



**Draft Minutes of the Adjourned Special Meeting of the Lompoc Planning Commission**

**Wednesday, September 22, 2021, at 6:30 P.M.  
City Hall, 100 Civic Center Plaza, Council Chambers**

**ROLL CALL:**

Commissioner Federico Cioni  
Commissioner Augusto Caudillo  
Commissioner Edwin Braxton  
Commissioner Dan Badertscher  
Commissioner Brianna Gonzales

**STAFF:**

Brian Halvorson, Planning Manager  
Greg Stones, Principal Planner  
Brian Wright-Bushman, Assistant City Attorney  
Cherridah Weigel, Development Services Assistant II

**ORAL COMMUNICATIONS (3 Minutes Maximum):**

**Frank Rico, the project applicant for Golden State Remedies (CUP 21-01)**, a non-store front cannabis dispensary, spoke about his project and mentioned that there are Conditions of Approval (COA) imposed on his project that he felt are not relevant to the project, such as a COA regarding a 70+ year-old structure that is more than one hundred feet away from his location and is not connected to nor is a part of his project. He mentioned that he began this project in November of 2020 and has incurred substantial costs and time adhering to COAs unrelated to his project.

**Brian Wright-Bushman, Assistant City Attorney**, stated that **Mr. Rico** could work with Planning Staff on the item and noted that there is a Code section that addresses revisions to COA if **Mr. Rico** would like to have the COA considered for revisions. The item may be agendaized for a future meeting to be discussed by the **Planning Commission**.

**Kenneth Gummere, Site Manager (Transcendence Wines)**, and business neighbor to **Mr. Rico** mentioned that he has been working with **Mr. Halvorson** and compromised on planters along the street sides of the building and he mentioned that he did not want to install the inside landscaping with the curb in the rear of the building and that it is behind a gate and cannot be seen from the street.

**Joseph R. Barto, Property Owner**, mentioned that he is a lifetime resident of Lompoc. **Mr. Barto** mentioned that this location has been through multiple Planning and Building Division reviews and mentioned that prior to this application, it was the Lompoc School of Dance. **Mr. Barto** mentioned that when **Mr. Rico** tried to obtain a permit, other items were brought up, which had not been brought up with previous permits. **Mr. Barto** mentioned that the applicant has been working on this project for over nine (9) months and has over \$86,000.00 invested and still does not have a permit. **Mr. Barto** expressed that this is unreasonable and cited that the building in question has been on the property for over 70 years and that it was there before he purchased the property.

**Commissioner Caudillo** requested that a status report on the progression of the Golden State Remedies (CUP 21-01) project be presented to the **Planning Commission**.

**Brian Halvorson, Planning Manager**, stated that Staff would bring back a project status report for the next meeting.

#### **PUBLIC HEARING ITEMS:**

##### **Public Hearing Item No. 1:**

#### **Consideration of Amendments to Chapter 17.324 of the Zoning Code (Inclusionary Housing) to allow Alternative Methods of Compliance for projects in the Old Town Redevelopment Project, Amendment No. 2 Area (TA 20-03) and consideration of an Addendum to an Environmental Impact Report (SCH No. 2004061107).**

Planning Commission consideration and recommendations to the City Council regarding a request from Mike Badner with Williams Homes for zoning code text amendments to Chapter 17.324 (Inclusionary Housing) to allow residential developments located inside the Old Town Redevelopment Project Amendment No. 2 area to meet inclusionary housing requirements with alternative methods of compliance considered by the review authority, including, but not limited to payment of housing in-lieu fees and off-site construction of affordable units. An Addendum to a previously certified Environmental Impact Report (EIR 04-01; SCH No. 2004061107) was prepared for this item pursuant to the California Environmental Quality Act (CEQA).

**Brian Halvorson, Planning Manager**, presented the staff report with a PowerPoint presentation.

**Commissioner Gonzales** asked if the amendment would affect the number of affordable housing units and how will it affect the City's Regional Housing Needs Allocation (RHNA) numbers.

**Brian Halvorson, Planning Manager**, noted that this amendment would allow the same alternative methods available in the Original Old Town Redevelopment Project Area, Old Town Redevelopment Area No. 1, and in Old Town Redevelopment Project Amendment Area No. 2. **Mr. Halvorson** stated that RHNA requires that the City has land appropriately zoned and available for housing but not constructed, therefore, the amendment would not affect RHNA numbers.

**Commissioner Braxton** inquired on the definition of Inclusionary Housing.

**Brian Halvorson, Planning Manager**, stated that by having an Inclusionary Housing ordinance, the City acknowledges the lack of or need for affordable housing in the community and stated that the ordinance requires developers, based on specified criteria, to set aside a certain number of units for affordable homes in the very-low, low, moderate, and above moderate income (Area Median Income (AMI)) levels as defined by the State of California Housing and Community Development Department

#### **Open Public Comment for TA 20-03**

**Mike Badner, Williams Homes**, stated that his team is currently working with a developer for off-site homes to meet the affordable housing units required for the River Terrace project. If this option is not viable, **Mr. Badner** mentioned that they will look into in-lieu fees or on-site units.

#### **Close Public Comment for TA 20-03**

**MOTION:** It was moved by **Commissioner Braxton**, seconded by **Commissioner Gonzales** that the **Commission** adopt Resolution No. 954 (21) recommending City Council approval of a code Text Amendment (TA 20-03) to Title 17 (Zoning) to the Lompoc Municipal Code to allow alternative methods of compliance for projects in the Old Town Redevelopment Project Amendment No. 2 Area based upon the Findings in the Resolution and subject to the attached Conditions of Approval.

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

**Public Hearing Item No. 2:**

**Architectural Design/Site Development Review and Vesting Tentative Tract Map/Condominium Map for the River Terrace project (DR 20-09 and LOM 625); Request for Alternate Compliance Methods for Inclusionary Housing Requirements and consideration of an Addendum to an Environmental Impact Report (SCH No. 2004061107).**

Planning Commission consideration of Architectural Design and Site Development Review, Vesting Tentative Tract Map/Condominium Map, and request for Alternate Compliance Methods for Inclusionary Housing requirements for the River Terrace project (DR 20-09 & LOM 625) which includes a gated community of 257 residential condominium units (106 detached single family residences, 76 residential duplexes, and 75 townhomes) with amenities including a pocket park, bike trails, fire pits, pavilions, dog park, par course exercise equipment/stations, community garden, vineyard, children's tot lot, half-court basketball, guest parking, decorative street lighting and approximately 42,200 square feet for future commercial uses (but not part of this application at this time), in the Medium Density Residential Planned Development (R2PD) and Planned Commercial Development (PCD) zone on approximately 26 acres located at 1701 East Laurel Avenue (APN: 099-141-021 and a portion of 099-141-030 and 099-141-026 of City Property for the eastern bike path only). An Addendum to a previously certified Environmental Impact Report (EIR 04-01; SCH No. 2004061107) was prepared for this item pursuant to the California Environmental Quality Act (CEQA).

**Greg Stones, Principal Planner**, presented the staff report with a PowerPoint presentation.

**Brian Wright-Bushman, Assistant City Attorney**, recommended adding language to Section 3 of Planning Commission Resolutions 952 (21) and 953 (21), and the Mitigation Measures attached as Exhibit B to Planning Commission Resolution 952 (21).

**Mr. Wright-Bushman** stated that the language should read: "Addendum was reviewed and adopted by the Planning Commission on September 22, 2021." His recommendation included amending the Mitigation Measures attached as Exhibit B to Planning Commission Resolution 952 (21) by modifying, replacing, or deleting measures that are no longer applicable in the sections for air quality, cultural and tribal resources, and noise with the Mitigation Measures from the Addendum dated September 2021.

**Commissioner Caudillo** inquired if there is a Statute of Limitations on the Environmental Impact Report (EIR) approval from 2005.

**Brian Wright-Bushman, Assistant City Attorney**, stated that projects have a current level of environmental review and during the review process any previous environmental review is verified to see if it is valid and applicable to the current project. He further mentioned that there is no Statute of Limitations and that the environmental assessment is in effect as long as the analysis is valid and applicable to the current project.

**Commissioner Braxton** inquired if the area of the project adjacent to the Riverbed is in the flood plain.

**Brian Wright-Bushman, Assistant City Attorney**, stated that if an area of the project were located in a flood plain, it would have been considered in the EIR and Addendum, and appropriate Mitigation Measures would have been established.

### Open Public Comment for DR 20-09 and LOM 625

**Mike Badner, Williams Homes**, stated that it has been great working with Staff. We are excited to bring new homes to Lompoc and looking to start construction on attainably priced homes in the City. I have many members of the project staff here tonight to answer any questions you may have.

**Mr. Badner** requested the following amendments to the Conditions of Approval:

- P15 – Modify hours of construction from Monday – Friday from 7:30 A.M – 5:30 P.M. to 7:00 A.M – 6:00 P.M
- P19 – Requested that this COA be deleted

### Close Public Comment for DR 20-09 and LOM 625

**Commissioner Gonzales** inquired about the location of the 39 affordable units.

**Mike Badner, Williams Homes**, stated that they intend to develop the 39 affordable units off-site.

**Brian Halvorson, Planning Manager**, noted that the project before the Commission tonight is for 257 homes and that the inclusionary housing amount of 15% or 39 units is contained within the 257 homes and is not in addition to the 257 homes.

**Brian Wright-Bushman, Assistant City Attorney**, clarified that the project before the **Commission** tonight is for 257 units and that the inclusionary housing ordinance requires that the applicant make 15 % of those units be affordable units (39 units). However, with the alternative methods of complying with the inclusionary housing ordinance, the applicant may have the following options:

1. Pay the in-lieu fee times the 39 units.
2. Build an additional 39 units off-site (257 market-rate units and 39 affordable units (via separate permitting process).
3. Convert existing market-rate units to affordable units by covenants.

**Mr. Wright-Bushman** specified that if the Planning Commission approves the project tonight, you would be approving the 257 units and the options discussed this evening. He continued by stating that the applicant would submit an inclusionary housing compliance plan (a proposal to meet the requirements of the inclusionary housing ordinance) to the Community Development Director for review and determination if the application complies with City standards.

**Cristi Fry, Engineer with Ashley & Vance**, stated that Staff has been very helpful and stated that she believes that the project is exempt from hydro-modification due to the proximity to the Santa Ynez River and requests that COA EN37B be amended to read “Detention Basin shall be designed to the satisfaction of the City of Lompoc Flood Control Manager.”

**Brian Wright-Bushman, Assistant City Attorney**, recommended alternative wording to EN37B. Mr. Wright-Bushman stated that this condition may be modified if the applicant presents evidence of an exemption and if the modification is approved by the City Engineer.

**Cristi Fry, Engineer with Ashley & Vance, and Brian Wright-Bushman, Assistant City Attorney**, discussed wording for COA EN37B, out of microphone range.

**MOTION:** It was moved by **Commissioner Caudillo**, seconded by **Commissioner Braxton**, that the **Commission** adopt Resolution No. 952 (21) approving the Architectural Design and Site Development Review (DR 20-09) for the River Terrace Development project based upon the Findings in the Resolution and subject to the attached Conditions of Approval, and amendments as follows:

- Resolution 952 (21) with revisions to Section 3 with the addition of “***The Planning Commission hereby approves the Addendum.***”
- COA P15 – Modify construction hours to: Monday through Friday: 7:00 A.M. to 6:00 P.M.
- Delete COA P19 relating to foam material.
- Modify COA EN37B to read: “***The Detention Basin shall be designed to the satisfaction of the City of Lompoc City Engineering Department.***”
- Exhibit B Mitigation Measures:
  - At the end of the first sentence on page 1, the following text shall be added: “***and the Addendum to the EIR prepared for the Project***”.
  - Update and replace Mitigation Measures for Air quality, Cultural and Tribal Resources, and Noise from with the Mitigation Measures for those categories in the Addendum dated September 2021.

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

**MOTION:** It was moved by **Commissioner Caudillo**, seconded by **Commissioner Braxton**, that the **Commission** adopt Resolution No. 953 (21) approving the Vesting Tentative Tract Map and Condominium Air Space Map (LOM 625) for the River Terrace Development project based upon the Findings in the Resolution and subject to the attached Conditions of Approval, and amendments as follows:

- Resolution 953 (21) with revisions to Section 3 with the addition of “***The Planning Commission hereby approves the Addendum.***”

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

### **Public Hearing Item No. 3:**

#### **Architectural Design/Site Development Review and consideration of a Mitigated Negative Declaration for the Mustang Cannabis Facility (DR 20-06).**

Planning Commission consideration of Architectural Design and Site Development Review of the Mustang Cannabis Facility (DR 20-06) for a 68,100 square foot building for cannabis cultivation, processing, manufacturing, distribution, administration and storage on approximately 3.01 acres in the Business Park (BP) zone located at 1501 North O Street, 801 and 851 Cordoba Avenue (APN's: 093-450-018, 093-450-019 and 093-450-020). A Mitigated Negative Declaration was prepared for this item pursuant to the California Environmental Quality Act (CEQA).

**Greg Stones, Principal Planner**, presented the staff report with a PowerPoint presentation.

#### **Open Public Comment for DR 20-06.**

**John Dewey, Mustang Lompoc Investors, LLC**, stated that Staff has been helpful during this process. He has read and is comfortable with the Conditions of Approval and Mitigation Measures and mentioned that what will be most challenging will be the greenhouse gas emissions for energy consumption. **Mr. Dewey** also mentioned that they will be looking into solar panels to assist in this mitigation and that he was available for any questions.

#### **Close Public Comment for DR 20-06.**

**Commission Caudillo** inquired on energy consumption and traffic impacts.

**John Dewey, Mustang Lompoc Investors, LLC**, noted that a majority of energy would be for lighting and refrigeration through the City of Lompoc Utility Division. **Mr. Dewey** also stated that per the traffic study, the traffic impacts will be minimal. There are around 40 employees and panel-style delivery vans for deliveries.

**MOTION:** It was moved by **Commissioner Gonzales**, seconded by **Commissioner Braxton**, that the **Commission** adopt Resolution No. 951 (21) approving the Architectural Design and Site Development Review (DR 20-06) for the Mustang Cannabis facility based upon the Findings in the Resolution and subject to the attached Conditions of Approval.

**VOTE:** The motion passed on a voice vote of 4-1, with **Commissioner Badertscher** voting no.

**NEW BUSINESS:** None

**ORAL COMMUNICATIONS (3 Minutes Maximum):** None

**WRITTEN COMMUNICATIONS:** None

**APPROVAL OF MINUTES:**

**MOTION:** It was moved by **Commissioner Braxton**, seconded by **Commissioner Gonzales**, that the **Commission** adopt the July 14, 2021 minutes.

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

**DIRECTOR/STAFF COMMUNICATIONS:**

- **Brian Halvorson, Planning Manager**, noted that staff would return with a Status Report on the Golden State Remedies project (CUP 21-01) and mentioned that there will be another cannabis project to review on the Wednesday, October 13, 2021, Planning Commission agenda.

**COMMISSION REQUESTS:**

**ADJOURNMENT:**

**MOTION:** It was moved by **Commissioner Cioni**, seconded by **Commissioner Braxton**, to adjourn the meeting at 7:53 P.M. to a regular meeting to be held on Wednesday, October 13, 2021, at 6:30 P.M. in the City of Lompoc Council Chambers.

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

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Brian Halvorson  
Secretary

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Federico Cioni  
Chair