



City Council Agenda Item

CITY COUNCIL MEETING DATE: February 19, 2019

TO: Mayor and Councilmembers

FROM: Brian Halvorson, Planning Manager

SUBJECT: ZONING CODE UPDATE PUBLIC COMMENTS
(SUPPLEMENTAL INFORMATION)

Attached are comments that have been received after distribution of the City Council meeting packet regarding the proposed zoning code.

John H. Linn
334B North E. St.
Lompoc, CA 93436

February 14, 2019

Jim Throop
City Manager
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93436



Re: Correcting City Staff's Unauthorized And Invalid Changes To The Planning Commission's Recommended Change To Zoning Code Section 17.2.16.050, B.

In 2018 I appeared before the Lompoc Planning Commission to request a number of changes to the proposed re-write of the City's Zoning Code. One of those changes I commented on and requested was to Section 17.2.16.050, B. That section presently limits 15% of the floor space in buildings in the industrial zones that can be devoted to "accessory uses" such as office, showroom, retail and similar uses. Due to the need for greater flexibility and past issues with new businesses, I requested that the Planning Commission increase that percentage of floor area for accessory uses to 20%. The Planning Commission agreed with me and passed a motion to increase that percentage of floor area for accessory uses to 20%, which the Commission's minutes will verify. Additionally, the Planning commission exempted some uses and passed other changes not now reflected. I left that public hearing assuming the Commission's direction would be honored by staff and the 20% figure would be set forth in the draft ordinance that was to be circulated for 45 days and then go to the City Council for its consideration.

On February 1, 2019, to my amazement, I discovered the City staff in the Building Division has required Planning Department Staff to unilaterally changed the Planning Commission's recommended 20% increase for floor area for accessory uses to 10%, along with other changes, which is a decrease from the historical and present 15% number. That decrease was never discussed or considered by the Planning Commission at the noticed and open public hearing. That is an unsubstantiated change and a reduction that I do not agree with as the present 15% is onerous enough on property owners and tenant businesses and needed to be increased. Under the open meeting laws in the Brown Act, a Planning Commission's decision is to be made in an open meeting where the public could have provided comments on the decrease to 10%. This staff change, instead was made behind closed doors and the public had no input.

Planning Commissioners must be residents of this City and they perform an important role, their decisions and recommendations should not be circumvented by staff who may or not be residents.

I have discussed this unilateral staff change with an expert in municipal law. He has pointed out that the procedure for amending a zoning code section is governed by state law. Those applicable state law sections are:

“The legislative body of any county or city may, pursuant to this chapter, adopt ordinances that do any of the following:

(a) Regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes. . . .” Gov. Code §65850.

“A zoning ordinance or an amendment to a zoning ordinance, which amendment changes any property from one zone to another or imposes any regulation listed in Section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive.” Gov. Code §65853.

“After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.” Gov. Code §65855.

“The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon.” Gov. Code §65857.

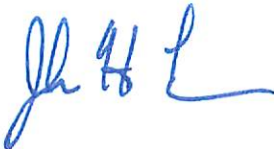
None of these state law sections indicate city staff may unilaterally change what is recommended by a planning commission. City staff's backroom change to 10% in the proposed zoning code amendment, and other changes to the draft was not considered by the Planning Commission and is similar to the “automatic zoning reversion” effect that was found to be invalid in *Scrutton v. Sacramento County* (1969) 275 Cal.App.2d 412, 420 as it would violate the procedural requirements of state law, which demands

that zoning amendment be accomplished through noticed hearings and have a planning commission inquiry on that specific change. (See Gov.Code sections 65853—65857).

Based on the above described legal requirements, there is only one option for correcting the wording for Section 17.2.16.050, B, which is to revise the proposed zone amendment ordinance back to the true text of any sections adopted by and Planning Commission wording and subsequently changed by staff including the 20% number, and then present that ordinance to the City Council. Staff can ask that this proposed ordinance be referred back to the Commission for consideration of a decrease to 10%, and if the City Council agrees that such a step and delay is justified, Council can send that matter back to the Commission. I feel the 20% is appropriate for a business friendly ordinance and so did the Planning Commission and Consultant. I feel such a delay is not justified. Because the Zoning Ordinance Circulated by the City, has changes illegally added by staff, the City should determine whether the hearing of February 19 2019 should be continued for two weeks so the true and correct Zoning Ordinance adopted by the Planning Commission can be made available for public review. As transparency has been a focus of the Council I believe this should be done.

I look forward to having a fair and legal process for this zone amendment we gave worked toward for over 8 years. Please advise me on how the City staff will be handling this matter.

Very truly yours,



John H. Linn

CC: Lompoc City Council
Lompoc City Attorney
Industrial property owners

Steves

RECEIVED

Memo of Record

FEB 11 2019

To City Council.

Background

Since 2016 the local business community has worked with the planning department to craft a zoning ordinance that matches city and business needs. While it was recognized that perfection can never be achieved, a generally agreeable code was crafted and we all felt satisfied. This code was prepared for presentation to the city council for approval as of November of 2019. Since that time, independent of the community and in some cases even independent of the planning commission changes were made to the draft. This draft with unreviewed changes was published with the city council agenda on or about January 15th for approval of the city council at the February meeting.

We respectfully object to some of these changes and within this document provide suggested changes to get us back to consensus on these matters.

1. Size Limitations on Wine Tasting Rooms

Presented at November 2018 Planning Commission Meeting.

The following was what was presented to the Planning commission last November

17.2.16.050 Additional Standards and Requirements

B. Industrial Zone , Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

Being Presented Today

This is what is being presented to the city council today

B. Industrial Zone , Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 10% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms approved with a Conditional Use Permit are not subject to this limitation.

Request Approval of What Zoning Commission and Community

This is what we are requesting get approved. ie what the community agreed to and was presented to planning commission

B. Industrial Zone, Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

Presented at November 2018 Planning Commission Meeting.

This was what was presented to the community and planning commission in November 2018

2. Special Event Overlay

D. Special Event Overlay Zone.

1. Indoor Special Events. A special event that is contained entirely within an existing enclosed building shall not require the issuance of a Temporary Use Permit if:
 - a. The event is a permitted use (i.e., a Conditional or Minor Use Permit is not required);
 - b. The event does not exceed 72 hours; and
 - c. There are no more than two events per tenant in a calendar quarter.
2. Consistent with Section 17.4.04.190 (Temporary Uses), a special event located partially or entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit); however, the Director may authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).

Planning Commission Discussion

The planning commission discussed only the items below and agreed to the following

1. Increase events allowed to 4 events per quarter
2. Place definition on what was special
3. Do not put in occupancy code wording, it is implied and a requirement already

Being Presented Today

This is what the planning department has created and is presenting to the city council in February of 2018

D. Special Event Overlay Zone.

1. **Standards for Special Events.** Special events, such as a **wedding, wine club pick up party, live music, art show,** or similar event, located indoors or partially or entirely outdoors shall comply with the following:
 - a. The event shall not exceed 72 hours;
 - b. The event cannot exceed the approved occupant load; and ✓
 - c. There shall be no more than four events per building in a calendar quarter.
2. **Indoor Special Events.** A special event that is contained entirely within an existing enclosed building, **does not exceed 749 square feet or 10% of the gross building floor area,** and complies with the standards for special events in 17.2.24.050.D.1 shall not require the issuance of a Temporary Use Permit.
3. **Partially or Entirely Outside Special Events.** Consistent with Section 17.4.04.190 (Temporary Uses), a special event located partially or entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit). However, the Director may

authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).

Request Approval of What Zoning Commission and Community worked and agreed to.

This is what we are requesting be placed in the ordinance to match what was the intent of the special event overlay

D. Special Event Overlay Zone.

1. **Standards for Special Events.** Special events, such as a **wedding, large Community events (such as Sip Lompoc), Fee admission events (such as art shows, concerts and harvest festivals)**, located indoors or partially or entirely outdoors shall comply with the following:

- a. The event shall not exceed 72 hours;
- b. The event cannot exceed the approved occupant load; and
- c. There shall be no more than four events per tenant in a calendar quarter.

2. **Indoor Special Events.** A special event that is contained entirely within an existing enclosed building, **meets the size requirements of 17.2.16.050 additional Standards and Requirements** and complies with the standards for special events in 17.2.24.050.D.1 shall not require the issuance of a Temporary Use Permit.

3. **Entirely Outside Special Events.** Consistent with Section 17.4.04.190 (Temporary Uses), a special event located entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit). However, the Director may authorize more flexible permit and review procedures to facilitate and encourage special events

Additional Request

At each review and at each council meeting on zoning it has been stated that this zoning can be relatively easily changed and that this zoning effort should not negatively impact the business community.

We request the following motions be entertained by the city council.

For 18 months following approval of this update to the zoning ordinance, that any citizen (business or individual) requests for change to the zoning ordinance that is caused by conditions created by this update shall be processed at a cost not to exceed \$500 for the citizen.

For 18 months following approval of this update to the zoning ordinance, that any citizen (business or individual) that processes an MUP or CUP to operate in compliance with the ordinance caused by conditions created by this update shall be processed at a cost not to exceed \$500 to the citizen.

Logic for Request

Since the first consultant review and all subsequent reviews it was agreed that winery tasting rooms should not be limited by the percentage space limitation. This situation has only gotten more critical with the Marijuana ordinance approvals which has caused several wineries to move or separate portions of their production to alternative locations. Requiring CUPs will create a hardship and since essentially all CUPs will be approved for this condition adds no value.

Many wineries use music, barrel tasting, and reception type events to attract foot traffic to their tasting room. We should only identify special events as those that might create tension within the community. This overlay is within the industrial zone area, which has limited to no impact on surrounding areas.

Many times, there are food trucks involved in the activities at a winery. This creates a partial outside activity. Also, some wineries have outside patios or areas for small wine tasting. Use of these areas should not create a TUP condition.

Chapter 3 Use and Occupancy Classification

Section 303 Assembly Group A

303.1 Assembly Group A

Assembly **Group A** occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation; *motion picture and television production studio sound **stages**, approved production **facilities** and production locations; or for the showing of motion pictures when an admission fee is charged and when such building or structure is open to the public and has a capacity of 10 or more persons.*

303.1.1 Small buildings and tenant spaces

A building or tenant **space** used for assembly purposes with an **occupant load** of less than 50 persons shall be classified as a **Group B** occupancy.

303.1.2 Small assembly spaces

The following rooms and **spaces** shall not be classified as Assembly occupancies:

1. A room or **space** used for assembly purposes with an **occupant load** of less than 50 persons and accessory to another occupancy shall be classified as a **Group B** occupancy or as part of that occupancy.
2. A room or **space** used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a **Group B** occupancy or as part of that occupancy.

Section 304 Business Group B

304.1 Business Group B

Business **Group B** occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

- Airport traffic control towers
- **Ambulatory care facilities** serving five or fewer patients (see Section 308.4.2 for **facilities** serving more than five patients)
- Animal hospitals, kennels and pounds
- Banks
- Barber and beauty shops
- Car wash
- Civic administration
- Clinic, outpatient [SFM] (not classified as Group I-2.1)
- Dry cleaning and laundries: pick-up and delivery stations and self-service
- Educational occupancies for students above the 12th **grade**
- Electronic data processing
- Food processing establishments and commercial kitchens not associated with restaurants, cafeterias and similar dining **facilities** not more than 2,500 square feet (232 m²) in area.
- **Laboratories**: testing, research and [SFM] instruction
- Motor vehicle showrooms
- Post offices
- Print shops
- Professional services (architects, attorneys, dentists, physicians, engineers, etc.)
- Radio and television stations
- Telephone exchanges
- Training and skill development not within a school or academic program (this shall include, but not be limited to, tutoring centers, martial arts studios, gymnastics and similar uses regardless of the ages served, and where not classified as a **Group A** occupancy).

306.1 Factory Industrial Group F

Factory Industrial **Group F** occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, **repair** or processing operations that are not classified as a **Group H** hazardous or **Group S** storage occupancy.

306.3 Low-hazard factory industrial, Group F-2

Factory industrial uses that involve the fabrication or manufacturing of **noncombustible** materials which during finishing, packing or processing do not involve a significant fire hazard shall be classified as **F-2** occupancies and shall include, but not be limited to, the following:

- **Beverages: up to and including 16-percent alcohol content**
- **Brick and masonry**
- Ceramic products
- Foundries
- Glass products
- Gypsum
- Ice
- Metal products (fabrication and assembly)

.7 net egress multiplied by occupants
le 2 3 ft doors = 6 Ft x 12 in /ft x 0.7 = 50 people

Halvorson, Brian

From: Haddon, Stacey
Sent: Monday, February 11, 2019 11:46 AM
To: PLANNING
Cc: Collins, LoRene; Schwab, Teri
Subject: FW: Zoning Ordinance

Good Morning All:

I am unsure of who needs to receive this email.

Thank you,

Stacey Haddon
City Clerk, City of Lompoc
(805) 875-8241

From: Deni Overton <Deni@thebodynourished.com>
Sent: Monday, February 11, 2019 11:41 AM
To: Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>
Subject: Zoning Ordinance

Dear City Clerk Haddon:

I am writing to enter my opposition to the proposed change to the ordinance regarding events in Lompoc.

My husband, myself & our 2 youngest sons moved to Lompoc just over 21 years ago. Until the last couple years, there was very little in the way of local music except for an occasional open mic night at the coffee shop. Since that time, it has been wonderful actually have entertainment options that also support our local musicians. Most weekends, there is local and sometimes traveling musicians at The Beach, The Wine Factory, Hanger 7...and other locations in town, such as tasting rooms.

This proposed ordinance change is very likely to shut down many of these options—and possibly even be so detrimental to them that they cannot stay in business. At the very least,

compensation that is now going to musicians (who are many times barely making ends meet) would probably not be hired because those monies would be going to pay use fees.

As you know our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a zoning ordinance is to define activities that the community feels are compatible with community standards for the designated areas. The inclusion of wineries and wine tasting rooms has become a compatible use in the industrial area of our community. Requiring conditional use permits for tasting rooms over 10% is counter-productive to creating a business-friendly city.

Therefore, I am asking that you direct the staff to revert the language on the following zoning code clause to what was agreed to in the planning commission and by our community members.

B. Industrial Zone, Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

Thank you for your careful consideration in determining what is best for our city as a whole.

Sincerely,

Deni Overton

Lompoc Resident & Business Owner

Halvorson, Brian

From: Haddon, Stacey
Sent: Monday, February 11, 2019 2:07 PM
To: PLANNING
Cc: Collins, LoRene; Schwab, Teri
Subject: FW: Proposed New Zoning Ordinance Concern

Thank you,

Stacey Haddon

City Clerk, City of Lompoc
(805) 875-8241

From: Dan Kessler <ddk@kesslerhaakwine.com>
Sent: Monday, February 11, 2019 12:40 PM
To: Osborne, Jenelle <j_osborne@ci.lompoc.ca.us>; Cordova, Gilda <g_cordova@ci.lompoc.ca.us>; Mosby, Jim <J_Mosby@ci.lompoc.ca.us>; Starbuck, Dirk <D_Starbuck@ci.lompoc.ca.us>; Vega, Victor <V_Vega@ci.lompoc.ca.us>
Cc: Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>
Subject: Proposed New Zoning Ordinance Concern

Dear Council members,

As you know our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary, to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a zoning ordinance is to define activities that the community feels are compatible with community standards for the designated areas. As any knowledgeable citizen realizes the inclusion of wineries and wine tasting rooms has become a compatible use in the industrial area of our community and requiring conditional use permits for tasting rooms over 10% is counter-productive to creating a business friendly city.

There for I am asking that you direct the staff to revert the language on the following zoning code clause to what was agreed to in the planning commission and by our community members.

B. Industrial Zone, Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

This is what everyone agreed to and the Planning commission approved.

Sincerely,
Dan Kessler
Winegrower/Winemaker
Kessler-Haak Vineyard & Wines
President, Sta. Rita Hills Winegrowers Alliance
1700 Gypsy Canyon Dr
Lompoc, CA 93436
C: 805-479-0093
E: ddk@kesslerhaakwine.com
W: kesslerhaakwine.com
FB: KesslerHaak
Twitter: khvines
Instagram: khwines

Halvorson, Brian

From: Haddon, Stacey
Sent: Tuesday, February 12, 2019 10:20 AM
To: PLANNING
Cc: Collins, LoRene
Subject: FW: Zoning Ordinance

Thank you,

Stacey Haddon

City Clerk, City of Lompoc
(805) 875-8241

From: Renee Grossini at Hilliard Bruce <renee@hilliardbruce.com>
Sent: Tuesday, February 12, 2019 9:42 AM
To: Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>; Vega, Victor <V_Vega@ci.lompoc.ca.us>; Starbuck, Dirk <D_Starbuck@ci.lompoc.ca.us>; Mosby, Jim <J_Mosby@ci.lompoc.ca.us>; Cordova, Gilda <g_cordova@ci.lompoc.ca.us>; Osborne, Jenelle <j_osborne@ci.lompoc.ca.us>
Subject: Zoning Ordinance

Dear council members

As you know our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary, to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a zoning ordinance is to define activities that the community feels are compatible with community standards for the designated areas. As any knowledgeable citizen realizes the inclusion of wineries and wine tasting rooms has become a compatible use in the industrial area of our community

and requiring conditional use permits for tasting rooms over 10% is counter productive to creating a business friendly city.

There for I am asking that you direct the staff to revert the language on the following zoning code clause to what was agreed to in the planning commission and by our community members.

B. Industrial Zone, Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

This is what everyone agreed to and the Planning commission approved.

Sincerely

Renee

renee@hilliardbruce.com

Hilliard Bruce Winery
2075 Vineyard View Lane
Lompoc CA 93436

“Happiness is the only good.
The time to be happy is now. The place to be happy is here.
The way to be happy is to make others so.” Ingersoll

From: steve arrowood <pvgaragiste@gmail.com>

Sent: Wednesday, February 13, 2019 4:24 PM

Subject: New zoning language negatively impacting the wine industry

At the upcoming 2/19 meeting you will be hearing about zoning updates and the wine community is very troubled about how the language will negatively impacts its prospects. Here is my specific letter and I believe the council needs to decide if they are pro wine, anti wine or ambivalent. Clearly the city has decided to be pro marijuana to a great extent as compared to any other neighboring city. Right now I believe the current and contemplated wine rules are anti wine but not due to a grand plan to be anti wine just failure to see the big picture of what the impacts of staff decisions are. Please take a stand one way or another. You will be hearing lots more about this topic and few if any will be in support of the language we seek to change

Steve Arrowood

To Lompoc City Council and other stakeholders

2/11/19

I think it is in the city council's best interest to step back and envision what Lompoc could become once wine tourism is thriving here. Have you heard of Del Norte, Alpine, Colusa, Butte, Modoc? Most have not - they are California counties that are not well known. Napa and Sonoma would be on that list if they did not produce wine. Think of what Paso Robles or the Santa Ynez valley would look like without wine. No one would know where they were (Solvang would be the only famous thing) and there would not be 100s of homes worth over 5M. 80% of the hotels and restaurants and associated jobs would not exist and of course the associated tax revenues would not exist. In some ways these places would look much more like Lompoc with most businesses struggling and city revenues insufficient to pay for the services we would like. Many people aspire to move to Paso Robles and Santa Ynez. I live in Lompoc and enjoy the town but it is clearly underachieving given the natural beauty, great weather, some excellent local industries and a wine business that could drive wine tourism which is full of repeat visitors. I envision a future where many aspire to not only visit but live in Lompoc I hope you share my vision

There is no reason why Lompoc can't benefit from some of the same wine tourism and I have seen it grow just in the 6 years that I have lived and made wine here. There are many great things happening that are positive for an increase in wine tourism – Explore Lompoc, New SOMM 3 movie, Efforts of all the Lompoc wineries and the overall rising fame of the Sta Rita Hills to name just a few. Right now a conservative estimate would be around 10,000 hotel room nights in Lompoc are from wine tourism. The sky is the limit on what that could grow to in the long run how fast it goes up is directly impacted by city rules hindering wine tourism growth. Santa Ynez valley probably has at least 200,000 hotel night for wine tourism and Paso is many multiples of that. Failing to get food options into the wine zone 5-10 years ago was a missed opportunity where the city

could have made an impact. The new zoning allows for restaurants, but discussions focused on small sewer pipes and other future impediments for restaurants sends a clear message that the wine industry is not part of any strategic plan. Also fighting on the zoning words associated with wine over the past years was unnecessary if everyone's goals were aligned to growing wine tourism. The latest words on the special events are unbelievable really and show no one is thinking when they write this stuff. Or they want to discourage wineries from coming to Lompoc or staying in Lompoc. Wineries have left before and the city can increase those numbers with anti winery policies. Why was the wine overlay zone changed to be non-wine specific? Why are Special events being described to include normal wine tasting activities? Wine pick up parties, art shows and music in tasting rooms are common across all wine regions. These are all normal and core to tasting rooms attracting customers. There is no reason to limit wine related activities within someone's approved occupancy. Each winery's approval already addressed and approved all parking, fire, safety and bathroom rules. If the city wants to control non wine events that seems reasonable and the original language was going to limit those to 8 per tenant (not building) per year without a TUP. The rules as written will reduce the hotel room nights driven by the wine industry greatly as they will opt to have their parties at full service event centers in the valley or in their vineyards. Less pick up parties means less new visitors get introduced to the Lompoc wine scene. These non Lompoc alternatives are great options already but many want their customers to come to Lompoc and visit their facilities. It will also drive more wineries to leave, as many have already, and fewer to set up shop in Lompoc. Those hotel nights will be lost and many catering contracts will also be lost and the potential to drive hotel nights to 50,000 and above will be hindered.

In summary, decide if you believe wine is something to encourage, if so review the zoning that is clearly anti wine and have staff rewrite it to promote wine – of course within all the rules fire building etc.

Major anti wine things that are not reasonably justifiable:

1. Limiting tasting room size. This was put in due to old industrial zoning. This update can eliminate this
2. Defining special events to include normal wine tasting activities like pick up parties and providing distractions for wine tasters art, music as examples.
3. Food in tasting rooms and also mobile food are still not written in a way that is supportive of the wine industry
4. Making the limits on special events based on a number per building is not reasonable or manageable as some building have numerous wineries. Would you tell the Vons shopping center complex that the whole complex can only have X sales per quarter split between 10 + businesses?

Thank you

Steve Arrowood owner and winemaker

Montemar

There are many people in the wine industry concerned about these changes and why they came about. I am attaching further specifics in letters you will be receiving from others so a complete understanding of the issue is possible

Dear council members

As you know our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary, to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a special event overlay was to allow wineries to occasionally have special events.

The following activities for wineries are not special:

- Wine Club Pick Up Parties
- Live Music
- Art Shows

Also wineries should not be restricted to 749 feet or 10% of floor area.

In fact the California Building code specifically states

303.1.2 Small assembly spaces

The following rooms and [spaces](#) shall not be classified as Assembly occupancies:

1. A room or [space](#) used for assembly purposes with an [occupant load](#) of less than 50 persons and accessory to another occupancy shall be classified as a [Group B](#) occupancy or as part of that occupancy.
- 2.
3. A room or [space](#) used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a [Group B](#) occupancy or as part of that occupancy.

Based on this and the restrictions placed in the overlay, the overlay becomes of no value and in fact actually creates additional restrictions versus creating an opportunity to bring people to lomdoc.

Please direct city staff to eliminate unnecessary restrictions such as 749 sq. feet and restrictions on using areas outside.

Memo of Record

To City Council.

Background

Since 2016 the local business community has worked with the planning department to craft a zoning ordinance that matches city and business needs. While it was recognized that perfection can never be achieved, a generally agreeable code was crafted and we all felt satisfied. This code was prepared for presentation to the city council for approval as of November of 2019. Since that time, independent of the community and in some cases even independent of the planning commission changes were made to the draft. This draft with unreviewed changes was published with the city council agenda on or about January 15th for approval of the city council at the February meeting.

We respectfully object to some of these changes and within this document provide suggested changes to get us back to consensus on these matters.

1. Size Limitations on Wine Tasting Rooms

Presented at November 2018 Planning Commission Meeting.

The following was what was presented to the Planning commission last November

17.2.16.050 Additional Standards and Requirements

B. Industrial Zone , Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

Being Presented Today

This is what is being presented to the city council today

B. Industrial Zone , Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 10% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms approved with a Conditional Use Permit are not subject to this limitation.

Request Approval of What Zoning Commission and Community

This is what we are requesting get approved. ie what the community agreed to and was presented to planning commission

B. Industrial Zone, Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

Presented at November 2018 Planning Commission Meeting.

This was what was presented to the community and planning commission in November 2018

2. Special Event Overlay

D. Special Event Overlay Zone.

1. **Indoor Special Events.** A special event that is contained entirely within an existing enclosed building shall not require the issuance of a Temporary Use Permit if:
 - a. The event is a permitted use (i.e., a Conditional or Minor Use Permit is not required);
 - b. The event does not exceed 72 hours; and
 - c. There are no more than two events per tenant in a calendar quarter.
2. Consistent with Section 17.4.04.190 (Temporary Uses), a special event located partially or entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit); however, the Director may authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).

Planning Commission Discussion

The planning commission discussed only the items below and agreed to the following

1. Increase events allowed to 4 events per quarter
2. Place definition on what was special
3. Do not put in occupancy code wording, it is implied and a requirement already

Being Presented Today

This is what the planning department has created and is presenting to the city council in February of 2018

D. Special Event Overlay Zone.

1. **Standards for Special Events.** Special events, such as a **wedding, wine club pick up party, live music, art show,** or similar event, located indoors or partially or entirely outdoors shall comply with the following:
 - a. The event shall not exceed 72 hours;
 - b. The event cannot exceed the approved occupant load; and
 - c. There shall be no more than four events per building in a calendar quarter.
2. **Indoor Special Events.** A special event that is contained entirely within an existing enclosed building, **does not exceed 749 square feet or 10% of the gross building floor area,** and complies with the standards for special events in 17.2.24.050.D.1 shall not require the issuance of a Temporary Use Permit.
3. **Partially or Entirely Outside Special Events.** Consistent with Section 17.4.04.190 (Temporary Uses), a special event located partially or entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit). However, the Director may

authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).

Request Approval of What Zoning Commission and Community worked and agreed to.

This is what we are requesting be placed in the ordinance to match what was the intent of the special event overlay

D. Special Event Overlay Zone.

1. **Standards for Special Events.** Special events, such as a **wedding, large Community events (such as Sip Lompoc), Fee admission events (such as art shows, concerts and harvest festivals)**, located indoors or partially or entirely outdoors shall comply with the following:

- a. The event shall not exceed 72 hours;
- b. The event cannot exceed the approved occupant load; and
- c. There shall be no more than four events per tenant in a calendar quarter.

2. **Indoor Special Events.** A special event that is contained entirely within an existing enclosed building, **meets the size requirements of 17.2.16.050 additional Standards and Requirements** and complies with the standards for special events in 17.2.24.050.D.1 shall not require the issuance of a Temporary Use Permit.

3. **Entirely Outside Special Events.** Consistent with Section 17.4.04.190 (Temporary Uses), a special event located entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit). However, the Director may authorize more flexible permit and review procedures to facilitate and encourage special events

Additional Request

At each review and at each council meeting on zoning it has been stated that this zoning can be relatively easily changed and that this zoning effort should not negatively impact the business community.

We request the following motions be entertained by the city council.

For 18 months following approval of this update to the zoning ordinance, that any citizen (business or individual) requests for change to the zoning ordinance that is caused by conditions created by this update shall be processed at a cost not to exceed \$500 for the citizen.

For 18 months following approval of this update to the zoning ordinance, that any citizen (business or individual) that processes an MUP or CUP to operate in compliance with the ordinance caused by conditions created by this update shall be processed at a cost not to exceed \$500 to the citizen.

Logic for Request

Since the first consultant review and all subsequent reviews it was agreed that winery tasting rooms should not be limited by the percentage space limitation. This situation has only gotten more critical with the Marijuana ordinance approvals which has caused several wineries to move or separate portions of their production to alternative locations. Requiring CUPs will create a hardship and since essentially all CUPs will be approved for this condition adds no value.

Many wineries use music, barrel tasting, and reception type events to attract foot traffic to their tasting room. We should only identify special events as those that might create tension within the community. This overlay is within the industrial zone area, which has limited to no impact on surrounding areas.

Many times, there are food trucks involved in the activities at a winery. This creates a partial outside activity. Also, some wineries have outside patios or areas for small wine tasting. Use of these areas should not create a TUP condition.

Halvorson, Brian

From: Haddon, Stacey
Sent: Thursday, February 14, 2019 9:00 AM
To: PLANNING
Cc: Collins, LoRene
Subject: FW: Proposed zoning ordinance special event overlay objections

Thank you,

Stacey Haddon

City Clerk, City of Lompoc
(805) 875-8241

From: Dan Kessler <ddk@kesslerhaakwine.com>
Sent: Wednesday, February 13, 2019 3:32 PM
To: Osborne, Jenelle <j_osborne@ci.lompoc.ca.us>; Cordova, Gilda <g_cordova@ci.lompoc.ca.us>; Mosby, Jim <J_Mosby@ci.lompoc.ca.us>; Starbuck, Dirk <D_Starbuck@ci.lompoc.ca.us>; Vega, Victor <V_Vega@ci.lompoc.ca.us>
Cc: Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>
Subject: Proposed zoning ordinance special event overlay objections

Dear Council members,

As you know, our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However, after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a **special event overlay** was to allow wineries to occasionally have special events.

The following activities for wineries are **not** special events, but are part of normal operations:

- Wine Club Pick Up Parties
- Live Music
- Art Shows and similar

In addition, special events at wineries and wineries with tasting rooms should not be randomly restricted to a maximum event space of the smaller of 749 sq. ft. or 10% of their floor area.

Section 303.1.2 of the California Building code states:

The following rooms and spaces **shall not** be classified as Assembly occupancies:

- A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.
- A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

Based on this and the 749 sq. ft. restriction placed in the overlay, the overlay is randomly restrictive and inconsistent with California Building code specifications.

I urge you to direct city staff to eliminate unnecessary restrictions to the overlay which include the 749 sq. ft. event space maximum along with restrictions related to the use of outdoor space adjacent to the event location.

Thank you,
Dan Kessler
Winegrower/Winemaker
Kessler-Haak Vineyard & Wines
President, Sta. Rita Hills Winegrowers Alliance
1700 Gypsy Canyon Dr
Lompoc, CA 93436
C: 805-479-0093
E: ddk@kesslerhaakwine.com
W: kesslerhaakwine.com
FB: KesslerHaak
Twitter: khvines
Instagram: khwines

Halvorson, Brian

From: Haddon, Stacey
Sent: Thursday, February 14, 2019 8:59 AM
To: PLANNING
Cc: Collins, LoRene
Subject: FW: Special event overlay concern

Thank you,

Stacey Haddon

City Clerk, City of Lompoc
(805) 875-8241

From: Karen Osland <kosland@comcast.net>
Sent: Wednesday, February 13, 2019 2:23 PM
To: Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>
Subject: Special event overlay concern

Dear council member,

As you know our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary, to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a special event overlay was to allow wineries to occasionally have special events.

The following activities for wineries are not special:

- Wine Club Pick Up Parties

- Live Music
- Art Shows

Also wineries should not be restricted to 749 feet or 10% of floor area.

In fact the California Building code specifically states

303.1.2 Small assembly spaces

The following rooms and spaces shall not be classified as Assembly occupancies:

1. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

2.

3. A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

Based on this and the restrictions placed in the overlay, the overlay becomes of no value and in fact actually creates additional restrictions versus creating an opportunity to bring people to lomdoc.

Please direct city staff to eliminate unnecessary restrictions such as 749 sq. feet and restrictions on using areas outside.

Thank you,

Karen Osland

Halvorson, Brian

From: Haddon, Stacey
Sent: Thursday, February 14, 2019 8:52 AM
To: PLANNING
Cc: Collins, LoRene
Subject: FW: Special Event Overlay

Thank you,

Stacey Haddon

City Clerk, City of Lompoc
(805) 875-8241

From: Peter Work <peter@ampeloscellars.com>
Sent: Thursday, February 14, 2019 8:17 AM
To: Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>
Subject: Special Event Overlay

Dear Stacey

As you know our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary, to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a special event overlay was to allow wineries to occasionally have special events.

The following activities for wineries are not special:

- Wine Club Pick Up Parties
- Live Music
- Art Shows

Also wineries should not be restricted to 749 feet or 10% of floor area.

In fact the California Building code specifically states

303.1.2 Small assembly spaces

The following rooms and spaces shall not be classified as Assembly occupancies:

1. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.
- 2.
3. A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

Based on this and the restrictions placed in the overlay, the overlay becomes of no value and in fact actually creates additional restrictions versus creating an opportunity to bring people to lomdoc.

Please direct city staff to eliminate unnecessary restrictions such as 749 sq. feet and restrictions on using areas outside.

Thank you

/Peter Work
Owner and Winemaker
Ampelos Cellars

Halvorson, Brian

From: Haddon, Stacey
Sent: Friday, February 15, 2019 9:47 AM
To: PLANNING
Cc: Collins, LoRene
Subject: FW: Zoning Ordinance

Thank you,

Stacey Haddon
City Clerk, City of Lompoc
(805) 875-8241

-----Original Message-----

From: Randall Sena <randallsena@certainsparks.com>
Sent: Thursday, February 14, 2019 12:49 PM
To: Osborne, Jenelle <j_osborne@ci.lompoc.ca.us>; Cordova, Gilda <g_cordova@ci.lompoc.ca.us>; Mosby, Jim <J_Mosby@ci.lompoc.ca.us>; Starbuck, Dirk <D_Starbuck@ci.lompoc.ca.us>; Vega, Victor <V_Vega@ci.lompoc.ca.us>; Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>
Subject: Zoning Ordinance

Dear Council Members -

As you know, our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, our city staff unilaterally changed the code for undetermined reasons.

One of the changes made is contrary, to what the city consultant recommended, the community campaigned for, and the planning commission approved.

The creation of a special event overlay was to allow wineries to occasionally have special events.

The following activities for wineries are not special:

- . Wine Club Pick Up Parties
- . Live Music
- . Art Shows

Also wineries should not be restricted to 749 feet or 10% of floor area.

In fact the California Building code specifically states

303.1.2 Small assembly spaces

The following rooms and spaces shall not be classified as Assembly occupancies:

A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

Based on this and the restrictions placed in the overlay, the overlay becomes of no value and in fact actually creates additional restrictions versus creating an opportunity to bring people to Lompoc.

Please direct city staff to eliminate unnecessary restrictions such as 749 sq. feet and restrictions on using areas outside.

Thank you,

Randall Sena
Owner / Operator
Certain Sparks Music
107 S H Street
Lompoc, CA 93436
www.certainsparks.com

Halvorson, Brian

From: Haddon, Stacey
Sent: Friday, February 15, 2019 4:31 PM
To: PLANNING
Cc: Collins, LoRene
Subject: FW: Zoning Ordinance

Thank you,

Stacey Haddon

City Clerk, City of Lompoc
(805) 875-8241

From: rebecca@ampeloscellars.com <rebecca@ampeloscellars.com>
Sent: Friday, February 15, 2019 4:28 PM
To: Osborne, Jenelle <j_osborne@ci.lompoc.ca.us>; Cordova, Gilda <g_cordova@ci.lompoc.ca.us>; Mosby, Jim <J_Mosby@ci.lompoc.ca.us>; Starbuck, Dirk <D_Starbuck@ci.lompoc.ca.us>; Vega, Victor <V_Vega@ci.lompoc.ca.us>; Haddon, Stacey <S_HADDON@ci.lompoc.ca.us>
Cc: rebecca@ampeloscellars.com
Subject: Zoning Ordinance

Dear council members

As you know our community, city obtained consultants, and city staff have been working on a new zoning ordinance for over 2 years. Agreements were reached and the city planning commission approved and forwarded code for your approval. However after the planning commission forwarded the ordinance, the city staff unilaterally changed the code for undetermined reasons.

I have major concerns regarding the current draft of the new zoning ordinance. If it is approved it will be very detrimental to the Lompoc wine industry. The areas of concern are:

1. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 10% of the floor space. This needs to be changed to 20% of the gross floor area of the primary industrial use. Wine tasting rooms that are part of or on the site of a winery should not be subject to the 20% size limitation.
2. Defining special events to include normal wine tasting activities like pick up parties. In addition, requiring a temporary/conditional use permits as well as limiting them to 4 per building. Is a problem. Our facility is located in industrial building that has 2 other winery tenants. This limitation is not doable plus the added costly expense of a conditional use permit – puts more burden on the wineries.

3. Food in tasting rooms and also mobile food are still not written in a way that is supportive of the wine industry
4. Restricting wineries to 749 feet or 10% of floor area for special events makes no sense. The wine industry of Lompoc has been, for over twenty years, bringing tourists to the city and is really the only industry Lompoc has -- except with now allowing cannabis. In today's situation, it is becoming harder and harder for us to compete with other regions like Paso who is very friendly to their wine industry. In addition, the whole cannabis in Lompoc is making it very difficult to work in.

Our pickup parties bring about 30% of the people outside of Lompoc who will spend the night in Lompoc or even the weekend. If the new zoning ordinance is not changed to be more winery friendly we will be forced to have our events at our vineyard because it will be easier and cheaper to get a one day event permit from Santa Barbara County than Lompoc. Given our vineyard is closer to Buellton, will mean our non-local customers will most likely stay there.

Please do not approve the new zoning ordinances in their current form.

Rebecca Work
Office : 805-736-9957
Ampeloscellars.com

Halvorson, Brian

From: Ron <rfink@impulse.net>
Sent: Monday, February 18, 2019 4:05 PM
To: Cordova, Gilda; Dirk Starbuck; mosbyenterprises@aol.com; Osborne, Jenelle; v_d_vega@yahoo.com
Cc: Halvorson, Brian; jmalawy@awattorneys.com; Throop, Jim
Subject: Public comment Item #6, Zoning Ordinance update

Please include this as public comment and a written communication concerning Item #6 on the February 19th Council Agenda:

The Constitution of the United States was the first government policy ever created. Almost immediately after the framers signed the document and the celebration of their success was over they amended it 10 times because they forgot some critical points. It has been amended many times since then.

Since the first imperfect try, NO government policy has ever been perfect when it was adopted. The Zoning Ordinance is no different; as time goes on it will be changed using a Text Amendment many times. It may even happen the first time it's applied to a large project.

I urge you to adopt the draft Zoning ordinance without delay; it's been over 3 years in the making and the Planning Commission spent hundreds of hours discussing, adjusting and rearranging the information in concert with the planning staff and Lisa Wise Consultants.

Ron Fink
Lompoc

Chas V. Eckert, IV
160 N. Fairview Ave., Suite 4
Goleta, CA 93117

Phone: 805-964-4762

Fax: 805-967-0186

February 19, 2019

Lompoc City Counsel
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93436

Re: Zoning Code Section 17.2.16.050, B.
Subject: Objection to Onerous and Unnecessary Requirements and Restrictions
Cited in City Staff Changes to Said Ordinance

Dear Lompoc City Counsel Persons,

I have been property owner and manager in the City of Lompoc for approximately thirty (30) years. I currently own a couple of small industrial properties in the City. I understand the necessity to reasonably regulate use through the zoning process for the betterment of the community, however, after reading the zoning proposal and the limitations and restrictions cited in the City Staff recommended changes, I asked why, why would those in charge of the planning process, those who are supposed to keep the best interest of the community in mind when making recommendation to the City Counsel, want to make it unreasonably difficult for folks in the community to open and operate small businesses? Operators of small businesses are the folks simply trying to make a living, and in doing so, help support the community by providing much needed job opportunities for the citizens of Lompoc. Small businesses draw visitors to the community: the visitors that support our businesses, buy our goods and services, all of which generate much needed tax revenue for the City. When unnecessary and burdensome restrictions are placed on business through the regulatory process you will get less business coming to the community, fewer visitors, and less revenue will be available to the City.

The goal should be for business and government to reach out to each other to create a rising tide that lift all boats, where the climate at City Hall is not dreaded, but looked forward to, in knowing that everyone is working for the betterment of the community. I hope you keep in mind when considering the changes to the Zoning Ordinance under consideration for change.

The rewriting of the Zoning Ordinance has been in the works for many, many, years. After reading some of the proposed changes I have the following comments and questions?

In 2018 the Planning Commission heard speakers from the business community regarding the restrictive nature of the 15% limitation on "accessory uses" in industrial zoned space. A recommendation was made to modestly increase the "accessory use" just a little bit, to 20%. This would give those considering opening a new business and existing business a little more flexibility in the planning and operation of their business. The recommendation seemed to make sense to me, as well as the Planning Commission, because the Commission passed a motion to increase the "accessory use" space from 15% to 20%. This was an example of the business community and government working together for the good of the community. Sadly, I now "accessory use" the Planning Commission agree to been removed, the "accessory use" now proposed, has actually been deduced to 10%!

I respectfully ask that you adopt the more flexible, business friendly "accessory use" of 20% be reestablished as a reasonable percentage of such space.

Regarding the proposed reduction to the screening height of fencing currently set at 8 feet, the reason for the recommended change was that the Fire Marshall stated that it would be easier for firemen and police officers to scale a fence at a shorter height when needed. Is there data supporting the Marshall's claim? How would 1' less of fencing increase effectiveness?

I see the 8' fencing height actually helping the police and owners, A 8' fence is a greater deterrent than a 7' fence, and therefore would help reduce intruders and vandalism, thereby reducing calls to the police. My guess is that the fire department has at its disposal whatever it needs to easily go over or through a fence whether it is 7' or 8' tall. Most fencing comes in 6' or 8' heights. 7' height fencing is a special-order type fencing, costing the business and property owners even more. Absent of an explanation that would provide a substantial and measurable benefit, a change like this could end up being quite a financial hardship for business and property owners.

Should you further consider adopting the recommended change to the 8' height screening limitation to 7', I do not believe it would be reasonable to enforce the change in the height limitation of sound existing fencing unless there is an absolute necessity, nor should an owner be required to replace sound existing fencing at a change in use, or change in ownership.

I respectfully ask that this recommendation not be adopted.

As for The Safe Parking Program the City of Lompoc is promoting, I realize there is a need to address the increasing problem of people living in their vehicles but allowing this type of overnight parking in industrial and business park zoned areas is not a good idea. However, allowing overnight parking will create a monitoring burden on law enforcement, business and ownership all of whom are already stretched thin, never mind the health and safety challenges that sure follow. The liability risks to the public, private property and business owners must be taken into account.


I respectfully ask that this recommendation not be adopted. Please reconsider this proposal and defer to more participation and input from the public.

The parking striping ordinance adopted requires owners to have to obtain a permit to stripe their parking areas. This is a maintenance and repair issue for ownership, not an issue government should be involved in. There certainly should be no requirement to obtain a permit or pay a fee, any more than a permit and fee should have to be obtained to paint or replace the address numbers at a personal residence.

This is bad public policy and needs to be abandoned.

I thank you for your time and consideration regarding the above.

Very Sincerely Yours,



Chas V. Eckert, IV