

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
February 8, 2017**

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

STAFF: Planning Manager Lucille Breese
Principal Planner Brian Halvorson
Assistant City Attorney Jeff M. Malawy

ORAL COMMUNICATIONS: – None

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.)

- Receive 2016 General Plan Annual Report

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Fink, that the Commission accept the 2016 General Plan Annual Report and forward it to City Council for review.

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

PUBLIC HEARING ITEMS:

CUP 16-03 – Conditional Use Permit – Pay It Forward Thrift Shop

A request from Chuck Madson of Coast Valley Substance Abuse Center for Planning Commission consideration of a proposal to establish an outside garden display area on a vacant lot adjoining the Pay it Forward Thrift Shop. The project site is a 0.08-acre parcel (APN: 091-083-009) in the *Old Town Commercial (OTC)* Zoning District. This action is categorically exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Assistant Planner Brian Halvorson summarized the written staff report.

OPEN PUBLIC HEARING

Chuck Madson, Director Coast Valley Substance Abuse Center – stated the garden will be a memorial to those lost to substance abuse and agrees to Conditions of Approval

Mark Ashamala, Transitions Mental Health - supports Coast Valley request for approval.

CLOSE PUBLIC HEARING

Commissioner Cioni asked why the area was conditioned to be blocked from public view?

Principal Planner Brian Halvorson noted this was a specific development standard code requirement which must be followed.

Commissioner Leach also was curious about the COA for screening the project from public view; noted the project would encourage walkability in the OTC; and, be an attractive addition to the OTC.

Attorney Malawy noted the Condition of Approval cannot be removed since it is a code requirement.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Cioni, that the Commission adopt Resolution No. 853 (17) approving a Conditional Use Permit for outside garden display (CUP 16-03), based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval.

VOTE: The motion passed on a voice vote of 3-0-2, with Commissioner Gonzales and Commissioner Rodenhi not participating.

Interpretation of Utilizing a Temporary Use Permit to Allow Food Sales in the Wine Ghetto.

The Planning Commission will consider an interpretation that food sales in the Industrial Zoning District, known as the Wine Ghetto, is within the Intent and Purpose of the Special Temporary Use Permit provisions of the Zoning Ordinance.

Planning Manager Lucille Breese summarized the written staff report and advised the Commission that Battalion Chief/Fire Marshal Dena Paschke and WasteWater staff James Pinkevich and Dorin Marrs were also present to discuss the permit requirements with the Commission..

Commissioner Fink asked about the level of review for a Use Permit and the cost.

Planning Manager Lucille Breese explained the difference between the cost of the Conditional Use Permit (CUP) and a Temporary Use Permit (TUP); the staff time involved; and, the processing time for each.

Commissioner Cioni inquired, if the Planning Commission decided a TUP is viable, is there a way to charge extra for staff time to cover level of review

Ms. Breese responded the staff has a set of Standard Conditions of Approval that are applied to TUP's for standard uses, such as a Circus or a Christmas Tree Lot and are

routinely used. A TUP for food sales would require a more individual review due to a change of occupancy from industrial to assembly. There would be building and fire code issues to be addressed; including but not limited to: accessibility, tenant improvements, occupancy, etc. Planning would need to review the use and the parking for each site.

Commissioner Fink asked if the current TUP fee would or would not cover the staff time required to process a TUP for this type of review and staff replied it would not.

Planning Manager Lucille Breese introduced Battalion Chief/ Fire Marshal Dena Paschke, representing Building and Fire who discussed: change in use and how in depth the process is; need to enforce State Building and Fire Codes; tenant improvements need to have permits and be inspected; accessibility issues both on the inside of the building and parking requirements must be analyzed individually; need for annual fire inspection and fee; a change of ownership requires an updated Certificate of Occupancy; some areas in the Industrial district have fire sprinklers and some don't; a commercial kitchen requires a fire suppression hood Owner Builder not allowed for Commercial Buildings you would need a Design Professional and licensed contractor.

Commissioner Leach asked for clarification that this type of business anywhere in town, in any commercial zone, not just the project that we discussing tonight would have these basic constraints. Ms. Paschke agreed.

Commissioner Fink asked, in her experience, if the same level of time and energy would be expended on a request for food service as it would be for a typical TUP. Ms. Paschke agreed that this type of project would far exceed the effort required for a typical TUP application.

Commissioner Rodenhi asked if building permit fees would be different for a CUP vs a TUP and Ms. Paschke advised the fee is based upon valuation of the project.

Planning Manager Lucille Breese introduced Jim Pinkevich WasteWater Superintendent who discussed: his division was looking at the capacity of the and the concern with adding fat-oil-grease (FOG) from a food service facility to an area which is already considered to be an "enhanced maintenance area" due to sluggish flow through the pipe; this condition can lead to an overflow in other areas of the City; noted that in 2003 a study by Boyle Engineering recommended replacing the 6-inch line with a 10-inch line if the Fess Parker project was constructed.

Commissioner Rodenhi asked about the significance of an "enhanced maintenance area"? Mr. Pinkevich replied there are approximately 30 in the City which his crew reviews on a regular basis and flushes out as required. The line in the Wine Ghetto is reviewed twice a week

Dorin Marrs, WasteWater Collections Supervisor advised the Commission his crew is currently inspecting the line to the Zotovich property two times per week, more often during "crush"; needed to flush with jet router five times in a four month time frame last year; and noted the pipe has not spilled yet, but it has the potential. Ms. Breese noted upgrade of the pipe was a Condition of Approval for the Santa Rita Hills Wine Project in 2004.

The Commission asked for clarification on the location of the sewer issue area and the length of the pipe to be upsized. Staff responded, the majority of the issues occur from Twelfth Street to Third Street in approximately 3,500 feet of pipe.

Commissioner Fink summarized the discussion and noted resolution of the problem is not as easy as it appears.

OPEN PUBLIC HEARING

Tom Davidson, Member of the Executive Committee of the Economic Development Committee (EDC) – asked the audience how many support the request, approximately 30 persons raised their hands; stated since the Zoning Ordinance is going to be updated and it is anticipated the use will be allowed, why not allow now; TUP vs. CUP can be adjusted via Conditions of Approval; the issue is to either allow restaurant use in the industrial district or not.

Morris Sobhani, property owner and Civil Engineer -- spoke to capacity of line for his industrial property; stated the City allowed the Grefco annexation without requiring added capacity of the sewer; stated his group is proposing simple food not generating grease.

Brett Stephen, Chef -- noted he is developing a commercial kitchen in Buellton due to difficulty in Lompoc Industrial zoning; expressed the opinion that changing use won't cause problem; stated he wants to set up bar-b-q and sell food in the Ghetto area.

Commissioner Fink reminded the speakers this is a procedural discussion of whether a Temporary Use Permit or Condition Use Permit is appropriate

Jeni Moretti, Moretti Wine Company-- noted that if a restaurant wanted to open up under a TUP or CUP, there was no guarantee the use can stay.

Commissioner Fink clarified a CUP generally runs with the land.

Alexandria Smith, Pali Winery, read statement from Aaron Walker, Pali winemaker -- thanked the City for support of the Wine Ghetto; stated the area is missing a food component; requested fees be kept to a minimum from Aaron Walker, Pali Winemaker.

Steve Pepe, President Economic Alliance -- stated the creation of the City's Economic Development Committee was recommended by CalED; noted food is identified as necessary component for the wine industry; stated when the Zoning update moved forward Council decided to move signs forward instead of food in the Ghetto; compared sales tax revenue and TOT in Buellton.

Jeremy Ball, Vice-Chair Economic Development Committee -- questioned if the Ayers Hotel went in, they were only going to need to increase the size of the pipe by 2-inches; noted every business in California is bound by California Codes; stated other cities abide by the Codes and have found opportunities to move communities forward.

Kate Griffith, Flying Goat Cellars-- would like to see food options in the ghetto. Not asking for a lot, Temporary Use Permit would be a solution until Zoning Ordinance change occurs.

Morgen McLaughlin, Executive Director of Santa Barbara Vintners Association -- discussed why food service is important in industrial area; referred to study by Wine Industry quoting importance of interesting food experience to patrons; noted the wine community refers to not having food as an economic barrier; suggested the City should find a path welcoming culinary experience to industrial areas of Lompoc

Commissioner Fink reminded the audience, this is a discussion of whether a TUP or CUP is appropriate, not about food in the ghetto.

Andrew Turner, Clos Pepe Vineyard -- suggested creating different standards between TUP and CUP acknowledged that maybe a kitchen use does require a CUP.

Dan Kessler, Kessler Hawk Wines -- asked what could be approved as a TUP to allow food/

Unidentified speaker -- Need to look for a long term solution.

Melissa Sorongon, Lompoc resident -- supported wine industry; expressed the need for both TUP and CUP; TUP for smaller vendors and CUP for larger investments.

Fred Reed, Kessler Hawk Wines -- expressed support of TUP..

CLOSE PUBLIC HEARING

Commissioner Cioni noted this discussion was being held again because the City Council chose to prioritize Sign Ordinance; noted he has heard off topic discussion; stated a CUP is already an option for food service in the Ghetto with building requirements; stated since the Zoning Ordinance is in process he favors moving ahead; noted a TUP bears risk of revocation if Zoning Ordinance does not proceed as anticipated; expressed believe City should make an investment of staff time beyond TUP cost.

Commissioner Leach asked about the processing time for TUP vs. CUP? Ms. Breese responded a TUP can take from 5 to 10 days and a CUP can take from 6 to 10 weeks to process.

Commissioner Rodenhi thanked staff from Fire and Wastewater; noted that allowing a TUP would benefit the small investor proposing a small food operation in the Ghetto or Industrial Zone.

Commissioner Cioni stated this could be a test run for the Zoning Ordinance process

Commissioner Leach stated that all agree food is needed in the Ghetto; clarified that the Santa Barbara Funk Zone is in an *Ocean Commercial* Zoning District not an Industrial Zoning; stated that in Buellton, The Commons is a large planned development, offering food and wine tasting which is currently going through the City process; indicated the

definition of TUP does not fit the proposed use and she believes a CUP is the appropriate permit; indicated there is a need for a workshop to discuss the issue of food service in the Wine Ghetto/Industrial Zone to determine what would be fair and equitable for all .

Commissioner Rodenhi and Leach discussed the definition of a TUP and how the current request is, or is not, similar and what would need to be done to change the language.

Attorney Jeff Malawy clarified the Resolution states Food Service in the Wine Ghetto is appropriate with a TUP; noted it is already possible to obtain a CUP for this use; and that off-site preparation of food is permitted.

Commissioner Gonzales noted that, although the majority of the audience is in the industry, there is no consensus - 3 speakers support TUP, 2 speakers support CUP, 2 speakers support both, the lack of consensus make it difficult for the Planning Commission to make a determination; noted that he has a CUP on his building which wasn't that intense.

Commissioner Fink reiterated the same level of Building Division staff effort is required for a commercial kitchen if the process is a TUP or a CUP, Planning Division staff time for a non-traditional TUP would be beyond the ability of the fee to cover whereas with a CUP the applicant pays the cost of processing the application; discussed his concerns with restaurants in the Industrial Wine Ghetto with ABC staff who acknowledged restrictions regarding food on some types of licenses but not all; City cannot permit an activity prohibited by ABC; due to the amount of effort required by staff for this specific type of TUP, he believes it would be a gift of City services which would need Council approval; expressed concern with the cumulative effect of all uses on the existing sewer line; noted Conditions of Approval in sample checklist are just as extensive as CUP with no assurance food service will be allowed in these areas at the completion of the Zoning Ordinance Update. He can't support directing the use of a TUP because he cannot make the findings specified in the proposed Resolution, specifically 1B and 1C. There is an option to provide additional food service by applying for a CUP.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Leach, that the Commission not adopt Resolution No. 854 (17) due to the inability to make the required Findings of Fact.

VOTE: The motion passed on a voice vote of 3-2, with Commission Cioni and Commission Rodenhi voting no

Staff advised the audience of the process for an appeal of the determination.

NEW BUSINESS: – None

ORAL COMMUNICATIONS: – None

WRITTEN COMMUNICATIONS: – None

APPROVAL OF MINUTES: December 14, 2016

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Cioni, that the Commission adopt the minutes of December 14, 2016..

VOTE: The motion passed on a voice vote of 3-2 voice vote, with Commission Cioni and Commissioner Gonzales abstaining.

DIRECTOR/STAFF COMMUNICATIONS:

Planning Manager Lucille Breese advised the Commission:

- There are items for the regular March 8 meeting;
- There will be a Zoning Ordinance workshop on March 29; and
- The City Council will make a presentation, on February 21, to Al Clark for his service on the Commission.

COMMISSION REQUESTS:

- Commission Fink thanked Fire and Wastewater staff for assisting the Commission in understand the level of effort between a TUP and a CUP.

ADJOURNMENT:

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Leach, to adjourn the meeting at 8:54 pm.

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

Lucille T. Breese, AICP
Secretary

Ron Fink
Chair