

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
December 14, 2016**

ROLL CALL: Commissioner Federico Cioni - absent
Commissioner Allan Clark
Commissioner Ron Fink
Commissioner Mary Leach
Commissioner Jack Rodenhi

ORAL COMMUNICATIONS: None

PUBLIC HEARING ITEMS:

DR 16-02 - Development Plan

A request from Joseph Shealy of Gary Wang & Associates, Inc., representing property owner CFT Developments LLC, for Planning Commission consideration of a proposal to construct a 4,350-square foot two-tenant restaurant / retail pad building and a Sign Program for the development. The project site is a 1.02-acre parcel shared with Panda Express at 1405 North H Street (APN: 093-450-032) in the *Planned Commercial Development (PCD)* Zoning District. A mitigated Negative Declaration was prepared for the Panda Express and future two-tenant restaurant/retail pad as adopted in Resolution 655(09) and an addendum has been prepared for this project pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Sara Farrell summarized the written staff report and advised the Commission there was Supplemental Information from the applicant requesting a change to the signage for tenant B to allow a possible tenant C in the future.

OPEN THE PUBLIC HEARING

Atul Patel, Holiday Inn Express hotel owner – stated that parking was becoming a problem on the site; expressed concern with the two new businesses currently sharing the driveway with the hotel and the two proposed businesses adding vehicles to the driveway safety is an issue; noted the location of the new building may also be a visibility issue; and indicated he was aware of the reciprocal parking/access agreement on the site.

Gilda Cordova, operates the Holiday Inn for Mr. Patel – expressed her concern for the ability of emergency vehicles to reach the hotel guests if necessary and the difficulty of turning left out of the driveway onto H Street.

CLOSE THE PUBLIC HEARING

Commissioner Clark expressed concern with access to and from the project site with only one driveway.

Commissioner Fink suggested adding a Condition of Approval (COA) prohibiting left hand turns onto H Street.

Commissioner Leach asked Mr. Patel if the property owners had considered an exit onto Central Avenue when the Panda Express project was approved.

Commissioner Leach asked Mr. Patel if he would be interested in working with the other property owners to explore the possibility of a secondary access/egress for the site.

Commissioner Fink noted project impacts cannot always be fully understood at approval.

Planning Manager Breese noted there were traffic studies prepared for the Panda Express site, which included the building under discussion this evening, and for the Chipotle/Habit project, which also considered the building under discussion this evening. She advised the Commission that when Panda opened, the traffic was significant, but it settled into a normal pattern within a short time.

Commissioner Fink noted more build out will only make things work at this intersection, he requested Engineering to return with a discussion of the proposed improvements and the timeline for the H Street and Central Avenue intersection. He also would like the Commission to discuss if it would be appropriate to make a recommendation to the Council to not approve further new projects in the area until the improvements are scheduled.

Commissioner Rodenhi agreed there will be a lot of traffic for a couple of months and then it will settle down, he suggested waiting to see if this occurs at this location.

Commissioner Leach stated she was also concerned with the safety of pedestrians crossing the drive way.

Commissioner Clark encouraged solving the problem now rather than later.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Rodenhi, that the Commission continue hearing and request Engineering staff return with a discussion regarding the proposed intersection improvements and the possibility adding a COA to limit left hand turns from the driveway.

VOTE: The motion passed on a voice vote of 4-0-1 vote with Commissioner Cioni absent.

DR 16-03 – Development Plan

A request from Ken Barton of the Fiedler Group, representing Brian Mercer of Moller Retail, Inc. and property owner Lompoc Station Investment, LLC, for Planning Commission consideration of a proposal to demolish the existing service station and accessory structures and construct a new service station, consisting of an overhead canopy, 10 fueling stations, and a 3,560 square foot convenience store located at 801 East Ocean Avenue (APNs: 085-150-031, -032). The site is approximately 25,575-square feet (0.59 acres) and is located in the *Planned Commercial Development (PCD)* Zone District. This action is categorically exempt pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

Assistant Planner Benjamin Cereceres summarized the written staff report and presented supplemental information requesting an amendment to Engineering condition EN 22

OPEN THE PUBLIC HEARING

Ken Barton, project representative, Fiedler Group – noted they have worked with staff on the design and they have reviewed and agreed to the proposed Conditions of Approval (COA).

Sallie Tyrnauen Palm Mobile Home Park – noted her tenants are generally 55+ and have concerns with construction noise and fumes and requests protection during construction.

Commissioner Fink noted the COA limit the construction hours.

Mark Courtin, Palm Mobile Home Park – expressed the same concerns regarding noise and fumes.

Mr. Barton indicated they intend to continue being good neighbors and will abide by the COA and retain the existing wall separating the uses.

CLOSE THE PUBLIC HEARING

Commissioner Leach asked about the height of the wall; expressed concern with ingress and egress on the site; suggested a single driveway on Ocean to help with stacking during fueling; and was pleased to note there will only be one driveway on A Street.

Commissioner Rodenhi stated it appears the developer is willing to work with the neighbors and suggested a COA requiring the wall between the neighbors be retained.

Commissioner Fink expressed concern with internal circulation on the site; wanted the developer to be sensitive to noise issues during construction; and asked about hours of fuel delivery.

The Commission discussed: the wall between the two properties; the hours of fuel delivery; hours of construction; proposed signage on the site; and, ingress/egress on Ocean Avenue.

Mr. Barton explained they would retain the existing fuel tanks; discussed the turning radius needed for large tankers; noted the dispensers will be single which will allow room for vehicle stacking; and, noted a single driveway would not allow the tankers to reach the storage tanks on site due to the size of the site.

Tom S Project Construction Manager – noted deliveries are mainly scheduled during the day and indicated they will work with the neighbors to retain the existing good relationship that exists with the Mobile Home Park residents.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Clark, that the Commission adopt Resolution No. 849 (16) approving a Development Plan for the Construction of new Service Station and Convenience Store (DR 16-03), based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval with the following change to COA EN 22.

EN22. Additional ROW along the frontage of Ocean Avenue and on the northeast corner of the intersection of Ocean Avenue and A Street shall be dedicated to the City of Lompoc for future street widening associated with the Lompoc General Plan Update EIR Mitigation Measure TC-1(j). The process for the grant deed of additional ROW shall be similar to COA EN7. The grant deed shall be submitted, reviewed and approved by the City of Lompoc Engineering. The grant deed shall note the existing monument sign, located within the new ROW dedication, to be removed by and at the owners expense with 60 days written notification from the City of Lompoc upon completion of improvements within final ROW and written notification of the City of Lompoc. Include a sheet with the proposed easement and 'future' widening within the grading plan for reference. The final ROW width proposed for dedication shall include ROW necessary for a 65' CA Legal truck to make a right-hand turn along west-bound Ocean Avenue. The minimum curb return radius shall be 30' per the City of Lompoc Development Design Requirements. Any private property infrastructure (planters, sign, flag pole, lighting) must be removed or relocated at the Owner's expense upon the widening of Ocean Avenue.

VOTE: The motion passed on a voice vote of 3-1-1, with Commissioner Leach voting no and Commissioner Cioni absent.

NEW BUSINESS: None

ORAL COMMUNICATIONS: None

WRITTEN COMMUNICATIONS:

- A Christmas Card from People's Self Help Housing

APPROVAL OF MINUTES:

MOTION: It was moved by Commissioner Fink , seconded by Commissioner Leach, that the Commission adopt the minutes of November 9, 2016

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Cioni absent.

DIRECTOR/STAFF COMMUNICATIONS:

Planning Manager Lucille Breese advised the Commission:

- There are business items for the January 2017 meeting
- There will be a Workshop on the Zoning Ordinance on January 25, 2017

COMMISSION REQUESTS:

Commissioner Rodenhi requested a discussion of utilizing a Temporary Use Permit to allow food sales in the Wine Ghetto

Planning Manager Lucille Breese summarized the written staff memorandum explaining the types of Use Permits issued by the City.

OPEN PUBLIC COMMENT

Tom Davidson, broker – noted the Economic Development Committee (EDC) had asked for a path to allow food in the Wine Ghetto; stated it would support the amendment to the CUP the Commission had granted allowing outdoor tasting on the Zotovich deck; indicated he has a tenant ready to provide food service which he believes the public wants; indicated the staff report was issued late and the public hadn't had time to review; noted the City can choose a path to be business friendly; and introduced e-mails from the Chair and Vice Chair of the EDC supporting the request.

Chair Fink asked Attorney Malawy about the posting of the staff report and Mr. Malawy indicated there was no legal issue.

Celeste Ladyka, prospective tenant – stated the cost of the CUP would be three (3) month's rent and noted she had approval for a wholesale catering use on the site but is requesting that she be allowed to sell directly to the public.

Commissioner Leach asked about the wholesale use.

Ms. Ladyka stated she could prepare food on site but must deliver to another location for sales. She noted she wanted to cut out the middle man and wanted to sell directly to the public not prepackaged to the tasting rooms.

Commissioner Rodenhi indicated the impact of a café which is not a large operation should be minimal; noted the appeal of fresh food on location for visitors; and, asked what equipment would be necessary to run the business she envisions.

Ms. Ladyka indicated she would need a sink, stove, hood, hand sink, metal table top, access to the tasting patio and noted she envisions people stopping into to pick up food.

Commissioner Rodenhi suggested it would be better if the food were not pre-packaged.

Commissioner Clark asked if it were a problem to establish the kitchen and Ms. Ladyka stated it was not, for a wholesale operation.

CLOSE PUBLIC COMMENT

Commissioner Leach noted this was a complex issue; a store with pre-made foods is one thing but a restaurant is another issue with separate impacts; noted wholesaling is definitely not a problem; and stated that parking on the site is already a problem.

Commissioner Rodenhi noted it was unknown if people would just stop in to pick up food; indicated it would only be for a one-year term; and stated people would already be parked on-site.

Commissioner Leach stated it would be necessary to be careful and discuss this is not the type of use a TUP was intended to allow; a CUP looks more fully at proposed use and impacts on surrounding area.

Commissioner Clark noted the Commission shouldn't overcomplicate the process since all she wants to do is open a retail use.

The Commission discussed the uses allowed by a TUP vs those allowed by a CUP; how standards would be applied to each individual request; if the TUP should be available to only the Wine Ghetto area or to all Industrial sites; how the Wine Ghetto area was changed when tasting was allowed and how use can morph into something not originally intended; the current Zoning Ordinance Update process; and how to provide specific guidance to staff.

Commissioner Fink noted the Zoning Ordinance Update is scheduled to be completed in a year and expressed concern with the way the wine industry had started with production, which was appropriate in the Industrial zone, extended into tasting, and there is already food being sold which may be contrary to existing ABC license permitting.

Commissioner Rodenhi requested a Resolution that staff would be comfortable with limiting the use to the Wine Ghetto.

Commissioner Leach suggested limiting the number of permits allowed;

Commissioner Fink indicated there were other areas of the City perfectly suited for food and wine tasting, specifically in the OTC

Attorney Malawy clarified the Commission wanted staff to return with the third bullet point option from the staff report.

- MOTION:** It as moved by Commission Rodenhi, seconded by Commissioner Fink to direct staff to return with
- a Resolution making an interpretation that the preparation and sale of food in the Wine Ghetto is within the Intent and Purpose of a staff issued Temporary Use Permit (TUP), and
 - a list of specific criteria for issuance of a TUP.

VOTE: The motion passed on a voice vote of 4-0-1, with Commissioner Cioni absent.

Commissioner Fink requested:

- A presentation Engineering Division staff regarding the proposed improvements at the H Street and Central Avenue intersection, including timeline for installation; and
- An agenda item allowing Commission discussion regarding a recommendation to Council on a moratorium on future development until the improvements are scheduled.

ADJOURNMENT:

Commissioner Fink adjourned the meeting at 8:30 pm.

Lucille T. Breese, AICP
Secretary

Ron Fink
Chair