

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
June 15, 2016**

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

Commissioner Federico Cioni Absent

STAFF: Planning Manager Lucille Breese
Assistant City Attorney Jeff M. Malawy

ORAL COMMUNICATIONS: None

PUBLIC HEARING ITEMS:

1. DR 16-01 – Development Plan

Planning Commission consideration of a proposal to construct a 31,119 square foot, three-tenant winery warehouse with parking and truck loading at 1016 West Aviation Avenue (APN 093-450-046/Parcel 2 of LOM 598-P). The proposed site is approximately 1.84 acres and is located in the *Business Park (BP)* Zoning District. This action is exempt pursuant to Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA).

Commissioner Clark recused himself from the discussion and stepped down from the dais.

Associate Planner Michael Concepcion summarized the written staff report and was available for any questions.

OPEN PUBLIC HEARING

Steve Reese, architect, representing the applicant/property owner, stated that he had reviewed the Conditions of Approval and accepted them as proposed.

CLOSE PUBLIC HEARING

MOTION: It was moved by Commissioner Rodenhi, seconded by Commissioner Leach, that the Commission adopt Resolution No. 834 (16) approving the Development Plan (DR 16-01), 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 3-0-1-1 voice vote, with Commissioner Clark not participating and Commissioner Cioni absent.

2. LOM 604 – Lot Line Adjustment

Planning Commission consideration of a lot line adjustment taking approximately 812 sf from three parcels and adding 812 sf to an interior parcel. The proposal involves adjustment of the rear yard boundaries of 209, 213, and 217 South Seventh Street (APNs 085-260-051;-052; and 053) with the adjoining parcel APN 085-260-040 (1412 East Cypress). The proposed parcels are located in the *Single Family Residential 7-R-1* Zoning District. This action is not required to comply with the California Environmental Quality Act (CEQA) because it is not a “project” for CEQA purposes.

Associate Planner Michael Concepcion summarized the written staff report and was available for any questions.

OPEN PUBLIC HEARING

Rob Lewis, representing the applicant/property owner, was present and available for Commissioner questions.

CLOSE PUBLIC HEARING

MOTION: It was moved by Commissioner Clark, seconded by Commissioner Rodenhi, that the Commission adopt Resolution No. 835 (16) approving the Lot Line Adjustment (LOM 604), 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 4-0-1, with Commissioner Cioni absent.

3. LOM 605 – Lot Line Adjustment

Planning Commission consideration of a lot line adjustment taking approximately 4,414 sf from three parcels and adding 4,414 sf to an interior parcel. The proposal involves adjustment of the rear yard boundaries of 1321, 1325, and 1329 East Hickory Avenue (APNs 085-260-054;-055; and 056) with the adjoining parcel APN 085-260-040 (1412 East Cypress). The proposed parcels are located in the *Single Family Residential 7-R-1* Zoning District. This action is not required to comply with the California Environmental Quality Act (CEQA) because it is not a “project” for CEQA purposes.

Associate Planner Michael Concepcion summarized the written staff report and was available for any questions.

OPEN / CLOSE PUBLIC HEARING

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Fink, that the Commission adopt Resolution No. 836 (16) approving the Lot Line Adjustment (LOM 605), 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 4-0-1 voice vote, with Commissioner Cioni absent.

NEW BUSINESS

- Elect Chair and Vice Chair – Commission agreed to delay election until all Commissioner are present

ORAL COMMUNICATIONS:

Rob Lewis project representative thanked staff for their work on his projects

WRITTEN COMMUNICATIONS: None

APPROVAL OF MINUTES: February 10, 2016

MOTION: It was moved by Commissioner Rodenhi, seconded by Commissioner Clark, that the Commission adopt the minutes of February 10, 2016 as presented.

VOTE: The motion passed on a voice vote of 3-0-1-1 voice vote, with Commissioner Leach not participating and Commissioner Cioni absent.

DIRECTOR/STAFF COMMUNICATIONS:

Planning Manager Lucille Breese advised the Planning Commission:

- CUP 12-04 – CrossFit Ohana Status Report
The Building Official has verified that the toilet improvements for this project have been finalized, there are still a couple of paper work items to be completed but basically the Conditions of Approval have been met.
- June 21 – Joint City Council / Planning Commission meeting Council Chambers 5:30 pm

COMMISSION REQUESTS:

- Commissioner Rodenhi's request to add language to Chapter 17.144 Interpretation

Commissioner Rodenhi has provided a supplemental handout to his original request which was distributed with the staff report. Commissioner Rodenhi expressed his concern that decisions were made without notice being provided to adjacent property owners and there was no opportunity to appeal; noted there needed to be a clear record of any decision including the basis; stated he would like to see a standard form developed; and indicated an appeal should be allowed at any time.

Commissioner Leach stated the problem is a "Catch 22" issue, the City doesn't want to hold up new business unnecessarily but also doesn't want to see non-conforming uses allowed which negatively affect the neighbors. She suggested the discussion should be held as part of the Zoning Ordinance update where the Permitted Use Lists will be reviewed.

Commissioner Clark agreed the problem could become a legal issue and indicated the discussion would be appropriate during the Zoning Ordinance discussions.

Commissioner Fink asked about the difference between an interpretation and a variance.

Attorney Malawy agreed the matter is unclear in state law and stated most cities have encountered the issue. He noted it is nearly impossible to list every possible use in an Ordinance and taking every request to the Planning Commission is burdensome. He referred to the article Commissioner Rodenhi had provided which notes no court had made a determination on the matter.


Commissioner Fink suggested directing the Zoning Ordinance consultant to provide language in the update.

Commissioner Rodenhi would like to see a clear cut process: 1) the Director must document each decision; and, 2) there must be a clear process for someone to dispute the decision.

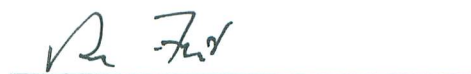
Commissioner Fink noted that at the current time, any inappropriate use would be handled through the code enforcement process.

The Commission concurred to have further discussion during the Zoning Update hearings.

ADJOURNMENT: Commissioner Fink adjourned to the June 29th meeting at 7:20 pm



Lucille T. Breese, AICP
Secretary



Ron Fink
Chair