs of events at various wineries.

Commissioner Cioni left the meeting at 8:30 P.M.

Allison Laslett, CEO Santa Barbara Vintners Association spoke to the percentage of revenue that tasting rooms bring to the wine businesses and supported flexibility in allowing tasting rooms to operate.

Jeremy Ball, resident stated he feels that the City should embrace the wine industry and the possible tourism impacts that can follow when the industry is thriving.

Alex Neil, resident noted he has worked in various industrial parks and feels that the regulations have been stifling growth in the wine ghetto.

Peter Warrick, Ampelos Winery tasting room in wine ghetto, requested that the Commission support the wine industry.

Steve Arrowood, resident, stated that he feels that the wine ghetto should not be zoned industrial. He stated that restraining the size of the winery in the Special Event Overlay (SEO) will defeat the purpose of creating the overlay. He would like to see outdoor space that has been approved by a Use Permit included in the SEO.

John Linn, resident, stated that if the staff is recommending something other than what Planning

Commission recommends it should be a separate recommendation.

Close Public Comment / Reopen Public Comment on Accessory Uses the in Industrial/Business Park Zones

Steve Bridge, resident, noted that in the SEO we want safety above all.

Alex Neil, resident stated there are many tours and events when the wine is being made.

Peter Warrick, Ampelos Winery tasting room in wine ghetto, stated that they would not risk contamination by having people there during the winemaking process.

Close Public Comment

Commissioner Gonzales stated he wants to make certain any use for a winery within an Industrial Zone is a permitted use. He stated that if a winery would like to have half of their building for storage and production and the other half for tasting and sales of merchandise, he wanted that to be permitted. He wanted affirmative language that wine and winery uses as defined by Steven Bridge are permitted in a winery.

MOTION: It was moved by **Commissioner Gonzales** to recommend to Council wine tasting not be an accessory use, but a permitted use and all other accessory uses are limited to 20% in the Industrial (I) and Business Park (BP) Zones to be a permitted use.

VOTE: Failed for lack of second.

Assistant City Attorney Brian Wright-Bushman stated that the last sentence of the section we are referring to on page 17.2.16-5 and 17.2.16.050 B states "Wine tasting rooms that are part of or on the site of a winery use are not subject to this limitation." Meaning, the 15% for accessory use. Mr. Wright-Bushman stated that we could expand the definition of winery to state wine tasting rooms and associated marketing activities that are a part of or on site of a winery use are not subject to this limitation. We could also add: "and shall not be considered an accessory use".

Commissioner Gonzales affirmed this would be the definitive verbiage he is looking for.

Commissioner Gonzales requested input from the wine industry.

Steve Arrowood voiced concerns regarding stand-alone wine tasting rooms that are tasting rooms only and have production and storage at another location, they should be able to operate without extra permits.

Assistant City Attorney Brian Wright-Bushman noted right now the language states wine tasting rooms and we added "and associated marketing activities", here is key language "tasting rooms and associated marketing activities that are part of or on site of a winery use" there is not a percentage noted. Winery use is broadly defined, but we would have to review the definition of a winery use since the definition of winery includes tasting rooms as written, it would seem like a whole thing could just be a tasting room.

Commissioner Gonzales stated that as a manufacturing in an industrial area we should keep the primary use at a minimum of at least 51% of the building.

Planning Manager Brian Halvorson noted that the Land Use table for the Industrial Zone on page 17.2.16-2 reads that winery is a permitted use in the table, and a tasting room is in the definition of winery. If the Commission would like to see stand-alone tasting rooms as a permitted use, I would recommend listing them in this table.

Assistant City Attorney Brian Wright-Bushman noted that the Commission could add an additional

sentence stating wine tasting rooms and associated marketing activities shall not be more than 49% of the use.

Commissioner Gonzales requested input from the wine industry.

Steve Bridge stated he did not disagree with the Commission's desire to maintain the Industrial use. He is aware of tasting rooms in the Wine Ghetto who have created a storage area for wine barrels for storage, but they are basically a tasting room.

Dan Kessler from Kessler Hawk Wines noted his winery and tasting room are in two separate locations.

Assistant City Attorney Brian Wright-Bushman suggested the Commission have the definition of a winery be a broad definition to mean wine, production, manufacturing, marketing, sales, or tasting room, and it could be any of those things at any percentages if you wanted to be as permissive as possible.

MOTION: It was moved by **Commissioner Gonzales**, seconded by **Commissioner Braxton**, to recommend to Council that wine tasting rooms not be listed as an accessory use, but as a permitted use and expanded the definition of Wineries to include wine, production, manufacturing, marketing, sales, or tasting room, with any of these uses at any percentages.

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

Commissioner Gonzales inquiry to legal; and asked if we provided a broad definition of winery does that nullify the need for the Special Event Overlay(SEO)?

Assistant City Attorney Brian Wright-Bushman defered to the **Planning Manager Brian Halvorson**

Planning Manager Brian Halvorson read the definition of the Special Event Overlay (SEO) on page 17.2.24-2. The recommendation from the Commission in November was to have four special events per calendar quarter. There was debate if that was per tenant or per building. We chose per building, due to the complexities of the building and fire codes.

Commissioner Gonzales provided one minute for comments. I am prepared to forward the original recommendation from the Commission.

Open Public Comment on the Special Event Overlay (SEO) for the Industrial/Business Park Zones

Steve Bridge noted it is unclear as to what the recommendation will be.

Commissioner Gonzales stated the previous the recommendation was four events per business per quarter, and asked for verification.

Planning Manager Brian Halvorson stated he believes that the Commission recommendation was per building, he will verify.

Steve Bridge noted he would like to see per tenant.

Steve Arrowood stated that he believes there is confusion on the definition of what a special event it and feels that it should be events that are not wine events, things that are wine events such as wine tasting; pick up parties. These are not special events, these are core items of businesses for wineries. He stated that he would like to see outside included if the winery has an outdoor conditioned space.

John Linn stated that he feels that it is not a special event until an event spills over into an outside area.

Norm Yost, Flying Goat Cellars agreed that special events need to be clarified.

Commissioner Leach stated that she spoke with staff regarding a Master Temporary Use Permit that was renewed once a year.

Commissioner Gonzales stated that in regards to a Master Event Permit, he wanted to get away from every time they (the wine industry) has an event they need to acquire a permit with a ministerial approval.

Assistant City Attorney Brian Wright-Bushman stated the definitions currently includes wine club pick up parties, inquired if the Commission wanted to amend the definition Special Event to carve out certain wine activities.

Commissioner Gonzales stated he does not want any winery event to be considered a special event, unless it is outside/outdoors of the building or outside of the wineries uses such as a wedding is not a typical winery use.

Assistant City Attorney Brian Wright-Bushman stated the Code could state that special events do not include tasting events or other marketing events in a winery unless they are outdoor events.

Commissioner Gonzales affirmed anything that would flow outside the control of the property should be a special event.

Planning Manager Brian Halvorson cited an example of an event being in the wineries parking lot as opposed to behind their building.

Steve Bridge stated he supports Commissioner Leach and would like one master TUP, not have an annual TUP and only require an update if conditions change and let the annual Fire inspection be enough.

Commissioner Gonzales inquired if the Master TUP with annual Fire reviews would be acceptable?

Planning Manager Brian Halvorson noted that the Draft Zoning Code currently has an Annual Permit that is processed with the Temporary Use Permit Application; the permit is then reviewed by Fire, Building, and Planning.

Commissioner Leach stated she would like to start with one Master TUP per year, it can be amended later if need be.

Commissioner Gonzales stated the applicant would make a list of items they will be having and not deviate from it.

Assistant City Attorney Brian Wright-Bushman inquired if the applicant could amend it?

Commissioner Gonzales stated yes, they can amend it, but they need to do their homework and do their due diligence. He also stated on the Temporary Use Permit application you would list all the events you could be having so they can be analyzed. You can have any number of events and as long as they are defined, Staff can analyze the effects they might have.

Planning Manager Brian Halvorson noted we will be flexible when they layout the twelve-month period and they say there could be a wedding, but the project description needs to be laid out so the departments can review it. Important factors would include: how many people, where is it going to be located, where in the building or where outside the building, the number of people attending and the size of the gathering at the event is a huge factor.

Discussion of the qualifying event to trigger a TUP.

MOTION: It was moved by **Commissioner Gonzales** and seconded by **Commissioner Leach** to recommend to Council that Special Events be limited and defined by events outside the normal definition of Winery to be done on a one time annual Temporary Use Event Permit, to be defined by the types of events, not the particular events and any deviation or additions would then have to come back.

VOTE: not voted on, withdrawn.

Assistant City Attorney Brian Wright-Bushman made an inquiry to the Commission regarding the number of events. Are you then suggesting we take out the line where it states there shall be no more than four events per quarter per year?

Commissioner Gonzales stated yes he is.

Commissioner Leach noted that she wanted to second this, but she thought this was for above the 4 events that are approved in the SEO if they were going for more than the four events that we approved then they would need the TUP.

Commissioner Gonzales stated he is not trying to limit anything that is considered within the normal course of business for wineries as long as it has been defined and staff has had the opportunity to review it.

Assistant City Attorney Brian Wright-Bushman noted that hypothetically if they submit a Master TUP application for 30 events for the year would we be ok with this?

Commissioner Gonzales noted that if those events fall within what staff thinks is appropriate, yes. I don't want to have restrictions where we are stopping the normal course of business activities.

Planning Manager Brian Halvorson made an inquiry to the Commission regarding a consensus of no limit on the number of events. I want to clarify that there is a consensus on not limiting the number of events, the Commission previously had a limit of four and now we are at no limit at all?

Commissioner Gonzales stated yes, it was four, and then it was returned to us for review and in light of the items heard this evening I am willing to take that path.

Commissioner Leach stated she thinks that can be too much if the number events are unlimited, what would be a fair number for a year?

Steve Bridge noted it's not clear what you're calling a special event. If you're saying all of the normal things then we may need to define what is a pick up party, is that music, are receptions then a limited number? If Brian is interpreting music to be a special event then we need to be able to have a lot because we have them every weekend.

Steve Bridge noted if you ask Brian he will probably have a different interpretation, would put a limit on the number of people, if the occupancy goes over 150 it's a special event if they go over 10. Don't try to define what the winery is going to use as marketing, because we'll get creative.

Commissioner Gonzales stated the winery should come in and define their uses by definition and they are going to give Brian how many people, what type of event, what the hours would be, and as long as they stayed within those parameters I am not concerned how many events they have. If they go outside of those parameters they have to go back and it has to be reviewed. Brian, does that pose a major difficulty, outside of building and fire?

Planning Manager Brian Halvorson stated that it is difficult to say, we have to have specifics about the

event, how often, how many people, and the location within the building, all of that is going to determine as far as what you can and cannot do. What the Zoning Code is trying to accomplish is provide general parameters of when additional permits would or would not be triggered.

Commissioner Gonzales stated they are going to provide a wish list and you are going to go through that list and say yes or no to each type of event and I am not concerned with the number of events on ones you say yes to. We are looking for Staff to embrace the spirit of the law and be as flexible as you can without jeopardizing public safety.

Planning Manager Brian Halvorson stated I am hearing you and would like to go back to the original wording with the Annual Permit with a review from the various departments and then if you want to revisit in a year we can bring it back under the Director's report.

MOTION: It was moved by **Commissioner Gonzales**, seconded by **Commissioner Leach** to recommend to Council that Special Events have an annual Temporary Use Permit, and within the TUP define attendance, hours, music, indoor, outdoors. I need the industry to define, I don't want you coming back with a whole new set of issues, define your uses, provide them to Staff to be approved. I am not concerned about the number of events.

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

Planning Manager Brian Halvorson made an inquiry to the Commission to please provide clarification on the Accessory Uses originally 15%, where the Commission recommended 20% in November 2018.

Commissioner Leach stated that we are going to remove the Accessory Use definition altogether, with no public assembly uses during manufacturing activities.

Commissioner Gonzales stated that we made that motion to remove the accessory use limitation.

Commissioner Leach inquired about 749 sq. ft. requirement (17.2.16.030.A footnote 1 July 2018 ver. Footnote 2 redline page 17.2.16-3)

MOTION: It was moved by **Commissioner Leach**, seconded by **Commissioner Gonzales** to recommend to Council to remove the 749 sq. ft. requirement.

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

Since the item being discussed is in a section of the Zoning Code that has been codified and not a part of the Zoning Code Update being reviewed tonight instead of a motion, the Commission made a consensus to make a recommendation to City Council along with other recommendations.

Consensus: Nonverbal 4-0 – to recommend to Council regarding changes previously discussed to Table 17.2.16.030.A.

Commissioner Leach inquired regarding the term standardized (Footnote 3 redline page 17.2.16-3).

Planning Manager Brian Halvorson noted research was performed by **City Attorney Jeff Malawy** to determine the proper way of defining the difference between a regional versus a worldwide chain.

Commissioner Gonzales stated our intent was to keep large franchise restaurants out of the area, not to start governing how they dress or present themselves.

MOTION: It was moved by **Commissioner Gonzales**, seconded by **Commissioner Leach** to

recommend to Council to the revise the wording on Footnote 3 redline page 17.2.16-3 with the intent to keep large franchise restaurants out of the area (10 or Less).

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

Commissioner Leach stated that the Commission recommended 20% and the recommendation was changed to 10%. She inquired why health and safety would be an issue if you enlarged the area from 15% to 20%, why for health and safety issues would it have to be reduced to 10%?

Building Official Al Johnson stated that by removing the Accessory Use from wineries you have classified them as an F1 Manufacturing, the occupant load with an occupant factor of 200 and it reduces the number of people that will be allowed in the building. The reason they have Accessory Use is to be able to increase occupancy loads, but you have eliminated that this evening.

Open Public Comment on Accessory Uses (non-winery) in the Industrial/Business Park Zones

John Linn stated the Building Code interpretation is subjective and that there is an appeal process in the Building Code that allows applicants to appeal to the City Council. He recommends 20% for Accessory Uses.

Planning Manager Brian Halvorson noted that in research with other Cites, they utilize 51% as a primary use, and 49% secondary or accessory use but a floor plan would need to be submitted and reviewed by the appropriate departments, and you need to make sure that the primary use is the underlying use that is allowed in that zone.

MOTION: It was moved by **Commissioner Leach** and seconded by **Commissioner Gonzales** to recommend to Council that an Accessory Use not exceed 49% and the Primary Use not fall below 51% of the underlying use that is allowed in the Industrial (I) and Business Park (BP) Zones.

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

Commissioner Gonzales queried the Building Official if the 51% primary and 49% secondary/accessory use will work for wineries.

Building Official Al Johnson noted that the Building Code states an Accessory Use cannot exceed 10%. You can have a mix of uses, but the Building Code states that the uses need to be separated. If you want to have an unseparated Accessory Use, it cannot exceed 10%. Separated meaning firewall/fire bearer, a wall from floor to ceiling to separate uses or a 10% or 749 sq. ft. maximum to maintain comingled uses.

Steve Bridge stated that he believes a TUP covers that, he takes one exception to AI's definition if you exceed 50 people in the area it becomes a Fire issue not a Building Code issue.

Commissioner Leach questions **Building Official Al Johnson** if the Commission recommends 51% primary / 49% accessory use will it make a difference or define a given accessory space?

Building Official Al Johnson stated in the Zoning Code you can call it whatever you want it, the 51% primary / 49% accessory use is not a definition that we have in the Building Code. As far as assembly occupancies it is defined in the building code. The Fire Marshall may enforce, but the Building Code numbers for an assembly use is greater than 49 than it is in chapter 3 of the Building Code. If you have one building as an F1 occupancy you're manufacturing, you are not an assembly. You would take the area of the building 5,000 feet and divide that by (the occupant factor) 200 (equals 25), that is all of the people you can have in the building. You can separate the building and create separate portions of the building then there is a different occupancy level for each portion of the building and exiting and such need to be addressed

accordingly

Commissioner Leach inquired if there are walls separating the uses now?

Building Official Al Johnson stated that some do and some don't. The newer buildings we saw in Paso were state of the art, they were designed for multi-functions, dinners, weddings, whatever, but yes, they had firewalls in place.

Commissioner Gonzales inquired if self-closing doors, encapsulating a space is that within the same parameters?

Building Official Al Johnson replied the Building Code has become less restrictive in those regards if you could have core doors, hallways, or a rated ceiling, or a hard lid.

Commissioner Gonzales stated that whatever we do there are Building Codes, and there are design ways to meet those codes.

MOTION: It was moved by **Commissioner Gonzales** and seconded by **Commissioner Leach** to recommend to Council that we amend the previous motion to include wine tasting and associated marketing in the definition for Accessory Use not exceed 49% and the Primary Use not fall below 51% of the underlying use that is allowed in the Industrial (I) and Business Park (BP) Zones.

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

Commissioner Gonzales noted that it was approaching 11:00 P.M. and queried Commissioners and Staff on their willingness to stay and continue the discussion of the item.

Open Public Comment on Metal Storage Containers

Greg Campbell stated we utilize metal storage containers and have more than 30 years, we currently have six on site. They are kept at the rear and cannot be seen from the front of the building.

John Linn stated that the effort of this Zoning update is to modernize our Code to meet current uses and needs. He encouraged the Commission to repeal Planning Commission Resolutions 88-67, and review my handout, which includes making the container aesthetically pleasing, doesn't take up parking spaces, not in front of retail business, not in front yards, out of sight.

Keith Blocker stated he has four containers on his industrial lot behind the building, cannot see them from the street. Allows him to store materials and have more space for his employees to work. Does not want to see a permit or tax imposed on these.

Building Official Al Johnson stated the concerns, we see metal storage containers in commercial and industrial areas, and unfortunately there is no way out of them, so when doors are bolted shut, if someone had gone in to get out of the sun and fell asleep, they are locked in. If the Commission decides to proceed with these, you may want to require a horn or warning system. These containers get very hot very fast.

MOTION: It was moved by **Commissioner Gonzales** and seconded by **Commissioner Braxton** to recommend to Council that Metal Storage Containers be a permitted use in the Commercial (PCD), Industrial (I), and Business Park (BP) Zones, and as temporary uses in Residential (R) Zones. With the recommendations from Mr. Linn including rescinding Resolution 88-67 and giving staff the ability to put the details requiring restrictions as presented in the research.

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

Commissioner Gonzales noted is it 11:00 P.M.

Commissioner Gonzales stated that he has items that are general in nature but that he would like the group to consider the following items:

- He would like to see a maximum building height, not a minimum for building sizes per discussion with **Brian Halvorson**;
- Regarding the setbacks of buildings in commercial zones he thought we had asked to move the setback to 10' or 12' from the street;
- For parking lot striping, no permit for routine maintenance
 - **Brian Halvorson** questioned if the Commission agreed with the wording he mentioned earlier in the evening.
- The inclusion, not the removal of the Conditional Use Permit process. He does not want to see that go away.

MOTION: It was moved by **Commissioner Gonzales** to recommend to Council that the building height be Maximum not a Minimum in all zones, the setback of Commercial buildings and the parking lot striping, as I instructed.

VOTE: Failed for lack of second.

Planning Manager Brian Halvorson noted that the redlines page 158 of 340, the Commercial building setback has been corrected.

Assistant City Attorney Brian Wright-Bushman suggested that the Commission receive public comment.

Open Public Comment Building Height, Setback in Commercial (PCD) Zones, Parking Lot Striping Permits, Conditional Use Permits

John Linn noted that he provided the Commission with a handout earlier in the evening, *Zoning Code change resolution Industrial and BP*, you have reviewed most of the items, I would appreciate if you could review the rest especially Floor Area Ratio (FAR).

Commissioner Gonzales stated to the public we should receive documents through Staff prior to the meeting for adequate time to review them.

John Linn noted that the 2nd, 3rd, and 4th pages were previously supplied. Concerned that these will have adverse impacts if not amended. The thing that you definitely need to do is you need to require a complete document be brought back to you for review and approval before it goes to Council, so we don't have the misunderstandings that we had with the prior document.

Commissioner Gonzales stated we still have redlined pages, wireless communications, mobile vending, safe parking program, Conditional Use Permits.

Planning Manager Brian Halvorson stated he believes the Commission has covered all of those items except Conditional Use Permits. The wireless was approved by Council, mobile vending was decided upon in November, Safe Parking cannot be implemented until we have funding and staffing and the Commission can vote on the Conditional Use Permit if they would like.

Commissioner Gonzales stated yes, I want the Conditional Use Permit process back in the Code. We were told to move away from this process, but I believe it is essential for the Commission to have.

MOTION: It was moved by **Commissioner Gonzales** to recommend to Council that the

Conditional Use Permit process that we have in our current Zoning Ordinance be incorporated into the Zoning Code Update.

VOTE: Failed for lack of second.

Open Public Comment Conditional Use Permits / Close Public Comment

Commissioner Leach stated the Conditional Use Permit was excluded from the update and we did not have any public discussion this, which is unfortunate. The Council has always assigned Conditional Use Permit review to the Planning Commission, the Planning Commission represents the public and the public has to have a say when someone comes in and want an exception when no other option is available to them we need to be able to hear it. I think it needs to remain a public decision by the Commission not a private decision by Staff.

MOTION: It was moved by **Commissioner Leach** to recommend to Council that reinstate into the Zoning Code Update the public notice and Planning Commission hearing portion 17.124050 depending on what zone you are in 17.06040, Open Space, Residential, Planned Development, Industrial all had a section which allowed for public review of a Conditional Use Permit by the Planning Commission.

VOTE: Failed for lack of second.

Planning Manager Brian Halvorson noted when we make determinations on land use those are appealable.

Assistant City Attorney Brian Wright-Bushman requested clarification. Would you like to have a Conditional Use Permit in all uses like there currently is? For processing a CUP, you want it to come to the Planning Commission for review or available to be issued in any zone of any use?

Commissioner Leach stated that she wants our ability to determine whether a CUP is applicable in any zone to continue as it is has been in the past.

Commissioner Gonzales stated I want a continuance of what is in the current Code carried over to the new Code.

Assistant City Attorney Brian Wright-Bushman asked the Commission in terms of both the ability to grant a CUP and the process for the Commission hearing it.

MOTION: It was moved by **Commissioner Leach** and seconded by **Commissioner Gonzales** to recommend to Council to reinstate into the Zoning Code Update the public notice and Planning Commission hearing portion 17.124050 depending on what zone you are such as Open Space, Residential, Planned Development, Industrial and each has a section which allowed for public review of a Conditional Use Permit by the Planning Commission.

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

Commissioner Gonzales noted that we do not have time tonight to go through the suggestion made by Mr. Linn. Is there a way to suggest that staff review and present the document moving forward to the Council?

Planning Manager Brian Halvorson suggested that Staff meet with Mr. Linn and review his comments. Decisions on the items would then become part of the staff report presented to the Council.

MOTION: It was moved by **Commissioner Gonzales** and seconded by **Commissioner Leach**

that Mr. Linn's comments and suggestions as you just stated so they may be considered by the City Council with a recommendation.

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

Assistant City Attorney Brian Wright-Bushman stated that there are two issues that have not been voted on yet. Parking lot striping was discussed but not voted on whether to add the striping language suggested by Staff, and the final approval of Resolution No. 907 (19), including all the items.

MOTION: It was moved by **Commissioner Gonzales**, seconded by **Commissioner Braxton** to recommend to Council that for Parking Lot Striping Permits there will not be any Permit required unless there is a substantial change to the format and or a reduction in the number of parking spaces.

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

MOTION: It was moved by **Commissioner Leach**, seconded by **Commissioner Gonzales**, that the Commission adopt Resolution No. 907 (19) as amended recommending the City Council approve a Zoning Amendment (ZC 15-02) deleting the Commercial Office (CO) zoning designation, renaming the Central Business (C-2) Zone to the Central Business (CB) Zone, renaming the Mobile Home Park (T) Zone to the Residential Mobile Home Park (MH) Zone, deleting Lompoc Municipal Code section 10.28.150, revising the Architectural Guidelines Section I.B. to be consistent with the updated zoning code regarding major architectural design and site development review, adding the Planning Development, Special Event, and H Street Overlays. Rescinding the Old Town Specific Plan and locational restrictions on Cannabis uses contained in Chapter 9.36 and Commercial Film Permit regulation in Chapter 5.56 and incorporating their provisions into the Title 17 the Zoning Code and adopting 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.

NEW BUSINESS: None

ORAL COMMUNICATIONS: None

Steve Bridge thanked the Commission for a good job tonight and recommended that what the Planning Commission recommendations be forwarded to City Council and if Staff has a second set of recommendations that these be presented separately.

WRITTEN COMMUNICATIONS: None

APPROVAL OF MINUTES:

MOTION: It was moved by **Commissioner Braxton**, seconded by **Commissioner Gonzales**, that the Commission adopt the minutes of March 13, 2019, and the minutes of March 27, 2019.

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

DIRECTOR/STAFF COMMUNICATIONS: None

COMMISSION REQUESTS:

- **Commissioner Gonzales** requested that if any changes are made to a Planning Commission recommendation they are presented to Planning Commission prior to being presented to City Council.
- **Commissioner Leach** noted that she will not be available to attend the May 8, 2019, Planning Commission meeting.

ADJOURNMENT:

MOTION: It was moved by **Commissioner Gonzales**, seconded by **Commissioner Keller** to adjourn the meeting at 11:22 P.M. to a regular meeting on Wednesday, May 8, 2019, 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.



Brian Halvorson
Secretary



Nicholas Gonzales
Chair