

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
October 12, 2016**

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

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

ORAL COMMUNICATIONS: None

PUBLIC HEARING ITEMS:

LOM 533 – Time Extension Request

A request, from Marco Vujicic, president of Coastal River Terrace, LLC., for Planning Commission review and consideration of:

- **LOM 533** – time extension for the Vesting Tentative Subdivision Tract Map to subdivide the existing twenty-six acre site into 146 parcels with a mix of residential and commercial uses; and,
- **Development Agreement** – to establish a Community Facilities District (CFD) to cover the cost of operation and maintenance of the Laurel Avenue frontage and bike lane along the project site. The Planning Commission will make recommendations to the City Council regarding the above noted requests.

The property is approximately 26.22 acres in area and located at the intersection of East Laurel Avenue and Twelfth Street (Assessor Parcel Number: 099-141-021).

An Environmental Impact Report was prepared by Impact Sciences, Inc. pursuant to the provisions of the California Environmental Quality Act (CEQA); distributed to the State Clearinghouse (SCH No. 2004061107); and was certified by the City Council on August 16, 2005. An addendum has been prepared for the Development Agreement pursuant to CEQA.

Planning Manager Lucille Breese summarized the written staff report.

OPEN PUBLIC HEARING

Marco Vujicic, project applicant – indicated they had worked with City staff; reviewed and accepted the Development Agreement; and, requested approval of the Time Extension.

CLOSE PUBLIC HEARING

Commissioner Clark: requested the Resolutions be voted on separately.

MOTION: It was moved by Commissioner Rodenhi, seconded by Commissioner Leach, that the Commission adopt Resolution No. 839 (16) approving a Time Extension for Vesting Tentative Subdivision Map (LOM 533), 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 5-0.

Commissioner Leach noted the land could potentially sit vacant for many years and she asked the applicant to keep area along the frontage road clean.

Commissioner Clark stated his concerns with the proposal of a Development Agreement and discussed sections of the State Constitution which may not allow the City to impose this additional fee.

Assistant City Attorney Malawy responded the City has the right to impose the fee based upon provisions of the Government Code, noted this was a common practice in other cities in the state; and, advised there had been legal challenges which were upheld.

Commissioner Rodenhi asked if the Government Code & State Constitution were at odds, which would take precedence?

Assistant City Attorney Malawy noted they are not at odds and advised the Commission that a Community Facility District (CFD) was imposed by the property owner. There was discussion of the formula.

Commissioner Clark discussed specifics of the Mosaic Walk Development Agreement with the other Commissioners and the Assistant City Attorney.

Commissioner Leach noted Lompoc is not the only City who has these Development Agreements and Mr. Malawy agreed they are in place though out the state.

Commissioner Cioni stated his belief that this approach was agreed upon at a joint meeting with the Council and he was not sure why it was being discussed again.

Commissioner Fink agreed that the Planning Commission had been directed by Council to negotiate additional measures when approving extending Vesting Tentative Maps.

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Fink, that the Commission adopt Resolution No. 842(16) recommending the City Council approve and execute a Development Agreement with Coastal River Terrace, LLC., based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval, including minor corrections as noted.

VOTE: The motion passed on a voice vote of 4-1, with Commissioner Clark voting No.

ZC 15-02 – Chapter 17.108 – Sign Regulations

Planning Commission consideration of a recommendation to City Council regarding revision to Zoning Ordinance *Chapter 17.108 Sign Regulations*. The proposed amendment is a comprehensive update to the City's sign regulations, and when adopted will be effective Citywide. A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

Commissioner Fink advised he will split the review of the proposed ordinance into Sections for ease of discussion.

Planning Manager Lucille Breese introduced the discussion and noted additional information has been provided in the form of tables addressing comments from Commissioners Fink and Clark.

Jennifer Dougherty, consultant from Lisa Wise Consulting presented a Power Point showing that the intent is to create clear user friendly regulations based on information from the two workshops and the stakeholder interviews. She noted the document was available for a 30 day public review period. Major changes include the following: the reorganization of the Code to include tables and graphics; the change to address the content neutral requirements resulting from the Supreme Court decision of *Reed vs Town of Gilbert* which was coordinated with the City Attorney's office; sign programs will be required for four (4) businesses in a building/center not two (2) as in the current code; removal of overly restrictive regulations regarding color; portable A-frame signs in all commercial zone not just the *Old Town Commercial (OTC)*; banners continue to be allowed but will require a permit; OTC sign standards incorporated into the Zoning Ordinance; addition of *Landmark Signs* which are significant to the community; and deviations of up to 10% as a minor modification.

Commissioner Fink asked if there were any initial comments.

Commissioner Clark initiated a discussion on the *Objectives* as listed on page 3 of the draft document. Commissioner Rodenhi stated the table relative to distance from the street is located within the document.

Commissioner Leach addressed the Initial Study/Negative Declaration and stated the project doesn't meet Policy 4.3.

OPEN PUBLIC HEARING – Sections 17.108.010 – Purpose / 020 - Applicability / 030 – Sign Permit and Sign Program Requirements

John Linn, resident -- stated this Ordinance is a vast improvement over the existing; expressed concern with *108.C.2* – concern with too much vs too little signage; *108.4* suggests including private murals. In *020* – requests removal of permit for change of copy; *Table 17.108.030A*, noted applicant shouldn't pay for sign review if referred by staff; *4. Findings* - requests timeline for approval; *7. – Time limits* notes permit should last for a longer period; and agrees with *Table 17.108.030.B* since this is what has been requested by the business community.

CLOSE PUBLIC HEARING

Commissioner Clark noted possible change to language in *Purpose of Chapter*, there was discussion and Attorney Malawy noted the language was consistent with the balance of the Municipal Code language.

The Commission discussed *Section 17.108.020 C Exemptions*, specifically *Murals* and *Political Signs*. Staff to work with City Attorney's office regarding standards for *Murals* and review with the Mural Society. *Political* signs will be considered as *Temporary Signs* once the Ordinance is adopted and will need to meet the standards for size and time of display.

The *Mural* discussion included the need for review and exemptions as well as the Mural Society Process for placement of new murals and how graffiti was defined.

Commissioner Clark noted some statements were redundant under *C. Exemptions 2* – signs required by law as well as confusion with *non-internally illuminated* language; staff will revise.

Section 17.108.030 – Sign Permit Review Authority -- The Commission discussed: staff doesn't charge for a change of copy, this is usually for new tenants in an existing Sign Program where staff is assuring conformance with all aspects of the Sign Program; listing specific timelines for review of a sign permit application vs noting the requisite Government Code Section, the various timelines for application completeness and processing were discussed and it was determined that the existing language was adequate; discussion of sign program flexibility with proposed language; discussion of CalTrans permit requirement on H Street and Ocean Avenue; discussion of sign permit time limits, and, it was noted that Condition of Approval (COA) will generally provide an expiration date and process for time extension.

Table 17.108.030.B Incremental Sign Area Increase -- discussion of sign area graphic showing distance from street to allow a maximum increase in sign area for buildings located a long distance from the street, Commissioner Clark will research this. LWC will provide additional information from other jurisdictions.

Figure 17.108.030.2 – Monument signs – discussion of allowing an additional foot in height for architectural treatment, Commissioner Leach stated that the eight foot sign was adequate and in the past, the City had worked hard to keep signs a consistent size. Roger Eastman of Lisa Wise Consulting addressed the Commission and stated that in his experience in Sedona and Flagstaff an allowance such as this had provided superior design to signs. LWC will provide exhibits at the next hearing for the Commission to consider.

The Commission requested clarification of *Sign Structure Materials* to assure "rusty iron" would not be allowable.

OPEN PUBLIC HEARING – *Sections 17.108.040 Prohibited Signs and - .050 General Requirements*

John Linn, resident - *.040 Prohibited* suggesting adding the word *New* to the title, suggested that the Commission reconsider prohibiting *Pole* and *Feather Signs* and questioned *People Signs* for *.050 General* suggested allowing use of a *design professional* when considering Sign Maintenance and asked about a person installing his own small signs. He also indicated that the setback triangle placement at a corner location was excessive and would prohibit most of the existing monument signs.

CLOSE PUBLIC HEARING

Commissioner Fink questioned what constituted a *People Sign* and staff read the Definition. The Commission concurred with prohibiting the sign type. There was discussion of how to advise the public to refer back to the Definition section and it was recommended that having the Definitions at the beginning of the Chapter might be preferable.

The Commission discussed lighting vs signage and directed that architectural treatment be distinguished from signage.

Commissioner Fink noted most gas stations are converting to *electronic message signs* so they can update their prices for the public and suggested that this type of sign be expanded to all commercial zones.

Commissioner Leach indicated no problem with including a *sign professional* under Sign Maintenance but expressed concern with sign installation and public safety. Staff advised that larger signs require a building permit and professional installation. Staff was directed to work with the City Engineer to clarify the appropriate setback for Monument Signs at corners

OPEN PUBLIC HEARING – Section 17.108.060 Permanent Signs

John Linn, resident – discussed flagpole, stated the non-text portion of sign should not be counted in sign area, projecting signs should be changed to *1 per business entrance*, concern with non-text portion of window sign being counted in reviewing existing window signs the graphic element should be exempted as it makes the window more attractive. *Awnings*, he stated they should also be allowed on the second level and internal illumination should be allowed. He expressed concern with a 60 foot separation between monument signs where here are older 50 foot lots in the older portions of town; *Projecting Signs* suggested a they be allowed to project 12 inches rather than the 6 inches in the new regulations – the Commission noted the 6 inches is a minimum distance and should state *1 per business entrance*; asked for clarification regarding signs over the right-of-way; *Permanent Window Signs* current allowance is 50%, new code only allows 30%, notes currently window graphics don't require a permit but they will under the new code; and, stated he is unclear how "beer" signs will be accommodated.

CLOSE PUBLIC HEARING

Commissioner Fink asked about standards for R-1 and R-2 zones; staff advised they were not proposing any at this time; small yard signs (i.e. real estate) would be regulated as to length of time so it is recommended they not be addressed unless they begin to be problematic. Commissioner Rodenhi asked about the *Mixed Use Zone*, although primarily commercial, there are instances of single family residential properties. The Commission discussed this and determined that parcels with 100% residential use shall follow the residential standards and parcels with commercial uses shall follow the commercial standards.

The Commission discussed *Awnings* and what amount of signage should be allowed on the top and/or the valance; existing proposal is not clear; Commission is OK with allowing internal illumination as requested by Mr. Linn; Commissioner Leach would like clarification regarding amount of signage; and Mr. Eastman indicated they would return with clarification.

Commissioner Leach would generally like to see the graphic moved under the name of the *Permanent Sign* with the standards listed below; the rest of the Commissioners concurred and staff will make the change.

Regarding *Flags*, the Commission generally agreed to restrict to one per parcel and/or business

and to retain the height limit in the existing zoning district. If a business would like a larger flag it could be considered as part of a Development Plan as in the USA Gasoline Station.

The Commission discussed Monument signs on parcels with limited width; it was agreed that having 8' monument signs on numerous small parcels would be visual blight; there was discussion regarding limiting the ability to have a monument sign on smaller lots; there were examples cited of existing smaller lots have smaller scale monument signs; and, ultimately it was determined that this issue was covered under the proposed regulations under the Director discretion.

Commissioner Fink noted the hour was late and asked if the Commission wanted to continue to discussion to a future meeting; the consensus was to finish the section under review.

Parking Lot Signs were discussed, how many per site and where should they be located. Two per business were agreed upon. The question of projecting suspended signs which extend into the public right-of-way were discussed and it was determined that the City Engineer should provide input on this type of sign.

Permanent Window Signs were discussed: the permitted amount of window coverage for permanent vs temporary signs; it was noted the objective of clear and open windows is for public safety personnel to easily access if there is illegal or dangerous activity going on inside a business; if the entire window is covered, either with a solid color or with an attractive graphic the window area cannot be utilized as additional internal display and/or storage as a number of existing businesses are doing; there was concern expressed with owners using multiple signs and presenting a "junky" and unattractive appearance for the community. Commissioner Leach will research this topic and provide information at a future meeting.

MOTION: On a motion by Commissioner Fink, seconded by Commissioner Cioni, review of the Sign Ordinance Update is continued to the November 9 Planning Commission meeting.

VOTE: The motion passed on a unanimous voice vote.

ORAL COMMUNICATIONS:

John Linn, Resident – reminded the Commission "the beauty of a sign is in the eye of the business", who is attempting to stay in business and make a living.

WRITTEN COMMUNICATIONS: None

APPROVAL OF MINUTES:

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Cioni, that the Commission adopt the minutes of September 14, 2016 as presented.

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

DIRECTOR/STAFF COMMUNICATIONS:

Planning Manager Lucille Breese advised the Commission there are business items for the

November meeting as well as the continued review of the Sign Ordinance. October 18 the Council will hear the Commission recommendation regarding the Mosaic Walk Development Agreements and there will be a discussion of possibly suspending Code Enforcement in certain zoning setbacks.

COMMISSION REQUESTS:

Commissioner Rodenhi refers to page 5 of the draft Ordinance, *Review Authority* and asks if the specific Section of the Government Code can be identified; Attorney Malawy will provide the section of the Government Code for the Permit Streamlining Act.

Commissioner Clark requests a copy of Government Code section 53313; Attorney Malawy has a copy and will provide.

ADJOURNMENT:

MOTION: It was moved by Commissioner Leach, seconded by Commissioner Cioni, to adjourn the meeting at 9:50 pm.

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

Lucille T. Breese, AICP
Secretary

Ron Fink
Chair