

**MINUTES OF THE REGULAR MEETING  
OF THE LOMPOC PLANNING COMMISSION  
November 18, 2015**

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

**STAFF:** Planning Manager Lucille Breese  
Principal Planner Stefanie Edmondson  
Assistant City Attorney Jeff Malawy

**ORAL COMMUNICATIONS** -- None

**CONSENT AGENDA** -- None

**1. CUP 08-05 – Revision to Conditions of Approval  
DR 15-15 -- Development Review Permit  
Continued from October 14, 2015 Meeting**

Planning Commission adoption of Resolutions of Denial:

- Resolution No. 820(15) amendments to the Conditional Use Permit (CUP 08-05) approving the Cypress Court Development, City Council Resolution No. 5775(12) imposed Condition of Approval "P-6" limiting the first floor of the 12,000 square foot commercial building to "sales tax generating" uses at 1420 East Ocean Avenue, (Assessor Parcel Number 085-150-017), and
- Resolution No. 821(15) Development Review Permit (DR 15-15) to allow construction of a parking lot at 111 North Seventh Street (Assessor Parcel Number 085-150-087).

**MOTION:** It was moved by Commissioner Clark, seconded by Commissioner Rodenhi, that the Commission adopt Resolutions 820(15) and 821(15) denying the requested change to the Conditional Use Permit Conditions of Approval and the proposed Development Plan for the Parking Lot.

**VOTE:** The motion passed on a voice vote of 4-0-1 roll call vote, with Commissioner Cioni not participating.

**PUBLIC HEARING ITEMS:**

**1. CUP 12-04 – Conditional Use Permit  
Continued from August 12, 2015 Meeting**

Planning Commission review of possible modifications to Conditions of Approval for Conditional Use Permit (CUP 12-04) issued February 13, 2012, for operation of a CrossFit Gym located at 1251 West Laurel Avenue, Units 32 to 37 in the *Industrial (I)* Zoning District (Assessor Parcel Numbers: 89-510-32 to 37). This action is exempt from the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report and provided supplemental information for consideration

Commissioner Fink noted there will be a time limit of five (5) minutes for speakers; noted the testimony should relate to the technical merits of the issue; and advised no lengthy testimony was necessary since this item has been before the Commission many times. He then polled the audience and asked how many persons supported the CrossFit Gym and how many supported Mr. Drago...there were approximately 15 persons for each category.

#### OPEN PUBLIC HEARING

Richard Drago, neighbor –stated the City had allowed the homes to be built adjacent to the Industrial building, which was intended as a buffer between the two uses; purchased the home after the gym was operating; the noise was disclosed to him prior to his purchase; reported a hair salon in town near another CrossFit Gym had to move as a result of noise and vibration; indicated he is willing to complain on a daily basis if necessary; and noted his attorney is preparing to pursue the matter in court.

#### CLOSE PUBLIC HEARING

Commissioner Cioni noted he had voted against re-opening the issue and noted he believes it is a personal matter between the homeowner and the business. The Commission mandate is to analyze and enforce the City code and he believes this has been accomplished. The City had an independent noise study prepared and the decision was based on the study, there is no evidence to substantiate another Condition of Approval (COA). He noted the business hasn't violated the codes that the City enforces so he can't support a change.

Commissioner Rodenhi disagreed, he stated the roll of the Commission is to review the issue and that the applicant had agreed to the review in case of nuisance, in the original COA. He indicated that inadequate information was provided when the original Conditional Use Permit was approved, the business was represented as a regular gym. He suggested a change to the hours of operation should be added to make the use more compatible with the adjacent homes.

Commissioner Cioni referred to Ms. Bowker's comment that the business owner has a vested right to continue their business. Attorney Malawy indicted he reviewed Ms. Bowker's letter and she is correct the CUP granted a vested right to continue to operate.

Commissioner Fink indicated he is aware the Commission has the authority to modify the COA. He indicated that since Mr. Drago presented an engineering report he reviewed the FTA Guidelines and discussed the time and location of the measurements and the organization of the study. He identified inconsistencies in the report. He discussed a visit he and Council Member Starbuck had made to the location during a CrossFit session and how they had not identified any issue. Commissioner Fink and Rodenhi had been on the Commission when the residential project was approved and a deed restriction advising residents of the industrial use had been included. He noted if the City were to change the Ordinance to adopt a vibration standard it would not be retroactive.

**MOTION:** It was moved by Commissioner Fink, seconded by Commissioner Cioni, that the Commission take no further action.

**VOTE:** The motion failed on a roll call vote of 2-3, with Commissioners Clark, Leach, Rodenhi voting no.

Commissioner Rodenhi stated rather than revoking the CUP, he would suggest restricting weights being dropped before the hours of 8 or 9 am and 5 pm.

Commissioner Leach noted the reduced time should be between 8 am to 7 pm.

Commissioner Clark noted in the City Ordinance noise is restricted for construction equipment from between 9 pm and 7 am and he suggests using those hours. He stated it is a complicated manner and he would like to see a compromise.

Commissioner Leach asked what the current hours of operation were for the business. Mr. Savella responded from 5 am to 9 pm.

**MOTION:** It was moved by Commissioner Rodenhi, seconded by Commissioner Leach, that the Commission add a condition of approval restricting the hours weights may be dropped:

*P5. Activities involving dropping of weights and any excessive noise shall be limited to occur only between the hours of 7 am and 9 pm.*

**VOTE:** The motion passed on a roll call vote of 3-2, with Commissioners Fink and Cioni voting no.

Attorney Malawy advised that staff will return with a Resolution delineating the Planning Commission determination.

**2. CUP 15-06 Conditional Use Permit  
Continued from October 14, 2015 Meeting**

A request from Anna Zucker, owner and applicant, for Planning Commission review and consideration of a Conditional Use Permit to allow conversion of the existing triplex located at 115 North D Street (APN 085-132-007) into a rehabilitation clinic/housing for women. The property is zoned *Mixed Use (MU)*. This action is exempt from the California Environmental Quality Act (CEQA).

Commissioner Rodenhi steps down due to a potential conflict of interest.

Planning Manager Lucille Breese summarized the written staff report.

Commissioner Clark expressed surprise with the Commission reviewing this request due to the density request for 15 people with no parking.

Attorney Malawy advised the Commission that the public hearing should be held prior to deliberation.

**OPEN PUBLIC HEARING**

Chair Fink asked how many in the audience support the proposed project and approximately 50 people indicated their support.

Anna Zucker, applicant – states the Fire Marshal has agreed to the sober living facility accommodating 15 persons and reads the mission statement of her business. She notes the need for treatment of this type in the community and the proximity of the site to necessary services such as the courts, grocery, probation.

Chuck Madson, Director of Programming for Coast Valley – operates two agencies in the community and fully supports the Ladies Recovery 4 Life and notes the Planning Commission decision is the first step in the accreditation process.

Kathy Schmerzler, Director of Marketable You.Com, has been in facility and states there is plenty of room. She notes it is a very valuable program and notes Ms. Zucker shows dedication and cares for her residents while attempting to cause them to be productive.

Kathy Evans, resident of Ladies Recovery – stated the program has changed her life. She noted there are limited places for women to live safely and advised that there is a need in the community for the services.

Chanti Stahl was a resident in Ms. Zucker's home – her sister adopted her children when she was in trouble but she is now going to college and has her children in her life thanks to Ms. Zucker's mentoring.

Janet Blevens, Lompoc resident – notes she has been fortunate in her life and comments on Ms. Zucker devoting her life to those who are fighting addiction and helping women turn their life around. She urges approval of the project.

Carolyn O'Brian, Anna's sister – notes they have improved the front landscaping at the site and are more than happy to comply with the parking requirement. She stated people generally stay for six months in the facility.

#### CLOSE PUBLIC HEARING

Commissioner Clark expressed concern with the size of the rooms; indicated it is a marvelous program; stressed the need to minimize the impact on the surrounding neighborhood; and concern with the lack of parking on gravel.

Commissioner Fink discussed parking on the site and staff advised adding parking would bring the property toward compliance. Commissioner Fink asked Ms. Zucker how many of her clients have automobiles and what about visitation hours. Ms. Zucker responded none of the clients have automobiles and visitation is generally on Saturday or Sunday.

Commissioner Clark asked about the daily schedule for the facility and Ms. Zucker went over the schedule presented to the Commission.

Commissioner Leach thanked Ms. Zucker for her service to the community and compared to her service with Good Sam and asked how much staff there would be at the facility.

Linda Newt assisting with the project discussed the staffing and noted consultants can park at other locations.

Commissioner Cioni indicated the project should fill a void of care for women with no children which is a fragile component of the community.

The Commission discussed the need for improving the parking on the site and what type of surface should be required.

**MOTION:** It was moved by Commissioner Leach, seconded by Commissioner Clark, that the Commission adopt Resolution 822 (15) approving the Conditional Use Permit with the addition of

*P16. Three (3) 9 ft. x 20 ft. uncovered vehicle parking spaces shall be designated, and developed to be consistent with City standards including striping, at the rear of the building prior to operation of the commercial facility.*

**VOTE:** The motion passed on a voice vote of 4-0-1 roll call vote, with Commissioner Rodenhi not participating.

Commissioner Rodenhi returned to the dais.

### **3. GP 07-04 General Plan 2014-2022 Housing Element**

The Planning Commission will review the revised draft 2015 Housing Element Update for the 2014-2022 Planning Cycle. An Initial Study/Negative Declaration was prepared for the project by Rincon Consultants (SCH. No. 20141212028) pursuant to the California Environmental Quality Act (CEQA), an Addendum has been prepared for this update. The Commission will make a recommendation to the City Council regarding the Housing Element and the Negative Declaration.

Planning Manager Lucille Breese introduced Richard Daulton, General Plan consultant, who presented a power point discussing the status of the Housing Element Update. The Council adopted the Element in February 2015 and it was submitted to HCD who required some minor updates which are being considered this evening.

#### **OPEN/CLOSE PUBLIC HEARING**

**MOTION:** It was moved by Commissioner Fink, seconded by Commissioner Clark, that the Commission adopt Resolution No. 823(15) recommending Council approval of the Housing Element.

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

#### **NEW BUSINESS**

- **Planning Commission 2016 Calendar**

**MOTION:** It was moved by Commissioner Fink, seconded by Commissioner Leach, that the Commission accept the 2016 Meeting Calendar.

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

**ORAL COMMUNICATIONS:**

**WRITTEN COMMUNICATIONS:**

**APPROVAL OF MINUTES:** October 14, 2015

**MOTION:** It was moved by Commissioner Fink, seconded by Commissioner Leach, that the Commission adopt the minutes of the October 14 meeting as presented.

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

**DIRECTOR/STAFF COMMUNICATIONS:**

Planning Manager Lucille Breese advised the Planning Commission:

- Introduced Principal Planner Stefanie Edmondson;
- There are business items for the December meeting;
- Advised at the City Council meeting of Nov 17 the following occurred:
  - Master Fee Schedule Update was continued to Jan 5, 2015
  - CSC – ENA was not extended
  
- Motorsports Amendment No. 2 to the MOU was approved.
- Nov 10, the building permit was issued for Solvang Brewery
- Nov 13, the Hilton Gardens resubmitted their building plans;
- Dec 8 is the Scoping Meeting for the Motorsports Project;
- Jan 27, 2016 there will be a Sign Ordinance Workshop.

**COMMISSION REQUESTS** -- None

**ADJOURNMENT:** Commissioner Fink adjourned the meeting at 8:01 p.m.