

PLANNING COMMISSION STAFF REPORT

DATE: June 12, 2024
TO: Members of the Planning Commission
From: Cherridah A. Weigel, Associate Planner
RE: Amendment Request (AMND 2024-0001) to LOM 475 Conditions of Approval

AGENDA ITEM NO. 1

Planning Commission review of proposed amendments relating to the requirement for a minimum residential home size as contained in the previously approved tentative parcel map conditions of approval for property located at 1301 East Hickory Avenue (APN: 085-260-047) in the Single Family Residential (7R1) zoning district. This action is exempt from environmental review pursuant to Section 15061 (b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.

Scope of Review

The Planning Commission is being asked to Consider:

1. If the amendment complies with the standards of Chapter 17.556 (Permit Modification and Revocation);
2. If the required Findings in the Resolution or approval or denial can be made.

Staff Recommendation

1. As shown in Attachment 1, Adopt Resolution No. 1004 (24) approving an Amendment to the Conditions of Approval for LOM 475; or
2. As shown in Attachment 2, Adopt Resolution No. 1006 (24) denying an Amendment to the Conditions of Approval for LOM 475; or
3. Provide other direction.

Site Data

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|------------------------------|--|
| 1. Applicant | Lori Pearson |
| 2. Property Owner: | Lori Pearson |
| 3. Site Location: | 1301 East Hickory Avenue |
| 4. Assessor's Parcel Number: | 085-260-047 |
| 5. General Plan Designation: | Low Density Residential (LDR) |
| 6. Zoning District: | Single Family Residential (7R1) |
| 7. Existing Use: | Vacant lot |
| 8. Applicant's Request: | Amendment to LOM 475 to delete condition requiring a minimum dwelling size of 2,250 square feet on Lot 1 |
| 9. Surrounding Uses/Zoning: | North - Single Family Residential (7R1)
South - Single Family Residential (7R1)
East - Single Family Residential (7R1)
West - Single Family Residential (7R1) |
| 10. Site Area: | 0.36 acres |

Background

On February 14, 1994, the Planning Commission adopted Resolution 94-04 approving a Tentative Parcel Map (LOM 475) to subdivide three parcels into four residential lots located between East Hickory Avenue and East Mango Avenue (Attachment 3). Before the adoption of Planning Commission Resolution 94-04 (Attachment 4), parcels 2 and 3 of LOM 475 (attachment 5) were developed with single-family residences and parcels 1 and 4 remained vacant but developable land.

As stated in the February 14, 1994, Staff Report (Attachment 6) for LOM 475 and the originally proposed Conditions of Approval, lots 1 and 4 were proposed to have custom-built homes by the applicant with architectural review provided by the Planning Division staff. In researching the history of LOM 475 it was found that there was apprehension from the neighboring property owners regarding the potential loss of views and maintaining the large single-family dwelling aesthetics and neighborhood feel. Photos of surrounding homes and respective square footages are shown in Attachments 7 and 8.

On December 19, 2023, the City received a Building Permit application (Permit B2023-0625) from the applicant/property owner to construct a 1,040 square foot manufactured Single-Family dwelling home on a permanent foundation with a 400 square foot detached carport (Attachment 9, Applicant's Site Plan) to be located at 1301 East Hickory Avenue (Lot 1 of LOM 475).

The Building and Water Divisions approved the plans, while the Electric, Engineering, Planning, and the Fire Department had comments on the plans. However, on January 25, 2024, the Planning Division issued plan check corrections but could not approve the building permit and indicated the proposed dwelling size of 1,040 square feet did not meet the minimum dwelling size requirement of 2,250 square feet as required in Condition of Approval No. 7 for LOM 475. The plan check corrections also stated that the Planning Commission's review and approval for Architectural Review would be required for Lots 1 and 4 as required by Conditions of Approval No. 1 and 7 for LOM 475.

On April 10, 2024, the Planning Division received an Amendment request letter (Attachment 10) and application packet to amend the Conditions of Approval for LOM 475. The letter requested the deletion of a portion of Condition of Approval No. 7 that reads "**and dwelling size shall be not less than 2,250 square feet**" so the applicant may proceed with the build of a 1040 square foot dwelling.

However, since the letter only references APN 085-260-047, staff interpreted this request to only apply to Lot 1 (with Lot 4 restricted to a minimum dwelling size of 2,250 square feet). And as such, the amendment application was deemed complete for processing on May 2, 2024 and scheduled for a Planning Commission hearing.

Proposal/Staff Analysis

Condition of Approval number 7 approved for LOM 475 is multifaceted and states:

"As part of the Parcel Map, Architectural Review will be required for residences on Lot 1 and Lot 4. Architectural Review shall be conducted by the Planning Commission. Residences shall not be higher than one story above adjacent grade; all areas and decks below the houses shall be at least partially enclosed; and dwelling size shall be not less than 2,250 square feet."

The proposed amendment requests an amendment to only a portion of the above condition that requires a minimum dwelling size of 2,250 square feet on Lots 1 & 4. The applicant has not stated that their request would apply to both lots. Therefore, based on the materials submitted (such as a site plan with a proposed home only on Lot 1) the Commission is being asked to only delete the minimum home size requirement for Lot 1 but not Lot 4 where all other aspects of condition number 7 will still apply.

While researching this amendment staff found multiple manufactured home websites that design manufactured homes between 2,250 square feet and 2,810 square feet in size.

These companies include Skyline Homes (www.skylinehomes.com), Fleetwood Homes (www.fleetwoodhomes.com), Homes Direct (www.thehomesdirect.com), and Cavo Homes (www.cavohomes.com).

Although a manufactured home could be designed to meet the minimum size requirement of 2,250 square feet, the applicant has stated that a home of this size on her lot would require very significant grading work to accommodate a home of this size. In addition, the applicant states that she cannot afford to build a home of 2,250 square feet but can afford to build a 1,040 square foot home. The applicant could meet all other code requirements if allowed to build a home reduced in size.

Conformance with General Plan

The parcel map approved for LOM 475 and the request to amend the Conditions of Approval are consistent with the existing land use and the General Plan Land Use Designation of Low-Density Residential (LDR). Depending on how the Commission reviews the applicant's amendment request, General Plan provisions can either support or deny this request.

General Plan Policies supporting an approval of the amendment include:

- Land Use Element Policy 1.3: Encourage development of under-developed and vacant land within its boundaries.
- Land Use Element Policy 3.1: Ensure that a sufficient and balanced supply of land continues to be available for residential, commercial, and industrial uses, with priority given to underdeveloped and vacant land within the City boundaries.
- Land Use Element Policy 8.2: Promote infill development, rehabilitation, and reuse that contributes positively to the surrounding area and assists in meeting neighborhood and other City goals.
- Land Use Element Policy 9.2: The City should encourage a diverse range of housing opportunities to meet the needs of the community.
- Housing Element Policy H1.1: Variety of Housing Types. The City shall encourage housing development which provides varied housing types, sizes, and tenure opportunities.
- Housing Element Policy H1.9: Custom-built Homes. The City shall encourage the development of custom-built homes.
- Housing Element Policy H3.2: Diversity of Housing Types. The City shall encourage a diversity of housing types to maintain and increase opportunities for affordable housing, provided that the design of the development is compatible with the surrounding uses.

General Plan Policies supporting a denial of the amendment include:

- Land Use Element Policy 5.7: Development on slopes exceeding 20% shall be avoided if other less steep areas are available for building sites on a given property. Any development on slopes exceeding 20% shall minimize grading and avoid interruption of ridgelines. Development on slopes exceeding 20% shall also be subject to Architectural Review by the City to minimize potential aesthetic impacts.
- Land Use Element Policy 5.6: The City shall limit development on slopes of 20% or greater by designating parcels with a substantial portion of the site containing steep slopes as Open Space, Community Facility (particularly parks), Rural Residential or Very Low Density Residential designations.
- Urban Design Element Policy 1.2: The City shall seek to protect ridgelines and hillsides which lie in view corridors, including those ridgelines identified on the Scenic Ridgelines and Roads Map (Figure UD-2).
- Urban Design Element Policy 3.1: The City shall require infill development to respect the scale and character of existing neighborhoods.

Conformance with Zoning Code / Subdivision Ordinance

The approved map was in conformance with the provisions provided by the California Subdivision Map Act (Map Act), Lompoc Municipal Code Title 16 (Subdivisions), and Title 17 (Zoning) at the time of approval. The Map Act vests cities with regulation and control of “design” and “improvement” of subdivisions per Government Code § 66411. This control is established in the City of Lompoc General Plan, Architectural Review Guidelines, Lompoc Municipal Code Title 16 (Subdivisions), Title 17 (Zoning) regulations, and other applicable documents. Conditions of Approval for a project are utilized to ensure compliance with the established requirements at the time of project approval. The Conditions of Approval on a project should have a direct correlation to the impact of the project.

The two vacant parcels (Lot 1 and Lot 4) established by LOM 475 meet the current development standards set forth in Lompoc Municipal Code Title 17 (Zoning) for the Single-Family Residential (R1) zoning district as outlined in Table 17.304.060.A (Slope Lot Standards). Although the previous zoning code did have a required minimum floor area for a dwelling prior to 2020, minimum dwelling size is not a requirement in the current Subdivision or Zoning Ordinance.

Staff Departmental Review / Subdivision Review Board

As this request was to amend a Planning Division Condition of Approval and not approve a new map a Subdivision Review Board meeting was not held, and the proposal was not routed for full departmental review. The proposal was routed to the Engineering Division and the Fire Department, but no response was received.

Environmental Review

This action is exempt from environmental review pursuant to Section 15061 (b)(3) (Review for Exemption) of the California Environmental Quality Act (CEQA) Guidelines. No further environmental review is required, and a Notice of Exemption will be filed for the project following the Planning Commission's action.

Noticing

On May 29, 2024, a public hearing notice was published in the Lompoc Record. In addition, on May 31, 2024, required notices were mailed by US mail to property owners within 300 feet of the site, and a notice was posted at the project site.

Appeal Rights

Any person has the right to appeal the Planning Commission's action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form and a fee of \$257.80.

Attachments

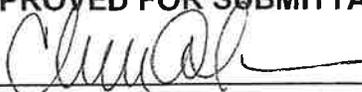
1. Approval Resolution No. 1004 (24)
2. Denial Resolution No. 1006 (24)
3. Vicinity Map
4. Resolution No. 94-04 with Conditions of Approval
5. LOM 475 Recorded Map
6. February 14, 1994, Staff Report for LOM 475
7. Photos of Surrounding Homes
8. Size of Surrounding Homes (SB County Assessor's web page)
9. Applicant's Site plan
10. Amendment Request

Respectfully submitted,



Brian Halvorson, AICP
Planning Manager

APPROVED FOR SUBMITTAL TO THE PLANNING COMMISSION:



Christie Alarcon
Community Development Director