



Adopted March 27, 2019

**Minutes of the Special Meeting of the Lompoc Planning Commission
Wednesday, February 27, 2019, at 6:30 p.m.
City Hall, 100 Civic Center Plaza, Council Chambers**

ROLL CALL: Commissioner Christopher Braxton
Commissioner Federico Cioni
Commissioner Nicholas Gonzales
Commissioner Sasha Keller
Commissioner Mary Leach, Chair

STAFF: Planning Manager Brian Halvorson
Associate Planner Cody Graybehl
Assistant City Attorney Brian Wright-Bushman

Planning Manager Brian Halvorson presented a request to change the order of the Public Hearing Items. The request was denied by the Commission.

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.)

- 2018 General Plan Annual Report

MOTION: It was moved by **Commissioner Gonzales**, seconded by **Commissioner Cioni**, to adopt the Consent Calendar.

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

PUBLIC HEARING ITEMS:

CUP 18-04 – Conditional Use Permit for a 15-unit apartment complex

A request for a Conditional Use Permit from Tony Tomasello of RRM Design Group representing the Housing Authority of the County of Santa Barbara (property owner) for Planning Commission consideration of a 15 unit affordable apartment complex. The project site is 0.39 acres in size and is located at 1401 East Cypress Avenue (APN: 085-150-089) in the *Commercial Office* (CO) zoning district. This action is categorically exempt pursuant to Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA).

Assistant City Attorney, Brian Wright-Bushman reminds the Commission that **Commissioner Gonzales** has a conflict of interest and needs to step down for this item.

Commissioner Gonzales recused himself.

Associate Planner, Cody Graybehl summarized the written staff report with a PowerPoint presentation.

Commissioner Leach requested a summary of the changes to the Conditions of Approval (COA) requested by the applicant.

RRM Design Principal Planner, Tony Tomasello project applicant gave a presentation and spoke to the requested revisions to COA P47 and P49 requesting to striking POA (Property Owners Association) and replacing with 'owner' since there will be only one owner. A request to adjust P48 regarding the timing of recordation of the Covenant, Conditions, & Restrictions (CC&R's) from prior to issuance of Building Permit to the issuance of Certificate of Occupancy. Also, remove applicant name from COA's

Planning Manager, Brian Halvorson noted for P48 the change in timing, he would prefer it not state Certificate of Occupancy, would prefer to leave the language as is with Building Permit issuance in the Condition.

OPEN PUBLIC HEARING

Whitney Wollart, resident, expressed concerns about the project due to an increase of criminal activity and behavior, increased vehicular and pedestrian traffic, and code enforcement violations in the 1200 – 1400 blocks of East Cypress Avenue.

John Linn, resident, concerned with a lack of history in the staff report, request continuation for more background research. Provided some history on the project from Mr. Linn's personal files. Expressed concern that 29% of the City's housing stock is low-income housing.

Louise Gray, resident, concerned about impacts to residents of Cypress Court. Stated that the first floor of the Cypress Court building has flooded five (5) times. Expressed concerns regarding vehicle traffic through the parking lot, requested speed bumps.

Cora Fondern, resident, expressed concerns with her Cypress Court apartment and issues with flooding.

Sanford Riggs, Director of Operations for the Housing Authority of Santa Barbara County, addressed water intrusion and maintenance issues, stated that items would be addressed in a timely manner.

Commissioner Leach read a letter of opposition from Rollin Bailey into the record.

RRM Design Principal Planner, Tony Tomasello project applicant spoke to the project being in compliance with the State density bonus law which requires one parking stall per one unit. Feels that there is adequate parking based on the mix of tenants.

CLOSE PUBLIC HEARING

Commissioner Cioni stated that the in November the Commission proposed to Zone this property R2 so there is a transition from the low density from the south continuing to the high-density to the north, the Council delayed this action. A single story building would be more visually aesthetic to the people living in the area. A letter was received by the City from a law firm basically stating that the City could be sued if the City if the proposed zoning of R2. Finds this very disconcerting.

Planning Manager, Brian Halvorson added the letter was received by the City Council on February 19, 2019. After conferring with the Assistant City Attorney we felt it relevant for the Commission to review the letter.

Commissioner Keller inquired if there had been any changes to State law.

Assistant City Attorney, Brian Wright-Bushman replied none that he was aware of.

Point of Clarification made by **Planning Manager, Brian Halvorson** that the parcel that is being utilized for this project was not a party to the Zone change that took place at the February 19, 2019, City Council meeting. The Council directed Staff to bring the parcels at the corner of Seventh Street and Cypress Avenue back to Planning Commission along with the Zoning Code Update to review the Special Event Overlay and other items. The council did adopt a Zone Change for CO to PCD for the 61 parcels along Ocean Avenue but did not take action on the site being discussed this evening.

Assistant City Attorney, Brian Wright-Bushman for purposes of this evening you are required to consider this project under the current zoning ordinance.

Commissioner Braxton expressed concerns regarding soil engineering, traffic, CEQA, and inquired as to the current total percentage of low-income housing in Lompoc.

Planner Manager, Brian Halvorson spoke to CEQA regulations and the infill housing categorical exemption for this project.

Commissioner Leach summarized that the applicant is seeking a Conditional Use Permit to build housing on a Commercial Office (CO) zoned parcel. Reviewed low-income percentage for the Cities in Santa Barbara County concerned that Lompoc is carrying the burden of low-income housing in the County with impact to the City's tax base and strain on City's resources. Feels that there are several health and safety issues, traffic including visibility onto Seventh Avenue, light, and air between buildings with the project and recommends returning project to Staff with the possibility of a full environmental review. Mentioned contacting the State Attorney General regarding Lompoc's unique situation in regards to the amount of low-income housing in relation to the rest of County.

MOTION: It was moved by **Commissioner Cioni**, seconded by **Commissioner Keller**, that the Commission continue Conditional Use Permit (CUP 18-04) for a fifteen-unit apartment complex to the June 12, 2019, Planning Commission meeting.

VOTE: The motion passed on a voice vote of 4-0-1, with **Commissioner Gonzales Not Participating**

DR 17-05 – Development Plan for an existing RV Storage Lot

A request for a Development Plan from Rob Lewis representing the Lompoc Investment Group (property owner) for Planning Commission consideration to legally establish an existing unpermitted RV storage lot. The project site is 0.85 acres in size and is located at 416 North Eighth Street (APN: 099-500-024) in the *Industrial (I)* zoning district. This action is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Associate Planner, Cody Graybehl summarized the written staff report with a power point presentation.

OPEN PUBLIC HEARING

Rob Lewis, applicant, appreciates all of the help that Staff has provided. Asks for direction on a few of the Conditions of Approval (COA); screening slats for the chain link fence, does not have an issue installing the slats but would like to discuss them with the Commission. Feels that the slats would enable criminals to be hidden from view. Properties nearby have chainlink fences without slats. Another COA is to replace the under sidewalk drain, where the sidewalk is cracked and the crack needs to be mended. I would like to fix the damage to the sidewalk and not replace the drain. (**Mr. Lewis** distributed documents to the Commission showing the damage to the sidewalk.)

John Linn, resident, with regards the slating of the fence, was asked by the City to install slats in the fencing at his business and he refused to install slating citing safety concerns. **Mr. Lewis** does not allow deficient vehicles on his property. Feels that the neighbors are not concerned with slating. Asks the Commission to review the wording on the Condition for the Semi-Trailers, it should state that he has an entitled use to keep up to three (3) of his own Semi-Trailers stored on the property.

CLOSE PUBLIC HEARING

Commissioner Cioni is in favor of leaving the fencing as is.

Commissioner Gonzales confused by staff report, 17.064.060 references first use on vacant site. This lot previously had a Conditional Use Permit (CUP) for a parking lot, that would not be a vacant site. Inquired if a CUP would run with the land and if the land would be considered vacant and questioned if the project could it have been processed ministerially if so he would be in favor of processing ministerially.

Planning Manager, Brian Halvorson stated that a CUP could possibly run with the land. The previous CUP was for an overflow parking of normal-sized vehicles for a day, not long term storage of oversized Recreational Vehicles (RV's).

Commissioner Leach inquired if the Commission could establish terms for the sidewalk.

Planning Manager, Brian Halvorson discussed the appropriateness of this issue with the Assistant City Attorney and Engineering. Engineering cited Street and Highways code section 5160, that there are public safety concerns, and the grate does not meet current standards when adding this Condition of Approval.

Commission discussed the sidewalk, **Commissioner Braxton** inquired about the applicant responsibility being from the property line back and liability of the City if an injury occurred.

Planning Manager, Brian Halvorson stated even though the sidewalk is in the City Right of Way (ROW) it is on the applicant's property and as the property owner is responsible for maintaining their property located in the City ROW.

Assistant City Attorney, Brian Wright-Bushman speaking basically, if someone trips and falls on a City sidewalk it is possible that the City could be liable for that. The question of who is liable for an injury is different from and the City can Condition a permit on the improvement of the sidewalk or other frontage improvements by the applicant. As to whether or not this is a standard practice I will defer to Planning Staff.

Planning Manager, Brian Halvorson it is common practice and part of the development review process that each of the departments involved survey the property and request that maintenance and improvements are done if needed on the property.

Commission Braxton inquired if the applicant was aware of what the City would be asking of him.

Associate Planner, Cody Graybehl explained that the Conditions of Approval (COA) are provided to the applicant prior to and then discussed at the Development Review Board (DRB) meeting.

Planning Manager, Brian Halvorson noted that this specific Condition was not available at the time of the DRB meeting for **Mr. Lewis's** project.

Commissioner Leach inquired about the location of the drain in relation to the driveway.

Planning Manager, Brian Halvorson stated that the drain is North of the driveway.

Associate Planner, Cody Graybehl clarified that the drain is being used for water to flow off of the site on to the City street if the drain is not maintained drainage issues can occur.

Commission Leach inquired exactly what this Condition is requiring the applicant to do.

Planning Manager, Brian Halvorson stated that this is an Engineering specific Condition, number EN 3, citing the Green Book.

REOPEN PUBLIC HEARING

Rob Lewis, applicant, stated that the Condition would require him to remove curb, gutter, sidewalk, and asphalt. The new standard for the under sidewalk requires the face of curb to be 9 inches to be compliant with the current code, the existing curb is 6 inches.

Planning Manager, Brian Halvorson suggested it might be suitable to continue the item until the Engineer can be present to answer the Commissions questions.

Commissioner Gonzales inquired about the Commissions ability to make a determination regarding the Conditions.

Assistant City Attorney, Brian Wright-Bushman the Commission may impose any Conditions they deem appropriate or exclude any Conditions they deem inappropriate.

Planning Manager, Brian Halvorson would like it noted that he spoke to **Rob Lewis** this morning and **Mr. Lewis** agreed that repairs did need to occur on the sidewalk.

Commissioner Cioni suggested that sidewalk and drain be corrected to maintain consistency with the other neighborhood drains and the fence be left as is.

Assistant City Attorney, Brian Wright-Bushman questioned if the repairs being required needed to comply with American with Disabilities Act (ADA) standards or drainage standards. There could be a concern if we are asking someone to make repairs that are not compliant with current ADA standards. From a legal perspective if the City is going to accept work completed in a Public Right of Way that work may need to be ADA compliant.

Rob Lewis, applicant, stated to repair the sidewalk, a section of the sidewalk would need to be cut out then repoured so that it is flush, angled properly, and has a non-slip surface unsure if that meets current ADA standards.

Commissioner Gonzales noted that this would be a repair, not an improvement.

CLOSE PUBLIC HEARING

Commissioner Leach inquired if the Commission wanted to address the slats and what the Commission wants to do with the sidewalk Condition.

Commissioner Cioni stated he would like the sidewalk repair to meet ADA standards.

Commissioner Gonzales suggested that we state the applicant repair the sidewalk as evidenced in the photo presented by the applicant of a similar drain across the street.

Planning Manager, Brian Halvorson suggested wording the existing curb drain on the North end of the lot needs to be repaired within ninety (90) days of the Planning Commission approval, and strike the last sentence. Concerned with possible ADA requirements.

Assistant City Attorney, Brian Wright-Bushman suggested a sentence be added that all work is in accordance with ADA standards and Engineering requirements.

Commissioner Gonzales suggested that we remove the Condition all together.

Commissioner Leach suggested new wording for Condition P24.

- MOTION:** It was moved by **Commissioner Cioni**, seconded by **Commissioner Gonzales**, that the Commission adopt Resolution No. 897 (19) approving Development Plan (DR 17-05) for a Recreational Vehicle (RV) storage lot, based upon the Findings of Fact in the Resolution, and subject to the attached amended Conditions of Approval as follows:
- Delete Conditions P18 and EN3; and
 - Revise Condition P24 to state “No more than three (3) semi-trucks owned by the owner shall be stored on the site at any time”

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

NEW BUSINESS:

MOTION: It was moved by **Commissioner Cioni** to nominate **Mary Leach** for Commission Chair.

Commissioner Leach declined the nomination.

MOTION: It was moved by **Commissioner Leach**, seconded by **Commissioner Cioni**, to nominate **Nicholas Gonzales** for Commission Chair **Frederico Cioni** for Commission Vice-Chair.

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

ORAL COMMUNICATIONS:

Rob Lewis, applicant, thanked the Commission.

WRITTEN COMMUNICATIONS: None

APPROVAL OF MINUTES:

MOTION: It was moved by **Commissioner Cinoi**, seconded by **Commissioner Gonzales**, that the Commission adopts the minutes of August 22, 2018.

VOTE: The motion passed on a voice vote of 3-0-2, with **Commissioner Keller and Commissioner Braxton abstaining**.

DIRECTOR/STAFF COMMUNICATIONS:

- Suggest that staff be seated at the tables on the West side of the Chamber facing the Commission instead of on the dais. Commission agreed
- Summarized items from the February 19, 2019, City Council meeting
 - The 61 parcels were rezoned Commercial Office (CO) to Planned Commercial Development (PCD) were adopted by Council, second reading on March 5, 2019;
 - Special Event Overlay, the wine industry voiced their concerns. Comments are welcome to help build a stronger ordinance. We (Planning, Building, and Fire) have a meeting with areas to the North and South of us, tomorrow we are meeting with the city of Paso Robles to find out how they regulate tasting rooms, wineries, special events, etc.;
 - Spot Zoning definition;
 - Minor Use Permit (MUP) for restaurants in Industrial (I) Zones instead of a Conditional Use Permit (CUP);
 - Safe Parking program;
 - Stripping Permits; and
 - Storage Containers, which are scheduled for a brief discussion item on the March 13, 2019, Planning Commission meeting. We have a major problem with storage containers being stored illegally on properties all over the City.
 - Commission discussion resulted in Special meeting scheduled for March 27, 2019, including an agenda item for the discussion of Storage Containers.
 - The Zoning Ordinance will be returning to Planning Commission April 10, 2019, Public Hearing for City Council was continued to May 21, 2019.

COMMISSION REQUESTS: None

ADJOURNMENT:

MOTION: It was moved by **Commissioner Leach**, seconded by **Commissioner Cioni**, to adjourn the meeting at 8:37 P.M. to a Regular Meeting on Wednesday, March 13, 2019, 6:30 P.M. in City of Lompoc, Council Chambers.

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



Brian Halvorson
Secretary



Mary Leach
Chair