



## City Council Agenda Item

**City Council Meeting Date:** June 20, 2023

**TO:** Dean Albro, City Manager

**FROM:** Brian Halvorson, Planning Manager  
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**SUBJECT:** Introduction of Ordinance No. 1705(23) for Minor Zoning Code Amendments Pertaining to Certificates of Appropriateness for the Exterior Modification of Historic Structures and Resources, Streamlining Permitting Requirements for Small Housing Developments, and CUP Requirement for R3 Zone Larger Multi-Family Residential Developments (TA 23-01)

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### **Recommendation:**

The Planning Commission recommends the City Council:

- 1) Hold a public hearing; and
- 2) Introduce, for first reading by title only with further reading waived, Ordinance No. 1705(23) for Zoning Code Amendments (TA 23-01) pertaining to Historical Buildings, Certificates of Appropriateness and Permitting Requirements for Small Housing Developments (Attachment 1).

### **Background**

At a regularly scheduled Planning Commission meeting held February 8, 2023, the Planning Commission discussed potential code amendments suggested by Commissioner Bridge regarding Historical Buildings and Certificates of Appropriateness (see Attachment 2). After considering the information presented at that meeting, the Planning Commission recommended that staff bring back draft amendments with a provision that a property owner can request that a property or structure be removed from Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study (on file in the Community Development Department/Planning Division). Table 4 can be found beginning on the 11th page of Attachment 2 to this staff report.

On March 8, 2023, the Planning Commission considered those proposed amendments as part of Resolution 979 (23) (Attachment 3) regarding Historical Buildings and Certificates of Appropriateness along with a staff recommended addition that includes a minor clean-up revision to provide consistency within the Zoning Code regarding Architectural Design and Site Development Review that was previously considered by the

Planning Commission and adopted by the City Council on March 2, 2021, as part of Ordinance No. 1679(21) regarding permit streamlining for multi-family developments of six or fewer units.

## **Discussion**

### **Certificate of Appropriateness**

The City's Zoning Code (LMC section 17.516.020) requires approval of a Certificate of Appropriateness for the exterior alteration, demolition, removal, or relocation of any individual Landmark or historic resource, or potential historic resource. Under the existing Zoning Code, a historic resource is defined to include the following:

- a. Designated landmarks;
- b. A property or structure listed in Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study; or
- c. A property or structure over 50 years of age or potentially eligible for registration on a local, State or national register.

The Community Development Director decides certificates of appropriateness for small site modifications and minor structure modifications (as described in the Code). All other certificates of appropriateness are decided by the Planning Commission. There are several exempt activities listed in the Code, which do not require a certificate of appropriateness, such as painting, re-glazing of windows, or roofing work with minimal change in roof structure and exterior appearance.

Upon reviewing the Planning Commission's suggested changes to Chapter 17.516 (Certificate of Appropriateness) and after discussions at the February 8, 2023, Planning Commission meeting, staff drafted amendments to Lompoc Municipal Code (LMC) sections 17.504.020, 17.516.020.A, and 17.608.010. The requirement of a Certificate of Appropriateness for a property or structure "*over 50 years of age*" is proposed to be deleted as a significant number of structures (over 44% of the existing housing stock) in the City are older than 50 years and that number does not accurately determine the historic value of a property or structure(s).

The ordinance revisions also create a process for the property owner to request that a property or structure on the property be removed from Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study. An application received for removal from Table 4 would be reviewed by the Planning Commission. The Planning Commission would be required to approve the application if it found that: (i) the property or structure is not registered on a Local, State or National register; and (ii) the property or structure lacks sufficient architectural, cultural, historic, economic, political, and social importance to justify protecting the property or structure through the Certificate of Appropriateness process. The Planning Commission's decision could be appealed to the City Council.

The decision whether to remove a property or structure from Table 4 would be subject to environmental review under CEQA for any impact to historic resources or other CEQA impacts, the scope of which would be determined on a case-by-case basis in accordance with state law. Removal from Table 4 would not affect whether the property or structure is a designated landmark under LMC section 17.516.020(A)(1)(a) and would not affect whether the property or structure is “potentially eligible for registration on a Local, State, or National register” under LMC section 17.516.020(A)(1)(c).

### *Permitting Requirements for Small Housing Developments*

Although not originally requested by the Planning Commission, staff has included another minor clean up code amendment relating to an amendment that was previously reviewed and adopted by the City Council on March 2, 2021, as part of Ordinance No. 1679(21). The amendment allows code consistency related to streamlining permitting requirements for housing developments that include six or fewer units which will assist the City in accelerating housing construction.

The previously adopted amendment provided that Architectural Design and Site Development Review would not be required for development projects with six or fewer residential units in the R-2, R-3, and MU zones, that are not part of a subdivision map. However, some of those projects were still required to obtain a CUP, which conflicts with the intent of streamlining the review processes for smaller housing developments. In other words, under the current code, some residential projects with six or fewer units are still required to obtain either a MUP or CUP in the R-2 zone.

The proposed amendments change this so that all projects with six or fewer units in the R-2, R-3, and MU zones are permitted without an MUP or CUP. Consequently, developers and applicants would be able to directly submit for a building permit without Planning Commission review for these smaller housing projects.

This amendment would save time and reduce costs related to smaller housing projects. The amendment is also consistent with State guidance on streamlining permitting and reflects a good faith effort from the City in the effort to accelerate smaller housing construction projects in Lompoc.

The amendments would also require multi-family residential developments with seven or more units in an R-3 zone obtain a CUP, whereas currently this is not required. That change is intended to create consistency with the R-2 zone, which currently requires a CUP for developments with seven or more units, and to ensure that impacts of those developments can be properly addressed.

The full text of the proposed code amendments in redlined form are included in Attachment 4.

Environmental Review

The proposed code amendments are exempt from environmental review pursuant to Section 15061(b)(3) (the “common sense” exemption) of the California Environmental Quality Act (CEQA) Guidelines.

**Fiscal Impact:**

No funding was allocated in the current budget for the proposed code amendments and all work has been completed using existing City staffing.

**Conclusion:**

The proposed amendments to the Zoning Code regarding Historical Buildings/ Certificates of Appropriateness, and permit streamlining for Architectural Design and Site Development Review of multi-family developments of six or fewer units will provide a more flexible review process and code consistency with recently approved code amendments.

Respectfully submitted,

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Brian Halvorson, Planning Manager

**APPROVED FOR SUBMITTAL TO THE CITY MANAGER:**

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Christie Alarcon, Community Development Director

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

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Dean Albro, City Manager

Attachments: 1) Ordinance No. 1705(23)  
2) Planning Commission Staff Report of February 8, 2023  
3) Planning Commission Resolution No. 979 (23)