



**Minutes of the Regular Meeting of the Lompoc Planning Commission
Wednesday, September 9, 2020, at 6:30 p.m.
City Hall, 100 Civic Center Plaza, Council Chambers**

ROLL CALL:

Commissioner Federico Cioni (Acting Chair)
Commissioner Steve Bridge
Commissioner Sasha Keller
Commissioner Ken Ostini

STAFF:

Assistant City Attorney Brian Wright-Bushman
Planning Manager Brian Halvorson
Principal Planner Greg Stones

ORAL COMMUNICATIONS (3 Minutes Maximum): None

PUBLIC HEARING ITEMS:

Public Hearing Item No. 1:

LOM 623 – Lot Line Adjustment to Merge Two Residential lots located at 1321 and 1325 East Hickory Avenue

Note: This item was continued from the August 12, 2020, Planning Commission meeting.

A request from Antoun Nameh (applicant) for Planning Commission consideration of a Lot Line Adjustment to remove an interior lot line between two lots that are 0.17 acres and 0.16 acres in size to create one lot located at 1321 and 1325 East Hickory Avenue (APN's: 085-260-059 and 085-260-060) in the Single Family Residential (7R1) zone. This action is not subject to the California Environmental Quality Act (CEQA) because it does not involve the exercise of discretionary powers by a public agency.

Commission Ostini recused himself and stepped down from the dais.

Principal Planner Greg Stones presented the staff report with a PowerPoint presentation and noted that **Fire Marshal Dena Paschke** recommended COA F1 to be removed. In addition, Mr. Stones noted that one comment (distributed to the Planning Commission) in support of the project was received by email.

OPEN/CLOSE Public Comment for LOM 623.

Commissioner Bridge inquired if the individual lots were conforming and what the combined square footage of the two properties would be.

Planning Manager Brian Halvorson stated the lots are conforming, one lot is 7,405 square feet and the other is 6,969 square feet.

(Note: Following this meeting and staff verifying the square footage of each existing lot, it was determined that one lot is 7,021 square feet and the other lot is 7,282 square feet. Therefore, both lots conform to the required minimum lot size in the 7R1 zone).

Commissioner Bridge inquired on a COA that states the approval expires in twenty-four months and asked why the project would expire.

Greg Stones noted the twenty-four months is the timeline for the applicant to record the map with the County of Santa Barbara and stated that if the map is not recorded within this time that the applicant may request an extension or the approval would expire.

MOTION: It was moved by **Commissioner Bridge**, seconded by **Commissioner Keller** that the Commission adopt Resolution No. 934 (20) approving a Lot Line Adjustment (LOM 623) based upon the Findings in the Resolution and subject to the attached Conditions of Approval as amended:

- Remove COA F1, in accordance with **Fire Marshal Dena Paschke's** recommendation.

VOTE: The motion passed on a voice vote of 3-0-1, with **Commissioner Ostini** Not Participating.

Public Hearing Item No. 2:

Consideration of Recommendations to the City Council for Approval of Minor Zoning Code (Title 17) Text Amendments and Minor Revisions to the City's Architectural Review Guidelines.

Review of minor Zoning Code Text amendments related to restaurant uses serving alcohol in the Convenience Center zone, streamlining permit requirements for sidewalk and mobile vendors, revisions to architectural design/site development review procedures and flexibility in permitting requirements for small housing projects (6 or less units), revised height requirements for permanent outdoor storage in Industrial and Business Park zones, bicycle parking exemptions for multi-family housing projects (4 or less units), revision to the residential street side yard setback fence height, edits to outdated or incorrect terminology and code references, and minor amendments to the City's Architectural Review Guidelines for consistency with said Zoning Code Text amendments related to architectural design/site development review. The Planning Commission's act of recommending adoption of the Zoning Code Text Amendment is not subject to the California Environmental Quality Act (CEQA) review because it is not an "approval" of the Zoning Code Text Amendment, as defined in CEQA Guidelines Section 15352, but is rather a recommendation of approval, and therefore does not commit the City to any definite course of action regarding the Zoning Code Amendment. Alternately, this action is exempt from CEQA review pursuant to Section 15061b(3) of CEQA.

Brian Halvorson presented the staff report with a PowerPoint presentation.

Chair Cioni clarified that our goal tonight is to vote on these items individually as a recommendation to City Council.

Amendment Item I.

Allow Restaurant Uses Serving Alcohol as a Permitted Use in the CC Zone

The Commission recommended streamlining the code by making this use “Permitted” instead of requiring an MUP. Permitted uses only require the submittal of a Business Tax Certificate (BTC) and a fee of approximately \$54.00. Staff agrees that streamlining this process would be beneficial (save time and money to applicants) to the community but would like to mention that it is not uncommon when serving alcohol in areas near residential to have impacts (noise, traffic, crime, etc.). If an MUP is not required, the community may also not have the same opportunity to voice their concerns during the permit review process when alcohol is introduced into a business (restaurant) that did not previously have this component. Restaurants that serve alcohol would still be required to obtain necessary permits through the California Department of Alcoholic Beverage Control. In addition, restaurants that serve alcohol would be required to adhere to all performance standards of the zoning code to minimize various potential operational impacts of land uses and development and promote compatibility with adjoining areas and land uses.

OPEN/CLOSE Public Comment for Zoning Code Amendment TA 20-02 (Item I).

MOTION: It was moved by **Commissioner Bridge**, seconded by **Commissioner Ostini** that the Commission recommend to City Council a Zoning Code Text Amendment that will change a restaurant with alcohol sales in the CC Zone from an MUP to a Permitted “P” use.

VOTE: The motion passed on a voice vote of 4-0.

Amendment Item II.

Permanent Outdoor Storage (Industrial Zones)

The Commission discussed that there may be times during the year that a business may need to store material higher than the fence/wall line and that the code should accommodate this need. Staff discussed this option with the Fire Department (which currently allows pallet storage up to 20 feet without a permit but with a required setback of 10 feet from a lot line) and the potential to amend section 17.216.050 (Additional Standards and Requirements) to allow storage in Industrial zones higher than the existing wall or fence (currently, a maximum height of 8 feet along the side and rear property lines).

Staff proposed text language at the last public hearing which would allow additional storage height above the existing wall/fence when certain parameters are met such as not being adjacent to the residentially zoned property and providing a minimum setback of 10 feet (similar to Fire Code requirements).

This code language provides additional flexibility in the code but also considers proximity to residential uses, provides a setback, and considers safety as important factors when storing materials at a height that may pose a concern to citizens, businesses and assets. Additionally, performance standards contained within section 17.304.090 would also apply to permanent outdoor storage in industrial zones.

OPEN/CLOSE Public Comment for Zoning Code Amendment TA 20-02 (Item II).

MOTION: It was moved by **Commissioner Bridge**, seconded by **Commissioner Keller** that the Commission recommend to City Council a Zoning Code Text Amendment to update Lompoc Municipal Code Section 17.216.050A2 as amended:

2. Ensure no material is stored at a height greater than the height of the required wall or fence, **except that material may be stored up to a height that is twice the height of the existing wall or fence if the property is not adjacent to residentially zoned property and the stored material is set back at least 10 feet from the wall or fence;**

VOTE: The motion passed on a voice vote of 4-0.

Amendment Item III.

Bicycle Parking

Currently, the zoning code requires bicycle parking in all zones where 2 bicycle spaces, or 5% of required off-street parking spaces (whichever is greater) are required for all uses (other than single-family residential). The Commission expressed a concern that this requirement should be eliminated for multi-family projects with up to 4 units with garages (not carports). Therefore, staff recommends for multi-family housing projects that contain 4 or less units, no bicycle parking would be required if a fully enclosed garage (with a garage door, not a carport) is provided. This amendment would not require bicycle parking for smaller residential developments such as a duplex or triplex when a garage is already provided on-site as it is assumed that bicycles will be stored in a secure, enclosed structure (garage). The change would still maintain the purpose of the parking standards as described in Chapter 17.308.

OPEN/CLOSE Public Comment for Zoning Code Amendment TA 20-02 (Item III)

MOTION: It was moved by **Commissioner Ostini**, seconded by **Commissioner Bridge** that the Commission recommend to City Council a Zoning Code Text Amendment updating Lompoc Municipal Code Section 17.308.050A1:

Chapter 17.308 Parking Standards
Chapter 17.308.050 Bicycle and Motorcycle Parking Requirements

- A. **Bicycle Parking.** The following standards apply to bicycle parking in all zones:
1. Two bicycle parking spaces, or five percent of required off-street parking spaces, whichever is greater, are required for all uses other than single-family residential. **For multi-family residential projects with 4 or less units, no bicycle parking is required if a fully enclosed garage (with a garage door, not a carport) is provided for each unit.**

VOTE: The motion passed on a voice vote of 4-0.

Amendment Item IV.

Increase Street Side Yard Setback Fence Height Requirements

The previous code update inadvertently reduced allowable fence heights within street side yard (corner lots) setbacks. Currently, the code only allows 3 feet but the proposed amendment would allow up to 8 feet. Pursuant to Chapter 17.304.070.D, height limits would still be required to be maintained at street corners (sight triangle).

Commissioner Bridge inquired on the set back of side yard fences.

Brian Halvorson noted the fences should not be in the right-of-way without an encroachment permit. The location of a fence is directed by property lines and setbacks for each zone.

The **Commission** discussion included various fence heights in residential neighborhoods. **Commissioner Keller** thanked Greg Stones for bringing the 6-foot and 8-foot boards and mentioned the visualization is helpful.

Brian Halvorson noted that if the code requirement was 6 feet, an applicant could still request a minor modification to increase the fence height to 7.2 feet. There was also a discussion about variances and when a variance would be applicable.

OPEN/CLOSE Public Comment for Zoning Code Amendment TA 20-02 (Item IV).

MOTION: It was moved by **Commissioner Bridge**, seconded by **Commissioner Ostini** for Staff to return with a Zoning Code Text Amendment to update Lompoc Municipal Code Section 17.312.040.C as amended:

Chapter 17.312 Landscape and Screening Standards
Chapter 17.312.040 Screening

D. Height.

1. **Screening height.** Screening, except for plant material and trees, shall comply with the height limits established in Table 17.312.040.C (Screening Heights).

Table 17.312.040.C: Screening Heights¹

Location of Screening	Min. Height	Max. Height
Within front setback	N/A	3 ft.
Within street side setback		
<u>Within street side setback</u>	<u>N/A</u>	<u>6 ft.</u>
Side and rear lot line in the CB Zone that adjoins a residential zone	5 ft.	8 ft.
Industrial zone lot line that is adjacent to a residential zone	6 ft.	8 ft.
All other locations	N/A	8 ft.

Note:¹ All fences, walls, and berms shall comply with Section 17.304.070.D (Height Limit at Street Corners). Screening heights along Expressways, Major Arterial, and Minor Arterial roadways as defined in the Circulation Element of the General Plan may be allowed to have a height of 8 feet.

VOTE: The motion passed on a voice vote of 4-0.

Item V.

Mobile and Sidewalk Vendors

Under zoning code section 17.404.210.C.5, businesses that conduct mobile vending (other than on public sidewalks or parks) are required to obtain a Mobile Vendor’s Permit. A Mobile Vendor is any person in charge of or operating any mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner. The cost of a Mobile Vendor’s Permit is \$349, valid for one year (like a Business Tax Certificate), reviewed by various departments and Mobile Vendors must operate in accordance with operational/safety requirements described in the code.

Under zoning code section 17.404.210.C.4, the same application/fee and similar operational/safety requirements also apply to Sidewalk Vendors which includes vendors selling or distributing food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other public pedestrian path or within a public park.

The Commission recommended that the code be amended so that a Vendor's Permit not be required for Mobile Vendors and only a Business Tax Certificate (BTC) is needed. If removed, the requirement to obtain a Temporary Use Permit would also be deleted from the zoning code. Staff supports this code amendment but would also recommend this change for a Sidewalk Vendor as well. Staff also recommends that the term/renewal, display of off-site signs, vending cart requirements, and operational/safety requirements remain in the code.

OPEN/CLOSE Public Comment for Zoning Code Amendment TA 20-02 (Item V).

The **Commission** held an in-depth discussion which included review of the Mobile Vendor and Sidewalk Vendor Permit code sections and appropriate review items and processes that should be used by the City for these permits.

Chair Cioni stated the item should be tabled to a future meeting and the Commission should go thorough this code section line by line.

MOTION: It was moved by **Commissioner Bridge**, seconded by **Commissioner Keller**, that the Commission table the discussion regarding Mobile Vendor and Sidewalk Vendor Permit code sections while Staff performs research with the City Attorney's Office and returns with sections for the **Commission** to review in detail.

VOTE: The motion passed on a voice vote of 4-0.

Amendment Item VI.

Architectural Review Guidelines / Architectural Design and Site Development Review

The Commission discussed deleting the following section contained in Section III of the Architectural Character/Building Design (B. Residential – Infill) section of the guidelines:

6. New structures shall not crowd or overwhelm neighboring residences. Creation of a vertical canyon effect between houses must be avoided. When a two-story house is proposed adjacent to a one-story house, the second story shall be further from the property line than the first story.

This section came up recently with a small residential project that the Commission reviewed and it was expressed that this requirement is too burdensome and should be deleted. Therefore, this section and the graphic that accompanies it is proposed to be deleted.

This being said, since the last update of the zoning code, smaller projects (such as a duplex) have been required to be reviewed by the Planning Commission but may have been streamlined with a direct submittal of a building permit if the guidelines and zoning code had more flexibility. Therefore, based on discussion at the last Planning Commission meeting held July 8, 2020, additional flexibility could be included by providing an exemption (in addition to the exemption for Single Family homes in the R-1 zone) for residential developments of six (6) or less units located in the R-2, R-3 and MU zones that are not part of a subdivision map.

Lastly, although not discussed at the July 8, 2020 Planning Commission, staff has also included a minor revision to the Architectural Design and Site Development Review zoning code (Chapter 17.512) and the Architectural Review Guidelines which clarifies that **any** of the following projects described under the “*Major Architectural Design and Site Development Review*” requires Planning Commission review.

OPEN/CLOSE Public Comment for Zoning Code Amendment TA 20-02 (Item VI).

MOTION: It was moved by **Commissioner Ostini**, seconded by **Commissioner Bridge** that the Commission recommend to City Council Zoning Code Text Amendments updating the City of Lompoc Architectural Review Guidelines as amended in **bold**:

Architectural Review Guidelines

I. Overview

B. Who Does the Reviewing and What is Reviewed?

Architectural Design and Site Development Review shall be required for all new buildings or structures and additions and alterations to existing structures with the following exceptions:

- A. Single-family homes in R-1 zones, **and development projects with six (6) or fewer residential units in the R-2, R-3, and MU zones**, that are not part of a subdivision map.
- B. Accessory dwelling units;
- C. Additions of floor area within the existing building envelope;
- D. Additions and alterations to existing buildings and structures that will not increase the gross floor area of the building by more than 2,500 square feet and will not involve exterior alterations along any street-facing façade on Ocean Avenue, H Street (north of Cypress Avenue), or Central Avenue; and
- E. Alterations and improvements required to meet Federal or State requirements to accommodate persons with disabilities.

An application for an Architectural Design and Site Development Review shall be prepared, filed, and processed in compliance with Chapter 17.5-04 (Application Processing Procedures). The Review Authority for an Architectural Design and Site Development Review shall be as follows:

1. **Minor Architectural Design and Site Development Review.** All projects that do not meet the criteria for Commission review as specified below and are not exempt (17.512.020) shall be subject to review and approval or denial by the Director.

2. **Major Architectural Design and Site Development Review.** The Commission shall be the Review Authority for any of the following:
 - a. New construction of more than 2,500 square feet of gross floor area or new additions of more than 2,500 square feet of gross floor area; or
 - b. New construction with frontage on Ocean Avenue, H Street North of Cypress Avenue, or Central Avenue (excluding additions); or
 - c. Any major façade improvements with frontage on Ocean Avenue, H Street (north of Cypress Avenue), or Central Avenue.

Architectural Review Guidelines

III. Architectural Character/Building Design

B. Residential – Infill

- ~~6. New structures shall not crowd or overwhelm neighboring residences. Creation of a vertical canyon effect between houses must be avoided. When a two-story house is proposed adjacent to a one-story house, the second story shall be further from the property line than the first story~~

VOTE: The motion passed on a voice vote of 4-0.

Amendment Item VII.

General edits to update outdated or incorrect terminology and code references.

OPEN/CLOSE Public Comment for Zoning Code Amendment TA 20-02 (Item VII).

MOTION: It was moved by **Commissioner Bridge**, seconded by **Commissioner Keller** that the Commission recommend to City Council Amendments to Lompoc Municipal Code Section to update incorrect or outdated code language/references that will make the code accurate and more user-friendly.

VOTE: The motion passed on a voice vote of 4-0.

Brian Halvorson noted that the City Council has requested an amendment to the Temporary Sign section of the Zoning Code. The goal would be to group all of these amendments for the October 14, 2020 Planning Commission meeting.

NEW BUSINESS: None

ORAL COMMUNICATIONS (3 Minutes Maximum): None

WRITTEN COMMUNICATIONS: None

APPROVAL OF MINUTES:

MOTION: It was moved by **Commissioner Ostini**, seconded by **Commissioner Bridge**, that the Commission adopt the August 12, 2020 minutes.

VOTE: The motion passed on a voice vote of 3-0-1, with Commissioner Keller Not Participating.

DIRECTOR/STAFF COMMUNICATIONS:

- **Brian Halvorson** noted that the staff and **Commissioner Bridge** have submitted comments to SBCAG regarding the 6th Cycle for the RHNA methodology process.
- At the August 12, 2020 Planning Commission meeting **Commissioner Bridge** requested that staff explain the difference between an “active” and an “inactive” project on the monthly master project list.

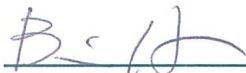
Brian Halvorson clarified that “Active” projects are projects that are in a process with the City such as planning entitlements, plan check for grading or building permits, construction, and inspections. “Inactive” projects have none of these actions occurring and are therefore called inactive projects.

COMMISSION REQUESTS: None

ADJOURNMENT:

MOTION: It was moved by **Chair Cioni**, seconded by **Commissioner Ostini**, to adjourn the meeting at 8:13 P.M. to a regular meeting to be held on Wednesday, October 14, 2020, at 6:30 P.M. in the City of Lompoc Council Chambers.

VOTE: The motion passed on a voice vote of 4-0.



Brian Halvorson
Secretary



Federico Cioni
Acting Chair