



City Council Agenda Item

City Council Meeting Date: February 19, 2019

TO: Jim Throop, City Manager

FROM: Brian Halvorson, Planning Manager
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SUBJECT: Consideration of Planning Commission recommendations for approval of the Comprehensive Update to Title 17 of the Lompoc Municipal Code; Adoption of Resolution Nos. 6237(19) through 6240(19); Introduction of Ordinance Nos. 1662(19) through 1665(19)

Recommendation:

Staff recommends the City Council take the following actions:

- 1) Receive and consider the Planning Commission recommendations;
- 2) Hold a public hearing;
- 3) Review Draft Title 17 (Zoning) of the Lompoc Municipal Code (LMC) (Attachment 1);
- 4) Adopt Resolution No. 6237(19) to remove General Plan text referring to the Old Town Specific Plan (Attachment 2);
- 5) Adopt Resolution No. 6238(19) to:
 - (a) Delete the Office Commercial (OC) designation from the City's Land Use Map;
 - (b) Delete text references to this designation in the General Plan; and
 - (c) Change the map designation of 25 parcels west of A Street from OC to General Commercial (GC) (Attachment 3);
- 6) Adopt Resolution No. 6239(19) to change the General Plan map designation of 36 parcels east of A Street from OC to GC (Attachment 4);

- 7) Adopt Resolution No. 6240(19) to:
 - (a) Change the General Plan map designation of one parcel (APN: 085-150-089) at the northwest corner of Seventh Street and Cypress Avenue from OC to Medium Density Residential (MDR), and
 - (b) Change the General Plan map designation of one parcel (APN: 085-150-090) at the southwest corner of Seventh Street and Ocean Avenue from OC to partly High Density Residential (HDR) (Attachment 5);
- 8) Introduce through first reading by title only with further reading waived, Ordinance No. 1662(19), which will:
 - (a) Delete the CO designation from the City's Zoning Map and Zoning Code;
 - (b) Delete LMC section 10.28.150 relating to permit requirements for commercial vehicles used for solicitation of patronage;
 - (c) Rename the C-2 (Central Business) zoning designation to the CB (Central Business) designation;
 - (d) Revise Architectural Guidelines Section IB to be consistent with the updated zoning code regarding major architectural design and site development review;
 - (e) Add the Planned Development, Special Event, and H Street Overlays;
 - (f) Rescind the Old Town Specific Plan and locational restrictions on cannabis uses contained in Title 9.36 and incorporate its provisions into the Zoning Code; and
 - (g) Adopt the comprehensive update to Title 17 (Zoning) of the LMC (Attachment 6);
- 9) Introduce through first reading by title only with further reading waived, Ordinance No. 1663(19), to change the Zoning Map designation of 25 parcels west of A Street from CO to Planned Commercial Development (PCD) (Attachment 7);
- 10) Introduce through first reading by title only with further reading waived, Ordinance No. 1664(19) to change the Zoning Map designation of 36 parcels east of A Street from CO to PCD (Attachment 8);

- 11) Introduce through first reading by title only with further reading waived, Ordinance No. 1665(19) to:
 - (a) Change the Zoning Map designation for one parcel (APN: 085-150-089) at the northwest corner of Seventh Street and Cypress Avenue from CO to Medium Density Residential (R-2); and
 - (b) Change the Zoning Map designation of one parcel (APN: 085-150-090) at the southwest corner of Seventh Street and Ocean Avenue from CO to partly HDR (R-3) (Attachment 9); or
- 12) Provide alternate direction.

Background:

The Zoning Code update (Project) began in July 2015 with a contract awarded to Lisa Wise Consulting. The Project was divided into two phases with a City Council priority to update the sign code (currently Section 17.108) in the first phase. On August 24, 2016, a workshop to discuss District regulations was held. Stakeholder meetings and several workshops were also held and the City Council adopted a new Sign Code on December 20, 2016, which became effective January 2017.

Following adoption of a new sign code, another workshop was held on January 25, 2017. Community participation has always been a vital part of updating the City's zoning code. Throughout the code update, staff informed the public by handing out over 320 informational flyers to major businesses and community centers along Ocean Avenue, H Street, and Central Avenue during the public comment period and open house workshops. While canvassing, Planning Division staff members were also available to answer questions from the public. In addition, over 500 interested parties (other than property owners or staff) were notified prior to public workshops and hearings.

Additional workshops (6+) were conducted including a specific workshop held in May 2017, which focused on the wine industry, and included an online survey regarding food service in industrial zones. Following the input received from that process, an administrative draft Zoning Code was prepared in June 2017. The administrative draft was reviewed by various City Departments prior to a public draft being released in February 2018. Public comments were received (Attachment 10) on the public draft from February 20, 2018, to April 20, 2018.

A public open house was conducted in March 2018 and a joint Council/Planning Commission workshop was held in May 2018. Following those meetings, a second public review draft was released in July 2018 and distributed to the City Council on August 3, 2018.

The Planning Commission reviewed the draft Zoning Code through a series of five consecutive public hearings between August 22, 2018, and November 14, 2018. During each of those meetings, progress was made as the Planning Commission welcomed

public input and recommended amendments based on written and verbal public comments received, and through discussions among Commissioners and the public, with the goal of reaching a consensus on a variety of code issues.¹

Discussion:

On November 14, 2018, the Planning Commission made final recommendations to the City Council regarding the Comprehensive Update to the Zoning Code.

The redline copy of the Zoning Code (Attachment 1) serves as a summary of changes made after the draft was distributed to the Planning Commission and City Council on August 3, 2018. The redline document, with the exception of the changes noted in the “Special Event Overlay Zone” section below, is the Comprehensive Update to the Zoning Code recommended by the Planning Commission, after the Commission received public comments through a series of five public hearings. The redline copy of the Zoning Code was posted to the City’s website on January 18, 2019, to allow a minimum of 30 days for the public to review it before the City Council considers adoption of the amendments to the Zoning Code.

Although a summary of the entire Project is not necessary, there are notable changes (such as revisions resulting from public workshops and Planning Commission hearings) as well as improvements to the Zoning Code that are briefly discussed below.

General Plan Consistency

The General Plan provides long-term, overarching policy guidance for the City. It acts as a constitution to guide decisions on growth and development by identifying the general types of allowable land uses and pattern of future development. By law, the General Plan and Zoning Code must be consistent. Consistency includes supportive code language and no conflicting standards, policies, etc. Due to the age of the current Zoning Code (originally adopted in 1974), inconsistencies were discovered and corrected accordingly. The primary tool to implement the goals and policies of the General Plan is the Zoning Code, which is required to be consistent with the General Plan and applicable state and federal laws. The updated Zoning Code would implement over 54 goals, policies and measures of the General Plan through various tools and standards, such as zoning districts, allowed land uses, development standards (e.g., setbacks, building height, parking, landscaping, specific use standards, etc.), and permit procedures.

Notable Revisions and Significant Improvements to the Zoning Code

During the Zoning Code Update process, the following overarching objectives were identified by the City and stakeholders:

¹ Associated staff reports from all Planning Commission hearings are available to the public and posted to the City’s website at: <https://www.cityoflompoc.com/government/departments/economic-community-development/planning-division/zoning-code-meetings>

- Implementation of the General Plan,
- Compliance with legal requirements,
- Development of clear and enforceable regulations,
- Creation of a user-friendly Code, and
- Addressing stakeholder input.

Those objectives were followed during the preparation of the comprehensive update to the Zoning Code. In doing so, the new Zoning Code is more user-friendly and addresses compliance with State and Federal laws such as Accessory Residential Uses, Landscaping, Procedures, Housing, Signs, Telecommunication Facilities and Mobile Food Facilities.

In addition, the new Zoning Code streamlines previous code language that was repetitious, difficult to implement, and created extra layers of processing for applicants. Below is a discussion of some of the more prominent revisions and improvements to the Zoning Code.

Land Use/Zoning Map Changes

The General Plan Land Use and Zoning Map will be updated based on changes proposed to the General Plan designations and Zoning districts and overlays included in the Zoning Code.

Since the updated Zoning Code eliminates the General Plan designation of OC and the CO Zoning district and adds a new overlay (Special Event Overlay, described under Food Service in the Industrial Zones), the General Plan Land Use and Zoning Map, and associated General Plan text would need to be updated to reflect the removal of those designations. Those designations are proposed to be removed based on public feedback throughout the comprehensive Zoning Code update process to consolidate commercial zones, including a public workshop held April 26, 2017, where all owners of the affected parcels were noticed.

There are 66 parcels currently with the OC General Plan designation and a CO Zoning District that are proposed to be amended to a General Commercial General Plan designation and re-zoned with the PCD Zone.

The C-2 (Central Business) District would be re-named CB (Central Business) and the CB Zone standards would apply in the PCD Zone unless a Preliminary Development Plan is approved that allows for deviations from the CB Zone standards.

Cypress Court Re-Zone (Planning Commission Recommendation)

There is a vacant lot (approximately 0.39 acres in size) located at 1401 East Cypress Avenue situated at the northwest corner of Seventh Street and Cypress Avenue.

The site's current zoning (CO) allows multi-family uses. The Planning Commission has recommended this site be re-zoned to MDR (R-2), which would allow a maximum of 6 units. The City Council is being asked to decide if the R-2 district is appropriate for this site.

As an aside, the property owner, Santa Barbara County Housing Authority, has submitted a Conditional Use Permit application for a 15-unit affordable housing project on the site. The application has been scheduled for a Planning Commission hearing on February 27, 2019. The City Council should be aware that the zoning of the parcel will not necessarily determine whether the proposed project can be approved, due to protections in state law provided to affordable housing projects.

Food Service / Restaurants in the Industrial Zones

Throughout the Zoning Code Update process, the desire for food service and accommodating special events in the industrial zones, specifically the Wine Ghetto, was raised. In response, food service, restaurants, and outdoor dining will be allowed in the industrial zones with staff approval (Table 17.2.16.030.A). As directed by the City Council on May 30, 2018, there is no cap on the size of restaurants in the industrial zones, provided enough parking is available at the site.

During consideration of the Draft Zoning Code at Planning Commission public hearings, the Commission recommended restricting "chain" restaurants (also known as "Formula Restaurants") in the Industrial and Business Park zones, including the Wine Ghetto, in order to maintain the unique character of the area. The unique wine tourism experience and atmosphere of the winery and wine tasting areas could be adversely affected by the presence of Formula Restaurants (defined as 10 or more locations worldwide which are virtually identical to restaurants in other communities as a result of standardized menus, ingredients, food preparation, decor, uniforms, and the like). Standardized "chain" restaurants, by virtue of their sameness among all communities, detract from the uniqueness of Lompoc winery and wine tasting areas, reducing the appeal of those areas as a unique tourist destination. Therefore, if approved by the City Council as part of Ordinance 1662(19), Formula Restaurants would not be able to locate in the Industrial or Business Park zones (Attachment 6).

Special Event Overlay Zone

As discussed in past stakeholder meetings and workshops, there has been a need to allow more flexibility in regulations in areas of the City that have a base industrial zone (I Zone or BP Zone) but are frequented by tourists and visitors for wine tasting and related activities. Therefore, the Special Event Overlay (SEO) Zone was created to facilitate permitting special events in industrial zones.

The SEO Zone is intended to facilitate special events in those areas by allowing four events in a calendar year quarter (16 events a year). In addition, parking requirements have been relaxed in the SEO Zone, which is proposed to allow on-street parking spaces adjacent to the lot to count toward the required non-residential use parking requirements.

Upon further coordination with the Building Official and Fire Marshal, there are three changes related to the SEO Zone and Limited Accessory Uses in the Industrial Zones that occurred after the final Planning Commission hearing held on November 14, 2018. First, the Planning Commission recommended limiting special events to four events per tenant per calendar quarter. Staff is now recommending four events per building per calendar quarter.

Secondly, the Planning Commission recommended that no Temporary Use Permit (TUP) be required for inside events that do not exceed 72 hours and meet the limit on the number of events in a calendar quarter. The Planning Commission did not recommend any floor area limit on indoor special events, but staff is now recommending that indoor special events be limited to 749 square feet or 10% of the gross floor area without the issuance of a TUP but wine tasting rooms approved with a Conditional Use Permit (CUP) would not be subject to this limitation (previously wine tasting rooms that are part of or on the site of a winery use were not subject to this limitation). In addition, staff is recommending limiting special events in the SEO Zone to events that do not exceed the approved occupant load (The Planning Commission did not recommend including a provision stating that events must not exceed the approved occupant load).

Lastly, the Planning Commission recommended increasing the limitation on accessory uses (of the primary industrial use) in the Industrial zones from 15% to 20% of the gross floor area. Staff is now recommending limiting accessory uses to 10%. These changes are important to the preservation of health/safety and are shown on the redline copy of the zoning code as Attachment 1.

Removal of the Old Town Specific Plan

The Old Town Commercial (OTC) Zone and the Old Town Specific Plan (OTSP) include development standards that are applied to the same area of the City. After the OTSP was adopted, the OTSP standards were adopted into the Zoning Code (OTC Zone).

As a result, the OTC Zone and OTSP exhibit excessive duplication, with only minor differences. Based on feedback from members of the public, Planning Commission, and City staff during the Project process, the OTSP has been incorporated into the Zoning Code. Therefore, it is recommended that the OTSP be rescinded as described in Ordinance No. 1662(19) and the General Plan text that refers to the OTSP revised (Attachments 2 and 6).

Non-conforming uses and Flexibility in Old Town

During the joint City Council/Planning Commission public workshop held on May 30, 2018, existing non-conforming auto oriented uses (such as auto sales, drive-thru, etc.) were discussed and specifically the need to keep those uses in the Old Town was recommended. Based on that direction, special provisions have been incorporated into the update to allow those types of uses that previously existed to reestablish with a Conditional Use Permit. That would allow the re-use of existing buildings and reinvestment in the Old Town.

In addition, since the adoption of the OTSP on December 12, 2000, there has been virtually no new development until last year (with the exception of the recently approved Lompoc Record Mixed-Use project).

With that in mind, the updated code also allows uses in the Old Town currently not allowed (such as medical and limited manufacturing uses) and permitting has been streamlined (for example, wine tasting and thrift stores no longer require a CUP). Incorporating flexibility in land uses/permitting will help promote new development and reinvestment in Old Town.

Mobile Vending

Staff worked closely with the City Attorney's office and various departments in drafting a new code section (Specific to Use Standards, Section 17.4.04.200.C4) which complies with Assembly Bill 946. The new regulations in the Draft Zoning Code would allow a variety of sidewalk vendors (non-motorized, roaming or stationary) and mobile vendors (motorized, and from a vehicle legally parked on a street) to conduct business throughout the City (including within public parks and open spaces) in most zoning districts. No time limits (except specific hours of operation) would be required but operational, safety, terms (including insurance) and licensing requirements would apply. It is worth noting staff coordinated with Caltrans regarding this section and it was determined vending could not occur on State Highways. As drafted in the Zoning Code, a vendor's permit would be required and a new fee would need to be brought back to the City Council at a later date for consideration following adoption of the updated Zoning Code.

Cannabis Locational Restrictions

Currently, locational restrictions (allowed type of Cannabis uses and Zoning Districts applicable to specific Cannabis uses) applying to cannabis are contained within Title 9.36 (Cannabis Uses). Those restrictions are more suitable to incorporate into Title 17 (Zoning). Therefore, as part of the Comprehensive Update, code sections 9.36.090(A), 9.36.110(C) and 9.36.120 are proposed to be repealed in order to eliminate duplication of regulations typically found in Title 17.

Commercial Filming Permits

Currently, the LMC has two chapters (Chapter 5.56 in Business Licenses and Regulations and Chapter 17.138 in the Zoning Code) that cover regulations for Commercial Filming Permits. In order to avoid confusion, the regulations will be consolidated into one section in the Zoning Code Update.

Follow-up Items

Wireless Telecommunication Facilities

Wireless facilities located in the public right-of-way, City-owned properties or mounted upon or occupying City-owned support structures have not been addressed in this update

(Draft Zoning Code only addresses facilities on private property although would still be subject to approval of Architectural Design and Site Development Review).

Therefore, an ordinance will need to be drafted and brought back to the City Council at a later date. Facilities proposed within those locations will still be reviewed, and can be installed, but specific development standards (other than what is required by Federal and State Laws) such as the separation between towers, screening, visual compatibility standards, should be developed and brought back to the City Council for consideration.

Architectural Guidelines

Updating the City's Architectural Guidelines is needed as those guidelines take precedence over the Zoning Code (when there is a conflict between the Zoning Code and Architectural Guidelines). Revisions are needed to improve those guidelines (the last revision occurred on June 5, 2001) and specific code references, which will be outdated once the new Zoning Code is adopted. The City's current contract with Lisa Wise Consulting did not include updating the Architectural Guidelines, but staff is prepared to work on an update and return to the Planning Commission and City Council following adoption of the new Zoning Code.

At this time, as part of Ordinance No. 1662(19) (Attachment 6), Section IB (page 7 in the revised guidelines dated July 5, 2001) relating to the location and type of projects that receive architectural review by staff or the Planning Commission is proposed to be amended and replaced with revised guidelines consistent with proposed changes to the Zoning Code (Section 17.5.12.030A) as part of this update in order to add flexibility.

For example, only major projects such as new construction or additions of 2,500 square feet or more (and major façade improvements with frontage on Ocean Avenue, H Street north of Cypress Avenue or Central Avenue) would be reviewed by the Planning Commission. This change will allow smaller projects to have a streamlined review at the Director level.

Noise Ordinance

The City's Noise Ordinance is located in Title 8 (Health and Safety). Chapter 8.08 covers general and specific regulations related to noise. During public workshops, there was the desire to streamline the Noise Ordinance as noise is also covered in the Zoning Code and General Plan. A review of all three documents is needed to complete an update to the Noise Ordinance, which would require additional environmental review (CEQA analysis) that was not budgeted for as part of the Zoning Code Update.

If an update to the noise regulations is a priority for the City Council, then staff will request funding for it in the next budget cycle.

Environmental Review:

The City Council certified the Final Environmental Impact Report (FEIR) during the adoption of the 2030 General Plan on October 19, 2010.

An Addendum to the FEIR has been prepared pursuant to the requirements of CEQA and was circulated for public review from August 10, 2018, to September 10, 2018. The Addendum is the sixth Addendum to the 2030 General Plan FEIR and is shown as Attachment 11.

An Addendum to an EIR is appropriate when only minor technical changes or additions are necessary, and no substantial changes are proposed or new information available that would require major revisions to the EIR.

The EIR Addendum analysis determined no new or more severe environmental impacts beyond those disclosed in the FEIR would occur as a result of the proposed comprehensive Zoning Code update.

Fiscal Impact:

The Zoning Code Update was approved for funding by the City Council on July 7, 2015. Following approved funding, consultant services (Lisa Wise Consulting, Inc.) were secured on August 1, 2015, in the amount of \$396,294. The contract also included required environmental work (Environmental Impact Report Addendum) for the Project with Rincon Consultants, Inc. To date, the City has been billed for \$354,812.80 for work performed on the Project. Therefore, \$41,482.20 remains in the original contract. The tasks remaining for the Zoning Code Update include adoption hearings, finalization of the Zoning Code, and environmental documentation. Unless major changes, special studies or other unforeseen circumstances occur for the Project, the current budget is sufficient to complete the Zoning Code Update.

Conclusion:

Based on strong public participation, outreach and numerous hearings and workshops that occurred during the Zoning Code Update, staff recommends adoption of the new code which complies with Federal and State Laws, is user-friendly, provides more flexible and streamlined modern regulations, implements important General Plan goals, policies, and measures while promoting revitalization and encouraging new housing development in the City.

Respectfully submitted,

Brian Halvorson, Planning Manager

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

- Attachments: 1) Redline Copy of Zoning Code (Redlined changes show Planning Commission recommended changes to proposed Zoning Code dated July 2018)
- 2) Resolution No. 6237(19)
 - 3) Resolution No. 6238(19)
 - 4) Resolution No. 6239(19)
 - 5) Resolution No. 6240(19)
 - 6) Ordinance No. 1662(19)
 - 7) Ordinance No. 1663(19)
 - 8) Ordinance No. 1664(19)
 - 9) Ordinance No. 1665(19)
 - 10) Public Comments Received
 - 11) 2030 General Plan Environmental Impact Report Addendum
 - 12) 2030 General Plan EIR (copy available at public hearing)
 - 13) Proposed Zoning Code (July 2018 – Distributed to the Council under separate cover on August 3, 2018, and copy available at public hearing)