

Issues to Consider from John Linn

Change - Code will be revised

No Change - Code will remain as drafted

1. Change **17.1.04 Title and purpose.**
6. Lessen traffic in streets. Less traffic equals less business and no new business.
It should say something like: Promote efficient traffic flow.
2. No Change **17.1.04.040** Applicability: Item A contradicts with item D.
3. No Change **17.1.08-1** Exercise of Discretion: This is the place for a business friendly statement like:
The decision promotes economic growth and business friendly City.
4. No Change **17.2.08-3** Adds "Safe Parking" as a use in residential zones with a MUP???
5. No Change **17.2.08-4** 7R1 zone. It establishes 65 foot wide lots as the minimum standard when most lots are now 50 feet wide.
6. No Change **17.2.08-050** Sets a standard that for a R-1 house. If it has parapet walls they must be on at least two sides. The most common use of a parapet wall is a lot line building which can only be built against one property line because of setbacks.
7. Noted **17.2.12.3** Commercial Zones. Review all the business types that require a MUP or CUP and ask yourself if that is needed to protect the public health and safety.
A MUP costs about \$2,500.00 and takes 2-10 weeks plus of architect fees or \$2,000 to \$10,000
A CUP costs about \$6,000.00 and takes 10 to 60 weeks plus architect fees of \$10,000 to \$50,000.
8. No Change **17.2.12-3** Why is a parking lot not a permitted use in Old Town Commercial? Many already exist there.
Why is Safe Parking allowed with a MUP so the businesses have no notice or right to comment?
9. No Change **17.2.12-4** Stillman's cleaners would no longer be allowed in Old Town Commercial
10. No Change **17.2.12.9** Trash enclosures will not be permitted without landscaping.

INDUSTRIAL AND BUSINESS PARK ZONES

11. No Change **1702.16.0** Is unclear about what exterior uses are accessory and thus limited.
12. No Change **17.2.16.030A** Adds Safe Parking as an approved use with a MUP.
13. No Change **17.2.16-3** Limits the food service are to 749 square feet regardless of the building size.
14. No Change **17.2.16-5** Reduces the current 15% space for accessory uses to 10% after the Planning Commission approved 20%.
15. No Change **17.2.16.030A** The table adds a new restriction for these two zones not in the prior ordinance. It reduces the space that can be built on with an Industrial lot to 50% using a

method normally used to determine occupancies of residential and commercial buildings.

It also makes up to 50% of the existing Industrial buildings per-existing nonconforming uses which in turn makes them subject to loss of use if they are vacant for a year.

16. No Change **17.3.12-5** Reduces the maximum fence height from 8' to 7' with almost all of the existing fences at 8' which will then become pre-existing nonconforming uses. This also removes language in the current ordinance that allows a business to seek a permit for a taller fence.
17. No Change **17.3.08** Number C will now require a permit to re-stripe a parking lot. In addition to the permit cost the property owner will have to have an engineer or architect prepare a drawing to get a permit at a cost of \$300.00 to \$5,000.00 depending on the size.
18. No Change **17.3.08-2** limits compact car parking spaces to 10% even though the percentage of compact cars on the road today is much higher.
19. No Change **17.03.04-16** is backwards on establishing noise standards for I and BP buildings by requiring the building to reduce exterior noise entering instead of limiting operations noise from going outside.
20. No Change **17.2.20-3** requires Outdoor Dining, Restaurant with Alcohol Sales and Medical Clinics and Laboratories to get a MUP when they are no more impactful than other permitted uses. Again think of the costs. Auto Repair Minor and Automotive Sales and Rental are not included as uses even though they have existed in the zone since it was created in 2007.
21. Change **17.2.20-4** Dry cleaners are prohibited. Why?
22. No Change **17.2.20-5** Red Line page. The text is missing from the top box on the right. The density at 44 units per acre is not adequate for any mixed use project to be built on the top two floors of a three story building as the ordinance intends. After a rear setback each floor would have about 6,300 square feet but the building would only be allowed 7 apartments for the two floors. That would be about 1600 square foot apartments. Note 1 and note 5 are not shown in the grid above them.
23. Change **17.2.24-5** All new buildings in the H Street and Ocean Avenue overlay zones will have to have a front wall height of 20'. This is a bad idea from the Old Town specific plan which stopped at least two buildings from being built because of the cost of construction 20' creates
24. No Change **17.2.24-7** is one of 20 to 30 pages that do not match from the redline version to the July version so they cannot be compared.
25. No Change **17.2.24-12** requires parking to be behind buildings in the H and Ocean overlays with the buildings within 10 feet of the street. A future interpretation could be that all the buildings setback from the street are pre-existing nonconforming uses. This will

dramatically impact property values. It is silly as most of the shopping centers have had renovations in the last 10 years.

26. Change 17.3040-12 requires that corner buildings have a five foot by five foot triangle cut off the building for a vehicle sight zone. This fails to account for sidewalk widths which vary widely from 4 feet to 10 feet.
27. Change 1703.04-16-2-C For noise it requires that in MU the Heating and Air Conditioning equipment be shielded or enclosed with sound barriers. New high cost but only for Mixed Use Zone??? Heard any complaints about loud HVAC systems?
28. No Change 17.3.08.050 All apartment buildings from R2 up shall have two designated bicycle parking spaces???
No parking requirement for Residential in OTC if the units are completed within three years of the adoption of this ordinance. A better solution would be that existing residential spaces are exempt from a parking space requirement as that is one of the reasons the downtown lots were built.
29. Change 17.3.08-8 Requires that a temporary parking lot must have screening to separate it from public view. Can you imagine putting up fencing on a temporary lot you will use for a short time??
30. No Change 17.3.08-10 Allows shared parking to be located 400 feet away from the primary parking lot rather than the current 300. Is 400' more reasonable for someone to walk?
31. No Change 17.3.12-2 Sets a minimum percentage of a parcel that must be covered by landscaping. While it is reasonable for most zones it is not reasonable for I and BP as much of the property is out of the public view and just creates issues for the business to maintain the landscape and suffer the loss of usable space.
32. Change 17.3.12 Options available in the I and BP zones for security fencing with a CUP which are available in the current Ordinance are not in the new ordinance.
33. Change 17.4.04-59 Limits temporary outdoor display and storage to 750 sq. ft. What will Home Depot due?? That is why outdoor use is generally linked to the size of the business not a one size fits all.
34. Change 17.4-04-52 Deals with storage containers except in city parks. It requires a Temporary Use Permit with its fee annually. It requires the container be behind a 6 foot fence. There are hundreds of storage containers in Lompoc and there is no outcry to regulate them. Make them a permitted use that either must be screened by a fence or painted to match the adjoining building. They are more attractive, safer and more durable than the home made sheds allowed in the code. Step into the 21st century.
35. No Change 17.6.20-2 At my request the burden of proof for structures built prior to 1945 will now be on the City to prove that the buildings were not built with a permit. I had recommended that the date be 1965, because I have a building built in 1965 and the City has no building record of the improvements put in by Comcast. The City was going

to force me to have an architect re-draw the improvements and bring them to current code when I showed them the sticker from the City on an electrical panel from 1965 which saved me. I am the fourth owner of the property and all records were lost with the first owner from Stockton

36. No Change **17.6.20-3** deals with the loss of use for non-conforming uses through vacancy. Many changes in this Zoning Ordinance will create new non-conforming uses and some will become vacant for a year and then become permanently vacant through loss of use. Think about the building on Laurel and the years it sat boarded up as the City said it had no use. Item G even states that if one tenant has less hours of operation than the prior tenant no future tenant can have those prior longer hours or use???. This section needs a lot more consideration.
37. No Change **17.6.20-4 item D3** limits a new business use to something less impactful than the most recent use rather than historical uses of the building.
38. No Change **17.6.20-5** Regarding non-conforming parcels says to retain its non-conforming status if a parcel is "under one ownership and of record". It is unclear if this means there is a single owner, the property has not been sold or ???
39. No Change **17.6.20-10** Had a section that gave vacant industrial properties up to three years of vacancy before use was lost but it was deleted and industrial properties which tend to have longer vacancies now are under the one year loss of use.