

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**DATE:** JANUARY 13, 2010  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KEITH NEUBERT, PRINCIPAL PLANNER  
MORGEN BENEVEDO, ASSISTANT PLANNER  
**RE:** PRELIMINARY / PRECISE DEVELOPMENT PLAN –  
DR 09-11, ZONE CHANGE – ZC 09-02

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**AGENDA ITEM NO. 1**

A request by Kerry Moriarty, the property owner, for Planning Commission review and consideration of:

1. **DR 09-11** – a Preliminary/Precise Development Plan for the construction of a 24-unit apartment complex including on-site parking and landscaping; and
2. **ZC 09-02** – a Zone Change proposal to amend the City's Zoning Map designation for the site. The current Zoning Map designation for the site is *High Density Residential, Planned Development (R-3, PD)*; the applicant is requesting a change to *High Density Residential, Planned Development (R-3, PD)* which would conform to the City's General Plan designation for the site of *High Density Residential*.

The Planning Commission will consider a recommendation to the City Council for a density bonus on the site to allow the number of residential units at 20% greater than the standard density allowed in a High Density Residential District.

The site is approximately .96 acres located at 109 South Third Street (Assessor Parcel Number: 85-150-47). A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

**SCOPE OF REVIEW:**

The Planning Commission is being asked to consider:

- If the proposed Zone Change is compatible with the General Plan;
- If the project meets the property development standards for the *High Density Residential, Planned Development (R-3, PD)* Zone;
- If the proposal is consistent with the Architectural Review Guidelines;
- If the required Finding of Fact in the Resolutions can be made; and

- If the Conditions of Approval are appropriate for the project. The Planning Commission has the authority to approve, conditionally approve, or deny project architecture (Lompoc City Code Section 17.104.030 et seq.).

**PLANNING COMMISSION ACTION:**

1. Certify the Mitigated Negative Declaration;
2. Adopt Resolution No. 666 (10) recommending that the City Council approve DR 09-11 as the Preliminary/Precise Development Plan for the project;
3. Adopt Resolution No. 667 (10) recommending that the City Council approve Zone Change ZC 09-02 for the .96 acre parcel from *High Density Residential, Planned Development (R-3, PD)* to *High Density Residential, Planned Development (R-3, PD)* as shown on Exhibit A of the Resolution; and
4. Adopt Resolution No. 668 (10) recommending that the City Council approve a Density Bonus for the Third Street Apartments project; or
5. Provide alternate direction.

**SITE DATA:**

1. Property Owner ..... Kerry Moriarty
2. Site Location ..... 109 South Third Street
3. Assessor Parcel Number..... 85-150-47
4. Site Zoning..... High Density Residential, Planned Development (R-3, PD)
5. General Plan Designation ..... High Density Residential
6. Site Use..... Vacant Site
7. Surrounding Uses/Zoning..... North: Hotel, Commercial Offices / PCD  
South: Apartment Complex / R-3  
East: Single Family Residential / 7-R-1  
West: Hotel / PCD

**BACKGROUND:**

September 16, 2003      The City Council approved a Preliminary/Precise Development Plan for a 15-unit single family residential project entitled Las Casitas (DR 03-06). The project included a Subdivision Map and Zone Change to *High Density Residential, Planned Development (R-3, PD)*.

August 11, 2005                      Project approval for the Las Casitas project expired.

March 12, 2007                      The Planning Commission re-approved the Las Casitas project (DR 07-03).

October 13, 2009                      Approval for Las Casitas was withdrawn by the applicant and an application was submitted for a 24-unit apartment complex. The project includes a Zone Change to *High Density Residential, Planned Development (R-3, PD)* to allow the new residential units and site design.

**CONFORMANCE WITH ADOPTED CITY POLICIES:**

**1. Zone Change (ZC 09-02)**

Sections 17.132.030 and 17.132.040 of the Zoning Ordinance require the Planning Commission to hold a public hearing and make a recommendation to the City Council regarding a request for a zone change.

The *Planned Development (PD)* designation is requested to allow an adjustment of the lot coverage and parking requirements for the project. The request for a Planned Development Overlay allows the City Council and the Planning Commission to consider a certain amount of flexibility from the strict adherence of the Zoning Ordinance in order to develop a quality project for the benefit of the community. This Development Plan is intended to serve as a Preliminary/Precise Development Plan to meet requirements of the Zoning Ordinance 17.032.040 and 17.032.050.

The site is currently zoned *High Density Residential, Planned Development (R-3, PD)* with an approval for a 15-unit single family residential subdivision. If the previously approved project is not constructed, the applicant must resubmit the revised project for Planning Commission and City Council review and approval. Approval of the Preliminary/Precise Development Plan allows the applicant to build the specific project approved. The Planning Commission will review the project and make a recommendation to the City Council. The project must meet the criteria for density in the underlying zone. Minor changes to the project require additional review by the Commission; major changes will require Council review.

Planning Commission adoption of Resolution No. 667 (10) will recommend that the City Council approve the requested Zone Change.

## **2. Preliminary/Precise Development Plan (DR 09-11)**

### **Authority:**

Section 17.032.060 – Regulations, Limitations and Restrictions of the Zoning Ordinance allows the Commission to recommend to the Council the adoption of a Preliminary/Precise Development Plan with restrictions more or less restrictive than those specified in the City regulations. The project must be *designed to protect property values in the vicinity of the subject property and to protect and enhance the public peace, health, safety and general welfare of persons residing, working in, and passing through the neighborhood.*

### **Subdivision Ordinance:**

City Subdivision Review Ordinance *Section 16.036.040(E) Planned Residential Developments* contains specific development standards for a Preliminary/Precise Development Plan. These standards are in addition to the standards in the Zoning Ordinance discussed later in the staff report.

1. *Requires a minimum of one (1) amenity for residential developments of two to twenty-four (2-24) dwelling units.*
2. *The developer shall propose the size and type of the amenities to be provided.*

The developer proposes a picnic area including a bar-b-que and picnic table. The amenity is located between Buildings 2 and 3. The developer is also providing a storage area for each unit and six (6) bicycle storage lockers located at the northwest corner of the property.

3. *Lot coverage shall not exceed that prescribed by the underlying zone classification.*

High Density Residential (R-3) maximum lot coverage is 60%. The applicant is proposing that 28,930 square feet of the site will be covered by buildings, parking area, and driveway; this is approximately 70% of the land area. As a Planned Development the developer is requesting an adjustment of the lot coverage requirement.

4. *Required off-street parking shall be provided in accordance with the provisions of the Zoning Ordinance. Additional parking for storage of recreational vehicles, trailers, and other miscellaneous vehicles shall be provided at a rate of one (1) space for each seven (7) dwelling units. If spaces for such vehicles are not provided, then project codes, covenants, and restrictions shall prohibit recreational vehicle parking within the project.*

There is no location identified for parking of recreational vehicles on the site plan, therefore a Condition of Approval is included requiring a prohibition be provided in the tenant lease agreements (PC Resolution No. 666 (10) COA P56).

5. *Minimum open space area shall be required for R-3 density of 40% of the project. At least one-half of the total open space requirement shall be devoted to open space usable by residents.*

Open space is calculated at 30%. The landscaped picnic area and all other landscaped areas around the apartment buildings are usable by the residents.

### **General Plan:**

#### **Land Use Element – Land Use Designation:**

The General Plan designation for this property is *High Density Residential* and the stated purpose is:

*To provide residential areas which offer convenient pedestrian access to commercial services and give local residents the opportunity to live near employment centers. This designation can also stimulate reinvestment in older-established areas which can accommodate higher densities.*

The proposed use, a 24-unit apartment complex, is consistent with the General Plan Land Use Designation.

#### **Housing Element – General Housing Requirements:**

The City has made a commitment to address its housing needs by implementing the policies of the Housing Element. One of the central goals identified in the Housing Element is the provision of a choice of housing opportunities for all economic segments of the community. This includes households unable to afford market-priced housing. Policy 1.11 of the Housing Element ensures that all residential projects address the need for affordable housing within the community and help satisfy the regional fair share housing allocation. This policy is provided below:

- Policy 1.11            With the exception of areas within the Old Town Redevelopment Project, Amendment No. 2 area, in all residential developments of ten units or more, at least 10% of all the units shall be affordable to very low-, low-, and median-income households. If it is determined to be infeasible to provide 10% of the units within the very low- to median-income category on-site, off-site provision of the units shall

be acceptable or payment of an in-lieu fee shall be acceptable provided that the fee shall be applied to housing within the City.

The proposed project is not located within the Old Town Redevelopment Project, Amendment No. 2 area, therefore at least ten percent of all the units must be affordable. The proposed project is 24-units and three (3) affordable units are required. The applicant must designate the affordable units on the site plan and prepare a covenant to be reviewed by the City Attorney and recorded on each of the three affordable units for a period of 30 years (PC Resolution No. 666 (10) COA P47).

### **Zoning Ordinance:**

Zoning Ordinance *Section 17.032.020(A) – Uses Permitted*, notes that *no P-D District may be established in an existing residential neighborhood on land that has been previously developed*. This section of the Zoning Ordinance was adopted in 1990 and was intended to prohibit developers from attempting to apply the *Planned Development Overlay* to property for the purpose of constructing additions or modifications to existing structures.

The site is currently a vacant lot and the site will be developed in its entirety.

### **Density Bonus:**

*City of Lompoc Zoning Ordinance Section 17.156 Density Bonuses & Other Incentives* for Affordable Housing was adopted in June 1997 and some sections have been superseded by current state law. Therefore, the revised *Section 65915* of the California Government Code was used to evaluate the proposed density bonus for the project.

The applicant is requesting a 20% density bonus to allow an additional four (4) units on the site. The applicant is proposing three (3) affordable apartment units; one (1) very-low income unit, one (1) low income unit, and one (1) median income unit. The maximum base density on the property is twenty (20) units. The applicant proposes allocating 5% of the base density dwelling units at the very-low income level and asks for a density bonus of 20% as set out in *Section 65915(f)(2)* of the California Government Code.

When low income units or below are proposed, California Government Code allows for increased density if certain criteria are met. *Section 65915(b)(1) of the California Government Code* states, “A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f).” According to *Section 65915(f)(2) of the California Government Code*, if 5% of dwelling units (or 1 unit) are designated as “very-low income,” the applicant is entitled to a density bonus of 20% (4 units).

In order to ensure that the low income housing remains for an extended period of time, *California Government Code Section 65915(c)(1)* requires, “continued affordability of all low and very low income units that qualified the applicant for the award of the density

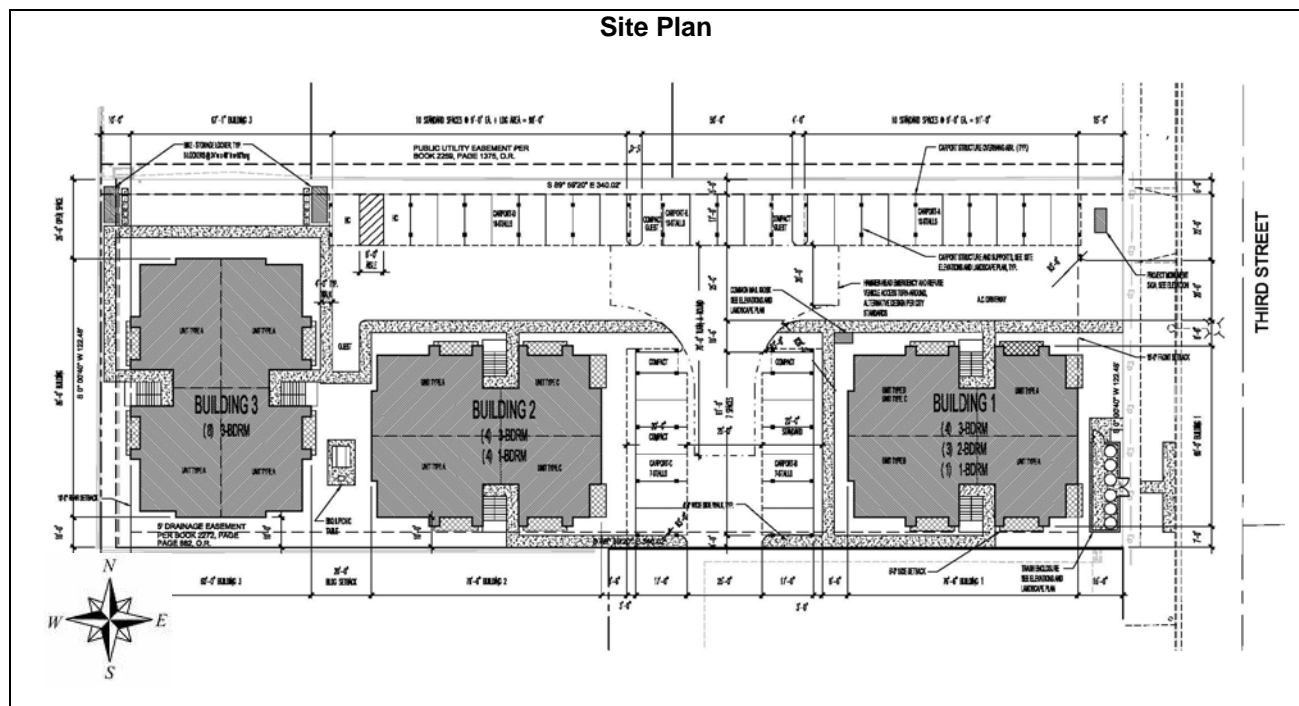
bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.” A Condition of Approval is included requiring the developer to sign and record a Density Bonus Development Agreement prior to issuance of building permits for the project (PC Resolution No. 666 (10) COA P61).

Site Plan:

The site is approximately 41,645 square feet in size and located at 109 South Third Street. One (1) apartment building is proposed at the eastern end of the lot with the remaining two (2) apartment buildings on the western half of the property. Each building will be two-stories high and contain eight (8) apartment units. Carports are proposed along the northern property line and between Buildings 1 and 2. Three (3) uncovered visitor parking spaces are provided. Access to the parking lot is provided by a twenty (20) foot driveway along Third Street.

Each unit has a private fenced concrete patio or balcony. All units will have access to the common open space area containing a bar-b-que and picnic table located between Buildings 2 and 3.

Landscaping is provided around each building, along the northern property line near the parking lot and in the drainage basin. The landscape plan will be reviewed by Planning Division staff and a Landscape Maintenance Agreement will be required for the project (PC Reso 666 (10) COA P 20 & P21).



The High Density Residential (R-3) development standards are noted below:

Category	Required / Maximum	Proposed	Requires Relaxation of Standards
Height	35 ft.	24 ft.	
Building Separation	20 ft. between main buildings	20 ft. minimum	
Lot Coverage	60% maximum includes main & accessory buildings, parking area, driveway & covered patio	70%	*
Front Yard Setback	15 ft.	15 ft.	
Rear Yard Setback	10 ft.	10 ft.	
Side Yard Setback	5 ft.	5 ft.	
Maximum Density	2,000 sq. ft. of land area per dwelling unit	$41,645 \div 2,000 = 20$ units +4 units (density bonus) 24 total units	
Parking	5 – 1 bedroom unit / 1 covered space per unit = 5 spaces  19 – 2 & 3 bedroom units / 2 covered spaces per unit = 38 spaces  Visitor parking / 1 space for first 10 units, then 1 additional space for every 5 units thereafter = 3 spaces	38 covered spaces  3 uncovered visitor spaces	**
Minimum floor area of dwelling units	1 bedroom unit = 550 sq. ft. 2 bedroom unit = 750 sq. ft. 3 bedroom unit = 960 sq. ft.	1 bedroom unit = 794 sq. ft. 2 bedroom unit = 794 sq. ft. 3 bedroom unit = 1,071 sq. ft.	

As shown in the above table, the Planning Commission is being requested to allow relaxation of development standards in the *High Density Residential, Planned Development (R-3, PD)* Zoning District in the areas of lot coverage and parking for the project.

\* The required lot coverage is 60% including main and accessory buildings, parking area, driveway and covered patio. The applicant is proposing lot

coverage at approximately 70%. The applicant is requesting relaxation of this standard to allow for the configuration that is proposed.

\*\* The required parking for the project is 46 total parking spaces. The applicant is proposing 41 parking spaces. The parking is within 10% of the required number of spaces as shown below:

<u>Required Parking</u>	<u>Proposed Parking</u>
43 covered spaces	38 covered spaces
+ <u>3 uncovered visitor spaces</u>	+ <u>3 uncovered visitor spaces</u>
46 total spaces	41 total spaces

The applicant proposes six (6) bicycle storage lockers located at the northwest corner of the property.

The *Planned Development Overlay* allows a certain amount of flexibility from the strict adherence of the development standards to allow a quality project for the benefit of the community. The Planning Commission has previously allowed parking reductions that do not exceed 10% of the required spaces. As conditioned, the project is consistent with the Zoning Ordinance requirements with the Planned Development Overlay.

**Architectural Review Guidelines:**

There are a total of three (3) apartment buildings each containing eight (8) apartment units. Three (3) floor plans are proposed. Plan A is 1,071 square feet and contains three (3) bedrooms and two (2) bathrooms. Plan B is 794 square feet and contains two (2) bedrooms and one and one-half (1.5) bathrooms. Plan C is 794 square feet and contains one (1) bedroom and one and one-half (1.5) bathrooms.

The Architectural Review Guidelines state:

**Page 8, Item 6**

*All proposed buildings or structures should be sensitive to the neighborhood character.*

**Page 9, Item 10**

*Multiple buildings on the same site shall be designed to create a strong visual relationship between the buildings with subtle variety in building size and mass.*

**Page 9, Item 13**

*All building elevations visible to the public shall be designed and architecturally treated. The choice of materials, colors, and the level of detailing shall be*

*thoughtfully integrated into the design. All elevations need not look alike; however, a sense of overall architectural continuity is encouraged.*

Architectural elements for the project include:

- Balconies / Patios – Each unit has a balcony with wood railing painted to match the building trim or a private enclosed patio.
- Trellis – A wood trellis, painted to match the building trim, is provided over the trash enclosure.
- Depth – Pop-outs and recessions are utilized on each elevation of each building.
- Rooflines – Variations in rooflines are shown on elevations, Sheets P.8, P.9 and P.10.

**Proposed Elevations (Building 1)**



South Front Elevation of Building 1



West Left Elevation of Building 1



East Right Elevation of Building 1



North Rear Elevation of Building 1

The proposed three (3) apartment buildings are designed to create a visual relationship between the buildings. To enhance the look of the buildings, the applicant proposes dark brown trim with matching balcony rails. The building colors are derived from an earth tone color palate. Though the building colors vary slightly, they are compatible and this variation adds visual interest to the project. The roofing material is proposed as

Los Padres blend s-tile, also adding color variation to the project. Window trim is included around all windows and is painted to match the building trim.

The east elevation of Building 1 is highly visible from Third Street. In order to conform to the Architectural Review Guidelines, the elevations shall be revised to show additional architectural detail added to the east elevation of Building 1. The changes shall be reviewed by staff at plan check and approved, if appropriate (PC Resolution No. 666 (10) COA P58).

The proposed carports have flat roofs. In order to be compatible with the proposed buildings on the site and conform to the Architectural Review Guidelines, the elevations shall be revised to show roof pitch, colors and materials that match the proposed apartment buildings. The changes shall be reviewed by staff at plan check and approved, if appropriate (PC Resolution No. 666 (10) COA P59).

The surrounding area is residential and commercial and the proposed project is sensitive to the varied development that exists in the neighborhood. As conditioned, the project is consistent with the City's Architectural Review Guidelines.

Photos of the site and a color / materials board will be available at the meeting for review.

**Staff Review:**

A Development Review Board (DRB) meeting was held for this project on December 8, 2009. The applicant met with staff to discuss the proposal and draft Conditions of Approval were formulated. The following comments were received:

Solid Waste Division – Trash enclosure shall be constructed on project side of Third Street right-of-way (PC Reso 666 (10) COA SW6), trash enclosure must accommodate four trash containers (PC Reso 666 (10) COA SW7), architecturally treated gates must be installed (PC Reso 666 (10) COA SW8), curb shall be painted red for trash pick up (PC Reso 666 (10) COA SW9), owner must enter a Solid Waste Agreement with the City (PC Reso 666 (10) COA SW10).

Electric Division – Existing underground primary rerouted at applicant's expense (PC Reso 666 (10) COA EL8), public electric easement required (PC Reso 666 (10) COA EL9).

Water Division – Public water easement required (PC Reso 666 (10) COA W12), upgrade or abandon existing water service (PC Reso 666 (10) COA W13).

Waste Water – Private sewer lateral connection to main shall be in conformance with City Standard Drawing No. 305 (PC Reso 666 (10)

COA WW3), flow control during wye tie-in at existing Third Street sewer main performed by the City Wastewater Division (PC Reso 666 (10) COA WW4).

The Development Review Board (DRB) has developed a series of standard conditions of approval (COA) to advise applicants of possible requirements during the development review process. Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for Commission review. A complete plan check occurs after construction plans have been submitted to the Building Division for building permits. Please note that not all COA included with the Planning Commission Resolution for the project may be applicable. If the applicant has questions and/or concerns regarding specific conditions, he/she should contact the department/division that is recommending the condition. DRB members do not attend the Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions.

The DRB recommends that the Planning Commission adopt Resolution No. 666 (10) recommending City Council approval of DR 09-11 as the Preliminary/Precise Development Plan for the project, subject to the attached Conditions of Approval.

#### **ENVIRONMENTAL DETERMINATION:**

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA). No significant impacts were identified and a Mitigated Negative Declaration has been prepared for Commission review and recommendation to the City Council for approval. A Notice of Determination will be filed following the City Council action as required by CEQA.

#### **NOTICING:**

On December 18, 2009

1. Notice of the Public Hearing was published in the Lompoc Record; and
2. Notices were mailed to property owners within 300 feet by US mail.

On December 31, 2009:

1. The project site was posted by City staff.

#### **APPEAL RIGHTS:**

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

**ATTACHMENTS:**

1. Draft Resolution No. 666 (10) recommending approval of DR 09-11
2. Draft Resolution No. 667 (10) recommending approval of ZC 09-02
3. Draft Resolution No. 668 (10) recommending approval of Density Bonus
4. Initial Study and Mitigated Negative Declaration
5. Site Plan, Floor Plans, Elevations, and Tentative Parcel Map  
(PC only with staff report, documents available for review in Planning Division)

<b>Staff Report has been reviewed and approved for submission to the Planning Commission</b>			
<b>Arleen T. Pelster, AICP Community Development Director</b>	<b>Date</b>	<b>Lucille T. Breese, AICP Planning Manager</b>	<b>Date</b>